

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: June 1, 2026

CASE NO(S): OLT-24-000835

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Ports Toronto
Subject:	Proposed Official Plan Amendment No. 409
Description:	To permit OPA 409 and ZBL 702-2024
Reference Number:	24 110589 STE 14 OZ
Property Address:	Villiers Island
Municipality/UT:	Toronto
OLT Case No.:	OLT-24-000835
OLT Lead Case No.:	OLT-24-000835
OLT Case Name:	Ports Toronto & Lafarge Canada Inc v. Toronto (City)

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Ports Toronto
Applicant:	City of Toronto
Subject:	Proposed Zoning By-law Amendment No. 702-2024
Description:	To permit OPA 409 and ZBL 702-2024
Reference Number:	24 110589 STE 14 OZ
Property Address:	Villiers Island
Municipality/UT:	Toronto
OLT Case No.:	OLT-24-000836
OLT Lead Case No.:	OLT-24-000835

Heard: May 22, 2026 by Video Hearing

APPEARANCES:

<u>Parties</u>	<u>Counsel/Representative*</u>
City of Toronto ("City")	Jason Davidson Laura Bisset
Toronto Port Authority ("Appellant")	Andrew Jeanrie Samuel Judson (<i>in absentia</i>)
2034055 Ontario Limited; 1337194 Ontario Inc. ("309 Cherry St. Owners")	Sidonia Tomasella Naomi Mares Patrick Harrington (<i>in absentia</i>)
Amrize Canada Inc. ("Amrize")	Alexander Adams* Kim Mullin (<i>in absentia</i>)
Waterfront Revitalization Corporation ("Waterfront Toronto")	Andrew Biggart
Atura Power ("Atura")	Alice Mihailescu Roberto Aburto (<i>in absentia</i>)

DECISION DELIVERED BY W. DANIEL BEST AND ORDER OF THE TRIBUNAL

[Link to Order](#)

INTRODUCTION

[1] The Tribunal convened a Merit Hearing to consider a settlement regarding an appeal brought forward for the above-noted matter.

[2] The two planning instruments to be modified before the Tribunal in this proceeding are Official Plan Amendment No. 409 ("OPA") and Zoning By-law 702-2024 ("ZBL"), which are a result of a long development history in the City's Port Lands. Specifically, the two instruments are for the area known as Ookwemin Minising (formerly known as Villiers Island).

[3] Ookwemin Minising was created as a result of the Port Lands Flood Protection Project. This project rerouted the Don River through a previous industrial area of the waterfront.

[4] Ookwemin Minising is approximately 98 acres, with approximately 50 acres of parks and green spaces, anchored by Biidaasige Park. The remaining, approximate 48 acres is considered developable lands.

[5] Ookwemin Minising is one of four districts identified for mixed-use residential development in the Port Lands.

[6] The boundaries of Ookwemin Minising are as follows:

- To the north is Keating Channel.
- To the west is the Inner Harbour.
- To the south is Polson Slip.
- To the east is the Don River.

[7] The OPA updates the Port Lands Area Specific Policy of the Central Waterfront Secondary Plan generally as it relates to Ookwemin Minising, planning for and regulating development on Ookwemin Minising, defined by the re-naturalized Don River.

[8] The OPA updates policies for Ookwemin Minising relating to built form, affordable housing, and land use through the introduction of meanwhile uses and expanded commercial use permissions, as well as community infrastructure, affordable housing, views, and parkland policies.

[9] The following modifications to the OPA to implement the settlement are as follows:

- Warehousing as a permitted land use in Mixed Use Residential areas in Ookwemin Minising and manufacturing and warehousing uses must be fully enclosed in a building.
- Removing the provisions that meanwhile uses will be specified through the development of a precinct plan or Zoning By-law Amendment (“ZBA”) and may be informed by a “Meanwhile Use Strategy,” which may include Urban Design Guidelines.
- Clarifying that meanwhile uses must not preclude the long-term development of Ookwemin Minising as envisioned in the Central Waterfront Secondary Plan and Port Lands Area Specific Policy.
- Removing the provisions that meanwhile uses in areas designated Parks and Open Space Areas may be longer term “Meanwhile Uses” up to 20 years, and that they will be ancillary to existing parks in the vicinity.
- Clarifying that park access agreements, license agreements, and/or any other similar agreement to facilitate meanwhile uses will only apply where necessary.

[10] The ZBA does not apply to privately-owned lands at 65 Ookwemin Street (formerly 309 Cherry Street), 5 Ookwemin Street (formerly 275 Cherry Street), and 16 Munition Street.

[11] The ZBA implements the Port Lands Area Specific Policy, as amended by OPA, through land use permissions, heights, densities, and built form performance standards.

[12] The following modifications to the ZBA to implement the settlement are tied to building heights, density, land use and a holding provision as follows:

- Revising the mechanism for measuring heights, referring to sea level instead of the grade.

- Converting all permitted heights reflected in the ZBA to the baseline estimate of sea level for Ookwemin Minising (an increase of 77 metres)
- Setting the heights as being inclusive of mechanical penthouses and other permitted encroachments.
- Revising the tower heights to accommodate the flight procedure information provided to the City, while providing for approximately 9,000 units.
- Revising the floor space index to reflect the changes in tower heights.
- Adding permissions for manufacturing and warehousing uses that are fully enclosed in a building in the CRE Commercial Residential Zone.
- Removing size restriction on manufacturing uses in the CRE Commercial Residential Zone.
- Removing restriction that transportation uses and the meanwhile use of public parking be operated by the City.
- Adding clarity on the completion of a noise and quality study required to lift the holding provision, including that the owner provide a copy of the study to all identified industrial and port operators, utilities or major facilities in the Port Lands.

[13] With the exception of the 309 Cherry Street Owners, all Parties were in support of the proposed modifications.

[14] Ms. Tomasella, Counsel for the 309 Cherry Street Owners, advised that her clients were not provided sufficient information, data, methodology or opinions to support the settlement.

[15] By correspondence dated April 30, 2026, Ms. Tomasella advised:

“After being informed of this settlement, a request was made by my clients (2034055 Ontario Limited/1337194 Ontario Inc.) to the City and the Toronto Port Authority for additional information

to substantiate the rationale for the heights referenced in Zoning Bylaw 702-2024. The information provided was not responsive to my clients' request.

Given that Zoning Bylaw 702-2024 does not apply to my clients' lands, it is not my clients' intention to actively participate in the Tribunal's consideration of the proposed settlement. However, given that my clients have to date not been provided with sufficient information to understand the proposed settlement and the data/methodology upon which it is based, my request is for written confirmation that the Tribunal's consideration of this settlement will in no way prejudice my clients' lands or my clients' ability to challenge this information in other proceedings.

In short, my clients' lack of opposition to the proposed settlement should not be taken as my clients' acceptance of the settlement's contents, including the information, data and opinions being proffered in support of this settlement."

LEGISLATIVE FRAMEWORK

[16] When considering an appeal of an application to amend an OPA filed pursuant to s. 17 of the *Planning Act* ("Act") and an application to amend a ZBA filed pursuant to s. 34 of the Act, the Tribunal must have regard to matters of Provincial interest as set out in s. 2 of the Act and to the Decision of the City Council, and the information it considered by it pursuant to s. 2.1(1) of the Act.

[17] Section 3(5) of the Act requires that the decisions of the Tribunal affecting planning matters be consistent with the Provincial Planning Statement, 2024 ("PPS").

[18] The Tribunal must also be satisfied the ZBA conforms with the Official Plan(s) in effect.

[19] Overall, the Tribunal must be satisfied that the OPA and ZBA represent good planning and are in the public interest.

SUBMISSIONS AND EVIDENCE

[20] In support of the proposed settlement, the following Exhibits were filed:

Exhibit 1: Affidavit of Erika Ivanic received on May 15, 2026.

Exhibit 2: Ookwemin Minising Overview for OLT Member received May 21, 2026.

Exhibit 3: Affidavit of Sean Hertel received on May 19, 2026

Exhibit 4: Correspondence of Ms. Tomasella dated April 30, 2026, received on May 1, 2026.

[21] Ms. Ivanic is a registered planner and a Project Manager with the City in the Development Review Division, Community Planning. Based on her experience and expertise outlined in her *curriculum vitae*, the Tribunal qualified her to provide opinion evidence as an expert in land-use planning.

[22] Ms. Ivanic stated that the planning instruments as modified have appropriate regard to matters of Provincial interest. Ms. Ivanic highlighted that the OPA and ZBA will promote:

- The protection of ecological systems by re-naturalizing the area of the Don River.
- The conservation and management of natural resources by the emphasis of parks and green spaces.
- The conservation of features of significant cultural and historical significance through the cooperation with the First Nations Peoples.
- The development of an orderly, safe and healthy communities by establishing active transportation and pedestrian friendly networks.

- The promotion of built forms that are well designed, encourage a sense of place and provide for public spaces that are high quality, safe, accessible, attractive and vibrant within the urban boundary and existing settlement area.

[23] Ms. Ivancic stated the planning instruments as modified to the Tribunal are consistent with the PPS as follows:

- Responding to the Toronto Port Authority's concerns respecting the long-term operational and economic role of major facilities and airports, specifically the Port and Billy Bishop Airport.
- Ensuring compatibility between sensitive land uses and port/industrial uses.
- Providing for appropriate housing options and densities to meet current and future needs.
- Providing densities and a mix of land uses which efficiently use land and resources and optimize existing and planned infrastructure and public service facilities.

[24] The former City Official Plan ("former COP") is the in-force Official Plan for the Island.

[25] According to Ms. Ivanic's affidavit and supporting documents, the former COP supports a waterfront precinct planning approach and sets out a policy framework, including goals and objectives for the waterfront.

[26] Schedule E-2 of the affidavit states:

"...the primary goal for the waterfront, as set out in Policy 14.2., is to promote increased and sustainable public enjoyment and use of the area by ensuring that future developments and actions by both the public and private sectors help to achieve objectives such as improving public

access to the waterfront, increasing the amount of public parkland, and enhancing the quality of the waterfront as a place.”

[27] According to Ms. Ivanic’s affidavit and supporting documents, the draft ZBA proposes:

- A simple zoning envelope to allow for architectural innovation and creativity, building design approaches to achieve the climate-positive objectives, and to allow tower location to be informed by policy criteria, built form guidelines and relevant studies submitted at the site plan stage.
- Public lands on Ookwemin Minising will be rezoned to implement the proposed land uses. Development lands designated "CRE – Commercial Residential Employment," the Parks areas are zoned "OR – Open Space Recreational," and the river valley is zoned - "ON – Open Space - Natural Zone."
- Permitted uses have associated conditions, such as maximum sizes for some entertainment, industrial, or commercial activation uses, so these uses can be incorporated into a mixed-use residential building within a dense urban condition.

SUMMARY

[28] Ms. Ivanic opined that the settlement represents good planning, and the proposed modifications to the planning instruments address the relevant matters of Provincial interest identified in s. 2 of the Act, is consistent with the PPS, and conforms with the applicable former COP. Ms. Ivanic recommended, the Tribunal approve the OPA and ZBA instruments as presented.

FINDINGS AND DISPOSITION

[29] The Tribunal accepts the uncontroverted planning opinion evidence of Ms. Ivanic in its entirety. The Tribunal finds the Settlement Proposal addresses the relevant

matters of Provincial interest identified in s. 2 of the Act, is representative of good land use planning, is consistent with the PPS, and conforms with the former COP.

ORDER

[30] **THE TRIBUNAL ORDERS THAT** the appeals are allowed, in part, and the Official Plan for the City of Toronto is amended as set out in **Attachment 1** to this Order.

[31] **THE TRIBUNAL ORDERS THAT** the appeals are allowed, in part, and directs the City of Toronto to amend By-law No. 569-2013, as amended, as set out in **Attachment 2** to this Order. The Tribunal authorizes the clerk of the City of Toronto to assign a number to this by-law for record keeping purposes.

“W. Daniel Best”

W. DANIEL BEST
MEMBER

Ontario Land Tribunal

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The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

Attachment 1

Authority: Ontario Land Tribunal Decision and Order
issued on [insert date], in Tribunal File [insert OLT file number]

CITY OF TORONTO

BY-LAW 704 –2024 (OLT)

To adopt Amendment 409 to the Official Plan for the former City of Toronto with respect to the lands generally bounded by Keating Channel, Inner Harbour and Future Don River, also known as Villiers Island, in the year 2023.

Whereas the proposed official plan amendment was appealed to the Ontario Land Tribunal pursuant to Section 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended; and

Whereas the Ontario Land Tribunal, by its Decision and Order issued on [insert date] in File [insert OLT file number], approved amendments to the Official Plan for the City of Toronto with respect to the lands;

The Ontario Land Tribunal Orders:

1. The attached Amendment No. 409 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

Pursuant to Ontario Land Tribunal Decision and Order issued on [insert date] in Tribunal File [insert OLT file number].

**AMENDMENT 409 TO THE OFFICIAL PLAN FOR THE FORMER CITY OF
TORONTO**

Lands generally bounded by Keating Channel, Inner Harbour and Future Don River, also known as Villiers Island, in the year 2023

The Official Plan of the former City of Toronto is amended as follows:

Section 19.46: Central Waterfront Secondary Plan is amended by adding the following new policies.

1. The lands located within the area shown on the map below are subject to former City of Toronto Official Plan Amendment 409;

Section 4 - Land Use

2. Replacement of Port Lands Area Specific Policy 4.2.1.b) with: Destination/Catalytic uses will be encouraged and permitted in Promontory Park and Silo Park, including the potential reuse of the historic Canada Cement Company Silos."
3. Replacement of Port Lands Area Specific Policy 4.2.1.b) with: "Destination and/or Catalytic uses will be encouraged and permitted in Promontory Park and Silo Park, including the adaptive reuse of the historic silos."
4. Replacement of Port Lands Area Specific Policy 4.2.1.d) with: "A mix of residential and non-residential uses will be required in Villiers Island:"
 - (i) A minimum of 10 per cent of Villiers Island's total gross floor area will consist of non-residential uses including retail and service uses. The precise location of the required non-residential uses is not prescribed by this policy and by any Council-endorsed precinct plan. For added clarity, the 10 per cent requirement is not a requirement for each individual block but is an overall requirement to be achieved across Villiers Island.
 - (iii) Ground floor commercial activation uses will be required on Primary Retail Streets and Frontages, protected for on Secondary Retail Streets and encouraged throughout Villiers Island.
5. Addition of Port Lands Area Specific Policy 4.2.1.e) "Prior to the removal of a Holding symbol within an implementing zoning by-law, "Meanwhile Uses", which are non-residential land uses, projects and/or initiatives that are permitted to occupy a site prior to the development of the planned land use specified within a precinct plan, will be permitted. "Meanwhile Uses":
 - (i) do not permit residential uses, except for a municipal shelter or crisis care shelter;
 - (ii) do not preclude the long-term development of Villiers Island as envisioned in the Central Waterfront Secondary Plan and Port Lands Area Specific Policy;

- (iii) do not include the development of underground structures, except for servicing infrastructure and/or utilities;
 - (iv) should support the emerging precinct and early phases of Villiers Island mixed-use residential development and early activation projects economically, socially and culturally;
 - (v) will not be subject to policies 10.4 or 10.5(c);
 - (vi) will be exempt from parkland dedication; and,
 - (vii) should be designed for disassembly, with the ability to be removed or relocated.
6. Addition of Port Lands Area Specific Policy 4.2.1.f): "In addition to Policy 4.2.1.e) above, "Meanwhile Uses" on Villiers Island lands designated Parks and Open Space Areas:
- (i) will generally be designed and configured to be compatible with the future intended design, function, and programming of the park whose timing and funding has not yet been determined. The design, function, and programming of said parks will generally be determined as part of precinct planning; and,
 - (ii) may when necessary, require park access agreements, license agreements, and/or any other similar agreement facilitating the implementation of "Meanwhile Uses" on Villiers Island lands designated Parks and Open Space Areas. These agreements will contain terms ensuring said "Meanwhile Uses" do not impose additional costs on the design and development of the final park. These additional costs may include, but are not limited to, additional environmental remediation, maintenance, or operational costs arising from the construction, operation, or decommissioning of the "Meanwhile Use".
7. Deletion of Port Land Area Specific Policy 4.2.11. and renumber.
8. Addition of Port Lands Area Specific Policy 4.3.1 a): "In addition to the uses permitted in 4.3.1 for Mixed-Use Residential, light industrial, such as production studios, light manufacturing, warehousing, software development and processing, urban farms, entertainment, recreation and sports facilities, and residential with home occupation are permitted on Villiers Island. Manufacturing and warehousing uses must be fully enclosed in a building.
9. Amendment of Port Lands Area Specific Policy 4.8.1.c) by removing "and" at the end of the policy.

10. Addition of Port Lands Area Specific Policy 4.8.1.e): "other commercial activation uses that are identified through precinct planning and/or a zoning by-law amendment; and"
11. Addition of Port Lands Area Specific Policy 4.8.1.f): "meanwhile uses", as specified within a precinct plan and/or implementing zoning by-law amendment."

Section 5 – Parks and Open Space

12. Addition of Port Lands Area Specific Policy 5.4.3:" Despite 5.4.1 above, on Villiers Island, 5.4.3. Despite 5.4.1 above, on Villiers Island, the 18 metre water's edge promenade width along Keating Channel will be confirmed through the precinct planning process and may result in exceptions for portions of the waters' edge promenade with widths less than the 18 metre minimum to accommodate specific constraints and advance other City Council priorities."
13. Port Lands Area Specific Policy 5.7 by removing "Mixed Use Residential and."
14. Addition of new Port Lands Area Specific Policy 5.8 and renumbering section: "A district park will be provided within the Mixed-Use Residential district, known as Villiers Island. The district park will be:
 - 5.8.1. Located so as to serve as a central neighbourhood landmark or located to enable an expansion of a major park or open space or Public Promenade adjacent to the naturalized river or Inner Harbour;
 - 5.8.2. Designed and programmed for neighbourhood use and to enable community gatherings and socializing; and
 - 5.8.3. Designed to incorporate where possible and appropriate areas for passive stormwater management and flood resilience integrated with landscaping and the public realm."
15. Amendment of Port Lands Area Specific Policy 5.9. by adding "or district" after local.
16. Port Lands Area Specific Policy 5.12 is replaced with Policy 5.13: "On land on Villiers Island that is publicly owned, as of the date of adoption of this Area Specific Policy:
 - 5.13.1 Parkland dedication will be provided by way of the dedication of land or cash-in-lieu, determined and dedicated on a district wide basis, and identified in the approved precinct plan.
 - 5.13.2 The dedication of land may occur off-site within the district in which the development site is located and as determined through precinct planning to create functional and suitably sized local parks for the district.

5.13.3 If the land required for a district park with a minimum area of 7,500 m² has been identified and secured via an approved precinct plan consistent with Policy 5.8, parkland dedication may be accepted as land or cash-in-lieu.

5.13.4 Major parks and open spaces and Public Promenades, as shown on Map C, as well as the 7,500 m² district park will:

- a) Be excluded from net development sites for the purposes of calculating parkland dedication rates; and,
- b) Not be counted towards satisfying the requirements for parkland dedication.

5.13.5 If an approved precinct plan or enabling zoning bylaw is amended to accommodate additional growth permissions, the requisite parkland dedication referred to in Policy 5.13 may be amended as needed to support the additional growth." and renumber.

Section 6 - Heritage

- 17. Amendment of Port Lands Area Specific Policy 6.2.5.b) by removing "and" at the end of the policy.
- 18. Amendment of Port Lands Area Specific Policy 6.2.5.c) by adding "and" at the end of the policy.
- 19. Addition of Port Lands Area Specific Policy 6.2.5.d) "For Villiers Island, enable heritage resources to be prominent elements within the overall skyline of the Port Lands as viewed from the promenade of the Central Waterfront between Sugar Beach and Sherbourne Common."
- 20. Amendment of Port Lands Area Specific Policy 6.2.7, by replacing "14 metres" with "10 metres".
- 21. Port Lands Area Specific Policy 6.2.8 is replaced with " Ensuring the character and heritage resources of the Keating Channel Promenade in Villiers Island is respected and contemplated by new development lining the Keating Channel Promenade."

Section 7 - Community Infrastructure

- 22. Port Lands Area Specific Policy 7.6.1 will be replaced with: "Villiers Island:
 - a) One (1) Community Recreation Centre, with a minimum estimated size of 6,000 square metres, containing a multi-tank indoor lap and leisure pool, a double gymnasium and multi-purpose space preferably in a stand-alone location to maximize opportunities for functionality, programmability, operational flexibility, public access, circulation, and design excellence;

- b) Up to three (3) licenses non-profit child care facilities, with a minimum size of 929 square metres per facility;
 - c) One (1) neighborhood library branch located in close proximity to a transit stop;
 - d) One (1) community space with a minimum size of 495 square metres; and,
 - e) One (1) public (TDSB) elementary school.”
23. Addition of Port Lands Area Specific Policy 7.6.1.1: The appropriate site, size and location of the community facilities and services, including opportunities for co-location, will be determined through the precinct planning process or a community facilities and services study, and confirmed at each phase of development."

Section 8 - Inclusive Communities

24. Addition of Port Lands Area Specific Policy 8.3.3.: 8.3.3. "On land on Villiers Island that is publicly owned, as of the date of adoption of this Area Specific Policy, a minimum of 40 per cent of the total residential units as two-bedroom units or larger, with:
- a) 15 percent of the total residential units as two-bedrooms; and,
 - b) 15 percent of the total residential units as two-bedrooms or larger; and,
 - c) 10 percent of the total residential units as three-bedrooms or larger."
25. Amendment to Port Lands Area Specific Policy 8.4. to add "unless otherwise secured, to the satisfaction of the Chief Planner and Executive Director."
26. Addition of Port Lands Area Specific Policy 8.7. and renumber: "On land that is publicly owned on Villiers Island, as of the date of adoption of this Area Specific Policy where residential uses are permitted, a target of 30 per cent of the residential gross floor area will be set aside for affordable rental housing. For added clarity, the target 30 per cent affordable housing requirement is not a requirement for each individual block but is an overall requirement to be achieved across all blocks. The distribution of affordable rental housing units is encouraged across all phases of development. Funding to construct the affordable rental housing on said land will be proactively pursued to ensure that affordable rental housing is developed concurrently with market development."
27. Amendment of Port Lands Area Specific Policy 8.8 (renumbered from 8.6): "policies 8.6 and 8.7."
28. Addition of Port Lands Area Specific Policy 8.14.4: "For Villiers Island, the unit types and unit sizes of the affordable rental housing units will be consistent with the average size of the gross floor area of the market residential units on the same block, excluding any at-grade townhouse and/or residential units with home occupation."

29. Addition of Port Lands Area Specific Policy 8.14.5: "For Villiers Island, residential unit configuration and flexible modular designs are encouraged to support the creation of inclusive communities, accommodate families, permit aging in place and accommodate accessible design."

Section 9 – Movement and Access

30. Addition of Port Lands Area Specific Policy 9.12.1: "Despite 9.12. above, subsurface easements, encumbrances and encroachments may be permitted for Centre Street on Villiers Island if approved by the General Manager, Transportation Services. "

Section 10 - Built Form

31. Port Lands Area Specific Policy 10.1.b) is replaced with "For Villiers Island, framing the naturalized mouth of the Don River adjacent to Commissioners Street, with a coherently scaled built form of base buildings with tall towers; and"
32. Port Lands Area Specific Policy 10.7.5.1 is amendment by including "specified within the Villiers Island precinct plan" after "except where" in the policy.
33. Port Lands Area Specific Policy 10.7.5. is replaced with "The tower component of the tall building will be stepped back from the base building frontage by a minimum of:
 - (a) 5.5 meters adjacent to the south side of Villiers Street in Villiers Island, between Foundry Street and Old Cherry Street; and,
 - (b) 3 meters adjacent to Centre Street in Villiers Island, between Foundry Street and Old Cherry Street

Balconies projecting into the stepback requirements required in c) above shall generally be limited to no more than 1.5m, for no more than 40 percent of the façade.

34. Port Lands Area Specific Policy 10.8.1 is replaced with "Villiers Island will set a precedent for a next generation climate positive, resilient, and inclusive model of development for Toronto. The overall character of Villiers Island will be an inclusive, sustainable and walkable, dense urban community with a diversity of uses and building typologies. Diverse built form will prioritize cultural heritage resources and a system of resilient high-quality parks and public realm with comfortable microclimate and design excellence."
35. Amendment of Port Lands Area Specific Policy 10.8.2 which removes "of up to approximately 27 metres" and replaces "14 metres" with "10 metres".
36. Port Lands Area Specific Policy 10.8.3 is replaced with: " New buildings adjacent to the Keating Channel will generally be tall buildings, although mid-rise buildings are permitted. Buildings will complement the scale of heritage resources and frame the Keating Channel promenade with a pedestrian-scale streetwall and ground-oriented active uses. A school building is permitted on the east side of the new Munition Street

and adjacent to the Keating Channel and Villiers Park. If supported by the Toronto District School Board, the school is permitted to be co-located in a mixed-use residential building. Buildings adjacent to Keating Channel will be sited and articulated to reinforce and showcase the heritage resources of the area."

37. Removal of Port Lands Area Specific Policy 10.8.4. and renumber.
38. Port Lands Area Specific Policy 10.8.6 is replaced with: "Tall buildings are permitted if they are consistent with the policies of this Site and Area Specific Policy. Considerations for locating tall buildings within Villiers Island include:" and followed by 10.8.6.a) to 10.8.6.j).
 - (i) Port Lands Area Specific Policy 10.8.6 g) is modified by adding the following underlined words, so that it reads as follows:
 - g) Situating the tall buildings to maximize separation distance to the Cement Terminal on Polson Quay and to minimize noise and air quality impacts from the Cement Terminal on sensitive uses.
39. Removal of Port Lands Area Specific Policy 10.8.8.

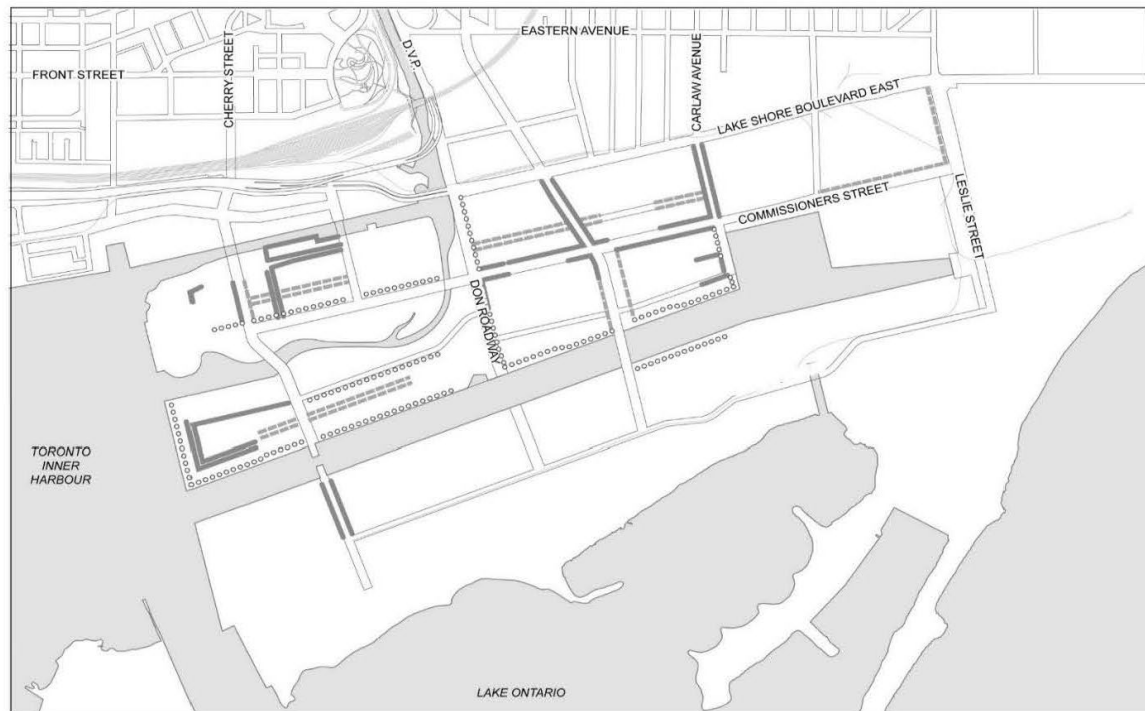
Section 12: Innovation and Sustainability

40. Addition of Port Lands Area Specific Policy 12.7.: "'Meanwhile Use" developments on Villiers Island will be removed prior to the development of the planned land use specified within a precinct plan and therefore will not be required to meet the minimum requirements in the applicable Toronto Green Standard. Where feasible, "Meanwhile Uses" should aspire meet the intent of the Toronto Green Standard."

Maps

41. Port Lands Area Specific Policy Map 3C - Priority Retail Streets and Frontage is replaced with Map 3C, as specified in Amendment 409;
42. Port Lands Area Specific Map 3D – Cultural Heritage Resources is amended by removing the "Toronto Harbour Commissioners Buildings" as a Listed Heritage Structure/Building, as specified in Amendment 409;
43. Port Lands Area Specific Map 3F – Heritage Buildings/Structures is amendment by removing "7. Toronto Harbour Commissioners Buildings" as a Listed Heritage Structure/Building, as specified in Amendment 409;
44. View 1: Port Lands Skyline within Port Lands Area Specific Policy Appendix 1: Views is amended by adding "Views to the Villiers Island skyline will be observed from along the Central Waterfront promenade from Sugar Beach to Sherbourne Common."

45. View A: Port Lands Skyline within Port Lands Area Specific Policy Appendix 1: Views is amended with the removal of "...and lined to the north by the historic Toronto Harbour Commissioners buildings...";
46. View E: Keating Channel, Essroc Silos and Toronto Harbour Commissioners buildings within Port Lands Area Specific Policy Appendix 1: Views be amended by removing "Toronto Harbour "Commissioners" from the View title and replacing the view description with "The Keating Channel, an important heritage asset and reminder of the Don River's historic reconfiguration, provides long views down the Channel to Villiers Island and emerging neighbourhoods in the Central Waterfront. This view prominently features the Essroc Silos, conveying a strong sense of place and celebrating the Port Lands heritage."
47. View K. Fire Hall 30 within Port Lands Area Specific Policy Appendix 1 be amended by removing "to preserve the Toronto Harbour Commissioners buildings".



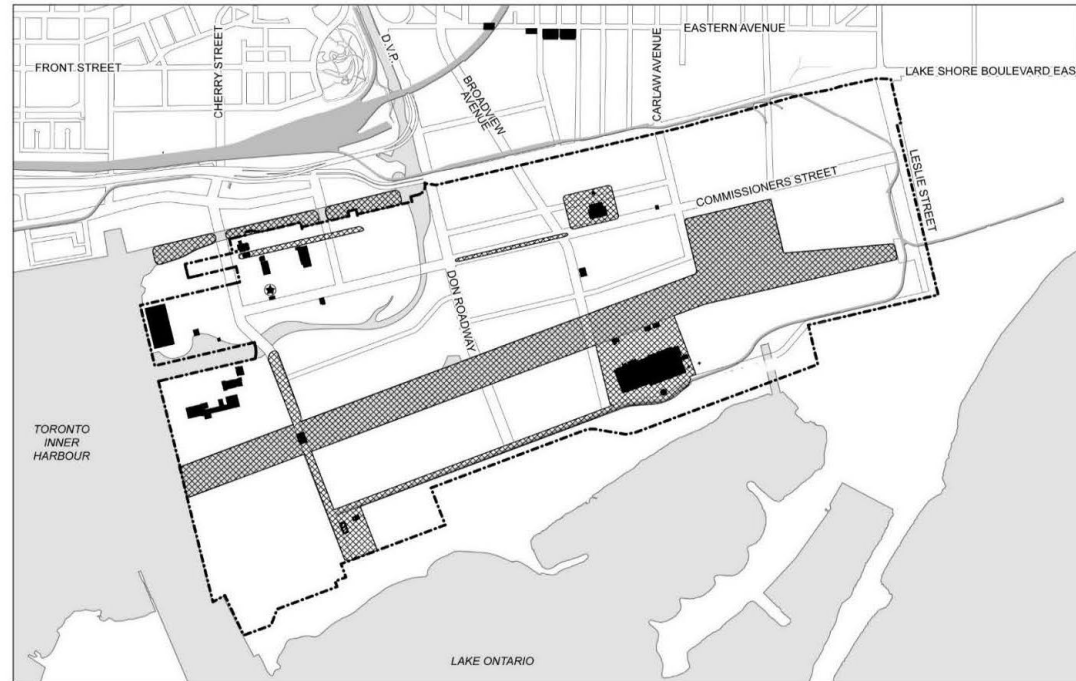
Port Lands Map 3C - Priority Retail Streets and Frontages

Port Lands Area Specific Policy

File # 24 110589 STE 14 02

- Port Lands Area Specific Policy Boundary
- Priority Retail Streets and Frontages
- Secondary Retail Streets
- Water's Edge Animation





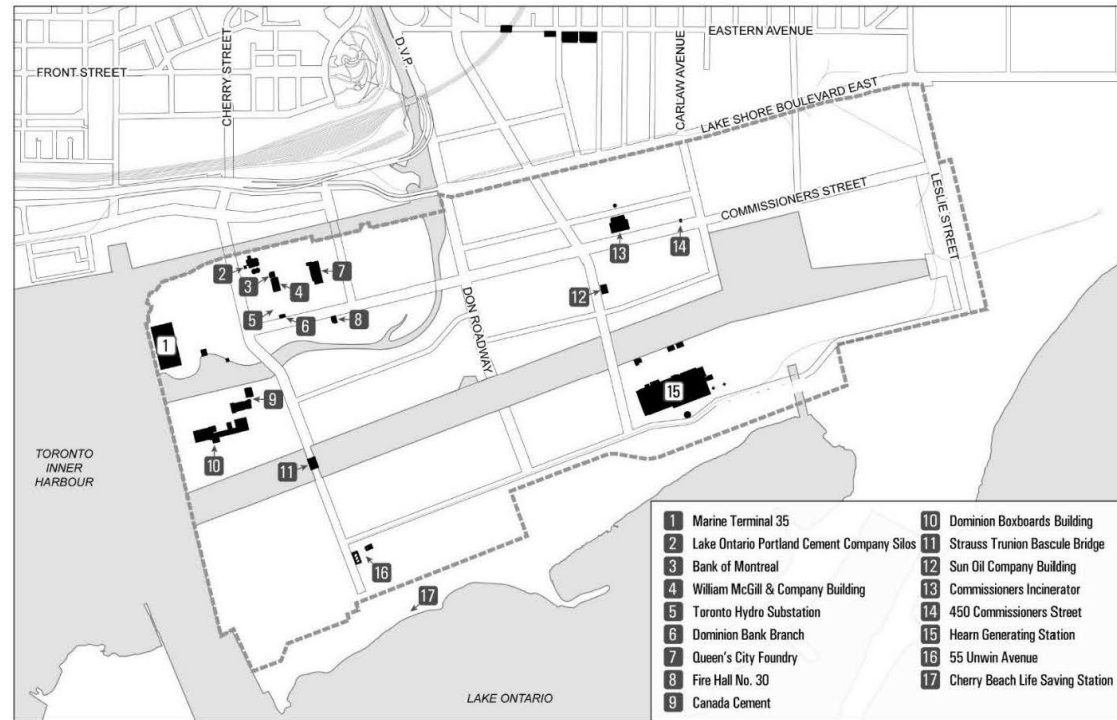
Port Lands Map 3D - Cultural Heritage Resources

Port Lands Area Specific Policy

File # 24 110589 STE 14 02

- | | |
|--|---|
| ----- Port Lands Cultural Heritage Landscape | Cultural Heritage Landscapes |
| Listed Heritage Structures/Buildings | Potential Heritage Structures/Buildings |
| Designated Heritage Structures/Buildings | Rail Corridors |

↑
Not to Scale
May 2024



Port Lands Map 3E - Heritage Buildings/Structures

Port Lands Area Specific Policy

File # 24 110589 STE 14 0Z

Port Lands Area Specific Policy Boundary

- Listed Heritage Structures/Buildings
- Designated Heritage Structures/Buildings
- Potential Heritage Structures/Buildings

↑
Not to Scale
May 2024

Attachment 2

Authority: Ontario Land Tribunal Decision issued on [date] and Ontario Land Tribunal Order issued on [date] in Tribunal File [-]

CITY OF TORONTO

BY-LAW 702-2024

To amend Zoning By-law 569-2013, as amended, with respect to the lands generally bounded by Keating Channel, Inner Harbour and Future Don River, also known as Villiers Island, in the year 2023.

Whereas the Ontario Land Tribunal, by its Decision issued on [date] and its Order issued on [date], in respect of Tribunal File [-], upon hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P13, as amended, determined to amend Zoning By-law 569-2013, as amended, with respect to the lands generally bounded by Keating Channel, Inner Harbour and Future Don River, also known as Villiers Island, in the year 2023; and

Whereas the Ontario Land Tribunal has the authority pursuant to Section 34 of the Planning Act, as amended, to pass this By-law; and

Whereas pursuant to Section 36 of the Planning Act, as amended, the council of a municipality may, in a by-law passed under Section 34 of the Planning Act, use a holding symbol ("H") in conjunction with any use designation to specify the use to which lands, buildings or structures may be put once Council removes the holding symbol ("H") by amendment to the by-law; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of holding symbol ("H");

The Ontario Land Tribunal Orders:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 (Lands to be Rezoned) attached to this By-law, with the exception of the areas that are cross-hatched and identified as "not part of this by-law".
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, as amended, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10 and applying the following zone labels to the lands: (H)CRE (x91), ON (x30), and OR (x46) as shown on Diagram 2 (Land Use Zones), attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1, and applying the following Policy Area label to these lands: 1 including designation of major streets, as shown on Diagram 3 (Policy Areas) attached to this By-law.
5. Zoning By-law 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following

height to the lands: HT 88, HT 100, HT 109, as shown on Diagram 6 (Height Overlay) attached to this Bylaw.

6. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Section 995.30.1 and applying no value.
7. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.12.10 exception Number 91 so that it reads:

Exception CRE 91

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-law and Prevailing Sections:

Site Specific Provisions

- (A) On the lands generally bounded by Keating Channel, Inner Harbour and Future Don River, also known as Villiers Island in the year 2024, if the requirements of By-law 702-2024 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with regulations (B) to (QQQ) below,
- (B) For the purpose of this exception, each Block as shown on Diagram 4 (Block Plan), of By-law 702-2024 is a **lot**;
- (C) For the purpose of this exception, the following terms have the following meanings:
 - (i) "Mid-block connection" means a privately owned publicly accessible space that creates an exterior pedestrian route at **street** level, providing a connection through a block or to improve pedestrian access to a block;
 - (ii) "Tower" for the purposes of this exception means the tower portion of a **building** located within a Tower Area as shown on Diagrams 7A-E (Tower Areas Overlay) of By-law 702-2024 that will be in excess of the height of a building permitted on Diagrams 6 (Height Overlay) of By-law 702-2024;
 - (iii) "Urban Farm – Class A" means the use of **premises**, with or without a principal **building**, for the commercial growing, harvesting and cultivation of horticultural crops and may include the **ancillary** keeping of bees. A **marihuana production facility** use is not an "urban farm - class A"; and
 - (iv) "Urban Farm – Class B" means a premises for controlled environment agriculture (CEA) **Manufacturing use** where everything from temperature and humidity to light, irrigation and nutrients are precisely controlled. The "urban farm - class B" use is specifically for the commercial cultivation of food or horticultural crops that takes place in a greenhouse or similar **structure, building**, or portion of a **building**. A **Marihuana Production Facility** use is not an "urban farm - class B".

- (D) In addition to the permitted uses listed in regulation 50.10.20.10(1)(A), a **market garden** is also permitted;
- (E) In addition to the permitted uses listed in regulation 50.10.20.10(1)(A), municipally owned **public parking** is also permitted;
- (F) Despite regulation 50.10.20.10(1)(A), a **Financial Institution** is not permitted within 10 metres of any **lot lines** abutting the intersection of **streets**;
- (G) Despite regulation 50.10.20.20(1)(A), the following uses are not permitted:
 - (i) **Funeral Home**;
 - (ii) **Vehicle Dealership**;
 - (iii) **Vehicle Fuel Station**;
 - (iv) **Vehicle Service Shop**; and
 - (v) **Vehicle Washing Establishment**;
- (H) In addition to the uses listed in regulation 50.10.20.10(1)(C), the following uses are also permitted:
 - (i) **Agricultural Use**;
 - (ii) "Urban Farm – Class A"; and
 - (iii) "Urban Farm – Class B";
- (I) Despite regulation 50.10.20.10(1)(C), the following uses are not permitted:
 - (i) Cold Storage;
 - (ii) Dry Cleaning or Laundry Plant;
 - (iii) **Industrial Sales or Service Use**;
 - (iv) Metal Products **Manufacturing Use**; and
 - (v) **Self-Storage Warehouse**;
- (J) In addition to the permitted uses listed in regulation 50.10.20.20(1)(B), a **home occupation** is also permitted, if it complies with section 150.5, as amended and (K) below;
- (K) In addition to the requirements of Section 150.5, a **home occupation**:

- (i) must be located on the first **storey** of a **building**;
 - (ii) is not permitted within 5 metres of a portion of a **lot line** within a Ground Floor Commercial Activation Area, as shown on Diagram 5 (Ground Floor Commercial Activation Areas) of By-law 702-2024; and
 - (iii) must have a principal access from a **street, lane**, a privately owned publicly accessible space, or be within 3 metres of a **lot line** abutting the OR zone;
- (L) In addition to the requirements of regulation 50.10.20.100(6), a **retail store** may not exceed 3,500 square metres of **interior floor area**;
- (M) In addition to the requirements of regulation 50.10.20.100(6), a **retail store** combined with an "urban farm - class A" or "urban farm – class B" must be associated with a permitted "urban farm – Class A" or "urban farm – class B" use on the same **lot**;
- (N) Despite Clauses 50.10.20.10 and 50.10.20.20, all **manufacturing uses** are permitted, in compliance with the conditions specified in Clause 50.10.20.100, as amended, for each **manufacturing use**, except for the following **manufacturing uses**:
 - (i) abattoir, slaughterhouse or rendering of animals factory; asphalt plant; cement plant; concrete batching plant; ammunition, firearms or fireworks factory; crude petroleum oil or coal refinery; explosives factory; industrial gas manufacturing; large scale smelting or foundry operations for the primary processing of metals; pesticide or fertilizer manufacturing; petrochemical manufacturing; plastic product manufacturing use, primary processing of gypsum; primary processing of limestone; primary processing of oil-based paints, oil-based coatings or adhesives; pulp mill, using pulpwood or other vegetable fibres; resin, natural or synthetic rubber manufacturing; and tannery;
- (O) For the purposes of this exception, a **manufacturing use** must be fully enclosed within a **building**;
- (P) Despite regulation 50.10.20.20(1)(C), a contractor's establishment is not permitted;
- (Q) Despite regulation 50.10.20.100(2)(A), a **cabaret, club, eating establishment, entertainment place of assembly, nightclub, place of assembly, recreation use, and take-out eating establishment** may not exceed 1,000 square metres of **interior floor area**;
- (R) For the purpose of this exception, an **amusement arcade, eating establishment, entertainment place of assembly, place of assembly, sports place of assembly, and recreational use** do not permit any gaming or lottery device regulated under Province of Ontario legislation;

- (S) Despite regulation 50.10.20.100(3)(A), a **nightclub** may be located in a **non-residential building** or a **mixed-use building**;
- (T) Despite regulation 50.10.20.100(6), a **retail store** or **eating establishment** may be **ancillary** to a beverage **manufacturing use** for beer, cider, or wine, if the **interior floor area** of the beverage **manufacturing use**, including a **retail store** or **eating establishment**, does not exceed 2,000 square metres;
- (U) Despite regulation 50.10.20.100(10), a **laboratory** may be in a **building** with a **dwelling unit**;
- (V) In addition to regulation 50.10.20.100(13), a **retail store** or **eating establishment** may be ancillary to a food **manufacturing use**, if the **interior floor area** of the food **manufacturing use**, including **retail store** or **eating establishment**, does not exceed 2,000 square metres;
- (W) Despite regulation 50.10.20.100(16), a beverage, food, pharmaceutical, medicine, plastic, or clay **manufacturing use** may be located in a **building** that has a **dwelling unit**;
- (X) Despite regulation 50.10.20.100(21)(A), an **outdoor patio** may also be combined with:
 - (i) **Community centre**;
 - (ii) **Eating establishment** ancillary to a beverage **manufacturing use** for beer, cider, or wine;
 - (iii) **Eating establishment** ancillary to a food **manufacturing use**; and
 - (iv) **Library**;
- (Y) For the purposes of this exception, the following commercial uses may be located within Ground Floor Commercial Activation Areas identified on Diagram 5 (Ground Floor Commercial Activation Areas) of By-law 702-2024, and are considered "ground floor commercial activation use": **amusement arcade, art gallery, artist studio, cabaret, club, community centre, custom workshop, eating establishment, entertainment place of assembly, financial institution, library, medical office, museum, nightclub, recreational use, retail service, retail store, pet services, performing arts studio, personal service shop, place of assembly, service shop, sports place of assembly, take-out eating establishment** and **veterinary hospital**;
- (Z) For the purposes of this exception and in addition to (Y) above, a food **manufacturing use** and beverage **manufacturing use** are considered "ground floor commercial activation uses" if the following conditions are met:

- (i) An **eating establishment** and **retail store** are **ancillary** to a food **manufacturing use** and beverage **manufacturing use**;
 - (ii) An **eating establishment** and **retail store**, cumulatively, do not exceed 50 percent of the **interior floor area** of a food **manufacturing use** or beverage **manufacturing use**; and
 - (iii) An **eating establishment** and **retail store** ancillary to a food **manufacturing use** or beverage **manufacturing use** must along a portion of **street** subject to a Ground Floor Commercial Activation Area as shown on Diagram 5 (Ground Floor Commercial Activation Areas) of By-law 702-2024;
- (AA) For the purposes of this exception, no **building** or **structure** may be within 0.2 metres of a portion of a **lot line** within a Ground Floor Commercial Activation Area, as shown on Diagram 5 (Ground Floor Commercial Activation Areas), unless the following conditions are met:
- (i) At least 60 percent of the length of the **main wall** of the first **storey** of the **building** within 3 metres of a Ground Floor Commercial Activation Area is used for no purpose other "ground floor commercial activation uses";
 - (ii) the floor level of the first **storey** of a **building** must be within 0.2 metres of the ground, measured at the **lot line** abut a **lot line** abutting the **street** directly opposite each pedestrian entrance; and
 - (iii) any use located in the first **storey** must have a principal entrance accessed from a **street** which, if not level with the public sidewalk closest to the entrance, is accessed by a ramp which rises no more than 0.04 metres vertically for every 1.0 metres horizontally;
- (BB) For the purpose of this exception, a non-residential unit that is separated from other units or uses by demising walls and is used for "ground floor commercial activation uses" may have a maximum permitted frontage width of 10.0 metres, measured at **the exterior wall** of the first storey of a **building**, with the exception of:
- (i) units located on the corner of a **building**, are permitted a width of 10 metres for each **exterior wall** facing a **street**;
 - (ii) a maximum frontage width of 50 metres, measured at **the exterior wall** of the first storey of a **building**, for a **retail store** that is a grocery store;
 - (iii) a maximum frontage width of 50 metres for an **eating establishment**, measured at **the exterior wall** of the first storey of a **building**, that is within 25 metres of an OR Zone; and

- (iv) units located on the corner of a **building** are permitted a width of 25 metres for each **exterior wall** facing a **street** or an OR Zone for an **eating establishment** or a **retail store** that is a grocery store;
- (CC) For the purposes of this exception, the **exterior wall** of a **building** abutting a **street** may not exceed 85 metres in length;
- (DD) Despite regulation 50.5.40.10(4), and in compliance with regulation 50.5.40.10(5), the following equipment and **structures** located on the roof of a portion of **building** that is not a "tower" may exceed the permitted maximum permitted **building** height, as shown on Diagram 6 (Height Overlay Map) of By-law 702-2024:
 - (i) equipment used for the functional operation of the **building**, such as electrical, renewable energy, utility, mechanical and ventilation equipment, and **structures** or parts of the **building** used for the functional operation of the **building**, such as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, vents, and water supply facilities, to a maximum of 7.0 metres;
 - (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (DD)(i) above, to a maximum of 7.0 metres;
 - (iii) screens or other unenclosed **structures** used to mitigate wind or noise, balustrades, railings, guards, dividers, pergolas, trellises, eaves, privacy screens, skylights, access hatches, window washing equipment, lightning rods, terraces, landscaping elements, and **structures** located on the roof used for outdoor **amenity space** and outside or open air recreation, to a maximum of 3.0 metres;
 - (iv) transparent or translucent **structures**, such as greenhouses, that permit the growing of horticultural crops, to a maximum of 7.0 metres;
- (EE) For the purposes of this exemption, regulation 50.10.40.30(1) does not apply;
- (FF) For the purposes of this exemption, Clause 50.5.40.71 does not apply;
- (GG) Despite regulation 50.10.40.1(2), a building with a **dwelling unit** may be located so that another **building** is between any **main wall** of the **building** and the **street** on which the **building** fronts;
- (HH) For the purposes of this exception, regulation 50.10.40.1(4), regarding building orientation to a street does not apply;
- (II) For the purposes of this exception, Clause 50.10.40.70, regarding setbacks, does not apply;
- (JJ) For the purposes of this exception, a **building** or **structure** may be no closer from a **lot line** as shown on Diagram 8 (Setbacks) of By-law 702-2024;

- (KK) Despite regulations 50.5.40.10(1) and (2), the height of a building or structure is the distance between the Canadian Geodetic Vertical Datum 2013 (CGVD2013) of 0 metres and the elevation of the highest point of the building or structure;
- (LL) Despite regulation 50.5.40.10(8), equipment and structures on the roof of a "tower" may not exceed the permitted maximum building height as shown on Diagram 7A-E (Tower Areas Overlay) of By-law 702-2024;
- (MM) Despite regulation 50.10.40.10(1)(A), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagrams 6 (Height Overlay Map) of By-law 702-2024;
- (NN) For the purposes of this exception, and despite (MM) above, the "tower" portion of a **building** located within a Tower Area as shown on Diagrams 7A-E (Tower Areas Overlay) of By-law 702-2024 may exceed the permitted maximum height of a **building**, provided that the permitted maximum height does not exceed the number in metres following the letters "HT", as shown in Diagrams 7A-E (Tower Areas Overlay) of By-law 702-2024;
- (OO) For the purposes of this exception, the required minimum height of a first **storey** above ground is 4.8 metres, measured between the average elevation of the ground along the **lot line**. The minimum height of a first **storey** does not apply to:
- (i) areas used for the purposes of **loading spaces**, **bicycle parking spaces**, or shower change facilities;
 - (ii) elements for the functional operation of the **building**, such as storage rooms, corridors, electrical, utility, mechanical, and ventilation rooms; and
 - (iii) **dwelling units** that have two levels within the minimum height required by (OO);
- (PP) For the purposes of this exception and (OO) above, the required minimum height of a first **storey** above ground does not apply to a **lawfully existing building** or a **building** that has a **gross floor area** of less than 50 square metres;
- (QQ) For the purposes of this exception, the required minimum height of a portion of a **storey** containing **dwelling units** above the first **storey** above ground is 3.0 metres;
- (RR) For the purposes of this exception, the required minimum height for the portion of a **storey** containing non-residential uses above the first **storey** above ground is 4.0 metres;
- (SS) The permitted maximum Floor Space Index (FSI) on each block, as shown on Diagram 4 (Block Plan) of By-law 702-2024 is:
- (i) on Block P03:

- (a) a combined maximum floor space index of 8.5 for non-residential and residential uses is permitted on Block P03;
- (ii) on Block P04:
 - (a) a combined maximum floor space index of 7.9 for non-residential and residential uses is permitted on Block P04;
- (iii) on Block P05:
 - (a) a combined maximum floor space index of 6.4 for non-residential and residential uses is permitted on Block P05;
- (iv) on Block P06:
 - (a) a combined maximum floor space index of 2.1 for non-residential and residential uses is permitted on Block P06;
- (v) on Block P07:
 - (a) a combined maximum floor space index of 8.8 for non-residential and residential uses is permitted on Block P07;
- (vi) on Block P08:
 - (a) a combined maximum floor space index of 10.6 for non-residential and residential uses is permitted on Block P08;
- (vii) on Block P10B:
 - (a) a combined maximum floor space index of 9.6 for non-residential and residential uses is permitted on Block P10B;
- (viii) on Block P11:
 - (a) a combined maximum floor space index of 8.5 for non-residential and residential uses is permitted on Block P11;
- (ix) on Block P12:
 - (a) a combined maximum floor space index of 8.0 for residential and residential uses is permitted on Block P12;
- (x) on Block P14:
 - (a) a combined maximum floor space index of 9.6 for non-residential and residential uses is permitted on Block P14;

- (xi) on Block P15:
 - (a) a combined maximum floor space index of 7.4 for non-residential and residential uses is permitted on Block P15; and
- (xii) on Block P16:
 - (a) a combined maximum floor space index of 8.1 for non-residential and residential uses is permitted on Block P16;
- (TT) For the purposes of this exception, the blocks, as shown in Diagram 4 (Block Plan), are equivalent to the proposed lots;
- (UU) Despite regulation 50.5.40.40(2), the floor space index of a **non-residential building** is the result of the **gross floor area** minus the areas listed in regulation 50.5.40.40(1) and (VV) below divided by the area of the block;
- (VV) In addition to the elements which reduce **gross floor area**, listed in regulation 50.5.40.40(1), in the Commercial Residential Employment Zone category, **gross floor area** of a **non-residential building** is also reduced by the area in a **building** used for:
 - (i) **Parking spaces, loading spaces, and bicycle parking spaces;**
 - (ii) storage rooms, electrical, utility, mechanical and ventilation rooms and
 - (iii) rooms for the collection, compaction, storage and removal of refuse;
- (WW) Despite regulation 50.5.40.40(4), the floor space index of a **mixed use building** is the result of the **gross floor area** minus the areas listed in regulation 50.5.40.40(3) and (XX) below divided by the area of the block;
- (XX) In addition to the elements which reduce **gross floor area** listed in regulation 50.5.40.40(3), in the Commercial Residential Employment Zone category the **gross floor area** of a **mixed-use building** is also reduced by the area in a **building** used for:
 - (i) **Parking spaces, loading spaces, and bicycle parking spaces;**
 - (ii) all interior **amenity space;**
 - (iii) storage rooms, electrical, utility, mechanical and ventilation rooms; and
 - (iv) rooms for the collection, compaction, storage and removal of refuse;
- (YY) Despite regulation 50.5.40.40(6), the floor space index of an **apartment building** is the result of the **gross floor area** minus the areas listed in regulation 50.5.40.40(5) and (ZZ) below divided by the area of the block;

- (ZZ) In addition to the elements which reduce **gross floor area** listed in regulation 50.5.40.40 (5), in the Commercial Residential Employment Zone category the **gross floor area** of an **apartment building** is also reduced by the area in a **building** used for:
- (i) **Parking spaces, loading spaces, and bicycle parking spaces;**
 - (ii) all interior **amenity space**;
 - (iii) storage rooms, electrical, utility, mechanical and ventilation rooms; and
 - (iv) rooms for the collection, compaction, storage and removal of refuse;
- (AAA) For the purposes of this exception, no location restriction shall apply to elements listed in (VV), (XX) and (ZZ) above, and 50.5.40.40(1), 50.5.40.40(3), and 50.5.40.40 (5);
- (BBB) For the purposes of this exception, the permitted location of the "tower" portion of **buildings** are identified by Tower Areas as shown on Diagrams 7A-E (Tower Areas Overlay) of By-law 702-2024;
- (CCC) For the purposes of this exception, a maximum of one "tower" may be located within each Tower Area shown as shown on Diagrams 7A-E (Tower Areas Overlay) of By-law 702-2024;
- (DDD) In addition to the requirements of Clause 50.10.40.80, a minimum **main wall** separation distance of 40 metres is required between "towers" on the same block or on a different block;
- (EEE) For the purposes of this exception, the minimum "tower" step back distance from the **main wall** of the base building which abuts a **street** is:
- (i) 10.0 metres on the south side of Villiers Street;
- (FFF) For the purposes of this exception, the minimum **main wall** separation distance from a **lot line** that abuts a **street** is 2.5 metres on the north side of Commissioners Street, from Old Cherry Street to Villiers Park Street;
- (GGG) Despite Clauses 50.5.40.10 and 50.10.40.60, public art features may encroach into the required minimum **building setbacks** and project beyond the permitted maximum height;
- (HHH) For the purposes of this exception, a "mid-block connection" must have a minimum total width, measured from the **main wall** of a **building**, of 11.0 metres;
- (III) For the purposes of this exception, where a **building** abuts a "mid-block connection", the building's main walls of **storeys** that contain a **dwelling unit** must be a minimum of 15.0 metres from the **main walls** of another **building**;

- (JJJ) In addition to the requirements of regulation 50.10.80.10(1), an outdoor parking area with more than 3 **parking spaces** is not permitted if there is a **building** with a **gross floor area** of greater than 50 square metres on the **lot** where the **parking spaces** are proposed;
- (KKK) Despite regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** may be provided for all non-residential uses at a maximum rate of 0.75 **parking spaces** per 100 square metres of **gross floor area** and no minimum **parking spaces** are required;
- (LLL) Despite regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** may be provided for all residential uses at a maximum rate of 0.4 **parking spaces** per **dwelling unit** for residential occupants and no minimum **parking spaces** are required;
- (MMM) The visitor **parking space** requirements in regulation 200.5.10.1(1) and Table 200.5.10.1 continue to apply;
- (NNN) In addition to the requirements of regulation 50.10.100.10(1), **vehicle** access to Blocks P12, P14, P15 and P16, as shown on Diagram 4 (Block Plan) of By-law 702-2024, is not permitted from Commissioners Street;
- (OOO) In addition to the requirements of regulation 50.10.100.10(1) **vehicle** access to Blocks P02, P03, P07, P08, P12 and P16, as shown on Diagram 4 (Block Plan) of By-law 702-2024, is not permitted from New Cherry Street;
- (PPP) Despite regulation 220.5.1.10(1), the calculation of required **loading spaces** is based on the total **gross floor area** of each Block as shown on Diagram 4 (Block Plan) of By-law 702-2024;
- (QQQ) For the purpose of this exception, required **loading spaces** are permitted to be provided above, at, or below ground level on all Blocks as shown on Diagram 4 (Block Plan) of By-law 702-2024, provided the **loading spaces** are located inside a **building**;

Prevailing By-laws and Prevailing Sections: (None Apply)

8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.42.10 exception Number 46 so that it reads:

Exception OR 46

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) For the purpose of this exception, each word or expression that is in bold font in this exception shall have the same meaning as each word or expression as defined in Chapter 800 of this By-law, as amended, except for the following:

- (i) "Marine Terminal or Berth" means a **premises** for the mooring of boats, ships, ferries and other water vessels, but not including pleasure craft, for the land or water transshipment of goods or transfer of passengers, for the operation of a water taxi service, ferry service, boat rental, charter service, or for related marine services.
 - (ii) "Urban Farm – Class A": means the use of land, with or without a principal **building**, for the commercial cultivation of horticultural crops and may include the accessory keeping of bees. A **marihuana production facility** use is not an "urban farm - class A."
- (B) In addition to the uses listed in Clause 90.30.20.10, the following uses are also permitted.
- (i) **Agricultural Use;**
 - (ii) **Artist Studio;**
 - (iii) **Market Garden;**
 - (iv) Outdoor Sales and Display;
 - (v) **Performing Arts Studio;**
 - (vi) "Marine Terminal or Berth"; and
 - (vii) "Urban Farm – Class A";
- (C) Despite regulation 90.30.20.100(3), an **eating establishment, retail store, or take-out eating establishment** do not need to be associated with other uses;
- (D) Despite regulation 90.30.20.100(1), an **amusement arcade, club, education use, or stable** do not need to be associated with other uses;
- (E) In addition to regulation 90.30.20.100(5)(A), an outdoor patio may also be combined with a **community centre, retail store, and sports place of assembly** use;
- (F) For the purpose of this exception, a **place of assembly, sports place of assembly and recreational use** do not permit any gaming or lottery device regulated under Province of Ontario legislation; and
- (G) Despite regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** are not required for non-residential uses.

Prevailing By-laws and Prevailing Sections: (None Apply)

9. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.41.10 exception Number 30 so that it reads:

Exception ON 30

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) For the purpose of this exception, each word or expression that is in bold font in this exception shall have the same meaning as each word or expression as defined in Chapter 800 of this By-law, except for the following:
 - (i) "Marine Terminal or Berth" means a **premises** for the mooring of boats, ships, ferries and other water vessels, but not including pleasure craft, for the land or water transshipment of goods or transfer of passengers, for the operation of a water taxi service, ferry service, boat rental, charter service, or for related marine services.
- (B) In addition to the permitted uses listed in Clauses 90.20.20.10 and 90.20.20.20, the following uses are also permitted:
 - (i) **Artist Gallery;**
 - (ii) **Artist Studio;**
 - (iii) "Marine Terminal or Berth"; and
 - (iv) **Public Works Yard;**
- (C) Despite regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** are not required for non-residential uses.

Prevailing By-laws and Prevailing Sections: (None Apply)

10. Holding provisions:

The lands that are delineated with heavy lines and zoned CRE with the ("H") symbol, pursuant to Section 36 of the Planning Act, and as shown on Diagram 2 of By-law 702-2024 attached to and forming part of this By-law shall comply with the provisions of section 7 of this By-law.

The ("H") symbol may be removed from any portion of the area of lands covered by the exception in accordance with this regulation and any such portion will be considered a phase of development:

- (A) Lands zoned with the ("H") symbol shall not be used for any purpose other than those provided in this regulation until the ("H") symbol is removed;

- (B) The following "meanwhile uses" are permitted prior to the removal of the ("H") symbol, subject to the requirements specified in regulations (C) to (L) below have been satisfied to the satisfaction of the Chief Planner and Executive Director, City Planning and the Executive Director, Development Review, or their designate:

- i. **Agricultural Use;**
- ii. Ambulance Depot;
- iii. **Amusement Arcade;**
- iv. Animal Shelter;
- v. **Art Gallery;**
- vi. **Artist Studio;**
- vii. **Automated Banking Machine;**
- viii. **Cabaret;**
- ix. **Club;**
- x. **Community Centre;**
- xi. **Contractor's Yard;**
- xii. **Crisis Care Centre;**
- xiii. **Custom Workshop;**
- xiv. **Eating Establishment;**
- xv. **Education Use;**
- xvi. **Entertainment Place of Assembly;**
- xvii. **Financial Institution;**
- xviii. **Fire Hall;**
- xix. **Laboratory;**
- xx. **Library;**
- xxi. **Market Garden;**
- xxii. "Marine Terminal or Berth";
- xxiii. **Massage Therapy;**

- xxiv. Medical Office;
- xxv. **Municipal Shelter;**
- xxvi. **Museum;**
- xxvii. **Nightclub;**
- xxviii. Office;
- xxix. **Open Storage;**
- xxx. **Outdoor Patio;**
- xxxi. Outdoor Sales or Display;
- xxxii. **Park;**
- xxxiii. **Passenger Terminal;**
- xxxiv. **Performing Arts Studio;**
- xxxv. **Personal Service Shop;**
- xxxvi. **Production Studio;**
- xxxvii. **Place of Assembly;**
- xxxviii. **Public Parking;**
- xxxix. **Public Utility;**
- xl. **Public Works Yard;**
- xli. **Recreational Use;**
- xl. **Retail Service;**
- xl. **Retail Store;**
- xliv. **Service Shop;**
- xl. **Software Development and Processing;**
- xlvi. **Sports Place of Assembly;**
- xl. **Take-out Eating Establishment;**

- xlvi. Sales centre for the purpose of the sale or lease of **dwelling units** or commercial space;
- xlix. **Transportation Use**;
 - 1. "Urban Farm – Class A";
 - li. "Urban Farm – Class B";
 - lii. **Warehouse**;
 - liii. **Wholesaling Use**; and
 - liv. **Wellness Centre**;
- (C) Prior to the erection of a **building** that exceeds 50 square metres of **interior floor area**, confirmation of water, wastewater and stormwater servicing capacity is required, to the satisfaction of the Executive Director, Engineering and Construction Services and General Manager, Toronto Water;
- (D) Land uses permitted prior to the removal of the ("H") symbol must be on a **lot** that abuts a **street**;
- (E) Prior to the removal of the ("H") symbol, an **amusement arcade, art gallery, artist studio, cabaret, club, community centre, custom workshop, eating establishment, entertainment place of assembly, financial institution, library, medical office, museum, nightclub, recreational use, retail store, retail service, performing arts studio, personal service shop, place of assembly, service shop, sports place of assembly, and take-out eating establishment** are considered "ground floor commercial activation uses";
- (F) Prior to the removal of the ("H") symbol, at least 40 percent of the length of the **exterior wall** of the first storey of the **building** that is located in a Ground Floor Commercial Activation Area, as shown on Diagram 6, must be used for no purpose other than "ground floor commercial activation uses", as specified in (F) above;
- (G) Prior to the removal of the ("H") Symbol, a **community centre, entertainment place of assembly, recreation use, retail store, sports place of assembly or take-out eating establishment** may also have an **outdoor patio**;
- (H) Prior to the removal of the ("H") symbol, the permitted maximum area of an **outdoor patio** that is located above the first **storey** of a **building** is the greater of:
 - (i) 50 square meters, or
 - (ii) 50 percent of the **interior floor area** of the **premises** it is associated with;
- (I) Prior to the removal of the ("H") symbol, and despite regulation 50.10.20.100(21)(C), an **outdoor patio** may be used to provide entertainment

such as performances and music, with the following to occupy a maximum of 20 percent of the **outdoor patio** floor area:

- (i) stage; and
 - (ii) dance floor;
- (J) Prior to the removal of the ("H") symbol, a **Retail Store** combined with an "Urban Farm - Class A" or "Urban Farm – Class B" must be associated with a permitted "Urban Farm - Class A" or "Urban Farm – Class B" use on the same **lot**;
- (K) Prior to the removal of the ("H") symbol, a **parking space** may not be provided:
- (i) within 5 metres of a **front yard**;
 - (ii) within 5 metres of a **side yard** abutting a **street**; and
 - (iii) within 5 metres of a **rear yard** abutting a **street**;
- (L) Prior to the removal of the ("H") symbol, **vehicle** access to a permitted use, **loading space**, or a **parking space** must be from a **street** which is not a **major street** on the Policy Areas Overlay Map in Section 995.10;
- (M) An amending by-law to remove the ("H") symbol in whole or in part, and in respect of specific uses, shall be enacted by City Council or through delegated authority when the implementation of the following conditions at the owner's sole expense have been secured to the satisfaction of the Chief Planner and Executive Director, City Planning, and the Executive Director, Development Review, or their designate, through the execution and registration on title of an agreement, or agreements pursuant to Section 37, 51, and/or 53 of the Planning Act or Section 114 of the City of Toronto Act, 2006, as appropriate:
- (i) Satisfactory arrangements are in place to secure the provision of local municipal infrastructure, including sewer, water, and stormwater networks to service the proposed development, to the satisfaction of the General Manager, Toronto Water and the Chief Engineer and Executive Director, Engineering and Construction Services;
 - (ii) Resolution of sanitary servicing capacity issues through completion of any necessary capital improvements, or through any "interim" condition as detailed by the owner, to the satisfaction of the General Manager, Toronto Water and the Chief Engineer and Executive Director, Engineering and Construction Services;
 - (iii) The location, design, and provision of transportation infrastructure to support redevelopment have been secured to the satisfaction of the General Manager, Transportation Services, and the Chief Planner and Executive Director, City Planning, and the Executive Director,

Development Review, or their designate, including any additional required easements, setbacks or roadway conveyances;

- (iv) The owner shall provide a noise study, air quality study, and a detailed design plan in support of a Site Plan Control application for any sensitive land use which demonstrate that appropriate noise and/or air quality mitigation works will be implemented. The noise study and air quality study shall be submitted by the owner to the City of Toronto. The City of Toronto will undertake a peer review of such studies at the owner's expense. The owner shall be requested to provide a copy to all industrial and port operators, utilities or major facilities that have been identified within the noise and air quality study within the Port Lands. Such studies shall demonstrate:
 - (a) That the requirements of Ministry of Environment, Conservation and Parks regulation and guidelines, including NPC-300, in accordance with the July 11, 2022 Ontario Land Tribunal Decision, have been satisfactorily addressed; and
 - (b) That the requirements of any agreements with the City and third parties, as well as the July 11, 2022 Ontario Land Tribunal Decision respecting noise and air quality mitigation, have been satisfactorily addressed;
- (v) Confirmation that the Waterfront East Light Rail Transit (LRT) will be completed prior to the occupancy or, and if the LRT cannot be completed prior to occupancy, the following shall be provided:
 - (a) To the satisfaction of the Executive Director, Transportation Services or their designate, the submission of a transit impact assessment that demonstrates how access to/from the site and Villiers Island will be provided in advance of Waterfront East Light Rail Transit being implemented; or
 - (b) To the satisfaction of the Executive Director, Transportation Services, confirmation of the implementation of any interim on-site and off-site improvements to the transportation network that are identified in the traffic impact study as required to accommodate site traffic in advance of Waterfront East Light Rail Transit being completed;
- (vi) The owner has provided written confirmation from the Toronto and Region Conservation Authority that:
 - (a) the Port Lands flood protection infrastructure is complete and functional, and the Special Policy Area designation is removed; or
 - (b) that the requirements of the Protocol Regarding the Lower Don Special Policy Area have been satisfied;

- (vii) Acceptance by the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat, of a Housing Plan that identifies:
 - (a) the percentage of **dwelling units** that will be two and three bedrooms in size for both the market units and for the affordable housing units;
 - (b) how the target of 30 percent affordable housing articulated in the Official Plan Amendment is being met for the specific development phase and the entire Plan Area, including through which delivery mechanism(s);
 - (c) the proposed number, unit types, and location of affordable housing units in a development, and
 - (d) and the proposed number, unit types and location of the affordable housing units in a development;
- (viii) Acceptance by the Chief Planner and Executive Director, City Planning, and the Executive Director, Development Review, or their designate, of a Community Services and Facilities (CS&F) Implementation Plan that identifies what facilities have been delivered and what remaining facilities are required;
- (ix) Approval by the Executive Director, Toronto Emergency Management, or their designate, of emergency servicing, including fire, paramedic and fire service capacity for a development; and
- (x) Acceptance by the Chief Planner and Executive Director, City Planning and the Executive Director, Development Review, or their designate, of a parking needs assessment and implementation plan that identifies the **public parking** required on Blocks P07, P12, P11 and P15 to support the adjacent **parks** and catalytic uses.

Ontario Land Tribunal Decision issued on [date] and Ontario Land Tribunal Order issued on [date] in Tribunal File [-]

Diagram 1

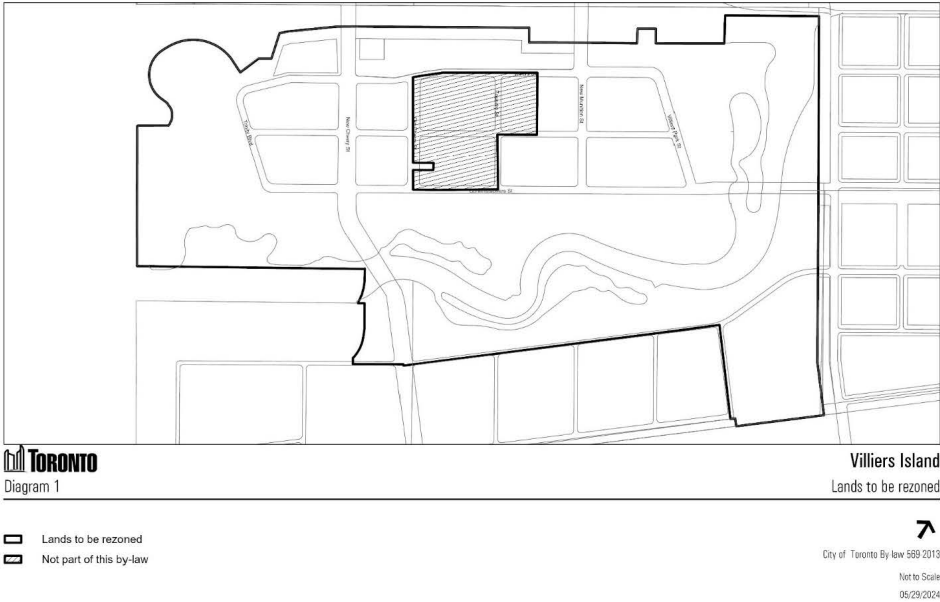


Diagram 2

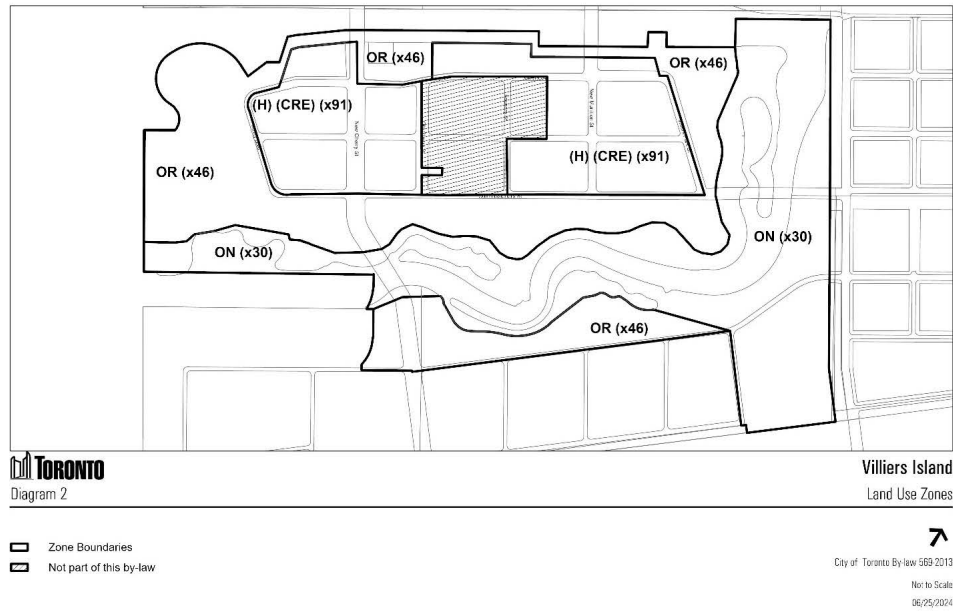


Diagram 3

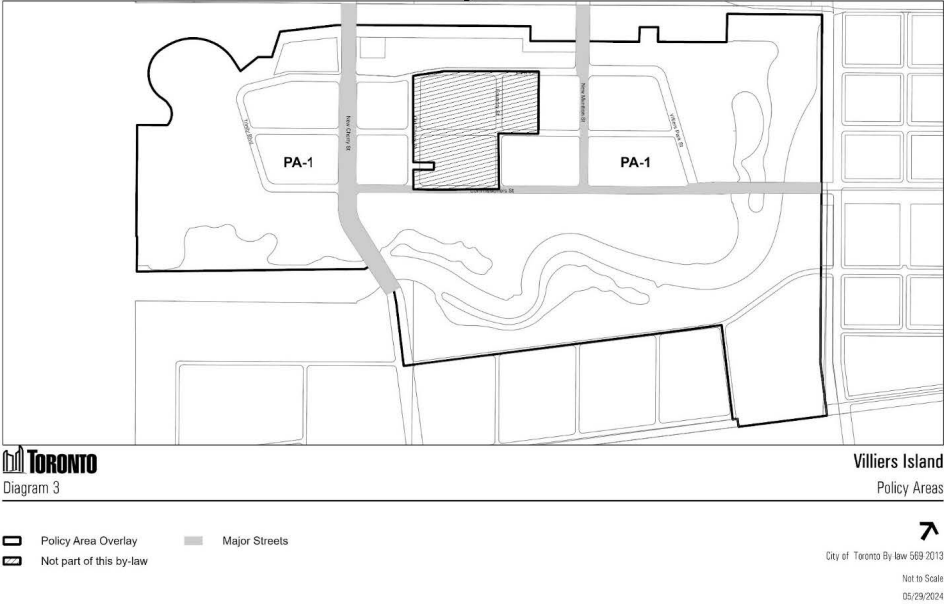


Diagram 4

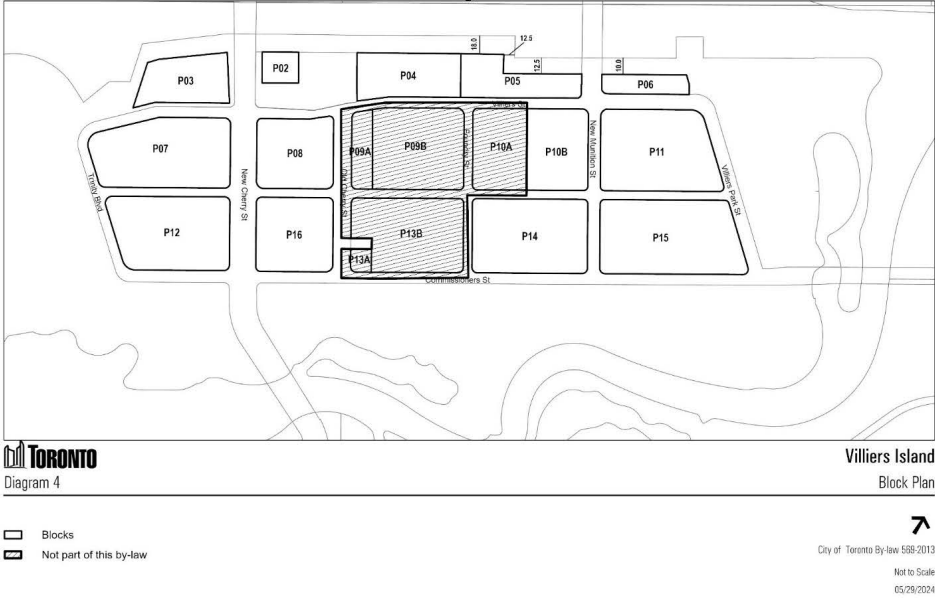


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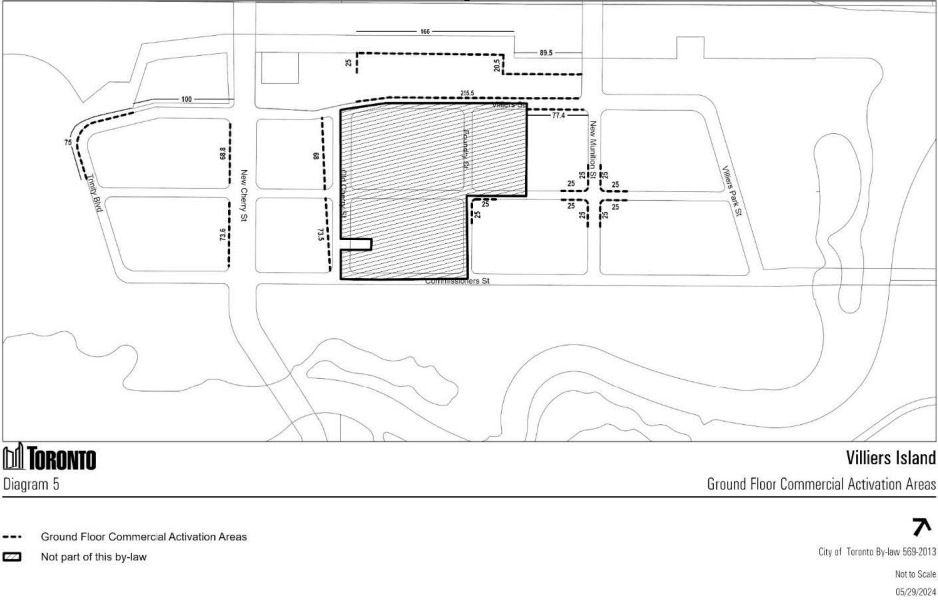
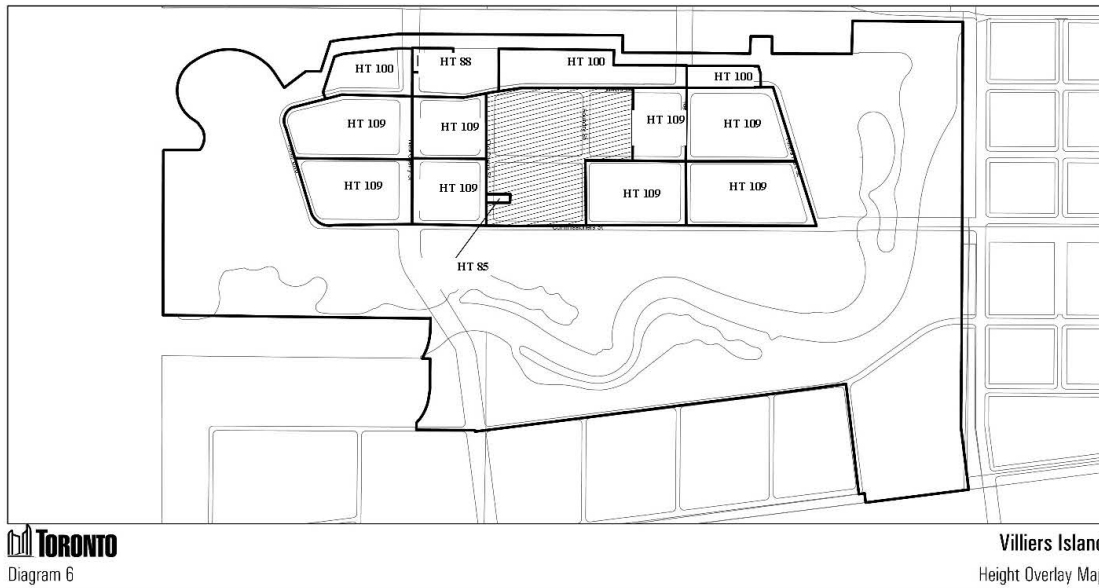
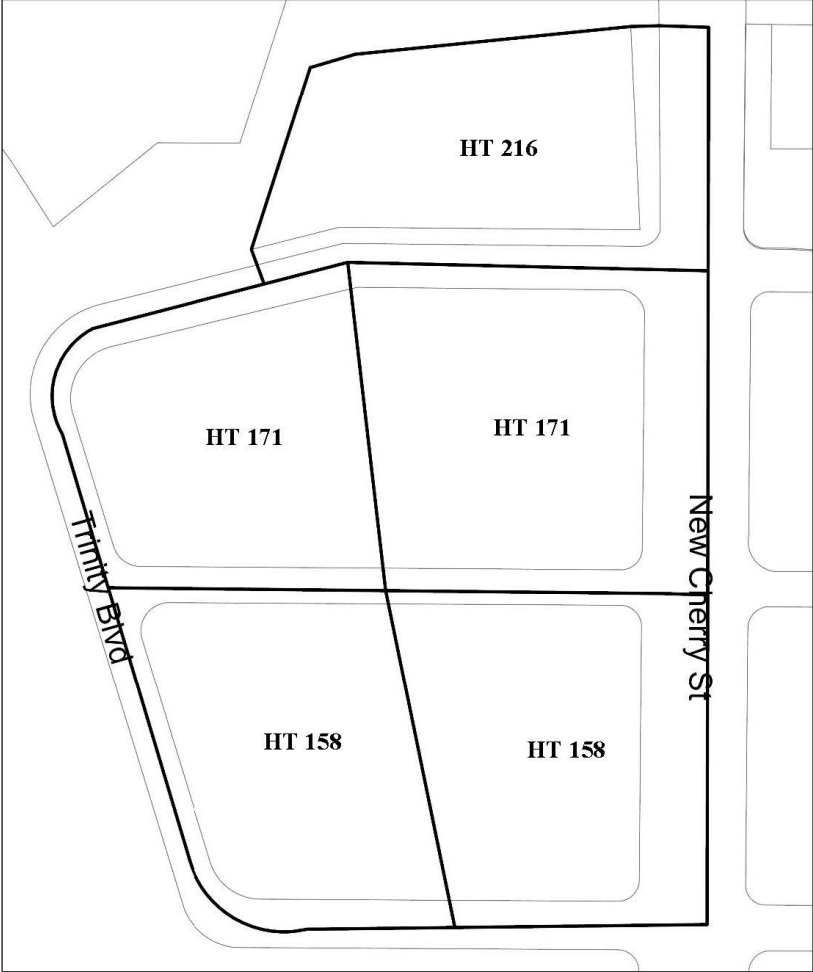


Diagram 6

Not part of this by-law

City of Toronto By-law 569-2013
Not to Scale
06/25/2024

Diagram 7A



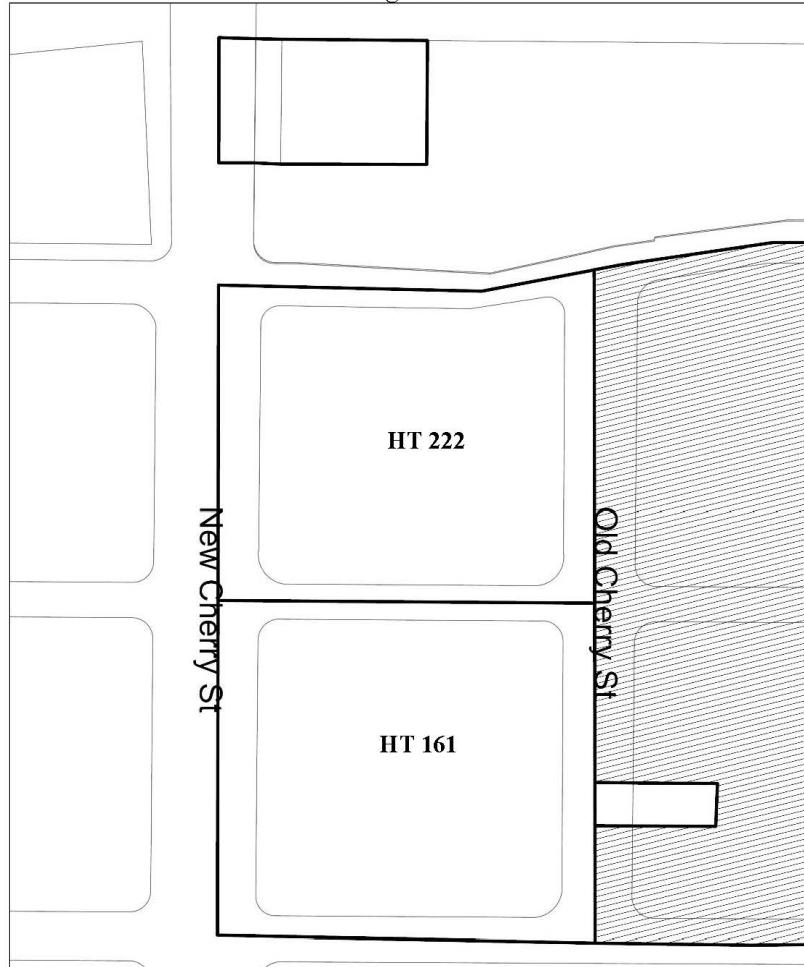
 **Toronto**
Diagram 7A

Villiers Island
Tower Areas Overlay

 Tower Area with maximum height


City of Toronto By-law 569-2013
Not to Scale
05/29/2024

Diagram 7B



Toronto
Diagram 7B

Villiers Island
Tower Areas Overlay

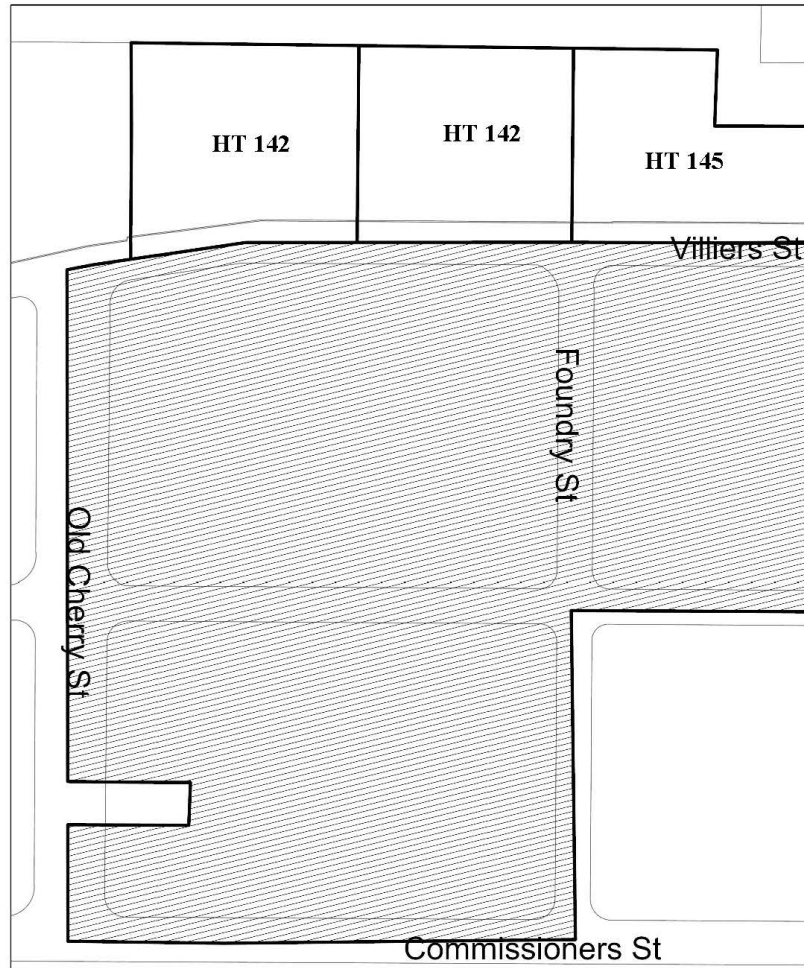
-  Not part of this by-law
-  Tower Area with maximum height



City of Toronto By-law 569-2013

Not to Scale
05/29/2024

Diagram 7C



 **Toronto**
Diagram 7C

Villiers Island
Tower Areas Overlay

-  Not part of this by-law
-  Tower Area with maximum height



City of Toronto By-law 569 2013

Not to Scale
05/29/2024

Diagram 7D



Toronto
Diagram 7D

Villiers Island
Tower Areas Overlay

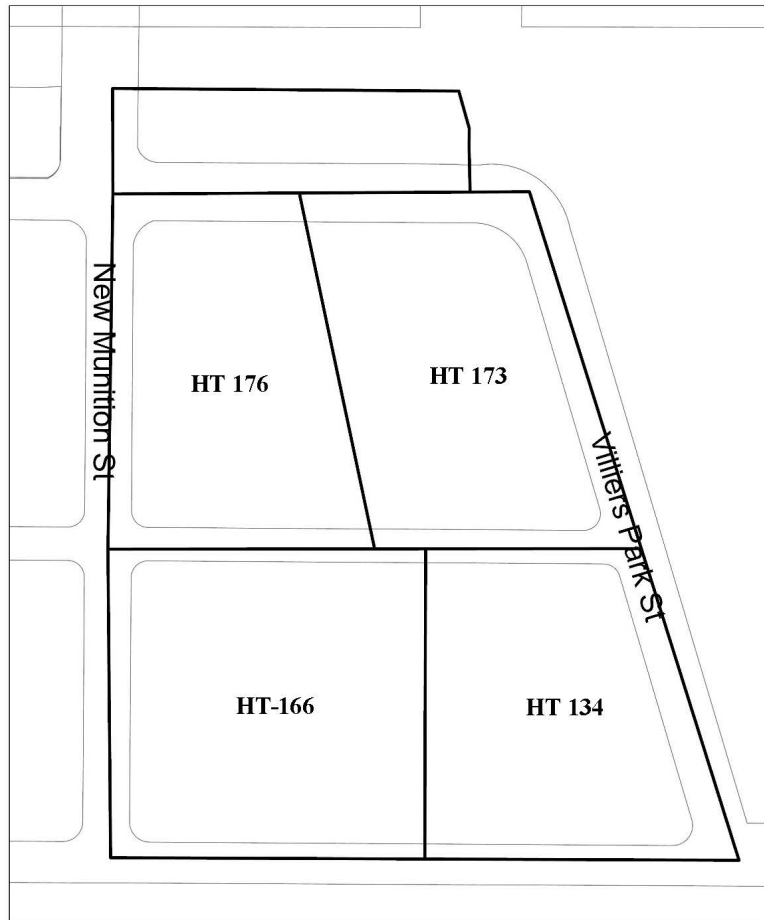
-  Not part of this by-law
-  Tower Area with maximum height



City of Toronto By-law 569.2013

Not to Scale
05/29/2024

Diagram 7E



 **Toronto**
Diagram 7E

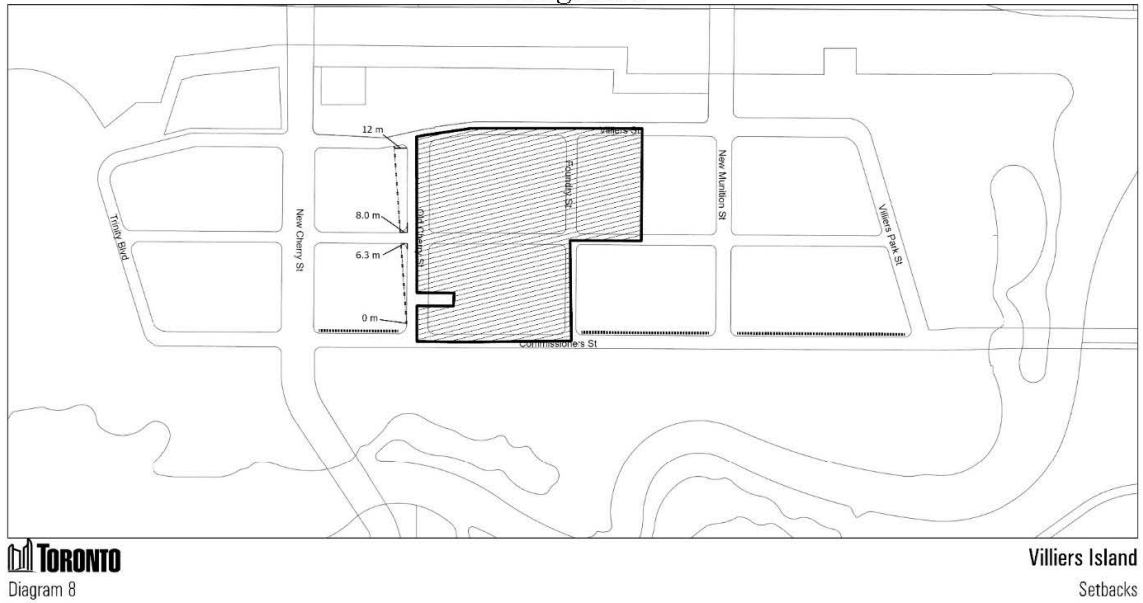
Villiers Island
Tower Areas Overlay

-  Not part of this by-law
-  Tower Area with maximum height



City of Toronto By-law 569-2013

Not to Scale
06/25/2024

Diagram 8

Setback
 2.5 m
 - - - Variable

 Not part of this by-law


 City of Toronto By-law 569 2013
 Not to Scale
 05/29/2024