

ONTARIO LAND TRIBUNAL
Tribunal ontarien de l'aménagement du territoire

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

Appellant 1:	PortsToronto
Appellant 2:	Lafarge Canada Inc.
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:	PortsToronto & 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 1:	PortsToronto
Appellant 2:	Lafarge Canada Inc.
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

MINUTES OF SETTLEMENT

THESE MINUTES OF SETTLEMENT are made as of the day of 202●.

BETWEEN:

TORONTO PORT AUTHORITY
(“PortsToronto”)

And

CITY OF TORONTO
(the “City”)

And

CITY OF TORONTO ECONOMIC DEVELOPMENT CORPORATION (c.o.b. as
TORONTO PORT LANDS COMPANY)
(“TPLC”)

And

TORONTO WATERFRONT REVITALIZATION CORPORATION
(“Waterfront Toronto”)

(collectively, the “Parties”)

WHEREAS Toronto City Council adopted Official Plan Amendment 409 and Zoning By-law 702-2024 (the “**OPA**” and “**ZBA**” respectively) at its meeting on June 26 and 27, 2024;

AND WHEREAS the OPA and ZBA provide for land use policies and development permissions for a mixed-use community on Ookwemin Minising, and more particularly the lands identified in Schedule A (the “**Development Parcels**”);

AND WHEREAS PortsToronto appealed the OPA and ZBA to the Ontario Land Tribunal (the “**Tribunal**”) (the “**Appeal**”);

AND WHEREAS a hearing with respect to the Appeal is scheduled to commence on October 2, 2025;

AND WHEREAS PortsToronto is a federal government business enterprise, established pursuant to the *Canada Marine Act*, responsible for the operation of the Billy Bishop Toronto City Airport (“**Billy Bishop Airport**”); the Port of Toronto; the Outer Harbour Marina; and for marine navigation within the Port of Toronto and makes rules respecting the use, occupancy and operation of the Port;

AND WHEREAS City of Toronto Economic Development Corporation, carrying on business as Toronto Port Lands Company, was established on March 24, 1986 under the Business Corporations Act, Ontario, pursuant to section 9 of the City of Toronto Act, 1985, and the City of Toronto is the owner of all its issued shares; pursuant to an Amended and

Restated Shareholder Direction effective January 1, 2018, the purpose of the City of Toronto Economic Development Corporation is to support CreateTO to implement the City's real estate strategy, develop City buildings and lands for municipal purposes and deliver client-focused real estate solutions to City Divisions, Agencies and Corporations, as well as supporting the efforts of the City and Waterfront Toronto in the revitalization of the central waterfront area of Toronto;

AND WHEREAS the Toronto Waterfront Revitalization Corporation was established on November 1, 2001 under the Business Corporations Act and subsequently continued under the Toronto Waterfront Revitalization Corporation Act, 2002, S.O. 2002, c.28 as a corporation without share capital under the name Toronto Waterfront Revitalization Corporation ("**Waterfront Toronto**"); Waterfront Toronto's legislated objects include delivering a revitalized waterfront in the City of Toronto; the Governments of Canada, Ontario and the City of Toronto appoint Waterfront Toronto's board of directors, who are also the members of the corporation; and provide funding to Waterfront Toronto to achieve its legislated objectives;

AND WHEREAS Transport Canada has enacted Airport Zoning Regulation for Billy Bishop Airport under the Aeronautics Act which do not restrict heights on the Development Parcels, but Billy Bishop Airport utilizes seven published instrument procedures which overlay the Development Parcels;

AND WHEREAS PortsToronto has provided the City, TPLC and Waterfront Toronto with Maximum Obstacle Height Parcel Governing Limits included as Schedule C to these Minutes which reflect heights based on the seven published instrument procedures that overlay the Development Parcels;

AND WHEREAS at its meeting on July 23 and 24, 2025, City Council endorsed modifications to the OPA and ZBA as reflected in Schedule A and a settlement of PortsToronto's Appeal on the terms contained herein; **<NTD: to be updated based on City Council's decision>**

AND WHEREAS the permitted heights within the ZBA, as modified in accordance with Schedule B, do not conflict with the Maximum Obstacle Height Parcel Governing Limits;

AND WHEREAS the City currently owns the Development Parcel formally constituting Cherry Street to the north of Villiers Street and more specifically outlined in Schedule A;

AND WHEREAS TPLC currently owns the Development Parcels municipally known as **<NTD: To be inserted>** and more specifically outlined in Schedule A;

AND WHEREAS Waterfront Toronto currently owns the Development Parcels municipally known as 54 Commissioners Street and 130 Commissioners Street and more specifically outlined in Schedule A;

AND WHEREAS PortsToronto owns the Development Parcels municipally known as **<NTD: To be inserted>** and more specifically outlined in Schedule A;

AND WHEREAS TPLC, Waterfront Toronto, and the City may in the fullness of time acquire additional or different ownership rights in the Development Parcels;

NOW THEREFORE in consideration of the sum of \$2.00, paid by each of the Parties to the others, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

Definitions

1. For the Purpose of these Minutes, terms shall have the following definitions:
 - a. "Aeronautics Act" means the Aeronautics Act (R.S.C., 1985, c. A-2) as amended, superseded or replaced from time to time;
 - b. "Airport Zoning Regulation" means an airport zoning regulation made pursuant to section 5.4 of the Aeronautics Act;
 - c. "Appeal" means the PortsToronto appeal under the Planning Act of the OPA and ZBA;
 - d. "Billy Bishop Airport" means the Billy Bishop Toronto City Airport, located at 1 Island Airport, Toronto, Ontario, Canada, M5V 1A1, for which Ports Toronto is the owner and operator of;
 - e. "Development Parcels" means the lands collectively identified in Schedule A and "Development Parcel" means a single parcel or portion of the Development Parcels;
 - f. "Land Use Program" means NAV CANADA's program through which it assesses land use proposals near airports and air navigation infrastructure before construction begins to ensure that safety and efficiency are not compromised;
 - g. "Maximum Construction Height" means the heights identified in the Maximum Obstacle Height Parcel Governing Limit Surface as prepared by Arup Canada Inc. attached to the Minutes as Schedule C;
 - h. "Minutes" means these Minutes of Settlement;
 - i. "NAV CANADA" means the private, not-for-profit, non-share capital corporation, who provides civil air navigation services, aeronautical communication services, aeronautical information services, aeronautical radio navigation services, air traffic control services, aviation weather services, emergency assistance services, and flight information services, in respect of Canadian airspace or any other airspace in respect of which Canada has responsibility for the provision of air traffic control services, and any successor organizations with such responsibilities as it relates to the Billy Bishop Airport;
 - j. "OLT" means the Ontario Lands Tribunal, or its successors;
 - k. "OPA" means Official Plan Amendment 409 as adopted by City Council at its meeting on June 26 and 27, 2024;

- l. "Planning Act" means the *Planning Act*, R.S.O. 1990, c. P.13, as amended, superseded or replaced from time to time;
- m. "Restrictive Covenant" has the meaning provided in Section 16 of this Agreement;
- n. "Structure" means anything that is erected, built, constructed or parts joined together with a fixed location on the ground, or attached to something having a fixed location in or on the ground, whether permanent or temporary in nature, including but not limited to a wall, parapet, crane, flagpole, antenna or telecommunications equipment, lighting, signage, construction or maintenance equipment, or any other equipment or installation;
- o. "Transport Canada" means the department of the Government of Canada responsible for Canada's transportation system, including aviation, including any successor organizations; and
- p. "ZBA" means Zoning By-law 702-2024, as adopted by City Council at its meeting on June 26 and 27, 2024.

General

- 2. The Parties confirm that to the best of each of their knowledge the foregoing recitals are true and correct.
- 3. The Parties agree to resolve PortsToronto's Appeal in accordance with these Minutes of Settlement ("**Minutes**").
- 4. The City, Waterfront Toronto and PortsToronto will jointly support the proposed policy modifications as shown in Schedule B to implement this settlement at the OPA and ZBA hearing, including support for the City's request that OLT approve the OPA and ZBA as revised in the event of any third-party objections.
- 5. PortsToronto will not oppose the OPA and ZBA revised in accordance with Schedule B.
- 6. The commencement date of this agreement shall be the date of the issuance of an order by the OLT approving the OPA and ZBA such that the OPA and ZBA are in force and effect for the Development Parcels.

Permitted Heights and Zoning By-law Amendments

- 7. The Parties acknowledge that the ZBA as revised in accordance with Schedule B, inclusive of permitted heights contained therein, is subject to amendments in accordance with the processes under the *Planning Act*. Nothing in the Minutes will fetter the discretion of City Council to make decisions under the *Planning Act* nor the right of PortsToronto to object to any future applications.

8. Notwithstanding Section 7, PortsToronto agrees that it will not object to heights permitted on the Development Parcels in the ZBA as revised in accordance with Schedule B, nor heights in future zoning by-law amendments, where the permitted heights are below the heights identified in the Maximum Obstacle Height Parcel Governing Limit attached to the Minutes as Schedule C.
9. The Parties acknowledge that Transport Canada has the authority to enact an update to the Airport Zoning Regulation for Billy Bishop Airport, and in the event an updated Airport Zoning Regulation is made that applies to any or all of the Development Parcels, the Parties and any future landowners of such lands would be required to comply with the Airport Zoning Regulation in accordance with the *Aeronautics Act*.
10. PortsToronto represents that the Maximum Obstacle Height Parcel Governing Limit was prepared in part through reliance on data that was provided to PortsToronto and its applicable consultants by NAV CANADA, and that it has provided NAV CANADA with the Maximum Obstacle Height Parcel Governing Limit.
11. The City agrees to submit all necessary application packages, including resubmissions for development on the Development Parcels where the Development Parcels continue to be subject to this Agreement, to NAV CANADA for review and approval through the Land Use Program and further agrees to provide, in a timely manner, any additional information, documentation, or materials reasonably necessary to ensure the height of the building and all structures.
12. The City shall concurrently provide PortsToronto copies of all necessary application packages delivered to NAV CANADA in accordance with Section 11.
13. The Parties acknowledge that nothing in these Minutes are binding upon NAV CANADA and cannot fetter their discretion in reviewing any applications.

Construction Activities

14. The Parties acknowledge that:
 - a. The City, TPLC and Waterfront Toronto (individually a “**Landowner Party**” and collectively the “**Landowner Parties**”) are currently landowners of Development Parcels, as more specifically set out in Schedule A;
 - b. The Landowner Parties may, in the fullness of time, obtain ownership of additional or different Development Parcels;
 - c. TPLC, Waterfront Toronto and the City agree to be bound to the terms in this agreement in their respective capacities as landowners for respective Development Parcels which they each currently own and, in the event either TPLC, Waterfront Toronto or the City obtain additional Development Parcels,

in their respective capacities as landowners for such Development Parcels once ownership has been obtained; and

- d. The obligations of the Landowner Parties with respect to lands they currently own or will own in the future may cease in accordance with the terms of this agreement.
15. The Landowner Parties will not undertake construction that requires or results in the penetration of the heights in the Maximum Construction Height by any Structure for as long as there are instrument flight procedures for Billy Bishop Airport that continue to apply to the Development Parcels and are currently published procedures by NAV CANADA. The Landowner Parties each acknowledge that any construction that requires or results in the penetration of heights in the Maximum Construction Height requires the approval of PortsToronto, or confirmation from PortsToronto or NAV CANADA that the subject lands are no longer below active instrument flight procedures.

Transfers of Lands and a Restrictive Covenant

16. A Landowner Party shall immediately prior to conveying to a third party:
- a. a freehold interest in any of their Development Parcels in a Landowner Party's ownership or a portion thereof, or
 - b. a lease, easement or other interest in any of their lands subject to this agreement or portion thereof that could permit the development or construction or placement of a Structure that could penetrate the heights in the Maximum Construction Height (a "**Development Interest**"),
- register a restrictive covenant on title to such lands being conveyed to such third party (or in the case of a lease where a separate leasehold parcel is created, register a restrictive covenant on title to such leasehold parcel), imposing the restrictions in Section 15 on title in favour of PortsToronto, in the form attached as Schedule D (a "Restrictive Covenant").
17. For clarity, the obligation to register a Restrictive Covenant prior to the transfer of any freehold interest or Development Interest contained in Section 16 does not apply to any transfer of interest in land to one or more of TPLC, Waterfront Toronto, the City or PortsToronto.

Relief of Landowner Party Obligations

18. A Landowner Party will be relieved of their obligations as set out herein with respect to its Development Parcel or portion thereof owned at the relevant time on transfer of a fee simple interest or a Development Interest in accordance with the following:
- a. If, prior to the fee simple transfer, or the transfer of a Development Interest, to a third party, the Landowner Party registers the Restrictive Covenant on title to

all or a portion of the Development Parcel, the Landowner Party will be relieved from their obligations contained in these Minutes indefinitely for such Development Parcel or portion thereof; or

- b. If the transfer of the Development Interest in question will result in the creation of a leasehold parcel for the whole of the Development Interest, then if prior to the transfer of the Development Interest in question to a third party, the Landowner Party registers the Restrictive Covenant on the Development Interest leasehold parcel, the Landowner Party will be relieved from their obligations contained in these Minutes with respect to such land subject to the Development Interest for the duration of the Development Interest.
19. For clarity, the Parties agree that if one of the Landowner Parties transfers any interest in its Development Parcel(s) or portion(s) thereof to another of the Landowner Parties or Ports Toronto, it will not be required to register the Restrictive Covenant for such transfer, the initial Landowner Party will be relieved of their obligations under this Agreement with respect to such Development Parcel and the obligations with respect to such transferred lands will become that of the transferee.

Termination of Agreement

20. The Parties agree that these Minutes shall terminate in accordance with the following:
- a. In the event Billy Bishop Airport permanently ceases to operate, these Minutes will no longer govern use of the Development Parcels by the Landowner Parties;
 - b. In the event the published procedures by NAV CANADA reflect that all or a portion of the Development Parcels are no longer subject to active instrument procedures, these Minutes will no longer govern such lands, but for clarity, will continue to apply to any portion of the Development Parcels for which instrument procedures continue to apply as reflected in the published procedures by NAV Canada; and
 - c. On the 150th anniversary of the date of execution of these Minutes.
21. In the event of termination of these Minutes as described above for all or a portion of the Development Parcels, PortsToronto will agree to release any applicable Restrictive Covenant upon request of any Landowner Party or Burdened Owner as defined in a Restrictive Covenant.

Amendment to the Maximum Construction Height

22. If all applicable regulations, standards, and recommended practices issued or endorsed by Transport Canada or other applicable authorities for Billy Bishop Airport applicable to all or any given portion of the Development Parcels are amended in a manner that result in an increase to the Maximum Construction

Height for all or a portion of the Development Parcels, then the Minutes and any Restrictive Covenant registered in accordance with these Minutes will be amended to reflect the amended heights on request of any Land Owner Party or Burdened Owner as defined in a Restrictive Covenant..

Breach of Obligations

23. The Parties acknowledge that that any breach of this Agreement by the TPLC, Waterfront Toronto or the City may not be adequately compensated by payment of damages and, accordingly, the TPLC, Waterfront Toronto and the City acknowledge that, in addition to any other remedy available to it at law, specific performance may be an appropriate form of remedy in the event of default in addition to damages.

Implementation

24. The Parties shall take such further actions as may be necessary to give effect to and implement these Minutes.
25. These Minutes constitute the entire agreement between the Parties regarding the settlement of PortsToronto's appeal of the OPA and ZBA. It is understood and agreed that there are no agreements, conditions, warranties, terms, representations or arrangements, oral or written, statutory or otherwise, other than those contained herein.
26. These Minutes are to be governed by and construed in accordance with the laws of the Province of Ontario.
27. Time is to be of the essence in the performance of any obligations under these Minutes.
28. The Parties agree that nothing in these Minutes:
- a. shall fetter the legislative or quasi-judicial powers or the discretion of the City of Toronto Council or its successors or assigns;
 - b. shall preclude, hinder or otherwise limit either of the Parties' legal rights and obligations under any other legislation including the *Planning Act*, the *City of Toronto Act*, the *Expropriations Act*, the *Canada Marine Act*, or any other applicable legislation, or otherwise at law; and
 - c. shall be construed so as to impact the rights, obligations or remedies of the Parties pursuant to any other agreement.
29. The Parties agree that this settlement is without costs.
30. The Parties acknowledge and agree that these Minutes may be executed by their respective solicitors, and if so executed, these Minutes shall be of force and effect as if executed by the Parties themselves.

31. These Minutes may be executed in counterpart and may be executed by electronic signature that is received by the City in a file format acceptable to the City. Such electronic signature shall be deemed to be an original signature for the purpose of these Minutes with the same legal effect as an original signature. The Parties agree that delivery of an electronically scanned executed counterpart will be deemed to be a duly executed original.

32. These Minutes will be filed with the Tribunal.

IN WITNESS WHEREOF the Parties have duly executed these Minutes of Settlement.

DATED this _____ day of ●, 202●.

TORONTO PORT AUTHORITY

Name:

Title:

We have authority to bind the corporation

Name:

Title:

We have authority to bind the corporation

CITY OF TORONTO

Name:

Title:

I have authority to bind the corporation

**CITY OF TORONTO ECONOMIC
DEVELOPMENT CORPORATION (C.O.B. AS
TORONTO PORT LANDS COMPANY)**

Name:

Title:

I have authority to bind the corporation

**TORONTO WATERFRONT REVITALIZATION
CORPORATION**

Name:

Title:

Name:

Title:

I have authority to bind the corporation

DRAFT

SCHEDULE "A"

Legal Description of Development Parcels within Ookwemin Minising

NTD: to insert all legal description for development parcels. Would not include privately owned lands that are not subject to ZBA 702-2024 or parkland. Intent is to include Ports-owned development parcels.

DRAFT

SCHEDULE "B"

OPA and ZBA Modifications

Modification to OPA 409

Note: Proposed deletions are red and struck. Proposed additions are shown in red and underlined.

4. 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) will be specified through the development of a precinct plan and/or a zoning by-law amendment;~~
- (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 a ~~precinct plan~~ 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;
- ~~(v) may be informed by a "Meanwhile Use Strategy", which may include Urban Design Guidelines;~~
- (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.

...

4[sic]. 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) may be longer term "Meanwhile Uses", up to 20 years;~~

~~(ii) will be ancillary to existing parks in the vicinity;~~

- (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) will 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”.

...

6. In addition to the uses permitted in 4.3.1. for In addition to the uses permitted in 4.3.1.1. for Mixed-Use Residential, light industrial, such as production studios, light ~~(artisan)~~ manufacturing, warehousing and 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.

Modification to Zoning By-law 702-2024

Note: Proposed deletions are red and struck. Proposed additions are shown in red and underlined.

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 Council of the City of Toronto has the authority to pursuant to 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, as amended; 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 Council of the City of Toronto enacts:

- 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 ~~8844~~ #, HT ~~10023~~, HT ~~10932~~, 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 (~~RRRQQQ~~) 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;**

~~(vi) Warehouse; and~~

~~(vii) Wholesale Use;~~

(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** ~~may not exceed 2,000 square metres of interior floor area~~ 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) In addition to the requirements of regulation 50.10.20.100(43), a **transportation use** is only permitted if it is operated by a City of Toronto transit authority or commission;~~

(ZY) 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;**

(AAZ) For the purposes of this exception and in addition to (ZY) 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;

(BBAA) 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** about 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;

(CCBB) 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;

~~(DDCC)~~ For the purposes of this exception, the **exterior wall** of a **building** abutting a **street** may not exceed 85 metres in length;

~~(EEDD)~~ 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 ~~(EEDD)~~(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;

~~(FFEE)~~ For the purposes of this exemption, regulation 50.10.40.30(1) does not apply;

~~(GGFF)~~ For the purposes of this exemption, Clause 50.5.40.71 does not apply;

(~~HHGG~~) 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;

(~~HHH~~) For the purposes of this exception, regulation 50.10.40.1(4), regarding building orientation to a street does not apply;

(~~JJJ~~) For the purposes of this exception, Clause 50.10.40.70, regarding setbacks, does not apply;

(~~KKJJ~~) 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(~~7~~), ~~all parapets may exceed the permitted maximum height for a building by 2.0 metres;~~

~~(MM) Despite regulation 50.5.40.10(8), the following~~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;

~~(i) — equipment, **structures** or parts of a **building** listed in regulation (EE)(i) and (ii) to a maximum of 7.0 metres, if the total area of those listed elements covers no more than 450 square metres, measured horizontally;~~

~~(ii) — exterior chimneys, pipes and vents may further exceed the permitted maximum **building** height, or exceed the permitted maximum height by an amount in addition to that described in (EE)(i) and (ii) to a maximum of 3.0 metres;~~

~~(iii) — transparent **structures** and translucent **structures**, such as greenhouses, that permit the growing of horticultural crops, to a maximum of 7.0 metres; and~~

~~(iv) — 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;~~

(~~NN~~(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;

(~~QONN~~) For the purposes of this exception, and despite (~~NNMM~~) 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;

(~~PPOO~~) 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 (~~PPOO~~);

(~~QQPP~~) For the purposes of this exception and (~~PPOO~~) 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;

(~~RRQQ~~) 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;

(~~SSRR~~) 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;

(~~TTSS~~) 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 7.9 square for non-residential and residential uses is permitted on Block P03;
- (ii) on Block P04:
 - (a) a combined maximum floor space index of 7.6 square for non-residential and residential uses is permitted on Block P04;

- (iii) on Block P05:
 - (a) a combined maximum floor space index of 6.3 for non-residential and residential uses is permitted on Block P05;
- (iv) on Block P06:
 - (a) a combined maximum floor space index of 2.2 for non-residential and residential uses is permitted on Block P06;
- (v) on Block P07:
 - (a) a combined maximum floor space index of 10.9 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 ~~7.37.0~~ square for non-residential and residential uses is permitted on Block P10B;
- (viii) on Block P11:
 - (a) a combined maximum floor space index of 7.4 for non-residential and residential uses is permitted on Block P11;
- (ix) on Block P12:
 - (a) a combined maximum floor space index of 9.8 for residential and residential uses is permitted on Block P12;
- (x) on Block P14:
 - (a) a combined maximum floor space index of ~~9.7.9~~ for non-residential and residential uses is permitted on Block P14;
- (xi) on Block P15:
 - (a) a combined maximum floor space index of 7.0 for non-residential and residential uses is permitted on Block P15; and
- (xii) on Block P16:

(a) a combined maximum floor space index of 9.3 square for non-residential and residential uses is permitted on Block P16;

(~~UU~~~~TT~~) For the purposes of this exception, the blocks, as shown in Diagram 4 (Block Plan), are equivalent to the proposed lots;

(~~VV~~~~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 (~~WW~~~~VV~~) below divided by the area of the block;

(~~WW~~~~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;

(~~XX~~~~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 (~~YY~~~~XX~~) below divided by the area of the block;

(~~YY~~~~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;

(~~ZZ~~~~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 (~~AA~~~~ZZ~~) below divided by the area of the block;

(~~AA~~~~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;

(~~BBB~~AAA) For the purposes of this exception, no location restriction shall apply to elements listed in (~~WWW~~), (~~YYV~~V), (~~XX~~) and (~~AAA~~ZZ) above, and 50.5.40.40(1), 50.5.40.40(3), and 50.5.40.40 (5);

(~~CCC~~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;

(~~DDD~~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;

(~~EEE~~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;

(~~FFF~~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;

(~~GGG~~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;

(~~HHH~~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~~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;

(~~JJJ~~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**;

(~~KKK~~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;

(~~LLL~~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;

(~~MMM~~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;

(~~NNN~~MMM) The visitor **parking space** requirements in regulation 200.5.10.1(1) and Table 200.5.10.1 continue to apply;

(~~OOO~~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;

(~~PPP~~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;

(~~QQQ~~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;

(~~RRR~~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 90.30.20.10(1), a **transportation use** is only permitted if it is operated by a City of Toronto transit commission or authority;~~

(D) 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;

(E) Despite regulation 90.30.20.100(1), an **amusement arcade, club, education use, or stable** do not need to be associated with other uses;

(F) 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;

(G) 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

(H) 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 (ML) below have been satisfied to the satisfaction of the Chief Planner and Executive Director, City Planning:

- 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. ~~Municipally-owned~~ **Public Parking;**
- xxxix. **Public Utility;**
- xl. **Public Works Yard;**
- xli. **Recreational Use;**
- xlii. **Retail Service;**

- xliii. **Retail Store;**
- xliv. **Service Shop;**
- xl. **Software Development and Processing;**
- xlvi. **Sports Place of Assembly;**
- xlvii. **Take-out Eating Establishment;**
- xlvi. Sales centre for the purpose of the sale or lease of **dwelling units** or commercial space;
- xlix. **Transportation Use;**
 - I. "Urban Farm – Class A";
 - li. "Urban Farm – Class B";
 - lii. **Warehouse; and**
 - liii. Wholesale 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) A **transportation use** is only permitted prior to the removal of the ("H") Symbol if it is operated by the Toronto Transit Commission;~~

~~(F)~~(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";

~~(G)~~(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;

(~~H~~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~~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;

(~~H~~J) 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;

(~~K~~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**;

(~~L~~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**;

(~~M~~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;

(~~N~~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 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, 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 ~~may~~shall be requested to provide a copy to all industrial 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 Specific 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

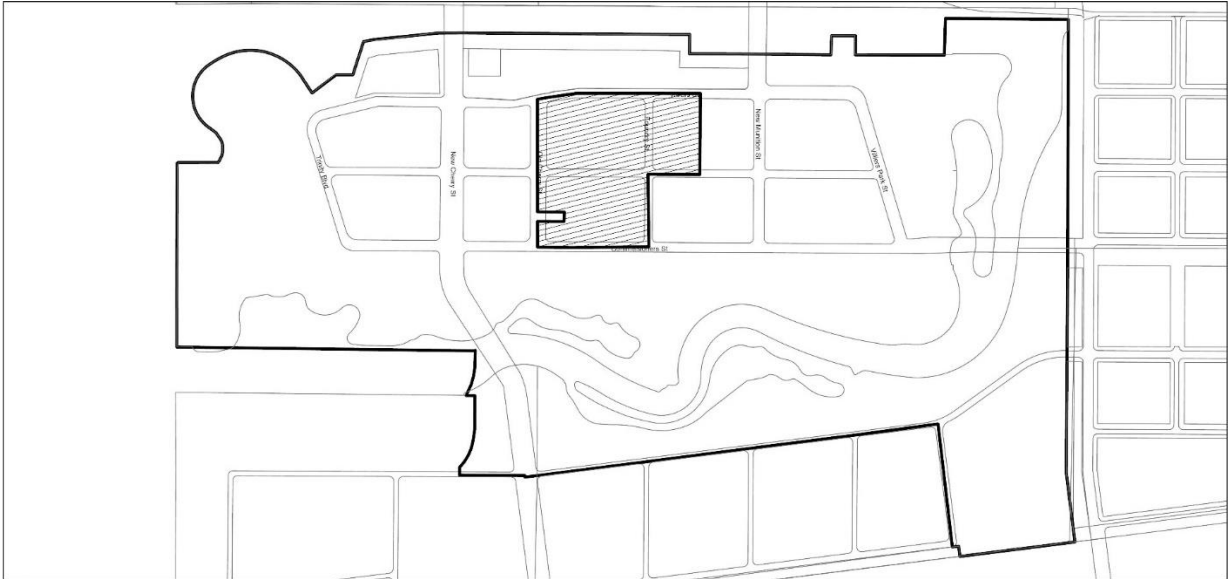
(d) and the proposed number, unit types and location of the affordable housing units in a development;

(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, 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.

Diagram 1



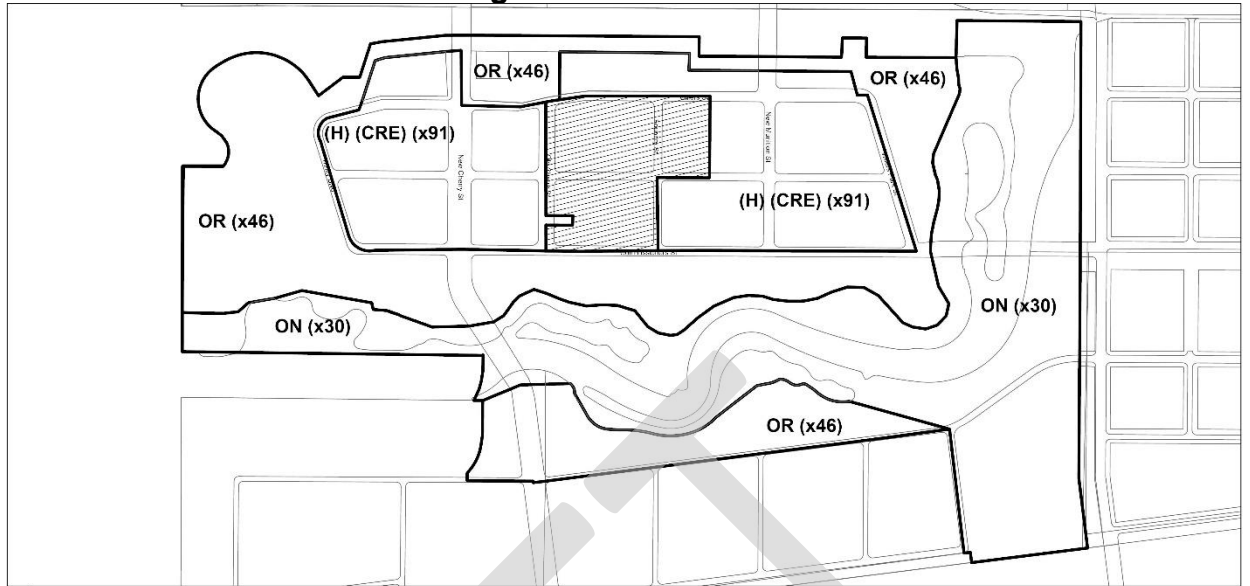
 **Toronto**
Diagram 1

Villiers Island
Lands to be rezoned

-  Lands to be rezoned
-  Not part of this by-law




City of Toronto By-law 569.2013
Not to Scale
05/29/2024

Diagram 2



Toronto
Diagram 2

Villiers Island
Land Use Zones

-  Zone Boundaries
-  Not part of this by-law

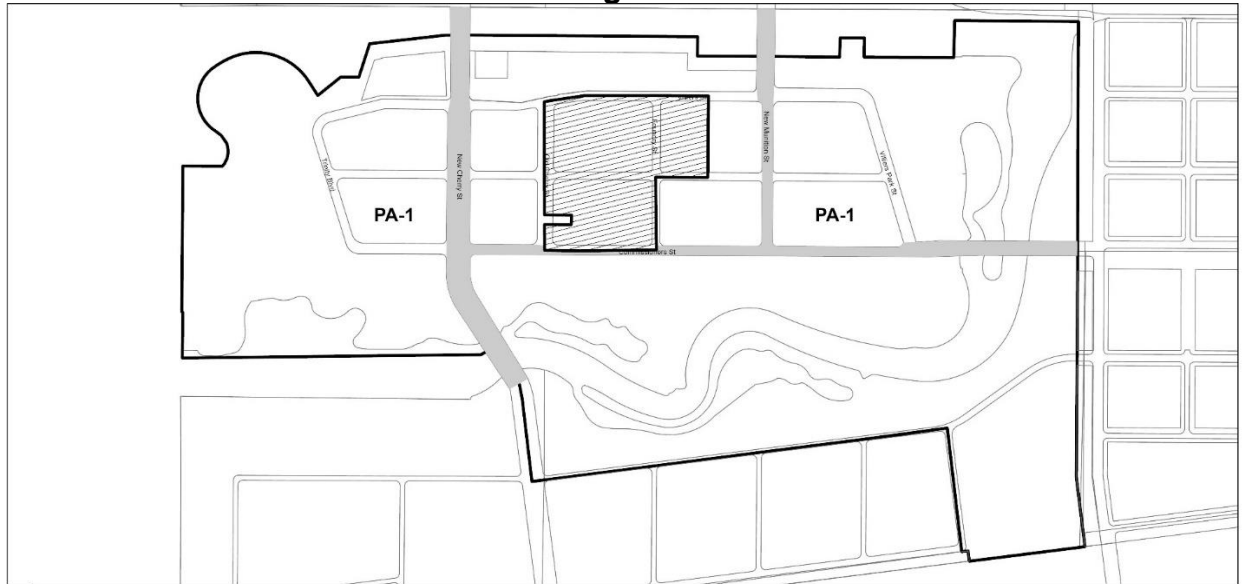


City of Toronto By-law 569 2013

Not to Scale




06/25/2024

Diagram 3



Toronto
Diagram 3

Villiers Island
Policy Areas

-  Policy Area Overlay
-  Not part of this by-law
-  Major Streets

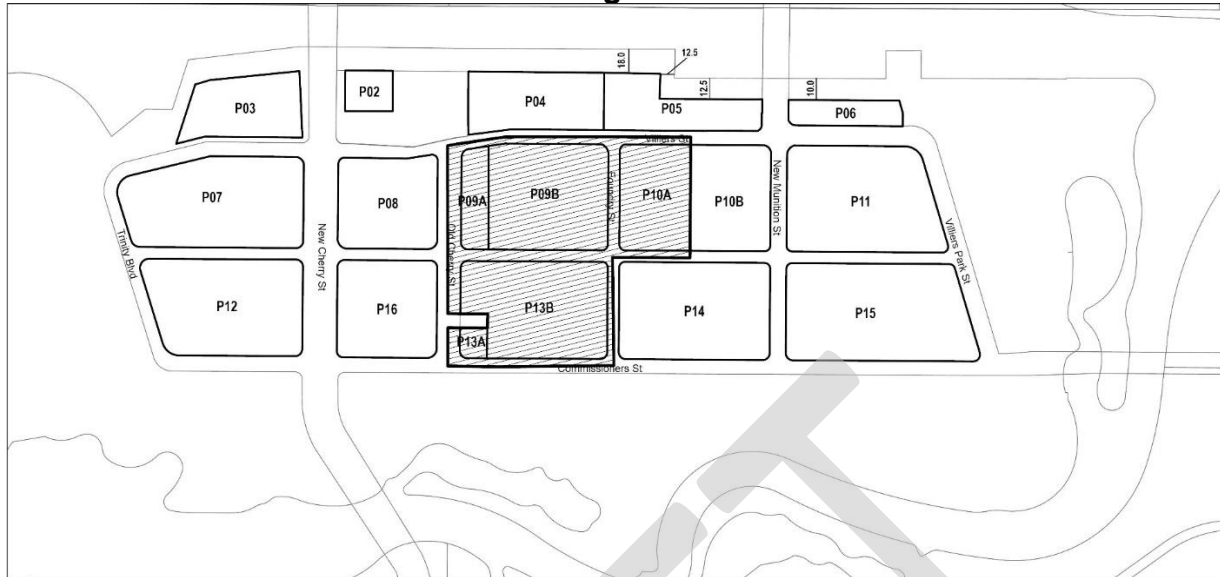


City of Toronto By-law 569 2013

Not to Scale
05/29/2024



DRAFT

Diagram 4



Toronto
Diagram 4

Villiers Island
Block Plan

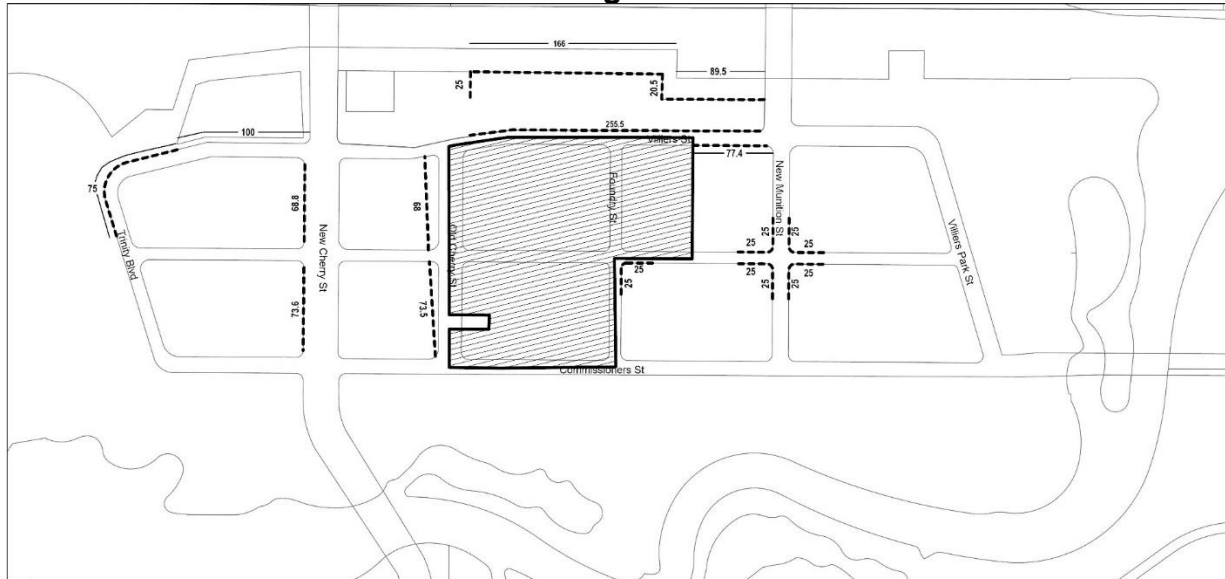
-  Blocks
-  Not part of this by-law



City of Toronto By-law 569-2013

Not to Scale
05/29/2024

Diagram 5



Toronto
Diagram 5

Villiers Island
Ground Floor Commercial Activation Areas

- Ground Floor Commercial Activation Areas
- ▨ Not part of this by-law

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

Diagram 6



 Not part of this by-law

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

Diagram 7A

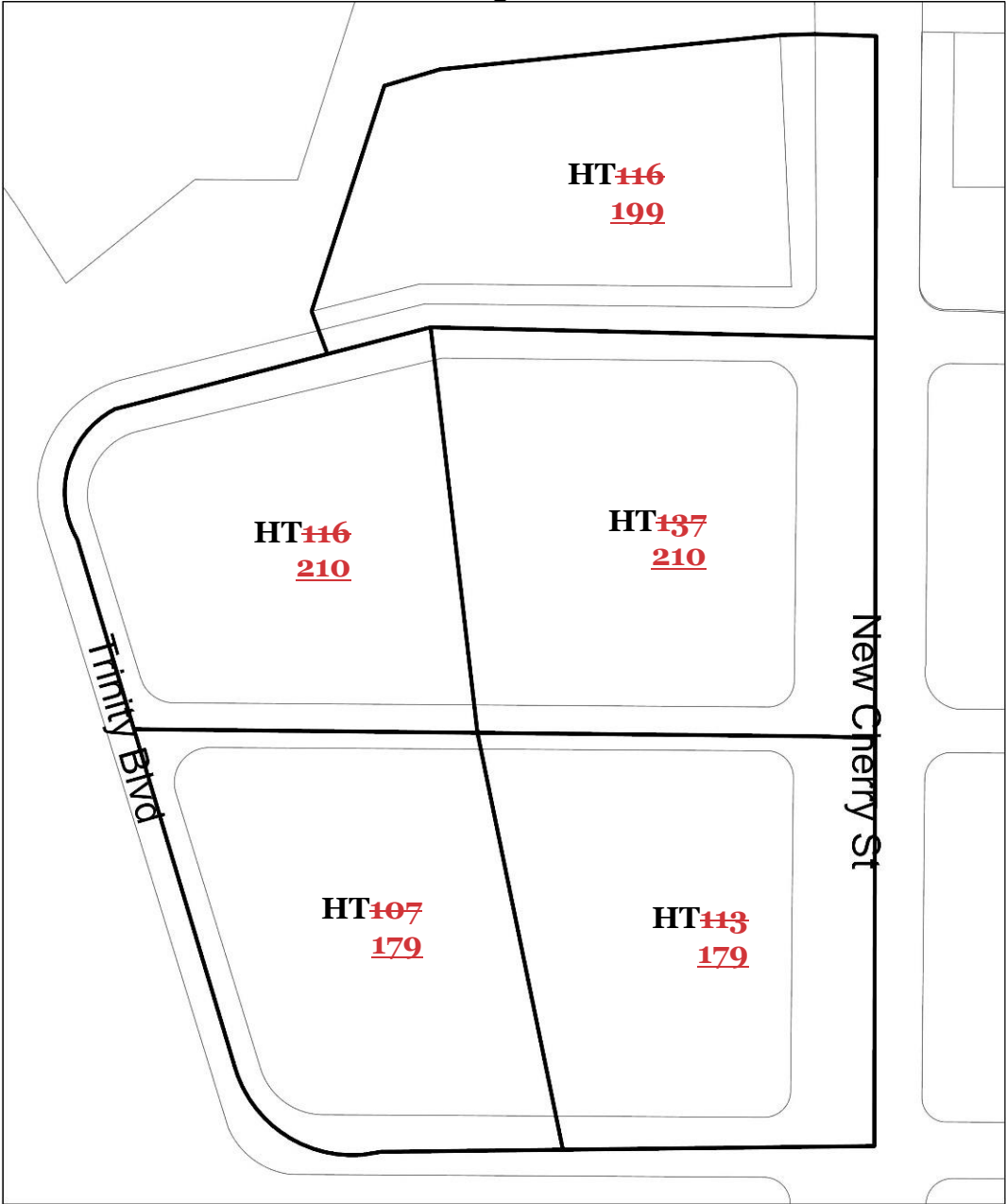



Diagram 7A

Villiers Island

Tower Areas Overlay

 Tower Area with maximum height

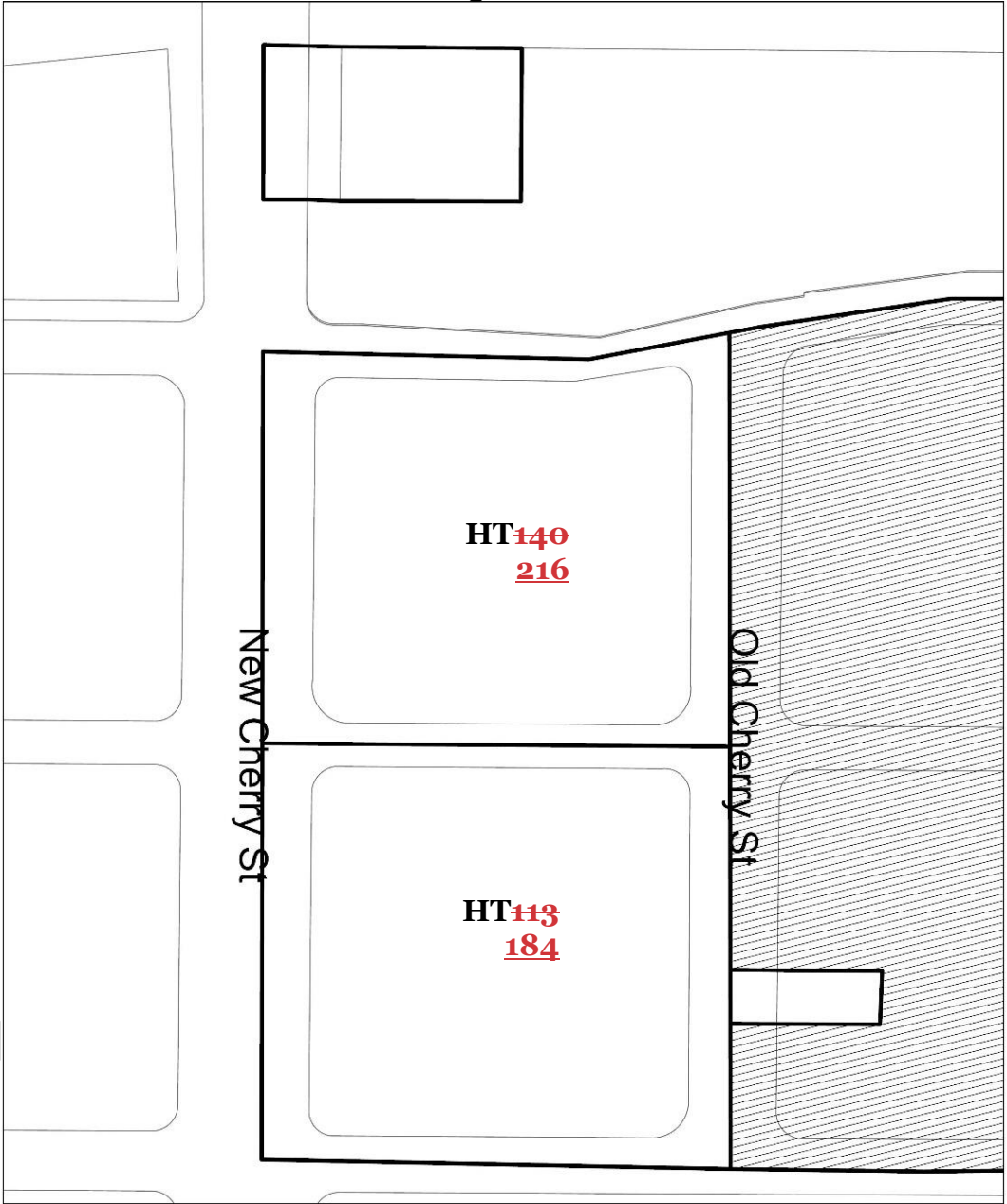


City of Toronto By-law 569 2013

Not to Scale



05/29/2024

Diagram 7B



 **Toronto**
Diagram 7B

Villiers Island
Tower Areas Overlay

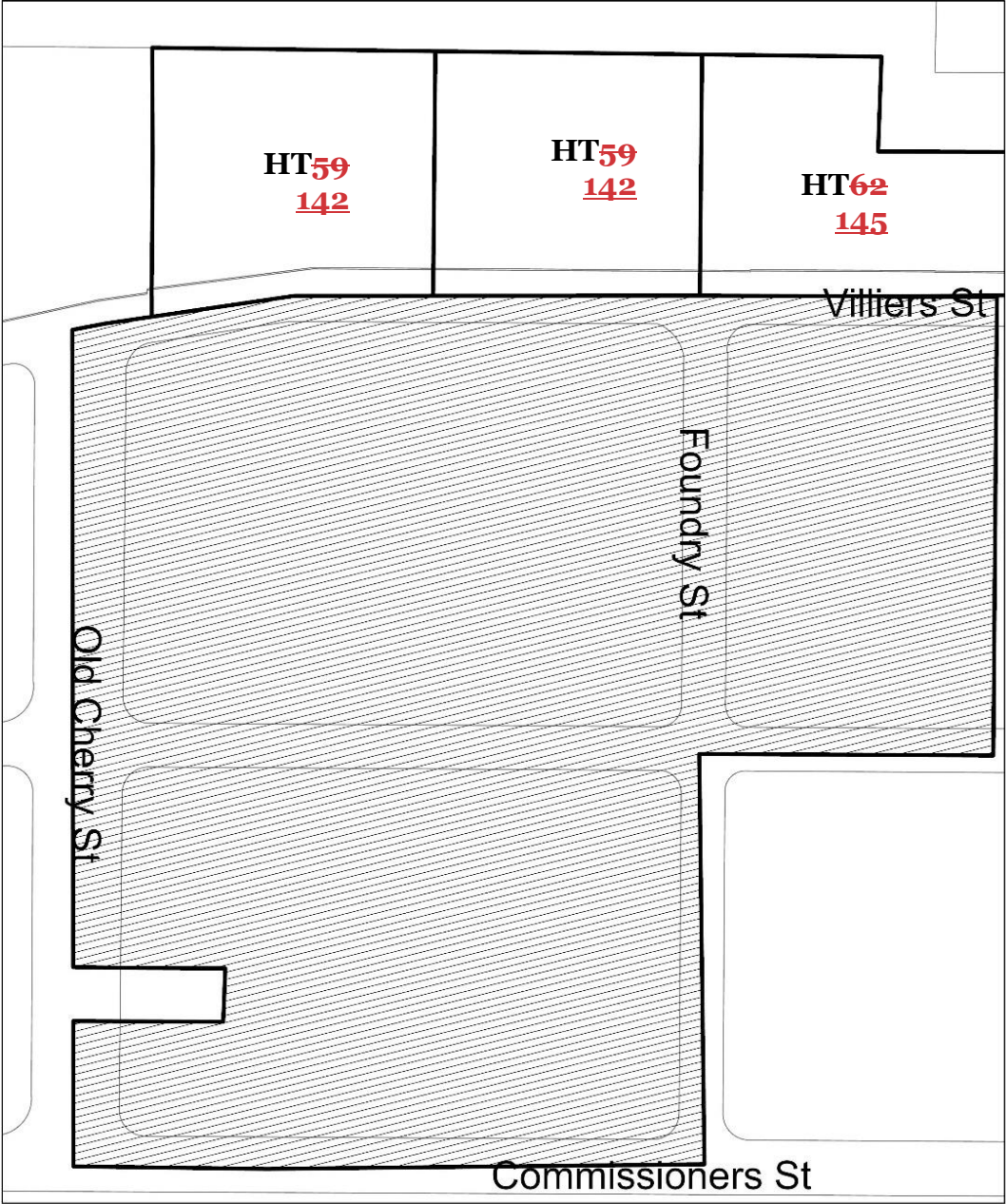
-  Not part of this by-law
-  Tower Area with maximum height



City of Toronto By-law 569-2013

Not to Scale
05/29/2024

Diagram 7C





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



Diagram 7D





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

Diagram 7E





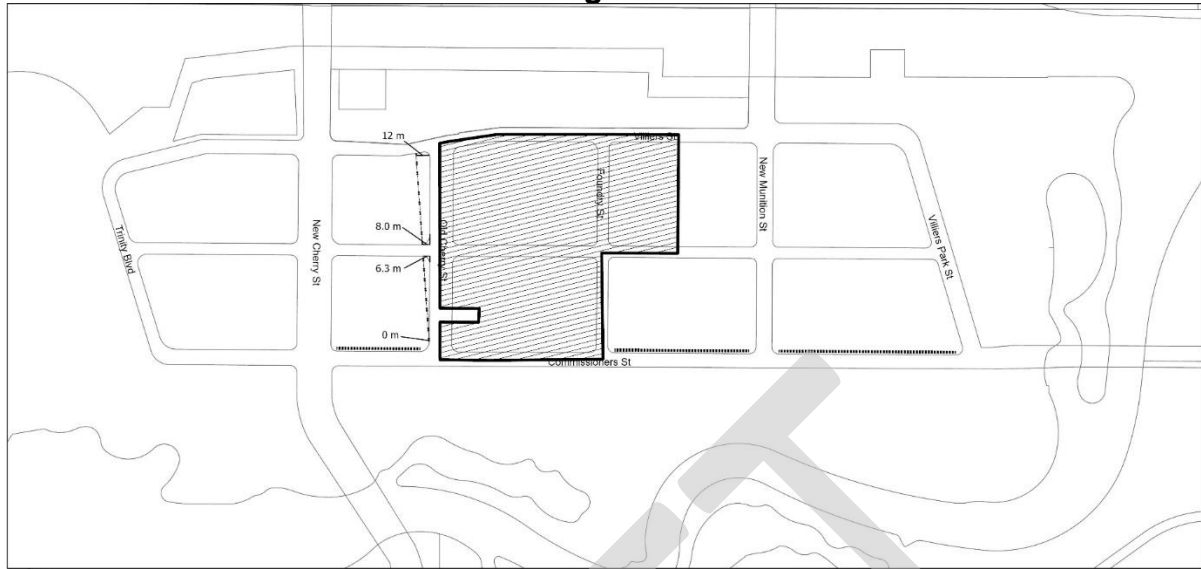
-  Not part of this by-law
-  Tower Area with maximum height

Diagram 8



Toronto
Diagram 8

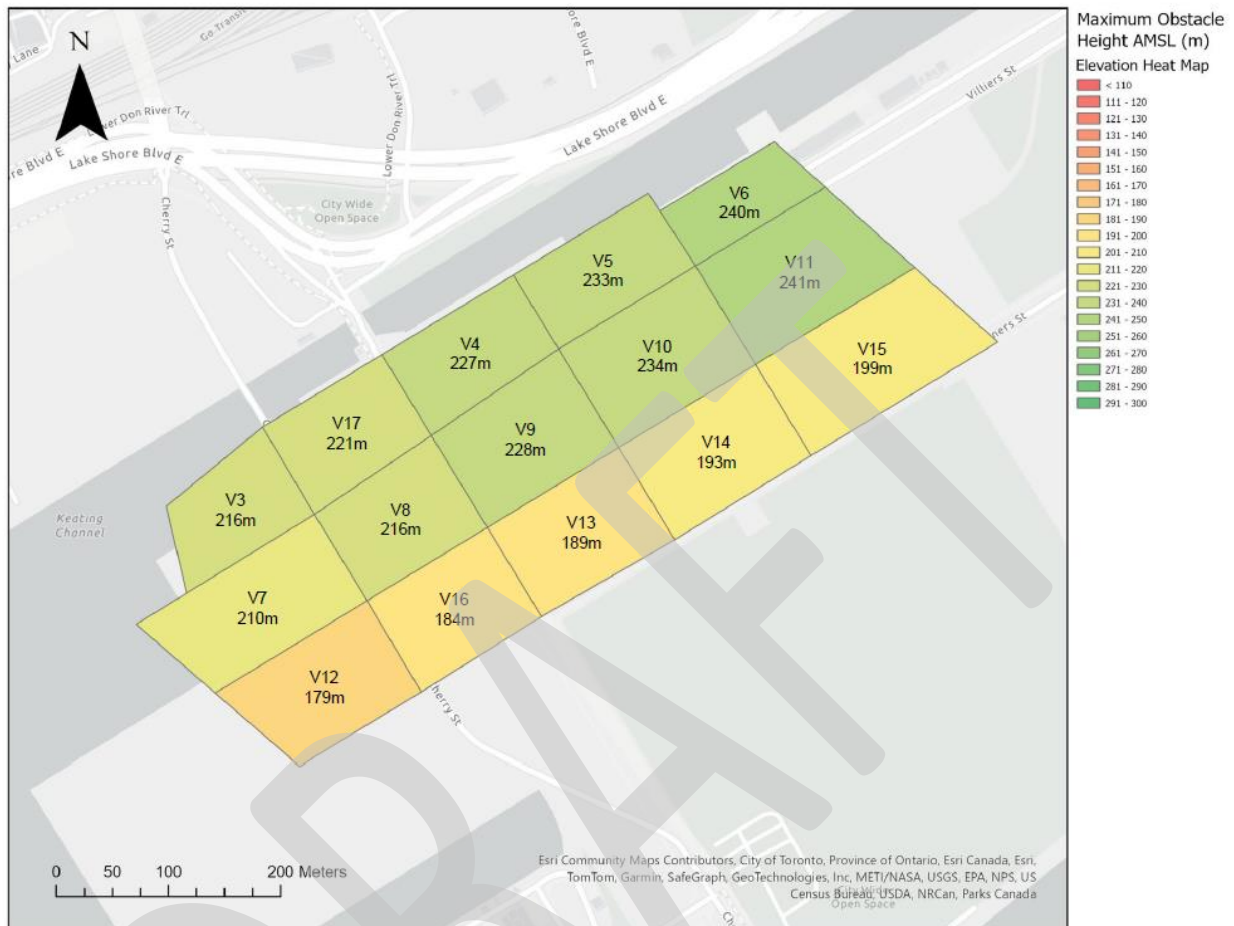
Villiers Island
Setbacks

Setback
 2.5 m
 - - - Variable
 [Symbol] Not part of this by-law

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

SCHEDULE "C"

Maximum Construction Heights



SCHEDULE "D"

Form of Restrictive Covenant

DRAFT