

Authority: Planning and Housing Committee Item [*], as adopted by City of Toronto Council on [*]

CITY OF TORONTO

BY-LAW [*]-202[*]

To amend Zoning By-law 569-2013, as amended, to permit garden suites.

Whereas Council of the City of Toronto has the authority 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;

The Council of the City of Toronto enacts:

1. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
2. Zoning By-law 569-2013, as amended, is further amended by adding a new definition in Chapter 800.50(303) so that it reads:

(303) Garden Suite

means a self-contained living accommodation for a person or persons living together as a separate single housekeeping unit, in which both food preparation and sanitary facilities are provided for the exclusive use of the occupant(s) of the suite and is in an **ancillary building** not abutting a **lane**. A **laneway suite** is not a **garden suite**.

3. Zoning By-law 569-2013, as amended, is further amended by amending the definition of Laneway Suite in Chapter 800.50(402) so that it reads:

(402) Laneway Suite

means a self-contained living accommodation for a person or persons living together as a separate single housekeeping unit, in which both food preparation and sanitary facilities are provided for the exclusive use of the occupants of the suite and is in an **ancillary building** abutting a **lane**. A **garden suite** is not a **laneway suite**.

4. Zoning By-law 569-2013, as amended, is further amended by deleting Section 150.8.20.1(2) and replacing it with the following Section 150.80.20.1.(2), so that it reads:

(2) Laneway Suite - Use Restriction

A maximum of one **ancillary building** containing either a **laneway suite** or a **garden suite** is permitted on a **lot**. A **lot** may not contain both a **laneway suite** and a **garden suite**.

5. Zoning By-law 569-2013, as amended, is further amended by adding to Section 10.10.20.20(1), the use **Garden Suite** (20) after the use 'Fire Hall (1)'.

6. Zoning By-law 569-2013, as amended, is further amended by adding to Section 10.10.20.100 a new regulation (20) after regulation (19), so that it reads:

(20) Garden Suite

A **garden suite** in the R zone must comply with the specific use regulations in Section 150.7.

7. Zoning By-law 569-2013, as amended, is further amended by adding to Section 10.20.20.20(1), the use **Garden Suite** (17) after the use 'Fire Hall (1)'.

8. Zoning By-law 569-2013, as amended, is further amended by adding to Section 10.20.20.100 a new regulation (17) after regulation (16), so that it reads:

(17) Garden Suite

A **garden suite** in the RD zone must comply with the specific use regulations in Section 150.7.

9. Zoning By-law 569-2013, as amended, is further amended by adding to Section 10.40.20.20 (1), the use **Garden Suite** (17) after the use 'Fire Hall (1)'.

10. Zoning By-law 569-2013, as amended, is further amended by adding to Section 10.40.20.100 a new regulation (17) after regulation (16), so that it reads:

(17) Garden Suite

A **garden suite** in the RS zone must comply with the specific use regulations in Section 150.7.

11. Zoning By-law 569-2013, as amended, is further amended by adding to Section 10.60.20.20(1), the use **Garden Suite** (17) after the use 'Fire Hall (1)'.

12. Zoning By-law 569-2013, as amended, is further amended by adding to Section 10.60.20.100 a new regulation (17) after regulation (16), so that it reads:

(17) Garden Suite

A **garden suite** in the RT zone must comply with the specific use regulations in Section 150.7.

13. Zoning By-law 569-2013, as amended, is further amended by adding to Section 10.80.20.20(1), the use **Garden Suite** (20) after the use 'Fire Hall (1)'.

14. Zoning By-law 569-2013, as amended, is further amended by adding to Section 10.80.20.100 a new regulation (20) after regulation (19), so that it reads:

(20) Garden Suite

A **garden suite** in the RM zone must comply with the specific use regulations in Section 150.7.

15. Zoning By-law 569-2013, as amended, is further amended by inserting Section 150.7, Garden Suites, so that it reads:

150.7 Garden Suites

150.7.1 General

(1) Application of this Section

The regulations of Section 150.7 apply to **garden suites**.

(2) Definition of Lawful

For the purposes of Chapter 150.7, the words **lawful** and **lawfully** highlighted in bold type, in addition to the definitions provided in Zoning By-law 569-2013, Chapter 800 Definitions, includes existing or authorized on or before **[insert date of Council adoption of this By-law]**, 2022.

150.7.20 Use Requirements

150.7.20.1 General

(1) Garden Suite – Permitted Uses

- (A) Despite regulation 10.5.60.1(2), an **ancillary building** may be used for living accommodation in one **garden suite**.

- (B) Despite regulation 10.5.60.1(3), an **ancillary building** may have both food preparation facilities and sanitary facilities in a **garden suite**.
- (C) Despite regulation 10.5.60.1(4), above-ground parts of an **ancillary building** containing a **garden suite** may be erected prior to the erection of the **main walls** and completion of the roof of a **residential building** on the same **lot**.
- (D) Despite regulation 150.5.60.1(1), a **home occupation** is permitted in a **garden suite** if the **garden suite** is exclusively and separately occupied as a principal residence, applying the regulations of Section 150.5 as if it is a **dwelling unit**; and
- (E) Despite regulation 150.13.20.1(1), a **short-term rental** is permitted in an **ancillary building** if it is in a **garden suite** that is exclusively and separately occupied as a principal residence.

(2) Garden Suite – Use Restriction

A maximum of one **ancillary building** containing either a **garden suite** or a **laneway suite** is permitted on a **lot**. A **lot** may not contain both a **garden suite** and a **laneway suite**.

150.7.50 Yards

150.7.50.10 Landscaping

(1) Landscaping Requirements for a Garden Suite

Despite regulation 10.5.50.10(3), for a **lot** with a **residential building** and an **ancillary building** containing a **garden suite**:

- (A) with a **lot frontage** of greater than 6.0 metres, a minimum of 50 percent of the area:
 - (i) between all rear **main walls** of the **residential building** on the **lot** and the **rear lot line**, and
 - (ii) extending parallel to the **rear lot line** across the full width of the **lot** from the point where the rear **main wall** of the **residential building** meets the **residential building's** side **main walls** closest to the respective **side lot lines**,

must be for **soft landscaping**; and

(B) with a **lot frontage** of 6.0 metres or less, a minimum of 25 percent of the area:

- (i) between all rear **main walls** of the **residential building** on the **lot** and the **rear lot line**, and
- (ii) extending parallel to the **rear lot line** across the full width of the **lot** from the point where the rear **main wall** of the **residential building** meets the **residential building's** side **main walls** closest to the respective **side lot lines**,

must be for **soft landscaping**.

150.7.60. Ancillary Building Requirements When Containing a Garden Suite

150.7.60.20 Setbacks

(1) Parts of a Garden Suite to which a Required Building Setback Applies

Despite regulation 5.10.40.70.(2), the required minimum **ancillary building setbacks** apply to all parts of an **ancillary building** containing a **garden suite** above-ground and below-ground, excluding footings.

(2) Garden Suite - Rear Yard Setback

Despite regulations 10.5.60.20(2) and regulation 10.10.60.20(1), the required minimum **rear yard setback** for an **ancillary building** containing a **garden suite** is:

- (A) if on a **lot** with a **lot depth** greater than 45.0 metres, equal to the greater of 1.5 metres and half the height of the **ancillary building** containing a **garden suite**; and
- (B) in all other cases, 1.5 metres.

(3) Garden Suite on Through Lot – Rear Yard Setback

The required minimum **rear yard setback** for an **ancillary building** containing a **garden suite** must comply with regulation 150.7.60.20(2), except:

- (A) if it is on a **through lot**, and a **residential building** on an adjacent **lot** fronts on the **street** that abuts the **rear lot line** of the **through lot**, the required minimum **rear yard setback** for the **ancillary building** containing a **garden suite** is equal to the required minimum **front yard setback** for the **residential building** on the adjacent **lot**; and

(B) in all other cases, 1.5 metres;

(4) Garden Suite containing a Parking Space on Through Lot – Rear Yard Setback

The required minimum **rear yard setback** for an **ancillary building** containing a **garden suite** and a **parking space** must comply with regulation 150.7.60.20(2), except if it is on a **through lot** and **vehicle** access is from the **street** abutting the **rear lot line**, the required minimum **rear yard setback** is greater of:

(A) the **rear yard setback** required by regulation 150.7.60.20(3)(A); and

(B) 6.0 metres.

(5) Garden Suite – Side Yard Setback

Despite regulations 10.5.60.20(3) and (6) and 10.10.60.20(1), the required minimum **side yard setback** for an **ancillary building** containing a **garden suite** is:

(A) if the **side lot line** does not abut a **street**, and there are openings such as doors or windows in the side **main wall** of the **ancillary building**, the greater of 1.5 metres and the amount that is 10% of the **lot frontage**, to a maximum of 3.0 metres; and

(B) in all other cases, the greater of 0.6 metres and the amount that is 10% of the **lot frontage**, to a maximum of 3.0 metres.

(6) Garden Suite on Corner Lot – Side Yard Setback

Despite 10.5.60.20(3)(C)(i), the required minimum **side yard setback** for an **ancillary building** containing a **garden suite** must comply with regulation 150.7.60.20(5), except:

(A) if it is on a **corner lot** and the **ancillary building** containing a **garden suite** contains a **parking space** and **vehicle** access from the **street** abutting the **side lot line**, the required minimum **side yard setback** is 6.0 metres; and

(B) in all other cases, the required minimum **side yard setback** is the greater of the required minimum **side yard setback** for the **residential building** on the **lot** and 1.5 metres.

150.7.60.21 Setback Exemptions

(1) Permitted Setbacks for Lawfully Existing Ancillary Buildings

If the **lawful building setback** of a **lawfully existing ancillary building** is less than the required minimum **building setback** for an **ancillary building** containing a **garden suite** required by Clause 150.7.60.20, the required minimum **building setback** for a **garden suite** in that **lawfully existing ancillary building** is:

- (A) the minimum **rear yard setback** for that **lawfully existing ancillary building**; and
- (B) the minimum **side yard setback** for that **lawfully existing ancillary building**.

150.7.60.30 Separation and Dimensions

(1) Minimum Separation between a Residential Building and the Ancillary Building

Despite regulation 10.5.60.30(1), an **ancillary building** containing a **garden suite** must be:

- (A) no less than 5.0 metres from a **residential building** on the same **lot** if the height of the **ancillary building** is no greater than 4.0 metres; and
- (B) no less than 7.5 metres from a **residential building** on the same **lot** if the height of the **ancillary building** is greater than 6.0 metres.

(2) Angular Planes

- (A) No part of an **ancillary building** containing a **garden suite** may penetrate any of the following:
 - (i) a 45-degree **angular plane** projected towards the **rear lot line**, beginning from a height of 4.0 metres at a distance of 7.5 metres from the rear **main wall** of the **residential building** on the same **lot**;
 - (ii) a 45-degree **angular plane** projected towards the **front lot line**, beginning from a height of 4.0 metres from the required **rear yard setback**; and
 - (iii) a 45-degree **angular plane** projected towards the opposite **side lot line**, beginning from a height of 4.0 metres from the required **side yard setback**.

- (B) Despite regulation 150.7.60.30(2)(A), **angular planes** are not applicable to those sides of an **ancillary building** containing a **garden suite** that abut a **street**.

(3) Permitted Projections into Required Front Main Wall Angular Plane

Despite regulation 150.7.60.30(2), a dormer or a vertical extension of the front **main wall** of an **ancillary building** containing a **garden suite** may project into the required **angular plane** if it occupies no more than 30 percent of the total width of the **ancillary building's** front **main wall**.

(4) Skylights in a Roof

Despite regulation 150.7.60.30(3), skylights in a roof may project into a required **angular plane** a maximum of 0.3 metres.

150.7.60.31 Separation Exemptions

(1) Minimum Separation Between a Lawfully Existing Residential Building and a Lawfully Existing Ancillary Building

If the separation between a **lawfully existing ancillary building** and a **lawfully existing residential building** on the same **lot** is less than the required minimum separation between an **ancillary building** containing a **garden suite** and a **residential building** required by Clause 150.7.60.30(1), the required minimum separation between the **lawfully existing residential building** and the **lawfully existing ancillary building** is the separation that exists between the **lawfully existing ancillary building** and the **lawfully existing residential building**.

150.7.60.40 Height

(1) Maximum Height of a Garden Suite

Despite regulation 10.5.60.40(2)(B), the permitted maximum height of an **ancillary building** containing a **garden suite** is:

- (A) if the **ancillary building** containing a **garden suite** is located a minimum of 5.0 metres to less than 7.5 metres from the **residential building** on the **lot**,
4.0 metres; and
- (B) if the **ancillary building** containing a **garden suite** is located 7.5 metres or more from the **residential building** on the **lot**, 6.0 metres.

(2) Maximum Storeys for Garden Suites

Despite regulation 10.5.60.40(3), an **ancillary building** containing a **garden suite** may have a maximum of two **storeys**.

(3) Height of Specific Structures on a Garden Suite

The following **structures** on the roof of an **ancillary building** containing a **garden suite** may exceed the permitted maximum height for that **building** by 1.0 metres:

- (A) antennae;
- (B) flagpoles;
- (C) parapets for a **green roof**, if they are no closer than 1.0 metre from the **main walls** of the **ancillary building**;
- (D) satellite dishes; and
- (E) weather vanes.

(4) Height of Skylights on a Garden Suite

Skylights on the roof of an **ancillary building** containing a **garden suite** may exceed the permitted maximum height for that **building** by 0.3 metres.

(5) Height of Elements for Functional Operation of the Garden Suite

The following equipment and **structures** on the roof of an **ancillary building** containing a **garden suite** may exceed the permitted maximum height for that **building** by 1.0 metre, subject to (6) below:

- (A) equipment used for the functional operation of the **ancillary building** containing a **garden suite**, such as electrical, utility, mechanical and ventilation equipment;
- (B) **structures** or parts of the **ancillary building** containing a **garden suite** used for the functional operation of the **building**, such as enclosed stairwells, roof access, maintenance equipment storage, chimneys, vents, and water supply facilities; and
- (C) **structures** that enclose, screen or cover the elements listed in regulation (A) and (B) above.

(6) Height - Horizontal Limits on Elements for Functional Operation of the Garden Suite

Equipment, **structures** or parts of an **ancillary building** permitted in regulation 150.7.60.40(5) must not:

- (A) cover more than 30 percent of the area of the roof, measured horizontally; and
- (B) be located closer than 1.0 metre to the **main walls** of the **ancillary building**.

(7) Height of Garden Suite Entrance

Regulation 10.5.60.40(4) does not apply to an **ancillary building** containing a **garden suite**.

150.7.60.50 Floor Area

(1) Exclusion from Floor Space Index

The **gross floor area** of an **ancillary building** containing a **garden suite** is not included for the purpose of calculating the total **gross floor area** and floor space index for a **lot**.

(2) Garden Suite – Interior Floor Area

The **interior floor area** of an **ancillary building** containing a **garden suite** must be less than the **gross floor area** of the **residential building** on a **lot**.

(3) Exemption from Maximum Floor Area for an Ancillary Building

Regulation 10.5.60.50(2) does not apply to an **ancillary building** containing a **garden suite**.

150.7.60.60 Decks, Platforms and Amenities, and Permitted Encroachments

(1) Interpretation of Platform Walls

The exterior sides of a platform, such as a deck, porch, balcony or similar **structure**, attached to or within 0.3 metres of an **ancillary building** containing a

garden suite, are not **main walls** if at least 50 percent of the exterior sides above the floor are open to the outside.

(2) Platform Restrictions

Despite regulation 10.5.60.20(11), a platform without **main walls** in accordance with regulation 150.7.60.60(1) is permitted, if:

- (A) the area of the platform, other than a **green roof**, is less than 10 percent of the **interior floor area** of the **garden suite**;
- (B) the platform complies with the required minimum **building setbacks**, separation distances and **angular planes** for the **ancillary building** containing a **garden suite**; and
- (C) the exterior sides of a platform adjacent to a **side yard** are visually screened from an abutting **lot** by an opaque barrier with a vertical dimension of no less than 1.5 metres.

(3) Platform Height

Despite regulation 10.5.60.40(5)(B), the level of the floor of a platform permitted in accordance with regulation 150.7.60.60(2), other than a **green roof**, must be:

- (A) no higher than 0.2 metres above the level of the floor of the **storey** from which it gains access; and
- (B) located on the **first floor** of an **ancillary building** containing a **garden suite**.

(4) Permitted Encroachments for Platforms

Despite regulation 150.70.60.60(2)(B), a platform without **main walls** in accordance with 150.70.60.60(1), together with stairs or ramps leading to the platform, may encroach into the distance separation required in regulation 150.7.60.30(1) by a maximum of 1.5 metres from the front **main wall** of the **ancillary building** if the platform is no higher than 0.3 metres above the average elevation of the ground measured along the front **main wall** of the **ancillary building**.

(5) Permitted Encroachments for Canopies and Awnings

A canopy, awning or similar **structure**, with or without structural support, or a roof over a platform which complies with regulation 150.70.60.60(4), may

encroach into a required separation distance or **building setback**, subject to the following:

- (A) the maximum height of the roof, canopy, awning or similar **structure** is 4.0 metres above the average elevation of the ground measured along the abutting **main wall** of the **ancillary building**;
- (B) a canopy, awning or similar **structure** may encroach into the distance separation required in regulation 150.7.60.30(1) a maximum of 1.5 metres from the front **main wall** of the **ancillary building**; and
- (C) between a rear or side **lot line** and the **ancillary building**, a canopy, awning or similar **structure** may encroach into the **ancillary building setbacks** required in Clause 150.7.60.20 as follows:
 - (i) on a **main wall** of the **ancillary building** containing a **garden suite** that faces a **street**, the lesser of 50% of the required **building setback** and 1.5 metres.

(6) Architectural Features

Architectural features on an **ancillary building** containing a **garden suite** must comply with the following, if the architectural features are no closer to a **lot line** than 0.3 metres:

- (A) a pilaster, decorative column, cornice, sill, belt course or other similar architectural feature may encroach into a **building setback** required in Clause 150.7.60.20 or into the distance separation required in regulation 150.7.60.30(1) to a maximum of 0.6 metres; and
- (B) a chimney breast may encroach into a **building setback** required in Clause 150.7.60.20 or into the distance separation required in regulation 150.7.60.30(1) to a maximum of 0.6 metres, if it is no wider than 2.0 metres.

(7) Equipment

Wall mounted equipment on an **ancillary building** containing a **garden suite**, such as vents, pipes, utility equipment, satellite dishes, antennae or air conditioners, may encroach a maximum of 0.6 metres as follows, if the equipment is no closer to a **lot line** than 0.3 metres:

- (A) on a **main wall** of the **ancillary building**, into the minimum **building setbacks** required in Clause 150.7.60.20; and

- (B) on the front **main wall** of the **ancillary building**, into the distance separation required in regulation 150.7.60.30(1).

150.7.60.70 Lot Coverage

(1) Lot Coverage Requirement for a Lot with a Garden Suite

Despite regulations 10.5.60.70(1) and 10.10.60.70(1), if a **lot** has an **ancillary building** containing a **garden suite**:

- (A) the **ancillary building** containing a **garden suite** is not included in the overall calculation of **lot coverage**;
- (B) the area of the **lot** covered by all **ancillary buildings** combined, including the **ancillary building** containing a **garden suite**, may not exceed 20 percent of the **lot area**; and
- (C) the area of the **lot** covered by an **ancillary building** containing a **garden suite** may not exceed the lesser of:
- (i) 40% of the area:
 - (a) between all rear **main walls** of the **residential building** on the **lot** and the **rear lot line**, and
 - (b) extending parallel to the **rear lot line** across the full width of the **lot** from the point where the rear **main wall** of the **residential building** meets the **residential building's** side **main walls** closest to the respective **side lot lines**; and
 - (ii) A total floor area of 60.0 square metres.

150.7.75 Energy Regulations

150.7.75.1 General

(1) Solar Energy Device

Despite regulation 10.5.75.1(4), a photovoltaic **solar energy** device or thermal **solar energy** device that is on an **ancillary building** containing a **garden suite**:

- (A) must comply with the required minimum **building setbacks** for an **ancillary building** containing a **garden suite**; and

(B) no part of the device may be higher than 1.2 metres above the permitted maximum height for an **ancillary building** containing a **garden suite**.

150.7.80 Parking and Bicycle Parking

150.7.80.1 General

(1) Parking Space Requirement for a Lot with a Garden Suite

Despite regulation 200.5.10.1(1), if a **lot** has an **ancillary building** containing a **garden suite**, no **parking space** is required for the **garden suite**.

(2) Bicycle Parking Space Requirement for a Garden Suite

An **ancillary building** containing a **garden suite** must provide a minimum of two **bicycle parking spaces** within the **garden suite** or within any required separation distance or the required **building setbacks** for an **ancillary building** containing a **garden suite**.

(3) Access to Parking Space

Despite 10.5.80.40(3), if a **lot** has an **ancillary building** containing a **garden suite**, **vehicle** access to a **parking space** must be provided from a **lawfully existing vehicle** access.

Enacted and passed on **[date]**.

Frances Nunziata,
Speaker

John Elvidge,
City Clerk

(Seal of the City)