

# **Housing Action Plan: Zoning By-law Simplification and Modernization for Low-rise Residential Zones – Proposals Report**

**Date:** June 19, 2023

**To:** Planning and Housing Committee

**From:** Chief Planner and Executive Director, City Planning

**Wards:** All

## **SUMMARY**

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This report outlines proposed changes to Zoning By-law 569-2013 (‘the city-wide Zoning By-law’) to simplify and modernize low-rise residential zoning regulations. The proposed changes seek to remove barriers, ease administration, and enable the creation of more housing as part of the Housing Action Plan to achieve or exceed the provincial housing target of 285,000 new homes over the next 10 years. These proposed changes will form the basis for public consultation later in 2023.

The proposed changes are organized by three key themes: ‘simplification’, ‘harmonization’, and ‘modernization’.

- The proposed ‘simplification’ changes include updating and clarifying zoning regulations to eliminate confusion and duplication regarding secondary suites and multiplexes.
- Proposed ‘harmonization’ changes aim to align regulations, such as main wall height provisions between building types (e.g., detached and semi-detached houses) across zones to ensure a consistent approach to city-wide building standards with respect to residential building types.
- The proposed ‘modernization’ changes aim to implement current best practices for regulations, such as alternatives to regulating Floor Space Index (FSI) and moving the city-wide Zoning By-law towards a more form-based approach focusing on the external characteristics of a building.

The proposed zoning changes respond to provincial policy changes to the *Planning Act* (Bill 23) and will be guided by review of best practices in comparable jurisdictions in Ontario, Canada, and North America, ongoing stakeholder engagement, and integration with other zoning and policy modernization initiatives such as the Expanding Housing Options in Neighbourhoods (EHON) project.

## **RECOMMENDATIONS**

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The Chief Planner and Executive Director, City Planning recommends that:

1. The Planning and Housing Committee endorse the contents of this report as the basis for ongoing public consultation.

## **FINANCIAL IMPACT**

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The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial implications.

## **EQUITY STATEMENT**

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The City of Toronto recognizes that housing is essential to the inherent dignity and well-being of a person and to building healthy, equitable, sustainable, and livable communities. Residents' quality of life, the city's economic competitiveness, social cohesion and diversity also depend on current and future residents being able to access and maintain adequate, suitable, and affordable homes.

The City of Toronto's existing housing strategies and plans seek to improve housing outcomes for a range of residents and to support equity and climate resilience. Specifically:

- The HousingTO Plan envisions a city in which all residents have equal opportunity to develop to their full potential and is centred on a human rights-based approach to housing. It is also focused on increasing the supply of new affordable homes, protecting the existing housing stock, and helping renters to achieve and maintain housing stability; and
- The City's Official Plan contains policies relating to the provision of a full range of housing and maintaining and replenishing the affordable and mid-range housing stock within the city.

The zoning changes proposed in this report align with the priority actions outlined in the Housing Action Plan and support the HousingTO Plan and Official Plan objectives to increase the supply of housing, including purpose-built affordable and market rental housing. The zoning amendments proposed contribute to increasing opportunities for people from equity-deserving groups, including those from low-and-moderate-income households, to access safe, healthy, and adequate homes, within inclusive, complete and equitable communities.

## CLIMATE IMPACT

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In 2019, City Council declared a Climate Emergency for the purpose of "naming, framing and deepening our commitment to protecting our economy, our ecosystems and our community from climate change" ([Item MM10.3](#)). This was followed up more with the adoption of TransformTO Net Zero Strategy, which includes targets to achieve net-zero emissions in Toronto by 2040 ([Item IE26.16](#)).

The Provincial Growth Plan supports intensification and building "compact and complete communities" as a strategy to help reduce greenhouse gas emissions and plan more adaptive communities that are resilient to the impacts of climate change. Removing regulatory barriers to creating additional low-rise housing, including those within the city-wide Zoning By-law, is an important intensification strategy that promotes a more efficient use of land and resources. Density within built up areas supports low carbon transportation choices, such as walking, cycling, and public transit. Intensification in Toronto also reduces the need for sprawl to accommodate our housing need in the region, helping to protect agricultural lands, water resources and natural areas. Increasing density in built up areas maximizes the use of existing infrastructure, which avoids carbon-intensive infrastructure built elsewhere.

Smaller forms of infill building types, such as garden suites, multiplexes and low-rise apartments can be designed to achieve net zero operational emissions, and low carbon materials are readily available at this scale. These buildings are also more easily deconstructed and much of the existing material can be salvaged and reused. City Planning will continue to consider zoning changes to enable the full range of housing options in low-rise neighbourhoods using a climate impact lens.

## DECISION HISTORY

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On July 28, 2020, City Council endorsed the Expanding Housing Options in Neighbourhoods (EHON) Work Plan Report and endorsed City Planning proceeding with several priority initiatives in 2020-2021, including developing permissions for new types of accessory housing such as Garden Suites.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.PH15.6>

On February 15, 2022, Planning and Housing Committee endorsed Expanding Housing Options in Neighbourhoods - Update Report and endorsed City Planning proceeding with public consultation on the basis of the contents of the report.

<https://secure.toronto.ca/council/agenda-item.do?item=2022.PH31.6>

On December 14, 2022, City Council adopted Item CC2.1- 2023 Housing Action Plan, which directed in Recommendation 1 that the City Manager to develop a Housing Action Plan for the 2022-2026 term of Council that will support the City in achieving or exceeding the provincial housing target of 285,000 new homes over the next 10 years. The Housing Action Plan is to include targeted timelines for the approval and

implementation of a range of policy, program, zoning, and regulatory actions to increase the supply of affordable housing in support of complete communities.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.CC2.1>

On March 21, 2023, Executive Committee received the Housing Action Plan 2022-26: Priorities and Work Plan Report, including work to simplify and modernize the Zoning By-law, and directed staff to report annually on its implementation.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.EX3.1>

On May 10, 2023, City Council adopted Item PH 3.16 Expanding Housing Options in Neighbourhoods: Multiplex Study - Final Report, as amended, to amend the Official Plan and city-wide Zoning By-law to permit duplexes, triplexes and fourplexes city-wide.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.PH3.16>

## **BACKGROUND**

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### **2023 Housing Action Plan**

The Housing Action Plan (HAP) priorities for the 2022-2026 term of Council includes targeted timelines for the approval and implementation of a wide range of actions, policies and programs to increase the supply of housing within complete, inclusive and sustainable communities with the critical infrastructure to support growth. The HAP actions focus on: removing policy and zoning barriers to building housing; leveraging public lands to increase housing supply; preserving existing rental homes; supporting the development of a range of purpose-built rental homes (including market and non-market) through new and strengthened housing policies and programs; and supporting the community sector (including non-profit and co-op housing providers) to modernize and grow their stock.

The Zoning By-law Simplification and Modernization work comprises one of the 54 actions that form the Housing Action Plan for the 2022-2026 term of Council and will support the City's goal of accelerating the supply of housing within complete, inclusive, and sustainable communities by removing policy and zoning barriers to building housing. The new homes enabled by this strategy will contribute to the provincial housing target of 285,000 new homes in Toronto by 2031 and increase opportunities for ground-related homes across the city.

### **Expanding Housing Options in Neighbourhoods**

The Expanding Housing Options in Neighbourhoods (EHON) initiative is advancing permissions for 'missing middle' housing, ranging from garden suites to low-rise walk-up apartments in residential neighbourhoods across the city. Low-rise neighbourhoods, which make up 35% of the city's land area, present a unique opportunity to accommodate more housing options. To provide a wider range of housing types and better serve the diverse needs of Toronto's residents, the city will need to move beyond relying on housing stock turnover in neighbourhoods and focus on building and creating the opportunity for more ground-related housing in neighbourhoods. Simplifying and modernizing the city-wide Zoning By-law will reduce barriers to creating new housing in

neighbourhoods, while ensuring that important elements are consistently and equitably regulated across Toronto's low-rise neighbourhoods.

## **POLICY AND PLANNING FRAMEWORK**

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### **Planning Act**

Section 2 of the *Planning Act* establishes matters of provincial interest to which City Council shall have regard, in carrying out its responsibilities, including: the orderly development of safe and healthy communities; the adequate provision of a full range of housing, including affordable housing; the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; and the appropriate location of growth and development.

In November 2022, the *Planning Act* was amended by Bill 23, the More Homes Built Faster Act. These amendments build on previous 'second unit' and 'additional residential unit' requirements to require that municipalities allow, through Official Plan policies and Zoning By-law permissions, the use of three residential units on any lot. This includes units located in a detached, semi-detached and rowhouses, and in a building or structure ancillary to those residential buildings. The Act also states that any policy or by-law that has the effect of prohibiting the use of three residential units on a lot, including a residential unit in an ancillary structure, is of no effect. Policies or by-laws which impose size restrictions on the residential units implemented through Bill 23 are also prohibited. The permissions for residential units to give effect to these requirements are not appealable, except by the Minister of Municipal Affairs.

### **City of Toronto Official Plan**

The City's Official Plan (2006) is founded on a growth management strategy which steers growth and change to some parts of the city, while generally limiting significant changes in others. *Neighbourhoods*, which comprise 35.4% of the city's land area, are described as "stable but not static", with some physical change expected over time. Housing policies in Section 3.2 of the Official Plan state that "a full range of housing, in terms of form, tenure and affordability, across the city and within neighbourhoods, will be provided and maintained to meet the current and future needs of residents."

A key objective of the Plan is that new development be sensitive, gradual and "fit" the existing physical character to respect and reinforce the general physical patterns in *Neighbourhoods*. The Official Plan describes *Neighbourhoods* as primarily made up of low-density residential uses in low scale building types, including detached houses, semi-detached houses, duplexes, triplexes and various forms of townhouses, as well as interspersed apartments that are no higher than four storeys. Policy 4.1.5 further specifies that proposed development within *Neighbourhoods* will be materially consistent with the prevailing physical character of properties in both the broader and immediate contexts.

In 2015, Council adopted revised policies related to the *Neighbourhoods and Apartment Neighbourhoods* designations through Official Plan Amendment 320 (OPA 320), approved by the (then) LPAT in 2018. Modified policies related to *Neighbourhoods* in OPA 320 require development proposals to respect and reinforce the existing physical character of each geographic neighbourhood, with reference to characteristics including prevailing heights, massing, scale, densities, and dwelling types of nearby residential properties.

The Official Plan contains policies in Chapter 3, Housing, that provide for a full range of housing in terms of form, tenure and affordability across the city and within neighbourhoods. These policies also state that the existing housing stock will be maintained and replenished through intensification and infill that is consistent with this Plan. In 2018, City Council adopted Official Plan Amendment 418 (OPA 418) which amended Chapter 3 to encourage the creation of second units to increase the supply and availability of rental housing within neighbourhoods across the city. OPA 418 permits second units within a primary dwelling in a detached or semi-detached house or townhouse. In addition, OPA 418 includes policies to permit second units within a building ancillary to a detached or semi-detached house or townhouse where it can be demonstrated that it will respect and reinforce the existing physical character of the neighbourhood.

On May 10, 2023, Council adopted Official Plan Amendment 649 (OPA 649) to permit duplexes, triplexes, and fourplexes in residential areas across the city. OPA 649 clarifies that multiplexes are a permitted building type in all *Neighbourhoods*, subject to certain development criteria and exempts them from others listed in Policy 4.1.5 of the Official Plan. It is intended that multiplexes will be built to the same general scale and applicable zoning standards for low-rise building types.

### **City-wide Zoning By-law 569-2013**

On May 9, 2013, City Council enacted city-wide Zoning By-law 569-2013. The purpose of the new city-wide zoning by-law was to harmonize 43 former municipal by-laws from the pre-amalgamated city into one zoning by-law. The city-wide zoning by-law comprehensively regulates all land uses, buildings and structures and applies to most of the City of Toronto. As some lands are not covered by the city-wide Zoning By-law, the comprehensive zoning by-laws from former municipalities remain in effect on some lands in the city. A final order issued by the Ontario Land Tribunal on November 30, 2022, concluded outstanding appeals to the regulations in the by-law's Residential Zone Category.

Chapter 10 of the city-wide Zoning By-law applies to all lands, uses, buildings and structures in the Residential Zone category. The Residential Zone category permits uses generally associated with the *Neighbourhoods* designation in the Official Plan. This zone category includes a range of residential zones including the Residential (R) Zone, Residential Detached (RD) Zone, Residential Semi-Detached (RS) Zone, Residential Townhouse (RT) Zone, and the Residential Multiple (RM) Zone. Following the enactment of the multiplex zoning amendment, duplexes, triplexes and fourplexes, in addition to detached houses and secondary, laneway and garden suites are

permitted across all residential zones. The residential building type permissions and performance standards for apartment buildings, townhouses and semi-detached houses were not amended through the multiplex Study and are permitted as follows: apartment buildings in the R and RM zones; townhouses in the R and RT zones; and semi-detached houses in the R, RS, RT and RM zones.

## COMMENTS

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### PROPOSED ZONING CHANGES

The proposed changes to simplify and modernize low-rise residential zones in the city-wide Zoning By-law are categorized into three key themes:

#### *Simplification*

Proposed changes to reduce confusion, remove redundant provisions, and simplify wording where appropriate.

#### *Harmonization*

Proposed changes to align regulations between building types and zones, as appropriate, to reflect current best practices.

#### *Modernization*

Proposed changes to modernize zoning regulations and move towards a more form-based approach to land use regulation.

Staff have identified the proposed changes below to advance in the near term. These actions are seen as achievable in the near term due to preliminary research and work conducted through other recent initiatives (e.g., Multiplex Study). Following stakeholder engagement (as described later in this report), staff will determine the full extent of recommended changes to zoning regulations and advance final zoning by-law amendments in Q4 2023.

### **Simplification**

#### *Secondary Suites*

Secondary suites have been permitted city-wide since 2000 and are defined as self-contained living accommodation for an additional 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, located in and subordinate to a dwelling unit. In addition, the zoning by-law contains performance standards specific to secondary suites, such as a regulation limiting the size of a secondary suite to no more than 45% of the area of the primary dwelling unit. Together, the definition and regulations are intended to ensure that a secondary suite is subordinate to the primary dwelling unit.

Currently, secondary suites are permitted in a detached house, semi-detached house or townhouse and typically take the form of basement apartments but may also be located

elsewhere in the building. In addition, the R zone contains permissions for multiple secondary suites in detached and semi-detached houses - these permissions were derived from the “converted house” permissions in the former City of Toronto Zoning By-law 438-86 which allowed existing buildings to be converted to multiple units. Many examples of this type of conversion exist across the former City of Toronto, and this permission has historically been used to create additional residential units given more onerous requirements for multiplex and apartment building types that previously existed (e.g., development charges, building depth, setbacks, etc.).

Through the introduction of permissions for multiplexes of up to 4 units city-wide, staff have identified a need to undertake a review of the existing regulations for secondary suites to reduce confusion amongst building types proposed with multiple dwelling units. This will include a review of the definition of secondary suite and the regulations that are intended to define their subordinate status, to ensure residential buildings with a secondary suite can be clearly differentiated from multiplexes.

Additionally, with the introduction of harmonized performance standards for multiplex building types and the proposed further harmonization of performance standards for low-rise apartment buildings (as described below), staff have identified that permissions for multiple secondary suites may no longer be necessary. This study will review the implications of altering these permissions and determine if any additional regulations are necessary.

## **Harmonization**

### *Performance Standards for Low-rise Apartment Buildings*

In the R zone, which mainly applies to the former City of Toronto, the permitted maximum building depth and required minimum side yard setbacks vary based on the building type. Prior to Council’s adoption of multiplex permissions, detached and semi-detached houses were permitted a building depth of 17 metres, while buildings with multiple dwelling units (including multiplexes, townhouses and apartment buildings) were restricted to a building depth of 14 metres. The side yard setback requirements for detached and semi-detached houses were 0.9 metres, whereas multiplexes and low-rise apartment buildings (less than 12 metres in height) required a setback of 1.2 metres.

The Council-adopted zoning by-law amendment for multiplexes eliminates this disparity, permitting multiplexes a building depth of 17 metres (19 metres if certain lot conditions are met) and reducing the side yard setback requirement to 0.9 metres. As the multiplex study did not explore buildings with more than 4 units, the building depth and side yard setback disparity was not addressed for low-rise apartment buildings. In the city-wide Zoning By-law, an apartment building is defined as a building containing 5 or more dwelling units, with at least one dwelling unit partially or entirely above another.

This study proposes to harmonize performance standards in the R zone for low-rise apartment buildings with those permitted for multiplexes, to ensure similar regulations apply to all buildings with multiple units that are of a comparable scale. Changes to further harmonize regulations for low-rise apartment buildings will be explored. For example, the RM zone currently requires larger lot frontage requirements for small-scale



apartment buildings on certain properties relative to multiplexes and detached houses (24 metres frontage versus 12 metres). Harmonizing requirements for small-scale apartment buildings with performance standards for other low-rise residential buildings would have the effect of reducing barriers to building additional residential units while moving the city-wide Zoning By-law towards greater emphasis on form-based regulation. These changes also better enable conversions of existing buildings to align with previous converted house/multiple secondary suite permissions (as noted above).

#### *Building depth for Townhouses in R zone*

As noted above, townhouses in the R zone are currently restricted to a building depth of 14 metres and were not included in the recent multiplex zoning by-law amendments. The RT zone also permits townhouses; however, building depth is not restricted. This study will explore harmonizing building depth permissions for townhouses in the R zone to align with the permissions for multiplexes and the proposed permissions for low-rise apartment buildings. Increasing the building depth of townhouses to the same standard as those of other forms of ground-related housing will increase their constructability and potential for uptake within neighbourhoods.

#### *Main Wall Height*

In November 2022, the Ontario Land Tribunal (OLT) implemented amended main wall height permissions for detached houses with flat or shallow roof designs to allow additional main wall height, provided that a 1.4 metre stepback is constructed at the front and rear walls of the building above the maximum permitted main wall height. The stepback requirement is intended to reduce the massing of the upper level of the building, while ensuring that a consistent eave line is maintained across buildings on the same street. On predominantly two-storey streets, these stepbacks provide a transition in scale. This regulation currently only applies to detached houses in the RD zone. The multiplex zoning by-law amendment also extends these main wall height permissions to multiplex buildings with flat roofs.

Detached and semi-detached houses in the R, RS, and RM zones are currently limited to a maximum permitted main wall height of 7.0 metres or 2.5 metres less the maximum permitted building height, whichever is greater. The current main wall height regulations in these zones prevent a flat roof building from achieving the maximum permitted building height, as main wall height for a building with a flat or shallow roof is measured from established grade to the top of the structure. Buildings with pitched roof designs are not subject to this limitation as main wall height is generally measured to the eave or cornice line of the roof.

This study will review the potential of extending the main wall height permissions implemented by the OLT for detached houses with flat or shallow roof designs to detached and semi-detached houses across all residential zones where main wall height regulations apply. This will create greater consistency between performance standards applying to house form buildings and provide flexibility for greater diversity in building design by extending more permissive standards for flat or shallow roof construction to additional building types. Buildings with flat roof designs are generally more efficient to construct, while yielding more usable floor area for living space as interior space is not limited by sloping rooflines.

## **Modernization**

### *Floor Space Index*

Floor space index (FSI) is a measure of the density of a building on a site and is calculated by the ratio of a building's gross floor area to the lot area. For example, a building with a gross floor area of 100 square metres on a lot with an area of 100 square metres would have an FSI of 1.0. FSI is regulated in approximately 37% of the city's residentially zoned areas, largely in the former City of Toronto, parts of Etobicoke, and York. In addition, some areas are subject to FSI limits found in area-specific zoning exceptions. The city-wide Zoning By-law regulates maximum FSI as an additional measure to regulate built form by limiting the allowable density of buildings in an area. This works in conjunction with other built form standards that directly regulate built form, such as height and setbacks.

For low-rise residential buildings, the impact of a building on adjacent lots is generally associated with its three-dimensional outer bulk, its location on the lot relative to lot lines and neighbouring buildings, its height, and how much of the lot remains open. The zoning by-law contains regulations for minimum setbacks, maximum building depth or length, and maximum height, all of which serve to regulate the overall built form of a residential building. Recently, the Council-adopted multiplex zoning by-law amendment removed FSI for multiplex building types to reduce barriers to constructing buildings with multiple units that better utilise the existing built form envelope.

FSI standards in the city-wide Zoning By-law were generally carried forward from requirements in former municipal zoning by-laws. The application of FSI in regulating low-rise, grade-related residential buildings was used exclusively in the former City of Toronto, York, Mimico, New Toronto and Long Branch zoning by-laws. It was also used in the Township of Etobicoke, Township of East York and the Leaside zoning by-laws together with lot coverage. FSI regulations were first introduced to the former City of Toronto in 1958. At the time, FSI was being widely used in the United Kingdom as a universal method of predicting the impact of development from the standpoint of expected number of residents, number of employees and amount of traffic generated. Staff reports introducing the regulation noted that FSI is useful for planning purposes but not necessarily to address neighbourhood character or control for the three-dimensional bulk of buildings.

In the background research for this study, staff conducted a review of 500 minor variance applications submitted in April and May 2022 to capture a 'snapshot' of typical minor variance requests. Of these applications, 476 (95%) were for properties in low-rise residential zones. Forty eight percent (227) included variances for FSI, making this the regulation most requested to be varied. In addition, for 32 applications (19%) an FSI variance was the only variance requested, indicating that FSI can be a barrier to achieving the built form otherwise permitted by performance standards such as setbacks, height, and building depth. For the FSI variances requested, the range of relief sought was varied – 39 applications only required an additional 1-10% FSI, whereas 64 applications sought substantial increases in FSI (greater than 21%). Staff will continue to analyze minor variance data for FSI to help inform the outcomes of this study.

A review of the approaches used in other jurisdictions to regulate low-rise residential development indicates that both FSI and lot coverage, as well as landscaping regulations, are used to control building size and footprints. (Refer to Attachment 1 for a summary of the Jurisdictional Scan) Lot coverage is more commonly used, typically on its own or in combination with landscaping or open space requirements. In some jurisdictions (Vancouver), both lot coverage and FSI are used. In addition, newer zoning by-laws or zones (such as in Edmonton, Guelph, and the R4 zone in Ottawa) primarily rely on lot coverage and landscaping requirements to regulate building footprint, reflecting a broader shift to more form-based approaches to zoning as a best practice.

This study will explore alternatives to regulating FSI to move the city-wide Zoning By-law towards a more form-based approach. Potential approaches could include: removing FSI and replacing with lot coverage to align with permissions in other parts of the city; removing FSI and introducing enhanced landscaping regulations to reinforce open space and tree-planting opportunities; retaining FSI and increasing densities to reflect current built form practices and better align with existing building envelope permissions; or maintaining current FSI regulations. This work will be informed through continued review of best practices from other jurisdictions, analysis of minor variance trends, and consultation with industry and community stakeholders. Staff will also explore potential implications of changes to FSI, such as impacts on landscaping and trees, enabling larger single unit buildings versus multiple unit buildings, technical compatibility with other existing zoning regulations, and other issues that may be raised through consultation.

Consideration will also be given to how neighbourhood population change can be more directly addressed through monitoring and infrastructure planning rather than indirectly through density-based land use regulation, like FSI.

## **Future Work**

Additional actions to simplify and modernize the zoning by-law that require further research or analysis will be pursued in 2024.

### *Building Type Definitions*

While permissions for additional dwelling units in low-rise residential areas have recently evolved, the way building types are defined has not changed. For example, to bring the city-wide Zoning By-law into conformity with the requirements that Bill 23 introduced to the *Planning Act*, the multiplex zoning regulations apply the same built form permissions to buildings containing two to four dwelling units; however, the number of units is used to define the building. Staff will explore alternative approaches to define buildings that are based more on the external form, rather than the internal configuration or specific number of dwelling units, to reduce confusion and simplify the city-wide Zoning By-law. As building type definitions are interwoven throughout the city-wide Zoning By-law, this work requires additional analysis and will be brought forward as part of a future report.

### *Other Regulations*

Staff will continue to monitor applications and trends in minor variances and will consider additional amendments to simplify and modernize the zoning by-law where

appropriate. In addition, staff will consider other issues identified through consultation and will advance additional amendments as necessary.

### **Related Initiatives**

Other ongoing projects will address related issues with zoning in low-rise residential areas to implement additional permissions, enhance tree protection, and modernize the zoning by-law. These initiatives will report separately to Council as they move forward.

#### *Sites not Part of Zoning By-law 569-2013*

During the development of the city-wide Zoning By-law, a transition protocol was employed as an interim measure to ensure the orderly transition between the former zoning by-laws and the new, harmonized zoning by-law. Sites which were subject to active planning applications, part of an on-going secondary plan or policy review, or were zoned in the former zoning by-laws in a way that did not conform to the Official Plan were generally excluded from the city-wide Zoning By-law. The purpose of this study is to review residential properties originally excluded because of the transition protocol to determine the feasibility of now bringing these sites into the by-law. Including all properties across the city in the city-wide Zoning By-law will ensure the consistent administration of updated zoning regulations, whether from various EHON or other housing-related initiatives, to reflect current policy directions. The first phase of work will focus on the review of approximately 1500 properties in the residential zone category located across the city.

#### *Expanded Permissions for Low-rise Apartments*

Through the multiplex study, staff identified that in some neighbourhoods it would be appropriate to permit more intense forms of housing such as low-rise apartments - for example, within the city's Major Transit Station Areas which are within walking distance to rapid transit. Staff will continue consideration of policy and zoning changes to enable low- to mid-rise residential buildings in additional locations through other initiatives outlined in the City's Housing Action Plan Report. These include the EHON Major Streets study, the future zoning review for Transition Zones between Major Streets and the interior of neighbourhoods, and through the implementing zoning for Major Transit Station Areas.

#### *Tree Preservation and Urban Forestry*

Through the introduction of new low-rise housing options in existing neighbourhoods as part of the EHON initiative, Council directed staff to study potential impacts from infill development on landscaping, tree planting opportunities, and existing trees. An interdivisional working group comprising staff from City Planning, Parks Forestry and Recreation, Toronto Buildings, Transportation Services and other divisions are engaged in this work. The group is reviewing existing policies, regulations, standards and procedures to develop potential strategies to successfully balance infill development and stewardship of the urban forest canopy.

Staff anticipate reporting to Planning and Housing Committee in September 2023 with proposed strategies and will consult on these proposals, as necessary, in 2024.

### *Site-Specific Exceptions*

Some neighbourhoods are subject to historic zoning standards derived from former municipal zoning by-laws, which are structured as area or site-specific exceptions in Chapter 900 of the city-wide Zoning By-law. As identified through the multiplex study, some of these historic standards include prohibitions on multiplex building types in zones where they are permitted. Many also contain performance standards that differ from those in the base zone. Staff are reviewing these site-specific exceptions to identify inconsistencies and modernize regulations where appropriate. The first phase of work aims to remove barriers to multiplex building types and will report to Council in 2024. Subsequent phases will continue this work to modernize the city-wide Zoning By-law and reduce barriers to building housing.

## **CONSULTATION**

Consultation events will commence in Q3 of 2023, with an initial focus on targeted meetings with industry professionals, resident associations, Councillors and other stakeholders. Priorities and issues identified through the various EHON initiatives, will inform the range of topics for discussion and feedback. Staff will also be engaging with indigenous peoples as rights holders and original stewards of Tkaronto.

A survey designed to solicit general opinions about the various amendments to residential performance standards, including those related to FSI, will be published for public participation. The survey will be promoted through various social media channels and anticipated to be active through September 2023.

City-wide public consultation meetings will also be held to present draft zoning proposals to the public prior to the drafting of final recommendations in Q4 of 2023.

## **CONCLUSION**

The Housing Action Plan aims to enable both market, non-market and mixed housing production in order to achieve or exceed the provincial housing target of 285,000 new homes over the next 10 years. This study supports this aim by identifying clear actions to be undertaken to simplify and modernize the city-wide Zoning By-law to reduce barriers to housing creation.

Guided by the themes of 'simplification', 'harmonization', and 'modernization' staff have identified a suite of potential changes to the city-wide Zoning By-law to pursue in the near term (Q4 2023). These potential changes complement ongoing EHON and other HAP initiatives to expand and modernize permissions in the city's low-rise Neighbourhoods. Further actions to simplify and modernize the city-wide Zoning By-law will be identified through this work and through stakeholder engagement and will be advanced in 2024.

Together, these actions will help move the city-wide Zoning By-law towards a more form-based approach to regulate development in low-rise neighbourhoods, providing clearer regulations and removing barriers to creating housing.

## **CONTACT**

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## **SIGNATURE**

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Gregg Lintern, MCIP, RPP  
Chief Planner and Executive Director  
City Planning

## **ATTACHMENTS**

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Attachment 1: Jurisdictional Scan

## Attachment 1: Jurisdictional Scan

Jurisdiction	FSI	Lot Coverage	Landscaping
Mississauga	Yes – some low-rise residential zones regulate FSI	Yes – Lot Coverage regulated in most low-rise residential zones	Yes – most zones
Brampton	No – low-rise residential zones do not regulate FSI	Yes – Lot Coverage regulated in most low-rise residential zones	Yes – most zones
Barrie (proposed ZBL)	No – low-rise residential zones do not regulate FSI. Some building types regulate units per hectare	Yes – Lot Coverage regulated	Yes - front yard area is required to be landscaped
Hamilton	No – low-rise zones do not regulate FSI	No – Lot Coverage not regulated in low-rise residential zones	Yes – landscaping regulated
Ottawa	No – low-rise zones do not regulate FSI	Yes – Lot Coverage regulated in some low-rise residential sub-zones	Yes – landscaping regulated, some zones specify minimum area and dimensions to provide for tree planting
Guelph (new ZBL adopted April 2023)	No – low-rise zones do not regulate FSI	Yes – Lot Coverage regulated for certain building types	Yes – minimum landscaped open space required
Kingston (new ZBL adopted Nov 2022)	No - low-rise residential zones do not regulate FSI	Yes – Lot Coverage regulated in some zones	Yes – most zones contain min. landscaped open space requirement
London (new ZBL)	No – FSI not regulated. Maximum densities may be used in some areas	Yes – Lot Coverage regulated	Yes – minimum landscaped open space and front yard soft landscaping area

<b>Jurisdiction</b>	<b>FSI</b>	<b>Lot Coverage</b>	<b>Landscaping</b>
Edmonton (new ZBL)	No – low-rise residential zones do not use FSI	Yes – Lot Coverage is regulated	Yes – max. impermeable area regulated, and minimum number of trees and shrubs required
Vancouver	Yes – FSI regulated	Yes – Lot Coverage regulated	Yes – maximum impermeable area regulated in some zones
Victoria	Yes – FSI regulated	Yes – Lot Coverage regulated	Yes – minimum open space required
Seattle	Yes – FSI regulated	Yes – Lot Coverage regulated	Yes – tree planting requirements
Portland	Yes – FSI Regulated	Yes – Lot Coverage regulated	Yes – minimum outdoor amenity space required, and trees regulated