

Housing Action Plan: Zoning By-law Simplification and Modernization for Low-rise Residential Zones – Phase 1 Final Report

Date: November 15, 2023

To: Planning and Housing Committee

From: Chief Planner and Executive Director, City Planning

Wards: All

SUMMARY

This report recommends changes to Zoning By-law 569-2013 (‘the city-wide Zoning By-law’) to be advanced as part of the first phase of work to simplify and modernize low-rise residential zoning regulations. The recommended zoning amendments would 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.

As described in the June 19, 2023 Proposals Report ([Item PH5.5](#)), this study organizes proposed changes by three key themes: ‘simplification’, ‘harmonization’, and ‘modernization’.

The recommended ‘simplification’ zoning changes advanced in this report include updating and clarifying zoning regulations for multiple secondary suites in one building in the R zone to reduce confusion, and clarify the distinction between secondary suites, multiplexes and low-rise apartment buildings. This includes the introduction of new conversion regulations to preserve existing permissions that allow detached houses and semi-detached houses to be converted to contain multiple units.

The recommended ‘harmonization’ zoning changes would align regulations, such as main wall height provisions for flat roof buildings between building types (i.e., detached and semi-detached houses) and across zones to ensure a consistent approach to city-wide performance standards for buildings of a similar scale, while enabling a diversity of architectural styles. Additional recommended zoning changes include a harmonization of performance standards in the R zone for low-rise apartment buildings with those for multiplexes to facilitate conversions and remove barriers to creating low-rise apartment buildings where they are already permitted.

The 'modernization' changes identified in the Proposals Report included exploration of alternative approaches to regulating building area (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. Through consultation, additional considerations have been identified and further analysis is necessary before a preferred approach to zoning changes can be recommended. Staff will continue this analysis and consultation and report back on potential approaches in Q4 2024.

The recommended zoning changes in this report respond to provincial policy changes to the *Planning Act* (Bill 23) and have been informed 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) initiative.

RECOMMENDATIONS

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

1. City Council amend Zoning By-law 569-2013, as amended, substantially in accordance with the draft Zoning By-law Amendment appended as Attachment 1 to this report.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the proposed Draft Zoning By-law Amendment as may be required.
3. City Council request the Chief Planner and Executive Director, City Planning to undertake further stakeholder consultation and report back to Planning and Housing Committee in Q4 2024 with proposals for the recommended Phase 2 of the Zoning By-law Simplification and Modernization for Low-rise Residential Zones study.

FINANCIAL IMPACT

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

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 recommended 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 proposed zoning amendments would 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

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

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>

On July 5, 2023, Planning and Housing Committee endorsed PH5.5 Housing Action Plan: Zoning By-law Simplification and Modernization for Low-rise Residential Zones - Proposals Report and endorsed City Planning proceeding with advancing zoning amendments on the basis of the contents of the report.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.PH5.5>

On November 8, 2023, City Council adopted Item EX9.3 Generational Transformation of Toronto's Housing System to Urgently Build More Affordable Homes, which included an update on the Housing Action Plan workplan items.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.EX9.3>

BACKGROUND

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 percent 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

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.

Provincial Policy Statement (2020)

At the time of writing this report, The Provincial Policy Statement (2020) ("PPS" herein) is in effect and provides policy provincial-wide direction on matters of provincial interest on land use planning and development to promote strong healthy communities, wise use and management of resources, and the protection of public health and safety. Decisions of City Council are required to be consistent with the PPS.

The PPS includes policies on key issues affecting communities, such as:

- managing and directing land use to achieve efficient and resilient development and land use patterns;
- providing for an appropriate range and mix of housing options and densities to meet projected requirements of current and future residents;
- planning public spaces, recreation, parks, trails and open space to promote healthy, active communities;
- providing infrastructure and public service facilities in an efficient manner that prepares for climate change impacts and projected needs;
- supporting long-term economic prosperity; and
- supporting energy conservation, air quality improvements, reduced greenhouse gas emissions and preparation for climate change impacts.

PPS Policy 1.4.3 b) directs planning authorities to permit and facilitate all housing options to meet the needs of current and future residents. Other policies relating to new housing and residential intensification include: Policy 1.4.3 d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and f) establishing development standards for residential intensification which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

The Ministry of Municipal Affairs and Housing has introduced a proposed change to the Growth Plan (2020) and the Provincial Policy Statement (2020), to combine these provincial policy documents into a single policy instrument, the Provincial Planning Statement. The outcome and policy implications of this initiative will not be known until the Fall of 2023.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan for the Greater Golden Horseshoe (2020) ("Growth Plan" herein) provides a strategic policy framework for managing growth and development while supporting economic prosperity, protecting the environment, and helping communities achieve a high quality of life within the Greater Golden Horseshoe, of which the City of Toronto forms an integral part.

Among the policies and objectives of the Growth Plan (2020) are:

- directing municipalities to make more efficient use of land, resources, and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process; and
- achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform to the Growth Plan.

At the time of drafting this report, the Growth Plan (2020) remains as the relevant provincial plan, to which it is necessary to have Official Plan policies and Zoning By-law regulations conform. The Ministry of Municipal Affairs and Housing has introduced a proposed change to the Growth Plan (2020) and the Provincial Policy Statement (2020), to combine these provincial policy documents into a single policy instrument, the Provincial Planning Statement.

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 percent 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 by-law 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

Recommended Zoning Changes

As described in the June 19, 2023, Proposals Report, this study categorized proposed changes to simplify and modernize low-rise residential zones in the city-wide Zoning By-law into three key themes of 'simplification', 'harmonization', and 'modernization'. The first phase of recommended zoning changes advanced through this report focus on the themes of simplification and harmonization, with changes focusing on modernization to follow in subsequent reports anticipated in 2024.

These recommended zoning changes build on analysis conducted through the Multiplex study and extend best practices approved by the Ontario Land Tribunal (OLT) in 2022 through the final decision on the residential zone appeals. Implementing these changes would result in a more consistent approach to regulating built form for buildings of a similar scale, would simplify the city-wide Zoning By-law, and assist with a move towards more form-based zoning regulations.

Simplification

Secondary Suites

Following review of the existing definition and regulations for secondary suites in Zoning By-law 569-2013, and review of emerging provincial policy directions and approaches used in other Ontario jurisdictions, staff recommend the following approach to address potential implementation issues following introduction of city-wide permissions for multiplexes.

No change is recommended to the existing definition of secondary suite, which requires the secondary suite to be located within and be subordinate to the primary dwelling unit. Maintaining this definition reflects the difference between secondary suites and dwelling units in a multiplex and acknowledges that under certain circumstances or for particular reasons, an owner may wish to use their property in different ways. In contrast to secondary suites, dwelling units in a multiplex are intended to function independently. In practice, this can take the form of secondary suites sharing services and maintaining internal connections within the building (i.e., lockable access between units), that could result in the secondary suite being recombined with the primary dwelling unit in the future, although these elements are not a zoning requirement. Maintaining the existing secondary suite definition and permissions in the Zoning By-law is also recommended

as this form of housing is referenced in other City policies and regulations (i.e., the Official Plan and Short-Term Rental regulations), and is a commonly understood concept.

To further support differentiation of secondary suites from dwelling units in a multiplex, staff also recommend maintaining the existing regulation that requires the area of a secondary suite not exceed 45 percent of the area of the primary dwelling unit. This regulation ensures that the primary dwelling unit is more readily identifiable.

One secondary suite will continue to be permitted in a detached house, semi-detached house or townhouse in all residential zones, with no restrictions on the location and or configuration of the unit. This augments the multiplex permissions (which, by definition, have requirements for unit configuration), provides an alternate pathway to achieving additional housing on a lot, and is in conformity with the Official Plan policies to permit secondary suites as well as other City policies and regulations.

Multiple Secondary Suites

The R zone, which is the residential zone primarily used in the former City of Toronto, currently 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.

As this permission can result in 5 or more secondary suites being created within an existing detached or semi-detached house, the recently adopted multiplex permissions do not sufficiently replace this permission. As a result, staff have identified a recommended approach to translate this “converted house” permission to better align with the building type definition for “apartment building” in the Zoning By-law (a building containing 5 or more dwelling units) and clarify and simplify the approach to regulating low-rise residential buildings with secondary suites and multiple dwelling units.

The recommended approach contained in the draft zoning by-law Amendment advanced through this report (Attachment 1) includes the following elements: removal of permission for multiple secondary suites in the R zone, introduction of conversion regulations to permit detached and semi-detached houses in the R zone to be converted to a low-rise apartment building, and a harmonization of certain performance standards for low-rise apartment buildings in the R zone to remove zoning barriers to this building type. The specific recommended changes are described in further detail below.

Conversion Regulations for Low-rise Apartment Buildings in the R Zone

In order to maintain the existing permissions for converting a detached house or semi-detached house to contain multiple units (that are currently facilitated in the R Zone through the multiple secondary suite permissions described above), staff recommend introducing new conversion regulations to permit these existing buildings to be converted to low-rise apartment buildings while maintaining the existing built form. Apartment buildings are currently a permitted building type in the R zone, and this

follows the approach taken through the Multiplex study to permit existing buildings to be converted to contain additional units.

These changes will simplify the manner in which residential buildings with multiple dwelling units are described and regulated in the R zone. Buildings with one additional unit that is smaller in scale (i.e., typical basement apartment) can proceed as a secondary suite, while buildings with 2 or more units of comparable sizes can proceed as a multiplex (up to 4 units) or low-rise apartment building (5 units or more), both as new construction or by converting an existing building. Refer to Table 1 below for a summary of permitted building types in each low-rise residential zone. Recommended changes to performance standards in the R zone, described below, will further facilitate these pathways to creating additional units.

Table 1: Building type permissions in Low-rise Residential Zones in Zoning By-law 569-2013

Building Type	Number of Units	Zones				
		R	RD	RS	RT	RM
Detached House	1 (plus 1 secondary suite)	✓	✓	✓	✓	✓
Semi-Detached House	2 (1 per side) (plus 1 secondary suite per unit)	✓		✓	✓	✓
Multiplex (Duplex, Triplex, or Fourplex)	2, 3, or 4	✓	✓	✓	✓	✓
Townhouse	3+ (plus 1 secondary suite per unit)	✓			✓	
Apartment Building	5+	✓				✓

Description of Low-rise Apartment Building in R Zone

In the R zone, apartment buildings of different scales are permitted, with a threshold established between low-rise apartment buildings (4 storeys or less) and taller apartment buildings above 4 storeys in height. This threshold is set out in certain regulations (i.e., side yard setbacks) by a reference to a height of 12.0 metres (generally 4 storeys). This corresponds with the typical maximum permitted height in many areas within the R zone. However, following the Ontario Land Tribunal decision on appeals to

the regulations for low-rise residential zones in Zoning By-law 569-2013, the maximum permitted height in the former City of Toronto was generally increased by 1.0 metre to reflect differences in how height is calculated in Zoning By-law 569-2013 (to the peak of a roof vs. to the midpoint of the roof in former general zoning by-laws). This means that areas that previously had a maximum height of 12.0 metres now have a maximum height of 13.0 metres.

As a result, staff recommend updating the threshold for a low-rise apartment building used in some regulations in the R zone to align with this revised maximum permitted height of 13.0 metres. This would enable low-rise apartment buildings of 4 storeys or less (which are already currently permitted) to be built to the same height as a detached house and continue to apply the performance standards for a low-rise apartment building, ensuring buildings of a similar scale continue to be subject to similar performance standards. This would only apply in situations where the existing permitted maximum height is 13.0 metres - low-rise apartment buildings in areas with a lower permitted maximum height would still be subject to this lower height permission. In addition, apartment buildings with a height of greater than 13.0 metres would continue to be subject to additional requirements, such as larger side yard setbacks.

Harmonization

Main Wall Height

In November 2022, the Ontario Land Tribunal (OLT) ordered amendments to main wall height permissions for detached houses in the RD zone 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. The multiplex study identified this as a best practice for flat roof buildings and adopted similar main wall height permissions to multiplex buildings with flat roofs in all residential zones.

Staff recommend extending these permissions for main wall height for flat roof buildings to detached and semi-detached houses in the R, RS, and RM zones and townhouses in the R zone. This change would create greater consistency by harmonizing performance standards that apply to low-rise residential buildings with similar design features, like flat roofs.

Side Yard Setbacks for Low-rise Apartment Buildings in the R Zone

Previously, the side yard setback requirements for multiplexes and low-rise apartment buildings in the R zone were aligned, with a minimum side yard setback of 1.2 metres required. The multiplex study revised the side yard setback requirement for multiplexes to 0.9 metres to align with the requirements for detached and semi-detached houses and street-oriented townhouses.

Staff recommend extending this harmonization of side yard setback requirements to low-rise apartment buildings in the R zone to further align the performance standards for buildings of a similar scale and reduce barriers to building missing middle housing. This change will also support conversion of existing detached and semi-detached houses to contain additional dwelling units, as described above. Low-rise apartment buildings with a height of less than 13.0 metres would be subject to the same 0.9 metre side yard setback requirement as other low-rise building types. Taller apartment buildings (greater than 4 storeys in height) would continue to require larger side yard setbacks of 7.5 metres.

Building Depth for Apartment Buildings in the R Zone

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 zoning by-law amendment for multiplexes eliminated this disparity, permitting multiplexes a building depth of 17 metres (and up to 19.0 metres on deep lots).

Staff recommend amending building depth permissions for apartment buildings in the R zone from 14.0 metres to 17.0 metres, in alignment with the permissions for multiplexes and other residential building types, to ensure similar regulations apply to buildings that are of a comparable scale and to remove remaining disparities in the zoning by-law for buildings with multiple units. Staff also recommend permitting additional building depth of 19.0 metres for apartment buildings on deep lots (lots with a depth of 36 metres, where the frontage is less than 10 metres, and 40 metres, where the frontage is 10 metres or greater), in alignment with the permissions for multiplex building types.

As part of this additional building depth permission for low-rise apartment buildings, clarification about primary window location is provided to ensure that dwelling units are primarily oriented towards the front and rear of a building, rather than towards side lot lines (except on corner lots). Should a dwelling unit be primarily oriented towards an interior side lot line, an increased setback is proposed to be required from primary windows.

This would provide similar built form permissions for all building types with multiple dwelling units in the R zone and balance the objectives of facilitating more housing with minimizing built form impacts to neighbouring properties and preserving opportunities to maintain and expand the tree canopy.

Building depth for Townhouses in the R zone

As noted above, townhouses in the R zone are also currently restricted to a building depth of 14.0 metres and were not included in the recent multiplex zoning by-law amendments. The proposed zoning by-law amendment increases building depth permissions for townhouses in the R zone from 14.0 metres to 17.0 metres to align with the permissions for multiplexes and the proposed permissions for low-rise apartment

buildings. This provides comparable built-form permissions for buildings of a similar scale. Given the differences in lot fabric for townhouses (generally narrow lots), additional building depth beyond 17.0 metres is not recommended at this time.

Modernization

Regulating Building Area and Footprint

Given the issues identified in the June Proposals Report with respect to Floor Space Index (FSI), staff had identified this topic as a potential area of change to pursue in the near-term. Through the stakeholder workshops and broader public consultation (described below), staff heard multiple perspectives on how the Zoning By-law regulates building area and footprint through Floor Space Index (FSI) and Lot Coverage. Following additional research and in consideration of the feedback received to-date, staff have concluded that a broader approach to reviewing how building area and footprint are regulated in low-rise residential zones is appropriate and recommend not advancing changes to FSI at this time.

To address this topic in a holistic manner, staff will undertake additional analysis and consultation on the topic of building area and footprint to inform the development of options. This work will be coordinated with other ongoing initiatives, such as the review of landscaping regulations, to develop a comprehensive set of potential options.

The previously identified survey in the June 2023 proposals report has been deferred and will be reframed to focus on broader priorities with respect to building area and footprint within neighbourhoods. The feedback received through this survey will be used to inform option development and guide further consultation in 2024. Staff anticipate reporting later in 2024 with refined options for implementation.

CONSULTATION

Staff convened stakeholder workshops with industry professionals and resident associations with experience with the topics identified to advance in Phase 1. Feedback received through these workshops was used to refine the proposed zoning by-law amendments that are being advanced through this report and will also be used to inform future phases of work.

Workshop participants also provided detailed feedback on the proposed 'modernization' topic of regulating building area and footprint. Participants identified several considerations, including: the importance of FSI in regulating building mass and expressed concerns that other performance standards may not adequately control the size of a building; a desire to not incentivise single unit buildings, rather that buildings with multiple units should be allowed a larger area; concerns that lot coverage may be too restrictive, given that the current performance standards may not reflect the existing and emerging context; concerns that lot coverage may not be sufficient to protect trees and growing space; and others. Undertaking a more holistic approach to exploring

alternatives to regulating building area and footprint was identified as a priority. As mentioned above, staff will take this feedback into account as part of ongoing analysis and development of potential options with respect to building area and footprint.

City-wide virtual public consultation meetings were held on October 26 and 27, 2023 to present the recommended zoning changes and proposed next phase of work. Approximately 40 individuals participated and provided feedback. Attendees were generally supportive of the proposed changes related to secondary suites, but identified concerns regarding which regulations would apply to converted buildings and the continued barriers that FSI limits would have on creating additional units. Concerns were raised regarding the 'harmonization' changes, including the proposed additional building depth for apartment buildings on deep lots and the reduction in the side yard setback for low-rise apartment buildings. General concerns were also raised about the impact of these changes (and intensification in general) on open space, landscaping and permeable surfaces and the urban tree canopy. However, a number of attendees were supportive of these changes and encouraged staff to explore further ways to reduce zoning barriers. Finally, attendees provided valuable feedback on the positives and negatives of the current approaches to regulating building area and footprint. This feedback, along with that received through the stakeholder workshops, will be used to inform the next phase of work.

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 recommended changes to the city-wide Zoning By-law to advance at this time. These changes complement ongoing EHON and other HAP initiatives to expand and modernize permissions in the city's low-rise Neighbourhoods.

The 'simplification' changes clarify how buildings with multiple units are identified and support additional pathways to creating more housing within existing low-rise buildings. The 'harmonization' changes further align performance standards for buildings of a similar scale and reduce barriers for buildings with multiple units.

'Modernization' changes to the way building area and footprint are regulated require further analysis and consultation and will be advanced in 2024. Future phases of work will also explore changes to building type definitions to further simplify the Zoning By-law. In addition, further items may be identified through public consultations and this feedback will help to inform the next phase of work and refine future recommendations.

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. Further actions to simplify and modernize the city-wide Zoning By-law will be advanced in 2024.

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ATTACHMENTS

Attachment 1: Recommended Zoning By-law Amendment for Zoning By-law
Simplification and Modernization for Low-rise Residential Zones: Phase 1