

# **Housing Action Plan: Incorporating Low-rise Residential Lands into Zoning By-law 569-2013 Preliminary Report**

Date: January 12, 2024

To: Planning and Housing Committee

From: Interim Chief Planner and Executive Director, City Planning

Wards: All

## **SUMMARY**

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This report presents a draft zoning framework to bring low-rise residential lands into Zoning By-law 569-2013 ('the City-wide Zoning By-law') that were excluded from the City-wide Zoning By-law as part of the transition protocol in 2012. The transition protocol left lands in the former municipal zoning by-laws from incorporation into the City-wide Zoning By-law for various reasons. The proposed zoning framework is part of the on-going work to simplify the zoning by-law and recommends bringing in lands into the City-wide Zoning By-law that had active site plan or zoning by-law amendment applications in 2012, but which have since been approved and the file has been closed.

Staff recommend bringing low-rise residential lands into the City-wide Zoning by-law with zoning standards that are consistent with the applicable former municipal zoning by-law and in conformity with the Official Plan. This is part of the work to simplify and modernize the Zoning By-law for low-rise residential zones. Bringing these lands into the City-wide Zoning By-law seeks 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. This will also ensure the consistent and equitable application of important city-building initiatives such as recent housing regulations for missing middle housing and the removal of parking minimums.

The draft zoning framework report proposes to bring approximately 1,500 parcels into the City-wide Zoning By-law on a district-based approach. Bringing these lands into the by-law will enable the full range of missing middle housing permissions (e.g., laneway suites, garden suites and multiplexes) and the new parking regime in low-rise residential zones. The proposed changes will form the basis for public consultation in 2024.

## **RECOMMENDATIONS**

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

1. Planning and Housing Committee endorse the contents of this report as the basis for public consultation.
2. Planning and Housing Committee direct City Planning staff to undertake public consultation on the proposed zoning by-law amendments.
3. Planning and Housing Committee request the Chief Planner and Executive Director, City Planning to prepare a Final Recommendations Report and Zoning By-law Amendments for Toronto and East York District in the third quarter of 2024, followed by the additional districts in 2025.

## **FINANCIAL IMPACT**

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There are no financial implications resulting from the recommendations included in this report.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the information as presented in the Financial Impact Section.

## **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 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 achieve and maintain housing stability; and
- The City's Official Plan contains policies relating to the provision of a full range of housing, including maintaining and replenishing the affordable and mid-range housing stock within the city.

## **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 [E26.16](#)).

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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Zoning By-law 569-2013, the City's city-wide comprehensive zoning by-law, was enacted on May 9, 2013.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG21.1>

As part of preparing Zoning By-law 569-2013, Planning and Growth Management Committee considered a transition protocol at its June 18, 2012 meeting to address the transition between the zoning by-laws of the former municipalities and the upcoming City-wide comprehensive zoning by-law (see Attachment 2).

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PG16.1>

On December 14, 2022, City Council adopted Item CC2.1-2023 Housing Action Plan. Recommendation 1 directed 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 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**

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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 nonmarket) 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.

## **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.

### **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

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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 the 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 low-rise 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.

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## **Zoning By-law 569-2013 Transition Protocol**

As part of the preparation of Zoning By-law 569-2013 a transition protocol was developed to assist with determining what lands should not be included in By-law 569-2013. The objective of the transition protocol introduced in June 2012 was to avoid confusion about the applicable zoning regulations and to minimise the potential inconvenience to property owners relating to which zoning regulations apply in certain situations.

In accordance with the protocol, lands that fell into at least one of the five following categories were excluded from Zoning By-law 569-2013.

1. Lands with a complete site-specific zoning by-law amendment application and no building permit had been issued.
2. Lands with a complete site plan control application and no building permit had been issued.
3. Lands subject to on-going secondary plan or other official plan area-wide study.
4. Lands regulated by an existing area-wide zoning by-law of a former municipality that was complicated and comprehensive.
5. Lands which zoning in the former municipal zoning by-law do not conform to the official plan.

The protocol was intended to be an interim measure to assist the orderly transition between the zoning by-laws of the former municipalities and Zoning By-law 569-2013. The intent always being that all of the lands in the City would be brought into By-law 569-2013 based on the review of their status. Staff recommend that it is now appropriate to bring lands into the City-wide Zoning By-law for low-rise residential lands with an approved site plan or zoning by-law amendment.

Roughly, 4 percent (20,300) of the City's 489,000 parcels are not part of Zoning By-law 569-2013. Attachment 1 is a city-wide map of the parcels that are not part of By-law 569-2013.

## **COMMENTS**

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### **Proposed Zoning Framework**

It has been over 10 years since the enactment of Zoning By-law 569-2013. Since that time, lands have been brought into the By-law primarily on a piecemeal basis as an outcome related to site specific zoning amendment applications. Staff recommend taking a proactive approach to bring low-rise residential lands into the City-wide Zoning By-law. The recommendations of this report would address:

1. Low-rise residential lands with a closed zoning by-law amendment application.
2. Low-rise residential lands with a closed site plan application.

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These lands account for roughly 7 percent (1,530) of the 20,300 parcels that are not part of By-law 569-2013. Attachment 2 includes a map for each community planning district showing the low-rise residential parcels not subject to the City-wide Zoning By-law that have a closed zoning amendment or site plan application.

These parcels will be brought into the City-wide Zoning By-law consistent with the former municipal zoning by-law permissions and in conformity with the Official Plan. This approach will minimize any substantive change to zoning permissions but will require an individual review of each site to determine the correct zoning permissions.

**Staged Assessment of the Low-rise Residential Sites**

Given the volume of parcels, staff propose to address the parcels in four stages by community planning district as follows:

<b>District</b>	<b>Number of parcels</b>
Toronto and East York (Wards 4, 9, 10, 11, 12, 13, 14, 19)	328
North York (Wards 6, 8, 15, 16, 17, 18)	322
Etobicoke York (Wards 1, 2, 3, 5, 7)	505
Scarborough (Wards 20, 21, 22, 23, 24, 25)	379

Staff propose to address the low-rise residential properties in Toronto and East York District first, followed by North York, Etobicoke York and Scarborough in 2025.

**CONSULTATION**

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Consultation events will commence in 2024. Staff will hold community meetings with the property owners and the public to inform them of the proposed zoning of the parcels.

**CONCLUSION**

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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 simplifying and modernizing the Zoning By-law for low-rise residential zones. Bringing these lands into the City-wide Zoning By-law seeks to remove barriers, ease administration, and enable HAP: Incorporating Low-rise Residential Lands into ZBL 569-2013 Preliminary Report.

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.

## **CONTACT**

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## **SIGNATURE**

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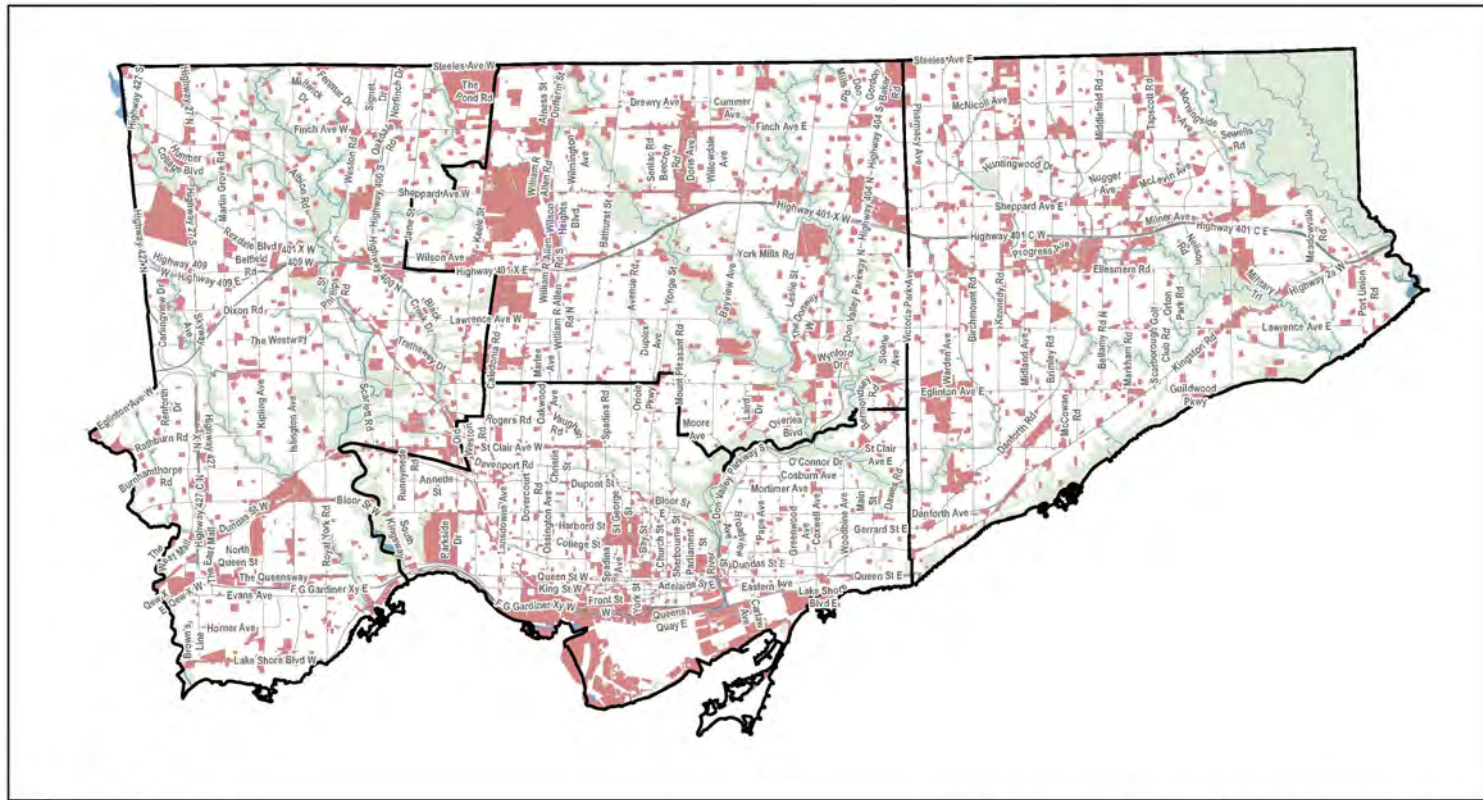
Kerri Voumvakis  
Interim Chief Planner and Executive Director  
City Planning Division



## **ATTACHMENTS**

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Attachment 1: City-wide map of the parcels that are not part of Zoning By-law 569-2013  
Attachment 2: Community Planning District maps of the low-rise residential parcels not part of By-law 569-2013 with closed zoning amendment or site plan applications

Attachment 1: City-wide map of the parcels that are not part of Zoning By-law 569-2013

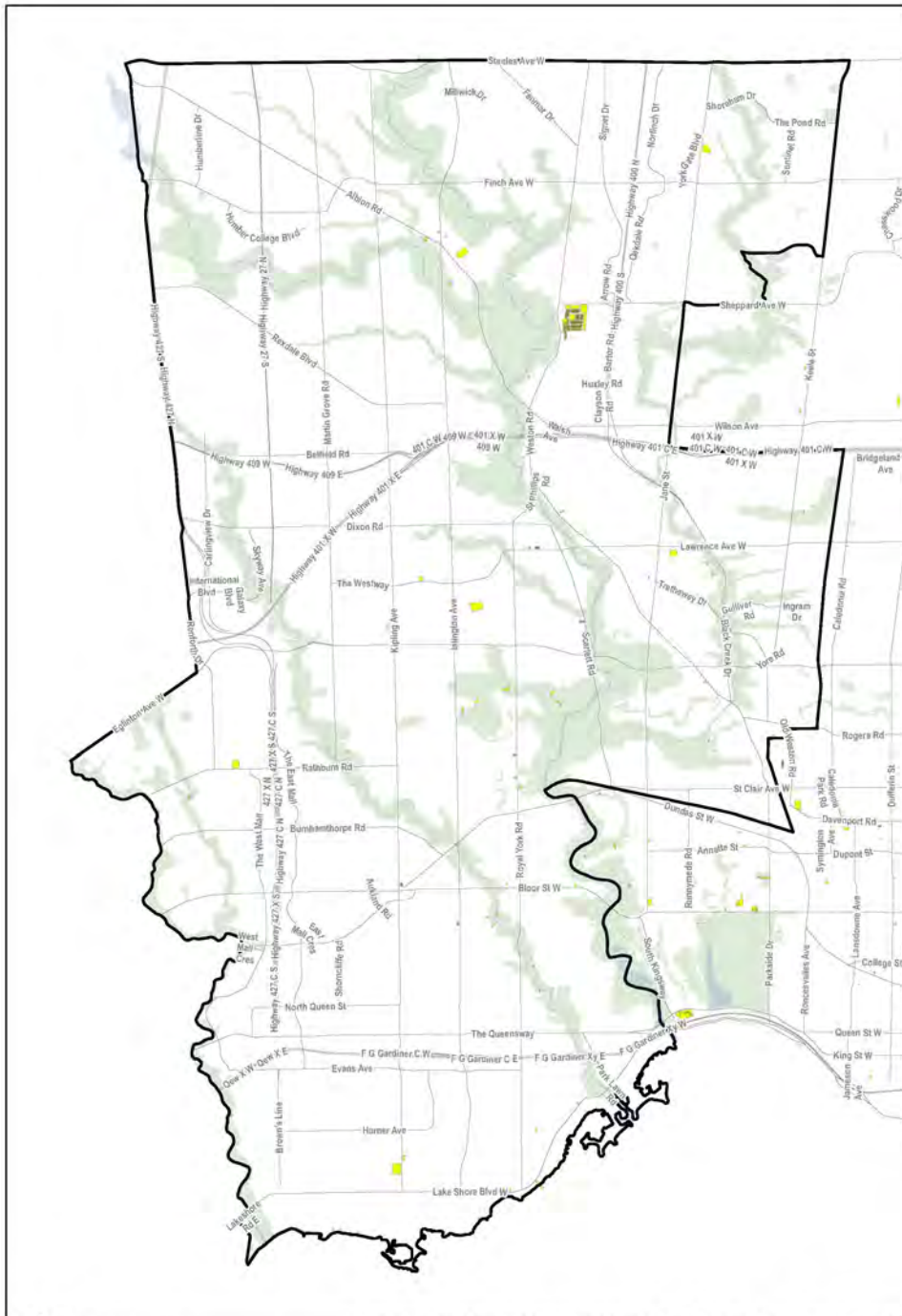


-  Community Planning Districts
-  Lands Not Part of By-law 569-2013

Map 1 - Lands Not Part of By-law 569-2013



  
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11/30/2023

Attachment 2: Community Planning District maps of the low-rise residential parcels not part of By-law 569-2013 with closed zoning amendment or site plan applications



Map 2 - Residential Low-rise Lands Not Part of By-law 569-2013

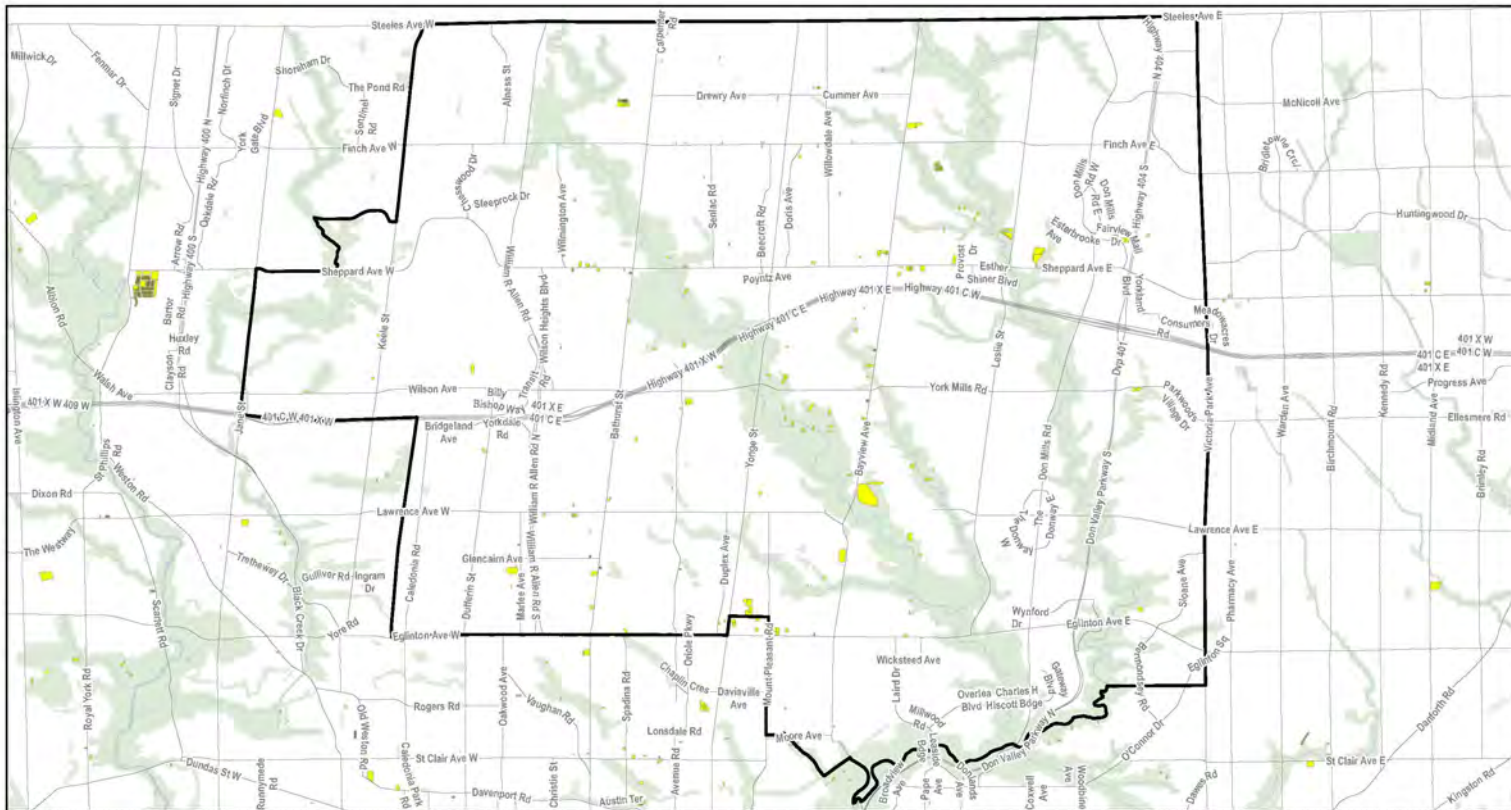
Etobicoke York

-  Community Planning District
-  Residential Low-rise Lands Not Part of By-law 569-2013





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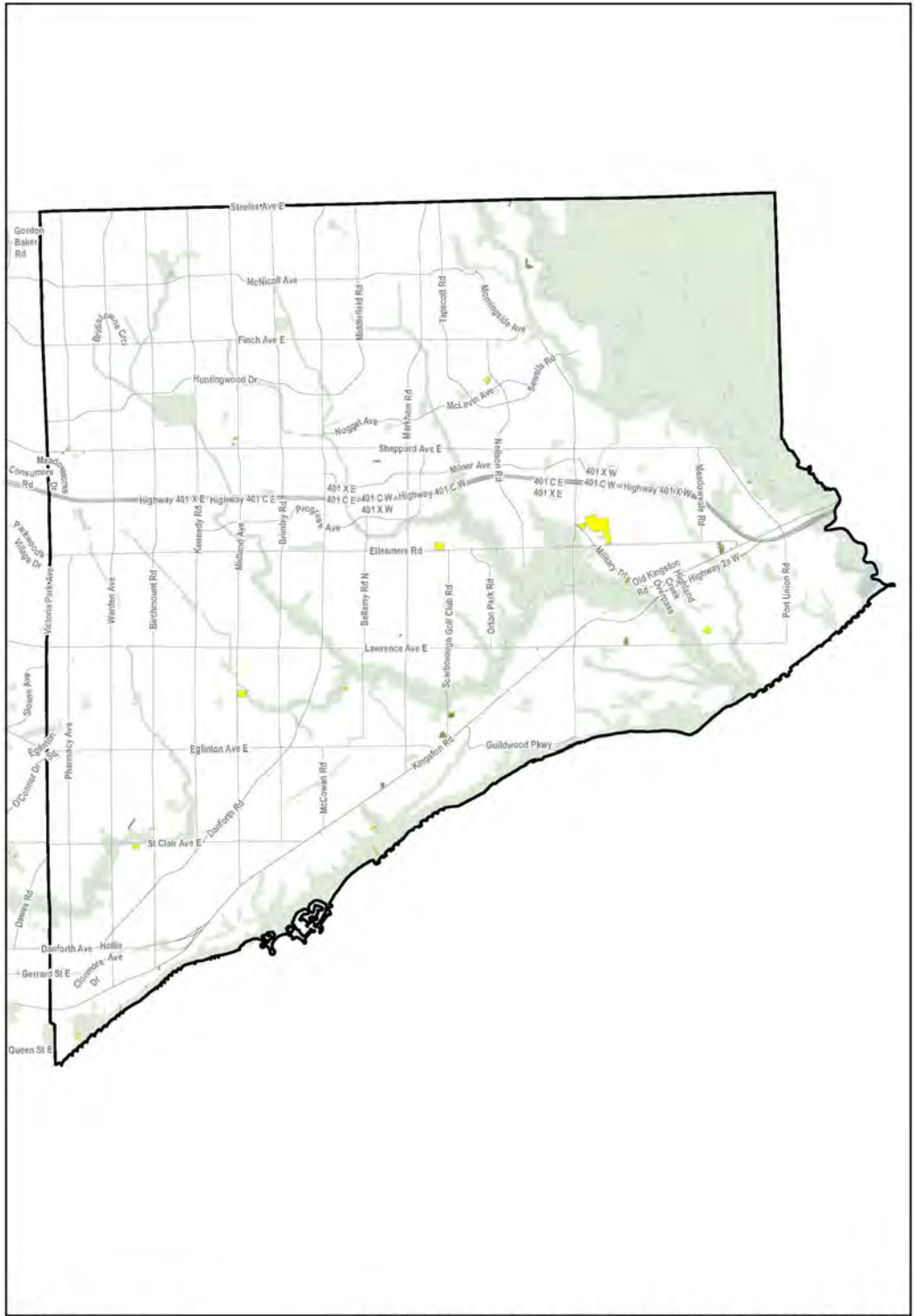
Map 4 - Residential Low-rise Lands Not Part of By-law 569-2013

North York

-  Community Planning District
-  Residential Low-rise Lands Not Part of By-law 569-2013





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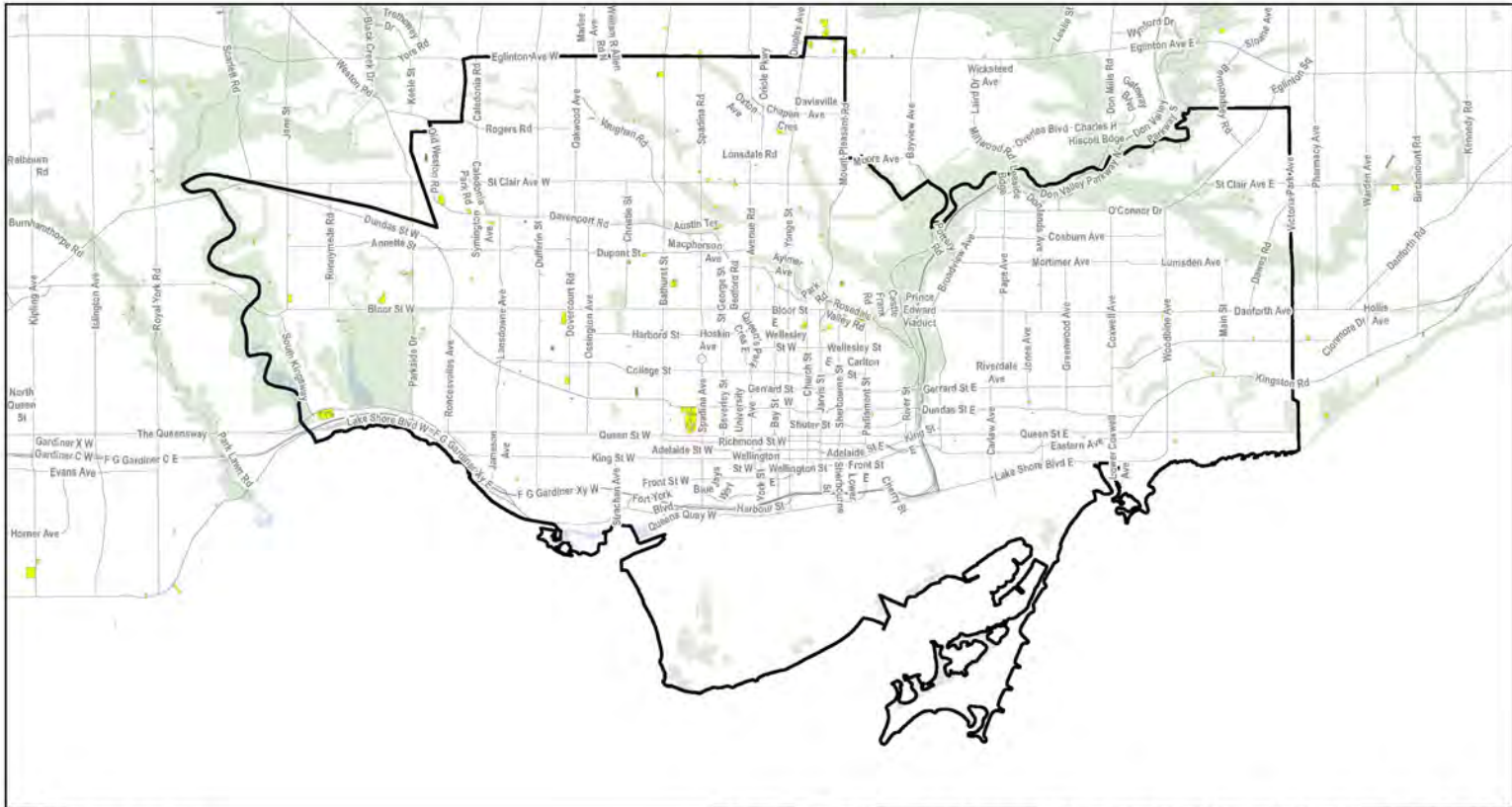
Map 5 - Residential Low-rise Lands Not Part of By-law 569-2013

Scarborough

-  Community Planning District
-  Residential Low-rise Lands Not Part of By-law 569-2013



  
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HAP: Incorporating Low-rise Residential Lands into ZBL 569-2013 Preliminary Report.



Map 3 - Residential Low-rise Lands Not Part of By-law 569-2013

Toronto East York

-  Community Planning District
-  Residential Low-rise Lands Not Part of By-law 569-2013



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