

## Attachment 1: Draft Zoning By-law Amendment (Garden Suites)

**Authority:** Planning and Housing Committee Item PH###.##, as adopted by City of Toronto Council on [insert date of Council adoption of this By-law]

### CITY OF TORONTO BY-LAW ###-2025

**To amend Zoning By-law 569-2013, as amended, to alter permissions and performance standards for garden suites.**

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act.

The Council of the City of Toronto enacts:

1. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, as amended, Chapter 800 Definitions, unless otherwise specified.
2. Zoning By-law 569-2013, as amended, is further amended by replacing Regulation 150.7.60.20(6) with the following:

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

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

- (A) if it is on a **corner lot**, and a **residential building** on an adjacent **lot** fronts on the **street** that abuts the **side lot line** of the **corner lot**, the required minimum **side yard setback** for the **ancillary building** containing a **garden suite** is the average of the **front yard setback** of the **residential building** on the adjacent **lot** and the minimum required **side yard setback** of the principal **residential building** on the **lot**, but in no cases should be less than 1.5 metres;
- (B) if it is on a **corner lot** and the **ancillary building** containing a **garden suite** contains a **parking space** and **vehicle** access from the **street** abutting the **side lot line**, the required minimum **side yard setback** is the greater of 6.0 metres or the minimum required **side yard setback** required in (A) above; and

- (C) in all other cases, the required minimum **side yard setback** is the greater of the required minimum **side yard setback** for the **residential building** on the **lot** or 1.5 metres.
- 3. Zoning By-law 569-2013, as amended, is further amended by replacing Regulation 150.7.60.20(2) with the following:
  - (2) Garden Suite – Rear Yard Setback

Despite regulations 10.5.60.20(2) and (5), and regulation 10.10.60.20(1), the required minimum **rear yard setback** for an **ancillary building** containing a **garden suite** is:

    - (A) if on a **lot** with a **lot depth** greater than 45.0 metres, equal to the greater of 1.5 metres or half the height of the **ancillary building** containing a **garden suite**;
    - (B) in all other cases, 1.5 metres; and
    - (C) if the **rear lot line** abuts a **lot** in the Residential Zone category and the **ancillary building** containing a **garden suite** has openings such as windows in the rear **main wall** located above 4.0 metres above **average grade**, the required minimum **rear yard setback** in (B) above shall be increased by 1.5 metres.
- 4. Zoning By-law 569-2013, as amended, is further amended by replacing Regulation 150.7.60.30(1) with the following:
  - (1) Minimum Separation between a Residential Building

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

    - (A) no less than 4.0 metres from the **main wall** of the **residential building** on the same **lot** if the height of the **ancillary building** is no greater than 4.0 metres; and
    - (B) no less than 7.5 metres from the **main wall** of the **residential building** on the same **lot** if the height of the **ancillary building** is greater than 4.0 metres.
- 5. Zoning By-law 569-2013, as amended, is further amended by deleting Regulations 150.7.60.30(2), (3) and (4).
- 6. Zoning By-law 569-2013, as amended, is further amended by replacing Regulation 150.7.60.40(1) with the following:
  - (1) Maximum Height of a Garden Suite

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

- (A) if the **ancillary building** containing a **garden suite** is located less than 7.5 metres from the **residential building** on the **lot**, 4.0 metres; and
  - (B) if the **ancillary building** containing a **garden suite** is located 7.5 metres or more from the **residential building** on the **lot**, 6.3 metres.
7. Zoning By-law 569-2013, as amended, is further amended by replacing Regulation 150.7.60.50(2) with the following:
- (2) Garden Suite – Gross Floor Area  
  
The **gross floor area** of an **ancillary building** containing a **garden suite** must be less than the **gross floor area** of the **residential building** on a **lot**.
8. Zoning By-law 569-2013, as amended, is further amended by adding to Clause 150.7.60.50 new Regulation (4) so that it reads:
- (4) Garden Suite – Maximum Gross Floor Area  
  
In addition to the requirements of regulation 150.7.60.50(2), an **ancillary building** containing a **garden suite** is subject to the following:
    - (A) the maximum **gross floor area** for an **ancillary building** containing a **garden suite** is 120 square metres; and
    - (B) despite (A) above, the maximum **gross floor area** for an **ancillary building** containing a **garden suite** that is one **storey** is 60 square metres.
9. Zoning By-law 569-2013, as amended, is further amended by adding to Clause 150.7.60.50 new Regulation (5) so that it reads:
- (5) Garden Suite – Gross Floor Area Calculations  
  
The **gross floor area** of an **ancillary building** containing a **garden suite**, may be reduced by the area within a **building** listed in regulations 10.5.40.40 (1), (2), and (3) (A) and (B).
10. Zoning By-law 569-2013, as amended, is further amended by replacing Regulation 150.7.60.60(2)(B) with the following:

- (B) the platform complies with the required minimum **building setbacks** and separation distances for the **ancillary building** containing a **garden suite**; and

11. Zoning By-law 569-2013, as amended, is further amended by replacing Regulation 150.7.60.70(1) with the following:

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

Despite Regulations 10.5.60.70(1), 10.10.60.70(1), 10.20.30.40(1)(A), 10.40.30.40(1)(A), 10.60.30.40(1)(A) and 10.80.30.40(1)(A) if a **lot** has a **residential building**, other than an **apartment building**, and an **ancillary building** containing a **garden suite**:

- (A) the area of the **lot** covered by all **buildings** and **structures** must not exceed 45 percent; or
- (B) the **ancillary building** containing a **garden suite** is not included in the overall calculation of **lot coverage**, and the area of the **lot** covered by all **ancillary buildings** combined, including the **ancillary building** containing a **garden suite**, may not exceed 20 percent of the **lot area**; and
  - (i) if a **lot** is in an area with a numerical value on the Lot Coverage Overlay Map, that numerical value is the permitted maximum **lot coverage** for the **residential building** as a percentage of the **lot area**; or
  - (ii) if a **lot** is not in an area with a numerical value on the Lot Coverage Overlay Map, no **lot coverage** applies to the **residential building** on the **lot**.

12. Zoning By-law 569-2013, as amended, is further amended by adding to Clause 150.7.60.70 a new Regulation (2) so that it reads:

(2) Lot Coverage Requirement for a Lot with a Garden Suite – Apartment Building

Despite Regulations 10.5.60.70(1), 10.10.60.70(1), 10.20.30.40(1)(A), 10.40.30.40(1)(A), 10.60.30.40(1)(A) and 10.80.30.40(1)(A) if a **lot** has an **apartment building** and an **ancillary building** containing a **garden suite**:

- (A) the **ancillary building** containing a **garden suite** is not included in the overall calculation of **lot coverage**, and the area of the **lot** covered by all **ancillary buildings** combined, including the **ancillary building** containing a **garden suite**, may not exceed 20 percent of the **lot area**; and

- (i) if a **lot** is in an area with a numerical value on the Lot Coverage Overlay Map, that numerical value is the permitted maximum **lot coverage** for the **residential building** as a percentage of the **lot area**; or
- (ii) if a **lot** is not in an area with a numerical value on the Lot Coverage Overlay Map, no **lot coverage** applies to the **residential building** on the **lot**.

13. Zoning By-law 569-2013, as amended, is further amended by replacing Regulation 150.7.60.20(5)(A) with the following:

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

14. Zoning By-law 569-2013, as amended, is further amended by adding a new regulation 150.7.60.21(2), so that it reads:

(2) Transition – Setbacks for a Garden Suite

A **garden suite** may have a **side yard setback** or **rear yard setback** less than required in regulations 150.7.60.20(2) and (6), if:

- (A) The **building** is a **lawfully existing garden suite**, and no additions are added that would increase the noncompliance after **[ENACTION DATE]**; or
- (B) The **building** was constructed pursuant to a building permit issued after **[ENACTION DATE]** that contains no reduced **side yard setback** or **rear yard setback** other than those identified in:
  - (i) The plans approved with a zoning certificate issued for the project, for which the request for a zoning certificate was filed on or prior to **[ENACTION DATE]**;
  - (ii) An approved zoning by-law amendment, for which the complete application for a zoning by-law amendment was filed on or prior to **[ENACTION DATE]**;
  - (iii) A minor variance authorized under Section 45 of the Planning Act, for which the complete application for a minor variance was filed on or prior to **[ENACTION DATE]**; or
  - (iv) A site plan approval, for which the complete application for site plan approval was filed on or prior to **[ENACTION DATE]**; and

- (C) For a **building** constructed pursuant to (B) above, no additions with **side yard setbacks** or **rear yard setbacks** that would further increase the noncompliance may be added after the issuance of the building permit upon which the exemption is founded, if they would increase the noncompliance beyond that established by that building permit.

15. Zoning By-law 569-2013, as amended, is further amended by adding a new regulation 150.7.60.21(3), so that it reads:

(3) Transition – Definition of Lawfully, Lawfully Existing and Complete Applications

For the purposes of regulation 150.7.60.21(2):

- (A) the words **lawful**, **lawfully** and **lawfully existing**, highlighted in bold type, in addition to the definitions provided in Zoning By-law 569-2013, Chapter 800 Definitions, includes:
  - (i) **buildings, structures** or uses authorized or permitted on or before **[ENACTION DATE]**; and
  - (ii) for which a building permit was lawfully issued before **[ENACTION DATE]**;
- (B) a "request for a zoning certificate" means a request for a zoning certificate that satisfies the requirements set out in Article I, Building Permits, of Chapter 363, Building Construction and Demolition of the City of Toronto Municipal Code.
- (C) a "complete application for a zoning by-law amendment" means an application which satisfies the requirements set out in the City of Toronto Official Plan Policy 5.5.2.
- (D) a "complete application for a minor variance" means an application which satisfies the requirements of Section 2 of Ontario Regulation 200/96 (Minor Variance Applications) under the Planning Act.
- (E) a "complete application for site plan approval" means an application which satisfies the requirements set out in the City of Toronto Official Plan Policy 5.5.2.

16. Zoning By-law 569-2013, as amended, is further amended by adding a new clause 150.7.60.51 and regulations 150.7.60.51(1) and (2), so that it reads:

**150.7.60.51 Floor Area Exemptions**

(1) Transition – Gross Floor Area for a Garden Suite

A **garden suite** may have **gross floor area** that exceeds the requirements in regulations 150.7.60.50(2), (4) and (5), if:

- (A) The **building** is a **lawfully existing garden suite**, and no additions are added that would increase the noncompliance after **[ENACTION DATE]**; or
- (B) The **building** was constructed pursuant to a building permit issued after **[ENACTION DATE]** that contains no excess **gross floor area** other than that identified in:
  - (i) The plans approved with a zoning certificate issued for the project, for which the request for a zoning certificate was filed on or prior to **[ENACTION DATE]**;
  - (ii) An approved zoning by-law amendment, for which the complete application for a zoning by-law amendment was filed on or prior to **[ENACTION DATE]**;
  - (iii) A minor variance authorized under Section 45 of the Planning Act, for which the complete application for a minor variance was filed on or prior to **[ENACTION DATE]**; or
  - (iv) A site plan approval, for which the complete application for site plan approval was filed on or prior to **[ENACTION DATE]**; and
- (C) For a **building** constructed pursuant to (B) above, no additions with excess **gross floor area** that would further increase the noncompliance may be added after the issuance of the building permit upon which the exemption is founded, if they would increase the noncompliance beyond that established by that building permit.

(2) Transition – Definition of Lawfully, Lawfully Existing and Complete Applications

For the purposes of regulation 150.7.60.51(1):

- (A) the words **lawful**, **lawfully** and **lawfully existing**, highlighted in bold type, in addition to the definitions provided in Zoning By-law 569-2013, Chapter 800 Definitions, includes:
  - (i) **buildings, structures** or uses authorized or permitted on or before **[ENACTION DATE]**; and



- (ii) for which a building permit was lawfully issued before  
[ENACTION DATE];
- (B) a "request for a zoning certificate" means a request for a zoning certificate that satisfies the requirements set out in Article I, Building Permits, of Chapter 363, Building Construction and Demolition of the City of Toronto Municipal Code.
- (C) a "complete application for a zoning by-law amendment" means an application which satisfies the requirements set out in the City of Toronto Official Plan Policy 5.5.2.
- (D) a "complete application for a minor variance" means an application which satisfies the requirements of Section 2 of Ontario Regulation 200/96 (Minor Variance Applications) under the Planning Act.
- (E) a "complete application for site plan approval" means an application which satisfies the requirements set out in the City of Toronto Official Plan Policy 5.5.2.

Enacted and passed on [Clerks to insert date].

[full name],  
Speaker

[full name],  
City Clerk

(Seal of the City)