

Attachment 2: 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.

Explanatory Comment – Setbacks:

This section of the Zoning By-law Amendment introduces updated setback requirements for corner lots. During consultations, examples were raised with corner lots where a residential building faces the same street as the side yard of the corner lot. In such cases, the resulting setbacks were often closer to the side lot line and did not align with the standard averaging requirements for residential buildings. The proposed amendments aim to apply an averaging rule in these situations to ensure more consistent setbacks with neighboring properties.

The second change requires an additional 1.5 metre setback for any rear main wall with a window located 4.0 metres or higher above the average grade to address privacy and overlook for the neighboring property to the rear. This regulation is only applicable if the rear lot line abuts a residentially zoned property.

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.

Explanatory Comment – Separation Distance/Angular Plane Removal:

Ontario Regulation 462/24 introduced a reduced separation distance between a garden suite and the principal building on a lot. This by-law amendment incorporates those provincial changes into the Toronto context.

Specifically, the separation distance is reduced from 5.0 metres to 4.0 metres for one-storey garden suites with a maximum height of 4.0 metres. The existing 7.5-metre separation distance will continue to apply to two-storey garden suites. This change will also clarify how this should be measured, which will be main wall to main wall.

This section of the by-law also removes angular plane requirements in alignment with the changes introduced by O. Reg 462/24. The provincial regulation eliminated angular plane requirements for lots containing two to three units. The amendment to Toronto's zoning by-law will extend this change to all lots with garden suites, including where there are more than three units on the lot.

Additionally, this section proposes the removal of area-specific provisions for Ward 19, which previously allowed reduced setback requirements. During consultations, numerous concerns were raised about these reduced setbacks. The proposed changes will align the requirements in Ward 19 with those applied citywide, including an option for a reduced separation distance of 4.0 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).

Explanatory Comment – Height:

This section of the by-law updates the regulations related to building height for garden suites. The first amendment permits a height of up to 6.3 metres for garden suites located at least 7.5 metres from the principal residential building on the lot. This aligns garden suite height permissions with those currently allowed for laneway suites.

The second change introduces a maximum main wall height to address concerns about the massing of second storeys. A maximum main wall height of 4.0 metres will apply, along with a roof slope limit of 5 vertical units for every 3 horizontal units. However, if a side of the building is setback an additional 1.5 metres, there will be no maximum main wall height on that side of the building.

This provision provides design flexibility for applicants interested in building garden suites with flat or alternative roof forms. No main wall height restriction will apply to any front and rear main wall for a garden suite and if a side lot line abuts a street no main wall height will be required.

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 adding to Clause 150.7.60.40 new Regulations (8) and (9) that reads as follows:

(8) Maximum Height of Side Main Walls for a Garden Suite

The permitted maximum height for the exterior portion of **main walls** for an **ancillary building** containing **garden suite** is 4.0 metres above **average grade**, for all **main walls**, excluding:

- (A) a front **main wall** and rear **main wall**; and
- (B) a side **main wall** if:
 - (i) the side **main wall** abuts a **street**; or
 - (ii) the side **main wall** is setback an additional 1.5 metres from the required **side yard setback** in Regulation 150.7.60.20(5).

(9) Roof Slope Restriction for a Garden Suite

Any portion of a sloped roof that is above 4.0 metres above **average grade** and located on a **main wall** facing a **side lot line** may not have a slope greater than 5.0 vertical units for every 3.0 horizontal units.

Explanatory Comment – Floor Area:

The purpose of regulation 150.7.60.50(2) is to ensure that a garden suite remains subordinate to the principal building on the lot. Previously, the regulation compared the interior floor area of the garden suite to the gross floor area of the principal building. The proposed amendment will shift this comparison to a gross floor area-to-gross floor area review, providing a more accurate and consistent method of ensuring the garden suite is the smaller of the two structures. The garden suite's gross floor

area would be subject to the same deductions as the principal residential building, with the exception of area within the garden suite building used for parking spaces.

A new provision will be added to limit the maximum gross floor area for a garden suite to 60 square metres for a one-storey building and 120 square metres for a two-storey building. This revision is intended to guide the overall size of garden suites, ensuring they do not dominate the rear yard and remain clearly secondary to the main residential building. Additionally, specifying a maximum gross floor area, rather than imposing limits on building length or width, provides design flexibility for livable space while allowing for the preservation of important lot features, such as trees or natural features.

8. 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.

9. 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.

10. 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).

Explanatory Comment – Angular Plane References to be Removed:

This section removes reference to the angular plane.

11. 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

Explanatory Comment – Lot Coverage:

This section of the by-law updates the lot coverage requirements for garden suites. It removes the existing 40% rear yard coverage limit, which was found to be redundant based on site statistics and minor variance trends. The existing 20% total lot area coverage requirement for all ancillary buildings is considered more appropriate and will remain in place. The intent of this amendment is to provide greater flexibility for applicants while incorporating the permissions introduced through Ontario Regulation 462/24. The provincial regulation allows for a minimum of 45% total lot coverage by all buildings and structures on a lot. The updated by-law will reflect this allowance in the Toronto context, enabling applicants to choose between the new 45% lot coverage for all buildings and structures on the lot and the existing 20% lot coverage for ancillary buildings.

The total floor area limitation of 60 square metres was removed from this section.

12. 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**.

13. 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**.

Explanatory Comment – Technical Amendments:

The change is replacing 'and' with 'or' to be consistent with how other portions of the by-law is written.

14. 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

Enacted and passed on [Clerks to insert date].

[full name],
Speaker

[full name],
City Clerk

(Seal of the City)