

Authority: Planning and Housing Committee Item [-], as adopted by City of Toronto Council on [-]

CITY OF TORONTO

BY-LAW [Clerks to insert By-law number]

To amend Zoning By-law 569-2013, as amended, with respect to the lands in the Residential Zone and Residential Apartment Zone Category for the following Permissions: Townhouses and Associated Performance Standards; Conversion of Internal Common Areas to Dwelling Units; and Overcladding Encroachments.

Explanatory Note:

This By-law amends Toronto's City-wide Zoning By-law to implement the first phase of zoning initiatives in the **Housing Accelerator Fund: Apartment Infill Study**. These initiatives are intended to allow a modest, incremental increase of housing in apartment neighbourhoods across the city, as well as the renewal of older apartment buildings through deep energy retrofits. The three (3) zoning initiatives include:

- Permissions for townhouses as a permitted building type in the Residential Apartment Commercial (RAC) zone;
- Permissions to enable the conversion of certain underutilized common spaces in existing apartment buildings into dwelling units; and
- Permissions to allow cladding and decorative architectural features to encroach into required building setbacks (i.e. as a result of overcladding initiatives for tower renewal retrofits).

These changes apply primarily to the Residential Apartment (RA) and Residential Apartment Commercial (RAC) zones, as well as the Residential (R) zone. These zones are associated with apartment neighbourhoods city-wide.

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, as amended.

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.

Explanatory Note:

Section 1.40 of the City-wide Zoning By-law includes regulations which describe the intent of each zone. Section 2 adds text to clarify that the Residential Apartment Commercial (RAC) zone is intended for infill townhouses, along with apartment buildings with local institutions and small scale retail.

2. Zoning By-law 569-2013, as amended, is further amended in regulation 1.40.15(3)(B) by adding the words “and **townhouses** as infill”, so that it reads:

(B) Residential Apartment Commercial (RAC)

The purpose of the RAC zone is to provide areas for **apartment buildings** with local institutions and small scale retail and **townhouses** as infill.

Explanatory Note:

Section 3 adds a new regulation which allows townhouses as an infill building type in the RAC zone. Townhouses are allowed if they're on the same lot as an apartment building, and the main entrance of each townhouse unit is within 7.5 metres of a lot line abutting a street.

3. Zoning By-law 569-2013, as amended, is further amended by adding new regulation 15.20.20.40(1)(B), so that it reads:

(B) **Townhouse**, if:

- (i) it is on the same **lot** as an **Apartment Building**; and
- (ii) the main pedestrian entrance through the **front wall** or a side **main wall** of an individual **dwelling unit** in the **townhouse** is no farther than 7.5 metres from a **lot line** abutting a **street**.

Explanatory Note:

Sections 4 to 8 add new performance standards for townhouses in the RAC zone, including rules related to minimum lot area for each dwelling unit, lot frontage, width of a unit, maximum height, height of a main pedestrian entrance and amenity space. These are the same standards that apply to townhouses in the Residential Apartment (RA) zone.

4. Zoning By-law 569-2013, as amended, is further amended by replacing regulation 15.20.30.10(2), so that it reads:

(2) Minimum Lot Area for Each Dwelling Unit in a Residential Building

If a zone label applying to a **lot** in the RAC zone includes the letters "au", on the Zoning By-law Map, the numerical value following the letters "au" is the required minimum **lot area**, in square metres, for each **dwelling unit** in a **residential building**.

5. Zoning By-law 569-2013, as amended, is further amended by replacing regulation 15.20.30.20(1), so that it reads:

(1) Minimum Lot Frontage

In the RAC zone:

- (A) if a zone label includes the letter "f", on the Zoning By-law Map, the numerical value following the letter "f" is the required minimum **lot frontage**, in metres;
- (B) if the zone label on the Zoning By-law Map does not include an "f" value on the Zoning By-law Map, the required minimum **lot frontage** is 24.0 metres; and
- (C) in addition to the requirement in (A) or (B), above, the required minimum **lot frontage** is increased by a minimum of 5.0 metres for each **townhouse dwelling unit** fronting directly on a **street**.

6. Zoning By-law 569-2013, as amended, is further amended by adding new regulation 15.20.40.1(3), so that it reads:

(3) Minimum Width of a Dwelling Unit in a Townhouse

In the RAC zone, the required minimum width of a **dwelling unit** in a **townhouse** is 5.0 metres.

7. Zoning By-law 569-2013, as amended, is further amended by adding new regulations (3) and (4), so that it reads:

(3) Maximum Height for a Townhouse

Despite regulations 15.20.40.10(1) and 15.20.40.10(2), the permitted maximum height for a **townhouse** in the RAC zone is 10.0 metres.

(4) Height of Main Pedestrian Entrance for a Dwelling Unit in a Townhouse

In the RAC zone, for an individual **dwelling unit** in a **townhouse**, the elevation of the lowest point of a main pedestrian entrance through the **front wall** or a side

main wall may be no higher than 1.2 metres above **established grade**.

8. Zoning By-law 569-2013, as amended, is further amended by replacing regulation 15.20.40.50(1), so that it reads:

(1) Amenity Space for Residential Buildings

In the RAC zone, a **lot** with 20 or more **dwelling units** in the **residential buildings** on the **lot**, in total, must have **amenity space** provided at a minimum rate of 4.0 square metres for each **dwelling unit** on the **lot**, of which:

- (A) at least 2.0 square metres for each **dwelling unit** is indoor **amenity space** located at or above **established grade**;
- (B) at least 40.0 square metres is outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**; and
- (C) no more than 25 percent of the outdoor component may be a **green roof**.

Explanatory Note:

Section 9 is a new permission in the Residential (R) zone which allows owners to convert space within existing apartment buildings to a maximum of 5 new residential units. This permission applies to lots with 100 existing residential units or more (to apply to larger apartments, such as “tower in the park” sites, found in Toronto’s apartment neighbourhoods). These new units are exempt from additional requirements such as maximum floor space index, maximum number of units on a lot, amenity space, parking spaces, loading spaces and bicycle parking spaces. The area in a building used for residential parking spaces can be repurposed to new units, but only if the building maintains 1 parking space per existing residential unit.

The zoning exemptions are only allowed if the new units are located above ground, or at least partially above-ground for basement units. Existing amenity space and accessible and visitor parking spaces must be maintained. Existing residential units in the apartment building cannot be converted to smaller additional units in this permission. If there were improvements such as laundry, parking and storage lockers secured as an improvement for tenants in a past development application through an agreement with the City, the areas of a building used for these improvements cannot be converted to units.

9. Zoning By-law 569-2013, as amended, is further amended by adding a new clause 10.10.20.60 and regulations (1), (2), (3) and (4), so that it reads:

10.10.20.60 Conversion of Internal Common Areas to Dwelling Units

(1) Exemptions Applying to Converted Dwelling Units

In the Residential Zone, on a **lot** with 100 or more **dwelling units** in one or more **residential buildings**, **interior floor area** within a **lawfully existing apartment building** may be converted to a maximum of 5 additional **dwelling units** which are exempt from the following requirements:

- (A) the requirements of regulation 10.5.30.1(2) regarding water main and sewer capacity requirements for **apartment buildings** on **major streets**;
- (B) In addition to the areas of a **building** in Regulation 10.5.40.40(4), the **gross floor area** of an **apartment building** is reduced by the area in the **building** converted to additional **dwelling units** through Clause 10.10.20.60;
- (C) regulation 10.10.40.1(3) and any regulation, prevailing section or prevailing by-law in article 900.2.10 regarding maximum number of **dwelling units** permitted on the **lot**;
- (D) regulation 10.10.40.40(1) and any regulation, prevailing section or prevailing by-law in article 900.2.10 regarding permitted maximum floor space index;
- (E) the requirements of regulation 10.10.40.50(1) and any regulation, prevailing section or prevailing by-law in article 900.2.10 regarding additional minimum **amenity space**;
- (F) the requirements of regulation 200.5.10.1 and Table 200.5.10.1 and any regulation, prevailing section or prevailing by-law in article 900.2.10 regarding additional minimum visitor **parking spaces**;
- (G) the requirements of regulations 200.15.10.10(1) and (2) and any regulation, prevailing section or prevailing by-law in article 900.2.10 regarding minimum additional accessible **parking spaces**;
- (H) the requirements of any regulation, prevailing section or prevailing by-law in article 900.2.10 regarding additional minimum residential occupant **parking spaces**;
- (I) the requirements of regulation 220.5.10.1(2) and any regulation, prevailing section or prevailing by-law in article 900.2.10 regarding additional minimum **loading spaces** for a **building** containing **dwelling units**;
- (J) the requirements of regulation 230.5.10.1(5) and any regulation, prevailing section or prevailing by-law in article 900.2.10 regarding additional minimum “long-term” and “short-term” **bicycle parking spaces**; and,
- (K) for the purpose of compliance with Clause 10.10.20.60:
 - (i) if the dimensions of a **lawful parking space** on a **lot** with a **lawfully existing apartment building** is less than the required minimum length, width and vertical clearance, that **lawful** length, width and vertical clearance is the minimum length, width and vertical clearance for that **lawfully parking space**, provided no **parking spaces** are

added that would increase the noncompliance after [Clerks To Insert Date of Enactment]; and

- (ii) if a **lawful drive aisle** width of a **lawfully existing building** is less than the required minimum width, that **lawful** width is the minimum width for that **lawfully existing building**, provided that there are no alterations that would increase the noncompliance after [Clerks To Insert Date of Enactment].

(2) Parking Space Requirement for Conversion to Dwelling Units

Despite regulation 200.5.10.11(1)(C), the number of **lawful** resident occupant **parking spaces** for a **lawfully existing building** may be reduced for the purpose of conversion to **dwelling units** in accordance with regulation 10.10.20.60(1), provided that a minimum of 1 residential occupant **parking space** per **lawfully existing dwelling unit** is maintained.

(3) Conditions of Exemption

The exemptions provided in regulations 10.10.20.60(1) and (2) are permitted, subject to the following requirements, unless authorized by a Section 45 Planning Act minor variance:

- (A) **dwelling units** must with comply with regulation 5.10.1.30(3)(A) with respect to **dwelling units** below grade;
- (B) **interior floor area** used for **lawfully existing dwelling units** may not be converted to additional **dwelling units**;
- (C) the **interior floor area** used for **lawfully existing amenity space** may not be reduced;
- (D) the **lawful** number of visitor **parking spaces** and accessible **parking spaces** for a **lawfully existing apartment building** may not be reduced;
- (E) the **lawful** number of “long-term” and “short-term” **bicycle parking spaces** for a **lawfully existing apartment building** may not be reduced; and
- (F) the **interior floor area** used for common facilities may not be converted to additional **dwelling units**, if secured as an improvement in a **lawfully existing building** by one or more City agreements that are registered on title to the lands to the satisfaction of the City Solicitor.

(4) Definition of Lawfully and Lawfully Existing

For the purpose of regulations 10.10.20.60(1), (2), (3) and (4), 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:

- (A) **buildings, structures** or uses authorized or permitted on or before [Clerks To Insert Date of Enactment]; and
- (B) for which a building permit was **lawfully** issued before [Clerks To Insert Date of Enactment].

Explanatory Note:

Section 10 is a new permission in the Residential Apartment Zone category which mirrors the conversion permission in Section 9. This applies to the Residential Apartment (RA) and Residential Apartment Commercial (RAC) zones. Similar requirements and exemptions apply for the conversion of existing space in a building to a maximum of 5 new residential units.

10. Zoning By-law 569-2013, as amended, is further amended by adding a new clause 15.5.20.60, and regulations (1), (2), (3) and (4), so that it reads:

15.5.20.60 Conversion of Internal Common Areas to Dwelling Units

(1) Exemptions Applying to Converted Dwelling Units

In the Residential Apartment Zone category, **interior floor area** within a **lawfully existing apartment building** may be converted to a maximum of 5 additional **dwelling units** which are exempt from the following requirements:

- (A) In addition to the areas of a **building** in Regulation 15.5.40.40(1), the **gross floor area** of an **apartment building** is reduced by the area in the **building** converted to additional **dwelling units** through Clause 15.5.20.60;
- (B) regulations 15.10.30.10(2), 15.20.30.10(2) and any regulation, prevailing section or prevailing by-law in articles 900.7.10 and 900.8.10 regarding required minimum **lot area** for each **dwelling unit** in an **apartment building**;
- (C) regulations 15.10.40.1(2), 15.20.40.1(2) and any regulation, prevailing section or prevailing by-law in articles 900.7.10 and 900.8.10 regarding maximum number of **dwelling units** permitted on the **lot**;
- (D) regulations 15.10.40.40(1), 15.20.40.40(1) and any regulation, prevailing section or prevailing by-law in articles 900.7.10 and 900.8.10 regarding permitted maximum floor space index;
- (E) the requirements of regulations 15.10.40.50(1), 15.20.40.50(1) and any regulation, prevailing section or prevailing by-law in articles 900.7.10 and 900.8.10 regarding additional minimum **amenity space**;

- (F) the requirements of regulation 200.5.10.1 and Table 200.5.10.1 and any regulation, prevailing section or prevailing by-law in articles 900.7.10 and 900.8.10 regarding additional minimum visitor **parking spaces**;
- (G) the requirements of regulations 200.15.10.10(1) and (2) and any regulation, prevailing section or prevailing by-law in articles 900.7.10 and 900.8.10 regarding additional minimum accessible **parking spaces**;
- (H) the requirements of any regulation, prevailing section or prevailing by-law in articles 900.7.10 and 900.8.10 regarding additional minimum residential occupant **parking spaces**;
- (I) the requirements of regulation 220.5.10.1(2) and any regulation, prevailing section or prevailing by-law in articles 900.7.10 and 900.8.10 regarding additional minimum **loading spaces** for a **building** containing **dwelling units**;
- (J) the requirements of regulation 230.5.10.1(5) and any regulation, prevailing section or prevailing by-law in articles 900.7.10 and 900.8.10 regarding additional minimum “long-term” and “short-term” **bicycle parking spaces**;
- (K) for the purpose of compliance with Clause 15.5.20.60:
 - (i) if the dimensions of a **lawful parking space** on a **lot** with a **lawfully existing apartment building** is less than the required minimum length, width and vertical clearance, that **lawful** length, width and vertical clearance is the minimum length, width and vertical clearance for that **lawfully parking space**, provided no **parking spaces** are added that would increase the noncompliance after [Clerks To Insert Date of Enactment];
 - (ii) if a **lawful drive aisle** width of a **lawfully existing building** is less than the required minimum width, that **lawful** width is the minimum width for that **lawfully existing building**, provided that there are no alterations that would increase the noncompliance after [Clerks To Insert Date of Enactment]; and
 - (iii) if the **lawful** amount of required **parking spaces** for an **apartment building** in the Residential Apartment Zone category is less than the minimum amount required to be in a **building** or underground **structure**, other than required visitor **parking spaces**, that **lawful** amount is the minimum amount for that **lawfully existing building**, provided no **parking spaces** are added that would increase the noncompliance after [Clerks To Insert Date of Enactment].

(2) Parking Space Requirement for Conversion to Dwelling Units

Despite regulation 200.5.10.11(1)(C), the number of **lawful** resident occupant **parking spaces** for a **lawfully existing building** may be reduced for the

purpose of conversion to **dwelling units** in accordance with regulation 10.10.20.60(1), provided that a minimum of 1 residential occupant **parking space** per **dwelling unit** is maintained.

(3) Conditions of Exemption

The exemptions provided in regulations 15.5.20.60(1) and (2) are permitted, subject to the following requirements, unless authorized by a Section 45 Planning Act minor variance:

- (A) **dwelling units** must with comply with regulation 5.10.1.30(3)(A) with respect to **dwelling units** below grade;
- (B) **interior floor area** used for **lawfully existing dwelling units** may not be converted to additional **dwelling units**;
- (C) the **interior floor area** used for **lawfully existing amenity space** may not be reduced;
- (D) the **lawful** number of visitor and accessible **parking spaces** for a **lawfully existing apartment building** may not be reduced;
- (E) the **lawful** number of “long-term” and “short-term” **bicycle parking spaces** for a **lawfully existing apartment building** may not be reduced; and
- (F) the **interior floor area** used for common facilities may not be converted to additional **dwelling units**, if secured as an improvement in a **lawfully existing building** by one or more City agreements that are registered on title to the lands to the satisfaction of the City Solicitor.

(4) Definition of Lawfully and Lawfully Existing

For the purpose of regulations 15.5.20.60(1), (2), (3) and (4), 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:

- (A) **buildings, structures** or uses authorized or permitted on or before [Clerks To Insert Date of Enactment]; and
- (B) for which a building permit was **lawfully** issued before [Clerks To Insert Date of Enactment].

Explanatory Note:

Section 11 is a new permission for the Residential Apartment Zone category for overcladding to be added to the original exterior wall of a building. This encroachment permission allows for ventilation equipment and pipes to be located beneath the cladding system. This is meant to allow for the renewal of a building's exterior as a part of deep energy retrofits.

11. Zoning By-law 569-2013, as amended, is further amended after regulation 15.5.40.60(3), by adding new regulation (4), so that it reads:

(4) Exterior Main Wall Surface

In the Residential Apartment Zone category, cladding added to the original exterior surface of the **main wall** of a **building**, inclusive of vents, pipes, or utility equipment located beneath the cladding, may encroach into a required minimum **building setback** a maximum of 0.9 metres.

Explanatory Note:

Section 12 is an updated cladding permission for the Residential Zone category intended for larger apartment buildings found in apartment neighbourhoods. It mirrors the permission in Section 11 for the Residential Apartment Zone category.

12. Zoning By-law 569-2013, as amended, is further amended by replacing regulation 10.5.40.60(4), so that it reads:

(4) Exterior Main Wall Surface

In the Residential Zone category, cladding added to the original exterior surface of the **main wall** of a **building** may encroach into a required minimum **building setback** as follows:

(A) a maximum of 0.15 metres, if the added cladding is no closer to a **lot line** than 0.3 metres; and

(B) despite (A) above, on a **lot** with 100 or more **dwelling units** in one or more **residential buildings**, cladding added to the original exterior surface of the **main wall** of a **building**, inclusive of vents, pipes, or utility equipment located beneath the cladding, may encroach into a required minimum **building setback** a maximum of 0.9 metres.

Explanatory Note:

Section 13 is a permission for the Residential Apartment Zone category which allows decorative architectural features to be constructed on the exterior of an apartment building and be located within a required building setback as a permitted encroachment. This permission is meant to provide greater design flexibility in new apartment buildings or in the retrofit of existing buildings.

13. Zoning By-law 569-2013, as amended, is further amended by adding a new regulation 15.5.40.60(4), so that it reads:

(4) Permitted Encroachments – Architectural Features

In the Residential Apartment Zone category, architectural features on a **building** must comply with the following:

- (A) a pilaster, decorative column, cornice, sill, belt course or other similar architectural feature on a **building** may encroach into a required minimum **building setback** a maximum of 0.6 metres;
- (B) a chimney breast, on a **building**, may encroach into a required minimum **building setback** a maximum of 0.6 metres, if it is no wider than 2.0 metres.

Enacted and passed on [Clerks to insert date].

[full name],
Speaker

[full name],
City Clerk

(Seal of the City)