

Changes to Toronto's residential zones

On June 18, 2012 a new draft City-wide zoning by-law went before the City of Toronto Planning and Growth Management Committee. The new Zoning By-law, currently expected to be enacted in January 2013, will impose additional restrictions on building height and roof design, particularly for new single and semi-detached homes in desirable areas of the former City of Toronto.

1. Measuring Residential Height

According to current zoning by-laws, the height limit for homes in the former City of Toronto is generally 33 feet, up to 40 feet in some areas. Height limits in the other former municipalities vary from 29 – 36 feet. In the former Cities of Toronto and York, the height of a pitched roof is measured to the mid-point of the eaves and the highest point of the roof. Consequently, roof heights above the stated height limit can currently be achieved.

The new Zoning By-law proposes to restrict houses in most areas of the City to 33 feet (Section 10.10.40.10). It also proposes to measure height in all cases as the distance between the elevation of established grade and the highest point of a peaked roof (S. 10.5.40.10).

2. Restricting the Height of Flat-roof Houses

Current zoning by-laws in the former cities of Toronto, Scarborough, East York and York contain the same height restrictions regardless of roof shape. The former municipalities of North York and Etobicoke limit flat-roof buildings to 26 and 21 feet respectively.

The new Zoning by-law discriminates against constructing flat or shallow roofs on detached houses in RD zones, which includes neighbourhoods such as the Beach, Forest Hill, Lawrence Park, Moore Park and Rosedale. It would restrict their maximum height to 23.6 feet, and limit the maximum number of stories to two (S. 10.20.40.10 #4).

3. Width of 3rd Floor Dormers

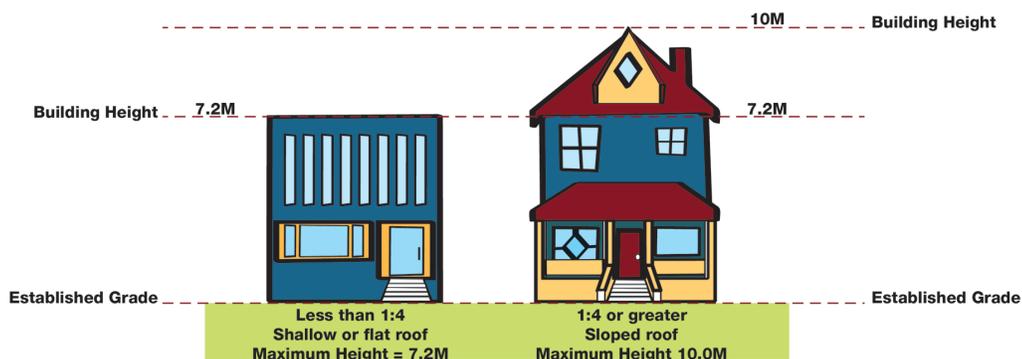
The width of dormers is not generally regulated in current zoning by-laws. However, the new Zoning By-law proposes to limit the size of dormers in Residential and Residential Detached zones in terms of total width to 40% of the width of the side or front walls of the building (S. 10.10.40.10 #5 & 10.20.40.10 #8).

4. Timetable for Consideration

City Planning staff are preparing a report on public comments on the new Zoning By-law for the October 12, 2012 meeting of the Planning Committee, and propose to hold a statutory public meeting to consider it in November, 2012. If adopted by the Committee, staff suggest that the new ZBL could go to the January 13, 2013 meeting of City Council, when it could be passed.

5. Transition Provisions

If a request for a zoning certificate (similar to a Preliminary Project Review) or a complete application for a building permit is filed before the date of passage of the new Zoning By-law, expected to occur in January 2013, the provisions of the current zoning by-law of the applicable former municipality, termed the Former General Zoning By-law, will apply (S. 2.1.3.4). Applicants will generally have a 3 year transition period to complete construction. However after 3 years, a minor variance can only be relied on if the standard in the new ZBL is the same or more permissive than current by-laws (S. 2.1.2).



Ron has more than 20 years of experience helping applicants get development approvals. In December 2011, Novae Res Urbis again named his firm, MacDonald Sager Manis, one of the "Top 20 development law firms in Toronto."

The material set out above does not constitute legal advice. If you want advice on making an oral or written presentation to a municipal council, or on an appeal to the OMB, please contact Ron at: rkanter@msmlaw.ca or 416.361.2619