

## RS-3 and RS-3A Districts Schedule

### 1 Intent

The intent of this Schedule is to preserve and maintain the residential character of the RS-3 and RS-3A Districts in the form of one-family dwellings with or without a secondary suite and with or without a laneway house in a manner compatible with the existing amenity and design of development. Infill and multiple conversion dwellings in conjunction with retention of character houses may also be permitted. Emphasis is placed on encouraging neighbourly development by preserving outdoor space and views and by ensuring that the bulk and size of new development is similar to existing development. Neighbourhood amenity is enhanced through the maintenance of healthy trees and planting which reflects the established streetscape. The RS-3 District permits a higher non-discretionary density than the RS-3A District.

### 2 Outright Approval Uses

2.1 Subject to all other provisions of this By-law and to compliance with the regulations of this Schedule, the uses listed in section 2.2 shall be permitted in the RS-3 and RS-3A Districts and shall be issued a permit.

#### 2.2 Uses

- 2.2.A
- Accessory Buildings customarily ancillary to any of the uses listed in this Schedule, provided that:
    - (a) no accessory building exceeds 3.7 m in height measured to the highest point of the roof if a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and the ridge of a gable, hip or gambrel roof, provided that no portion of an accessory building may exceed 4.6 m in height;
    - (b) all accessory buildings are:
      - (i) located within 7.9 m of the ultimate rear property line or located within the permitted building depth and width as regulated by section 4.16 of this Schedule; and
      - (ii) in no case less than 3.1 m from the ultimate centre line of any rear or flanking lane and less than 1.5 m from a flanking street, subject also to the provisions of section 10.27 of this By-law;
    - (c) the total floor area, measured to the extreme outer limits of the building, of all accessory buildings is not greater than 20 percent of the minimum rear yard prescribed in this Schedule, or 48 m<sup>2</sup>, whichever is the greater, except that the floor area of a laneway house shall be deducted from the total allowable accessory building floor area;
    - (d) not more than 50 percent of the width of the rear yard of any lot is occupied by accessory buildings;
    - (e) roof gardens and sun decks are not located on an accessory building located beyond the permitted building depth as regulated by section 4.16.2 of this Schedule.
  - Accessory Uses customarily ancillary to any of the uses listed in this section, provided that accessory parking spaces shall be located within 7.9 m of the ultimate rear property line.
- 2.2.DW [Dwelling]
- One-Family Dwelling.

## 2.2.I [Institutional]

- Community Care Facility – Class A, subject to the regulations and relaxations that apply to a one-family dwelling.

**3 Conditional Approval Uses**

3.1 Subject to all other provisions of this By-law, the Director of Planning may approve any of the uses listed in section 3.2 of this Schedule, with or without conditions, provided that the Director of Planning first considers:

- (a) the intent of this Schedule and all applicable Council policies and guidelines; and
- (b) the submission of any advisory group, property owner or tenant.

**3.2 Uses**

- 3.2.A
- Accessory Buildings customarily ancillary to any of the uses listed in this Schedule, other than accessory buildings providing parking, and other than as provided for in section 2.2.A of this Schedule.
  - Accessory Uses customarily ancillary to any of the uses listed in this Schedule, other than as provided for in section 2.2.A of this Schedule.

## 3.2.AG [Agricultural]

- Urban Farm - Class A.

## 3.2.C [Cultural and Recreational]

- Community Centre or Neighbourhood House.
- Library in conjunction with a Community Centre.
- Park or Playground.

- 3.2.D
- Deposition or extraction of material so as to alter the configuration of the land.

## 3.2.DW [Dwelling]

- Infill in conjunction with retention of a character house existing on the site as of January 16, 2018.
- One-Family Dwelling with Secondary Suite.
- Seniors Supportive or Assisted Housing.
- Laneway House.
- Multiple Conversion Dwelling, in conjunction with retention of a character house existing on the site as of January 16, 2018, that contains no housekeeping or sleeping units.

## 3.2.I [Institutional]

- Ambulance Station.
- Child Day Care Facility.
- Church.
- Hospital.
- Public Authority Use essential in this District.
- School - Elementary or Secondary.
- Social Service Centre.
- Community Care Facility – Class B.
- Group Residence.

- 3.2.O [Office]
- Temporary Sales Office.
- 3.2.P [Parking]
- Parking Area ancillary to a principal use on an adjacent site.
- 3.2.R [Retail]
- Farmers' Market. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*
  - Public Bike Share.
- 3.2.S [Service]
- Bed and Breakfast Accommodation.
  - Short Term Rental Accommodation.
- 3.2.U [Utilities and Communication]
- Public Utility.

## 4 Regulations

All uses approved under sections 2 and 3 of this District Schedule shall be subject to the following regulations:

- 4.1 **Site Area** -- Not Applicable.
- 4.2 **Frontage** -- Not Applicable.
- 4.3 **Height**
- 4.3.1 A building shall not:
- in RS-3, exceed 10.7 m in height and have more than 2½ storeys;
  - in RS-3A, exceed 9.2 m in height and have more than 2½ storeys.
- 4.3.2 Height shall be measured from a hypothetical surface determined by joining the existing grades at the intersections of the hypothetical lines defining the front and rear yards and the side property lines, except that if the Director of Planning is of the opinion that the hypothetical surface determined by joining the existing grades is not compatible with the existing grades of adjoining sites or general topography of the area, the Director of Planning may instead require that height be measured from base surface.
- 4.3.3 Notwithstanding the provisions of section 4.3.1(b) in RS-3A the height of a building:
- can be increased from 9.2 m to a maximum of 10.7 m provided that all roofs are either of a gable, hip or gambrel design and have a pitch of at least a 7:12 ratio over the whole roof area, except that
    - roofs covering only the first storey do not require a minimum slope, and
    - roofs covering a dormer can have a slope of at least a 4:12 ratio over their area; or
  - may be increased from 9.2 m to a maximum of 10.7 m by the Director of Planning provided that the Director of Planning considers the intent of this Schedule and all applicable policies and guidelines adopted by Council.

**4.4 Front Yard**

- 4.4.1 A front yard shall be provided with a depth of the average depth of the two adjacent sites on each side of the site, subject to the following:
- (a) where an adjacent site is vacant, it shall be deemed to have a front yard depth of 20 percent of the depth of the site;
  - (b) if one or more of the adjacent sites front on a street other than that of the development site or the adjacent sites are separated by a street or lane, then such adjacent sites shall not be used in computing the average; and
  - (c) where the site is adjacent to a flanking street or lane, the average depth shall be computed using the remainder of the adjacent sites.
- 4.4.2 The Director of Planning may vary the front yard requirement on a double fronting site or a site where a building line has been established pursuant to section 14.1 of this By-law.
- 4.4.3 Covered porches complying with the conditions of section 4.7.3(h) shall be permitted to project into the required front yard a maximum of 1.8 m provided that such a projection is limited to 30 percent of the width of the building.

**4.5 Side Yard**

- 4.5.1 A side yard with a minimum width of 10 percent of the site width shall be provided on each side of the building.
- 4.5.2 In the case of a corner site which has located at its rear, with or without the intervention of a lane, a site which fronts on the street flanking the corner site, the exterior side yard shall be regulated by the provisions of section 10.27 of this By-law.

**4.6 Rear Yard**

- 4.6.1 A rear yard with a minimum depth of 10.7 m shall be provided, measured from the rear property line.
- 4.6.2 In the case of a site having an average depth of less than 36.5 m, this rear yard may be reduced in accordance with section 10.29 of this By-law.

**4.7 Floor Space Ratio**

- 4.7.1 The floor space ratio and floor area shall be as follows:
- (a) for buildings existing prior to April 12, 1988 the area of all floors at or above finished grade and of the floors of any storey, basement or cellar located below a storey which has a floor surface located 2.0 m or more above finished grade shall not exceed a floor space ratio of:

- (i) 0.16 plus 130 m<sup>2</sup> in the RS-3 District;
- (ii) 0.12 plus 130 m<sup>2</sup> in the RS-3A District; and
- (b) in all other cases, the area of all floors at or above finished grade and of the floors of any storey, basement or cellar located below a storey which has a floor surface located 1.8 m or more above finished grade shall not exceed a floor space ratio of:
  - (i) 0.16 plus 130 m<sup>2</sup> in the RS-3 District;
  - (ii) 0.12 plus 130 m<sup>2</sup> in the RS-3A District; and
 both subject to the following:
- (c) the Director of Planning may permit an increase in the maximum floor space ratio to 0.20 plus 130 m<sup>2</sup>, provided that the Director of Planning first approves a plan showing existing and proposed landscaping and that he considers:
  - (i) the intent of this Schedule and all applicable policies and guidelines adopted by Council;
  - (ii) the effect of the increase in floor area on adjacent properties;
  - (iii) the preservation of the architectural character of the area; and
- (d) the maximum floor area shall not exceed 604 m<sup>2</sup>;
- (e) notwithstanding subsection (d), the Director of Planning may increase the maximum permitted floor space ratio to 0.25 plus 130 m<sup>2</sup> to facilitate an addition to a character house, if the Director of Planning first considers the intent of this Schedule and all applicable policies and guidelines adopted by Council; and
- (f) notwithstanding subsection (d), the Director of Planning may increase the maximum permitted floor space ratio to 0.3 plus 130 m<sup>2</sup> for infill in conjunction with retention of a character house, if the Director of Planning first considers the intent of this Schedule and all applicable policies and guidelines adopted by Council.

4.7.2 The following shall be included in the computation of floor space ratio:

- (a) all floors, including earthen floor, to be measured to the extreme outer limits of the building;
- (b) stairways, fire escapes, elevator shafts and other features which the Director of Planning considers similar, to be measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located;
- (c) where the distance from a floor to the floor above, or where there is no floor above, to the top of the roof joists, exceeds 3.7 m, an amount equal to the area of the floor below the excess height; and
- (d) the floor area of bay windows, regardless of seat height, location on building or relationship to yard setbacks, in excess of the product of the total floor area permitted above the basement times 0.01.

4.7.3 The following shall be excluded in the computation of floor space ratio and floor area:

- (a) open residential balconies or sun decks, and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of all exclusions does not exceed eight percent of the permitted residential floor area;
- (b) patios and roof gardens, provided that the Director of Planning first approves the design of sunroofs and walls;
- (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage in multiple conversion dwellings containing 3 or more units or in multiple dwellings or uses which, in the opinion of the Director of Planning, are similar to the foregoing, those floors or portions thereof not exceeding 7.3 m in length so used which:

- (i) are located in an accessory building located within 7.9 m of the ultimate rear property line, or
- (ii) where a site has no developed secondary access, are attached to a principal building, or in an accessory building located within the building depth and width regulated by the provisions of section 4.16, up to a maximum of 42 m<sup>2</sup>;
- (d) child day care facilities to a maximum floor area of 10 percent of the permitted floor area, provided the Director of Planning, on the advice of the Director of Social Planning, is satisfied that there is a need for a day care facility in the immediate neighbourhood;
- (e) areas of undeveloped floors which are located
  - (i) above the highest storey or half-storey and to which there is no permanent means of access other than a hatch; or
  - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m.
- (f) for buildings existing prior to April 12, 1988, basements, cellars and other spaces below floor surfaces located less than 2.0 m above finished grade and not extending beyond the outermost walls of the first or second storey at or above finished grade of the principal building but including covered porches complying with the conditions of section 4.4.3;
- (g) in all other cases, basements, cellars and other spaces below floor surfaces located less than 1.8 m above finished grade and not extending beyond the outermost walls of the first or second storey at or above finished grade of the principal building but including covered porches complying with the conditions of section 4.4.3;
- (h) covered porches, provided that:
  - (i) they face a street or a rear property line and are located at the basement or first storey;
  - (ii) that portion facing the street or rear property line shall be open or protected by guard rails the height of which shall not exceed the minimum specified in the Building By-law;
  - (iii) the total area being excluded does not exceed 5 percent of the permitted floor area; and
  - (iv) the ceiling height, excluding roof structures, of the total area being excluded does not exceed 3.1 m measured from the porch floor; and
- (i) the floor area of a laneway house.

#### **4.8 Site Coverage**

- 4.8.1 The maximum site coverage for buildings shall be 35 percent of the site area.
- 4.8.2 For the purpose of this section, site coverage for buildings shall be based on the projected area of the outside of the outermost walls of all buildings and includes carports, but excludes steps, eaves, balconies and sundecks.
- 4.8.3 Except where the principal use of the site is a parking area, the maximum site coverage for any portion of the site used as parking area shall be 30 percent.
- 4.8.4 The area of impermeable materials, including building coverage, shall not exceed 60 percent of the total site area except that where developed secondary vehicular access to a site is not available, the Director of Planning may exclude from the area of impermeable materials an amount not exceeding:

- (a) for the first parking space, the product of the distance, in metres as measured along the driveway centre line, from the point where the driveway crosses the property boundary to the point where it meets the nearest side of the approvable parking space times 3.1 m; and
- (b) for each additional parking space, 67 m<sup>2</sup> to accommodate vehicular access and manoeuvring.

4.8.5 For the purposes of section 4.8.4, the following materials shall be considered impermeable: the projected area of the outside of the outermost walls of all buildings, including carports, covered porches and entries; asphalt; concrete; brick; stone; and wood.

4.8.6 Notwithstanding section 4.8.5, gravel, river rock less than 5 cm in size, wood chips, bark mulch, and other materials which, in the opinion of the Director of Planning, have fully permeable characteristics when in place installed on grade with no associated layer of impermeable material (such as plastic sheeting) that would impede the movement of water directly into the soil below, are excluded from the area of impermeable materials.

**4.9 to  
4.15 (Reserved)**

#### **4.16 Building Depth and Width**

4.16.1 For the purpose of this section, building depth shall mean the distance from the required front yard, measured in a straight line to a point directly opposite thereto along the exterior wall, including projections, facing the rear yard, except that where an existing building encroaches into the required front yard, the distance shall be measured from the front exterior wall rather than the required front yard.

4.16.2 The maximum building depth shall not exceed 40 percent of the depth of the site.

4.16.3 Projections into front yards permitted under section 4.4.3 shall not be included in the calculation of building depth.

4.16.4 For the purpose of this section, building width shall mean the distance from an exterior wall of the principal or accessory building facing a side yard, measured in a straight line to a point directly opposite thereto along the exterior wall of the principal or accessory building facing the opposite side yard, except that for purposes of this calculation, the exterior wall shall be deemed to be a straight line perpendicular to the required front yard, and extending from the front yard to the rear yard.

4.16.5 The maximum building width shall not exceed 70 percent of the width of the site.

#### **4.17 External Design**

4.17.1 For the purpose of section 4.17, a front entrance means a door located on that part of a building facing the front yard and located at or within 1.8 m of grade or connected to grade by stairs, a ramp or other means.

4.17.2 There shall be no more than:

- (a) one separate and distinct front entrance to a one-family dwelling; and
- (b) two separate and distinct front entrances to a one-family dwelling with secondary suite.

4.17.3 (Reserved)

- 4.17.4 The surface of the ground adjoining a building can be lowered only for the purpose of providing:
- (a) a window well for a basement or a cellar, provided that the lowered surface does not extend more than 1.0 m from the surface of a wall;
  - (b) A sunken entrance for a basement, provided that:
    - (i) the portion of the building abutting the lowered surface faces either the front street or the rear property line,
    - (ii) the lowered surface does not extend more than 3.1 m into the required front or rear yard, measured from the street-facing wall and including stair runs or vertical change in grade between the basement and the existing grade, and
    - (iii) the sum of the widths of all lowered surfaces abutting the building is not greater than half the width of the building or 4.6 m, whichever is the lesser; or
  - (c) a sunken entrance for a cellar in buildings existing prior to June 23, 2020, provided that:
    - (i) it complies with sections 4.17.4(b)(i) through (iii), and
    - (ii) the depth of the lowered surface does not exceed 1.83 m below the average finished grade.
- 4.17.5 Notwithstanding section 4.17.2, the Director of Planning may, on the advice of the Chief Building Official, permit one additional entrance facing a front yard or a side yard if it provides access to a building existing prior to March 14, 1989.
- 4.17.6 Exterior windows in a secondary suite or lock off unit must have:
- (a) a minimum total glazing area of 10% of the total floor area of the room, in each of the kitchen, living room and dining room; and
  - (b) a minimum total glazing area of 5% of the total floor area of the room, in all other rooms, except bathrooms and laundry rooms.

## **5 Relaxation of Regulations**

- 5.1** The Director of Planning may relax the provisions of sections 4.4, 4.5, 4.6 and 4.16, and the floor space ratio exclusions for parking in accessory buildings of section 4.7.3(c)(i) of this Schedule where, due to conditions peculiar either to the site or to the proposed development, literal enforcement would result in unnecessary hardship, provided that:
- (a) the Director of Planning first considers the submission of any advisory group, property owner or tenant; and
  - (b) in no case shall the yard requirements be reduced to less than 60 percent of the amount specified in this Schedule.
- 5.2** In the case of a corner site, where the rear property line of a site adjoins, without the intervention of a lane, the side yard of a site in an R District, the Director of Planning may relax the provisions of section 4.7 of this Schedule to permit the exclusion of floor space used for off-street parking in the principal building up to a maximum of 42 m<sup>2</sup>.
- 5.3** The Director of Planning may relax section 4.8.4 for buildings existing prior to May 30, 2000 to a maximum of 70 percent impermeable materials site coverage provided that:
- (a) the percentage of the site covered by existing impermeable materials is not increased by the proposed development;
  - (b) the Director of Planning considers the advice of the City Engineer; and
  - (c) the Director of Planning considers all applicable policies and guidelines adopted by Council.
- 5.4** The Director of Planning may relax the requirements of section 4.8.4 where, due to the peculiarities of the site or special circumstances related to the use of the site, literal enforcement would result in unnecessary hardship, provided that:



- (a) the Director of Planning considers all applicable guidelines and policies adopted by Council; and
- (b) the Director of Planning considers the advice of the City Engineer.

**5.5** The Director of Planning may relax the provisions of this District Schedule regarding height, required yards, maximum site coverage, building depth and width, external design and above grade basement floor area exclusion, when a character house is retained if the Director of Planning first considers the intent of this Schedule and all applicable Council policies and guidelines.