

## RS-1B District Schedule

### 1 Intent

The intent of the Schedule is to maintain the single-family residential character of the District, but also to permit a second one-family dwelling on some sites, and to conditionally permit laneway houses and infill and multiple conversion dwellings in conjunction with retention of character houses.

### 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 this District 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 located in the rear yard and in no case are 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 11.1 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 35 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 80 percent of the width of the rear yard of any lots is occupied by accessory buildings.

- Accessory Uses customarily ancillary to any of the uses listed in this section.

**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, and the provisions and regulations of this Schedule, the Development Permit Board may approve any of the uses listed in section 3.2, including such conditions as it may decide, provided that it first considers:

- (a) the intent of this Schedule and all applicable policies and guidelines adopted by Council; 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 as provided for in section 2.2.A of this Schedule.
  - Accessory Uses customarily ancillary to any of the uses listed in this section.
- 3.2.AG [Agricultural]
- Urban Farm - Class A, subject to the provisions of section 11.29 of this By-law.
- 3.2.C [Cultural and Recreational]
- 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.
  - Infill One-Family Dwelling, provided that:
    - (a) the site has a secondary access, by way of either a lane or a flanking street;
    - (b) the infill one-family dwelling is located within the rear yard; and
    - (c) the maximum number of dwelling units shall be two.
  - One-Family Dwelling with Secondary Suite.
  - Two One-Family Dwellings, one of which shall be considered as secondary to the other, provided that:
    - (a) the site has a secondary access, by way of either a lane or a flanking street;
    - (b) the secondary one-family dwelling is located within the rear yard; and
    - (c) the maximum number of dwelling units shall be two.
  - Seniors Supportive or Assisted Housing, subject to section 11.17 of this By-law.
  - Laneway House, subject to the provisions of section 11.24 of this By-law.
  - 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]
- Social Service Centre.
  - Community Care Facility - Class B, subject to the provisions of section 11.17 of this By-law.
  - Group Residence, subject to the provisions of section 11.17 of this By-law.
- 3.2.O [Office]
- Temporary Sales Office, subject to the provisions of section 11.26 of this By-law.
- 3.2.R [Retail]
- Farmers' Market, subject to the provisions of Section 11.21 of this By-law. *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, subject to the provisions of section 11.4 of this By-law.
  - Short Term Rental Accommodation, subject to the provisions of section 11.32 of this By-law.

3.2.U [Utility 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**

4.1.1 The minimum site area for a one-family dwelling, one-family dwelling with secondary suite, two one-family dwellings or an infill one-family dwelling shall be 334 m<sup>2</sup>.

4.1.2 Where the site size is less than 9.8 m in width or less than 334 m<sup>2</sup> in area, the design of any new buildings shall first require the approval of the Director of Planning or the Development Permit Board, as the case may be.

**4.2 Frontage -- Not Applicable.**

**4.3 Height**

4.3.1 Subject to section 4.3.3, a principal one-family dwelling shall not exceed 10.7 m in height and shall not have more than 2½ storeys.

4.3.2 Subject to sections 4.3.3 and 4.3.4, an infill or a secondary one-family dwelling shall not exceed 8.0 m in height and shall not have more than 1½ storeys.

4.3.3 Notwithstanding sections 4.3.1 and 4.3.2, the maximum height of both dwellings shall not exceed lines described by vertical angles of 30 degrees subtended above the base surface at and perpendicular to all exterior walls which face the opposite dwelling.

4.3.4 Notwithstanding section 4.3.2, where an infill or a secondary one-family dwelling is located adjacent to a lane the maximum height of the infill or secondary one-family dwelling shall not exceed a line described by a vertical angle of 60 degrees subtended above the horizontal from the closest line drawn parallel to and 3.1 m from the ultimate centre line of the lane.

4.3.5 For the purpose of calculating half-storey in sections 4.3.1 and 4.3.2, the floor area of the storey immediately below shall include any area used for parking within the outermost walls of the building unless the parking area is located in a basement or cellar.

4.3.6 Notwithstanding any other provisions in this By-law, the Director of Planning may relax the height requirement to accommodate building features designed to reduce energy consumption in a Passive House, if the Director of Planning first considers:

- (a) the intent of the relevant schedule;
- (b) all applicable Council policies and guidelines;
- (c) the relationship of the development to nearby residential development;
- (d) the submission of any advisory group, property owner or tenant; and
- (e) the relaxation does not exceed .5 m,

except that this relaxation shall not apply to laneway houses.

#### 4.4 Front Yard

- 4.4.1 A front yard with a minimum depth of 7.3 m shall be provided.
- 4.4.2 In the case of a site having an average depth of less than 36.5 m, the required front yard may be reduced in accordance with section 11.2 of this By-law.

#### 4.5 Side Yards

- 4.5.1 A side yard with a minimum width of 1.5 m shall be provided along one side of any building.
- 4.5.2 The other side yard shall have a minimum width of 10 percent of the width of the site, but need not be more than 1.5 m in width.
- 4.5.3 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 11.1 of this By-law.

#### 4.6 Rear Yards

- 4.6.1 A rear yard with a minimum depth of 10.7 m shall be provided, except that where the rear of the site abuts a lane, this required minimum depth shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.
- 4.6.2 In the case of a site having an average depth of less than 36.5 m, the required rear yard may be reduced in accordance with section 11.2 of this By-law.
- 4.6.3 Where a building line has been established pursuant to the provisions of section 14.2, such building line shall be deemed to be the southerly boundary of any required rear yard on a riparian site, notwithstanding any dimension contained herein.
- 4.6.4 Notwithstanding the provisions of section 4.6.1, in the case of an infill or a secondary one-family dwelling, a rear yard with a minimum depth of 5.2 m from the ultimate centre line of the lane shall be provided.
- 4.6.5 Dwellings shall be separated by a yard with a minimum depth of 10.7 m.

#### 4.7 Floor Space Ratio

- 4.7.1 The total floor space ratio shall not exceed 0.60 and the area of any infill or secondary one-family dwelling shall not exceed 40 percent of the total floor area except that:
- (a) where an existing lot is less than 7.3 m in width the floor space ratio shall not exceed 0.45;
  - (b) if:
    - (i) the area of all floors at or above finished grade does not exceed a floor space ratio of 0.45,
    - (ii) the area of any floor, including the basement or cellar, does not exceed a floor space ratio of 0.25, and
    - (iii) no portion of the basement or cellar projects horizontally beyond the perimeter of the first storey, including covered porches, an increase in the floor space ratio to 0.70 is permissible;
  - (c) for buildings existing prior to July 7, 2009, if:
    - (i) the area of all floors at or above finished grade does not exceed the lesser of a floor space ratio of 0.50 and the existing floor space ratio,

- (ii) the area of all floors at, above or below finished grade, after the addition of a basement or cellar, does not exceed a floor space ratio of 0.75,
- (iii) the area of any floor, including the basement or cellar, does not exceed a floor space ratio of 0.25, and
- (iv) no portion of the basement or cellar projects horizontally beyond the perimeter of the first storey, including covered porches, a basement or cellar is permissible;
- (d) the Director of Planning may increase the maximum permitted floor space ratio to 0.75 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
- (e) the Director of Planning may increase the maximum permitted floor space ratio to 0.85 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; and
- (c) 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:

- (a) open residential balconies or sundecks, 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 so used, which:
  - (i) are at or below the base surface, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; or
  - (ii) are above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length.
- (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) floors located at or below finished grade with a ceiling height of less than 1.2 m;
- (g) the floor area of a laneway house; and
- (h) above grade floor area built as open to below, designed in combination with venting skylights, opening clerestory windows or other similar features which, in the opinion of the Director of Planning, reduce energy consumption or improve natural light and ventilation to a maximum exclusion of one percent of permitted floor area.

#### **4.8 Site Coverage**

- 4.8.1 The maximum site coverage for buildings shall be 45 percent of the site area, except that where an existing lot is less than 7.3 m in width 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 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 [Deleted -- see Parking By-law.]**

**4.10 Horizontal Angle of Daylight** -- Not Applicable.

**4.11 Vertical Angle of Daylight** -- Not Applicable.

**4.12 Dedication of Land for Lane Development** -- Not Applicable.

#### **4.13 Area of Transparent Surface**

4.13.1 Where dwellings are separated by a yard of less than 12.2 m in depth, the facing wall of each dwelling shall not consist of more than 20 percent transparent surface.

#### **4.14 Access**

4.14.1 Pedestrian access to the front street and lane shall be provided and maintained for all dwellings.

**4.15 Acoustics**

4.15.1 A development permit application for dwelling uses shall require evidence in the form of a report and recommendations prepared by persons trained in acoustics and current techniques of noise measurements demonstrating that the noise levels in those portions of the dwelling units listed below shall not exceed the noise levels expressed in decibels set opposite such portions for the dwelling units. For the purposes of this section the noise level is the A-weighted 24-hour equivalent (Leq) sound level and will be defined simply as noise level in decibels.

<b>Portions of dwelling units</b>	<b>Noise levels (Decibels)</b>
bedrooms	35
living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

**5 Relaxation of Regulations**

**5.1** The Director of Planning may relax the requirements of any of the following sections of this Schedule after considering the intent of the Schedule and all applicable policies and guidelines adopted by Council:

- (a) section 4.1 - minimum site area;
- (b) section 4.3.3 - maximum height;
- (c) section 4.5.1 - minimum side yard;
- (d) section 4.6.5 - minimum yard.

**5.2** The Director of Planning may relax the maximum permitted percentage of transparent surfaces where he is satisfied with the adequacy of landscaping or screening with respect to privacy.

**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) he considers the advice of the City Engineer; and
- (c) he 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) he considers all applicable guidelines and policies adopted by Council; and
- (b) he 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, site coverage, area of transparent surface and acoustics 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.

