

# RS-3 and RS-3A

## Districts Schedule

### 1 INTENT AND OVERVIEW

#### 1.1 Intent

The intent of this schedule is to maintain the residential character of the area in the form of single detached houses, secondary suites and laneway houses. Retention of character houses is encouraged by permitting infill and multiple conversion dwellings where a character house is retained. 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. The RS-3 district permits a higher non-discretionary density than the RS-3A district.

Without limitation, applicable Council policies and guidelines for consideration include the [RS-3, RS-3A and RS-5 Design Guidelines](#) and [Guidelines for Additions, Infill and Multiple Conversion Dwelling in Association with the Retention of a Character House in an RS Zone](#).

#### 1.2 Overview

The table below provides an overview of the outright and conditional approval uses in the RS-3 and RS-3A districts, categorized by the minimum site area required, where applicable. Applicable density, form and placement regulations in section 3 of this schedule are cross-referenced in the third column.

Minimum Site Area	Use	Density, Form and Placement Regulations
--	Other uses in section 2.1 of this schedule	3.1

### 2 USE REGULATIONS

#### 2.1 Outright and Conditional Approval Uses

All outright and conditional approval uses are subject to all other provisions of this by-law, including [Section 2](#), [Section 10](#) and [Section 11](#), and compliance with the regulations of this schedule including section 2.2.

The uses identified in the table below as outright approval uses are permitted in these districts and will be issued a permit.

The uses identified in the table below as conditional approval uses may be approved in these districts by the Director of Planning, with or without conditions, if the Director of Planning 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.

Uses are listed under their general land use category. Applicable use-specific regulations in section 2.2 of this schedule are cross-referenced in the third column. Cross-references to applicable use-specific regulations are provided for information purposes only and do not form part of this by-law.

<b>Use</b>	<b>Approval</b>	<b>Use-Specific Regulations</b>
<b>Agricultural Uses</b>		
Urban Farm – Class A	Conditional	
<b>Cultural and Recreational Uses</b>		
Community Centre or Neighbourhood House	Conditional	
Library, in combination with Community Centre	Conditional	
Park or Playground	Conditional	
<b>Dwelling Uses</b>		
Infill, in combination with the retention of a character house existing on the site as of January 16, 2018	Conditional	
Laneway House	Conditional	<a href="#">2.2.1</a>
Mixed-Use Residential Building	Conditional	<a href="#">2.2.2</a>
Multiple Conversion Dwelling, resulting from the conversion of a character house existing on the site as of January 16, 2018	Conditional	<a href="#">2.2.3</a>
Seniors Supportive or Assisted Housing	Conditional	
Single Detached House	Outright	
Single Detached House with Secondary Suite	Conditional	
<b>Institutional Uses</b>		
Ambulance Station	Conditional	
Child Day Care Facility	Conditional	
Church	Conditional	
Community Care Facility – Class A	Outright	<a href="#">2.2.4</a>
Community Care Facility – Class B	Conditional	
Group Residence	Conditional	
Hospital	Conditional	
Public Authority Use, essential in these districts	Conditional	

Use	Approval	Use-Specific Regulations
School – Elementary or Secondary	Conditional	
Social Service Centre	Conditional	
<b>Office Uses</b>		
Temporary Sales Office	Conditional	
<b>Parking Uses</b>		
Parking Area, ancillary to a principal use on an adjacent site	Conditional	
<b>Retail Uses</b>		
Farmers' Market	Conditional	2.2.5
Neighbourhood Grocery Store	Conditional	
Public Bike Share	Conditional	
<b>Service Uses</b>		
Bed and Breakfast Accommodation	Conditional	
Short Term Rental Accommodation	Conditional	
<b>Utility and Communication Uses</b>		
Public Utility	Conditional	
<b>uncategorized</b>		
Accessory Buildings, customarily ancillary to any use listed in this section 2.1	Outright	2.2.6
Accessory Buildings, customarily ancillary to any use listed in this section 2.1, other than accessory buildings providing parking, and not permitted as an outright approval use	Conditional	
Accessory Uses, customarily ancillary to any outright approval use listed in this section 2.1	Outright	2.2.7
Accessory Uses, customarily ancillary to any use listed in this section 2.1, and not permitted as an outright approval use	Conditional	
Deposition or extraction of material, which alters the configuration of the land	Conditional	

## 2.2 Use-Specific Regulations

- 2.2.1 Laneway house is regulated by [Section 11](#) of this by-law and sections [3](#) and [4](#) of this schedule do not apply.
- 2.2.2 The only non-dwelling use permitted in a mixed-use residential building is neighbourhood grocery store.
- 2.2.3 Multiple conversion dwelling resulting from the conversion of a character house existing on the site as of January 16, 2018, may be permitted if it contains no housekeeping or sleeping units.

- 2.2.4 Community care facility – class A is subject to the regulations, variations and relaxations that apply to single detached house.
- 2.2.5 Farmers’ market may be permitted if the Director of Planning considers the appropriateness of the use with respect to compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility and pedestrian amenity.

2.2.6 Accessory buildings customarily ancillary to any use listed in section 2.1 of this schedule are permitted as an outright approval use if:

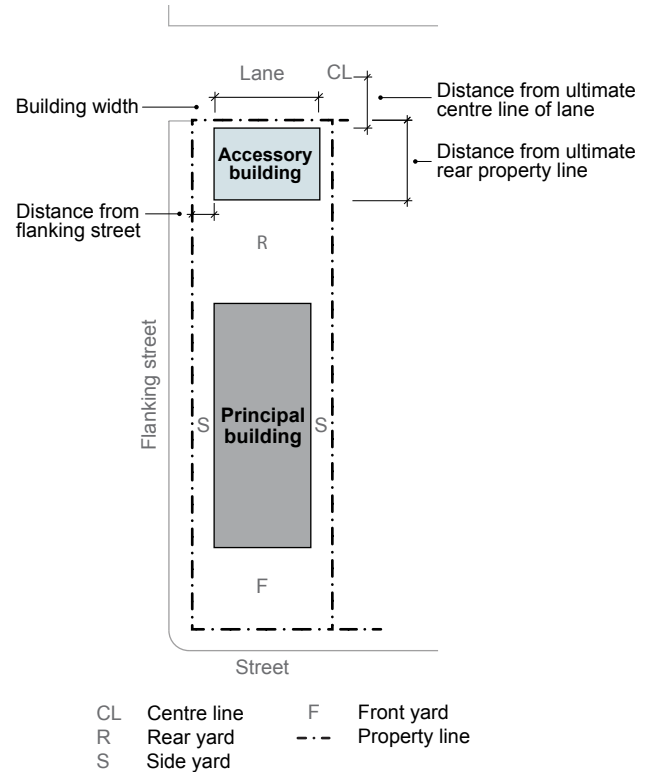
- (a) no accessory building exceeds 3.7 m in height, measured to:
  - (i) the highest point of a flat roof,
  - (ii) the deck line of a mansard roof, or
  - (iii) the mean height between the eaves and the ridge of a gable, hip or gambrel roof,

provided that no portion of an accessory building exceeds 4.6 m in building height;

- (b) all accessory buildings are located:
  - (i) within 7.9 m of the ultimate rear property line or within the permitted building depth and width as prescribed in this schedule, and
  - (ii) at least 3.1 m from the ultimate centre line of any rear or flanking lane, and
  - (iii) at least 1.5 m from a flanking street;

- (c) the total floor area of all accessory buildings, measured to the extreme outer limits of the building, does not exceed 20% of the minimum rear yard prescribed in this schedule, or 48 m<sup>2</sup>, whichever is greater, except that the total allowable accessory floor area will be reduced by the floor area of a laneway house;
- (d) the combined building width for all accessory buildings does not exceed 50% of the width of the site at the rear property line; and
- (e) roof decks and decks are not located on an accessory building that is not located within the permitted building depth as prescribed in this schedule.

**Diagram: Building placement for accessory building**



2.2.7 Accessory parking spaces customarily ancillary to any outright approval use listed in section 2.1 of this schedule must be located within 7.9 m of the ultimate rear property line.

### 3 DENSITY, FORM AND PLACEMENT REGULATIONS

This section contains density, form and placement regulations organized by use.

#### 3.1 All Uses

Single detached house and single detached house with secondary suite, uses involving character retention, and all other uses in these districts are subject to the following regulations.

##### 3.1.1 Density and Floor Area

- 3.1.1.1 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 that has a floor surface located 2.0 m or more above finished grade must not exceed a floor space ratio of:
- (a) 0.16 plus 130 m<sup>2</sup> in the RS-3 district; and
  - (b) 0.12 plus 130 m<sup>2</sup> in the RS-3A district.
- 3.1.1.2 In all cases other than those described in [3.1.1.1](#) above, the area of all floors at or above finished grade and of the floors of any storey, basement or cellar located below a storey that has a floor surface located 1.8 m or more above finished grade must not exceed a floor space ratio of:
- (a) 0.16 plus 130 m<sup>2</sup> in the RS-3 district; and
  - (b) 0.12 plus 130 m<sup>2</sup> in the RS-3A district.
- 3.1.1.3 The Director of Planning may increase the permitted floor space ratio to a maximum of 0.20 plus 130 m<sup>2</sup> if the Director of Planning first approves a plan showing existing and proposed landscaping and considers:
- (a) the intent of this schedule and all applicable Council policies and guidelines;
  - (b) the impact of the increase in floor area on adjacent properties; and
  - (c) the preservation of the architectural character of the area.
- 3.1.1.4 Despite sections [3.1.1.1](#), [3.1.1.2](#) and [3.1.1.3](#) above, the maximum floor area must not exceed 604 m<sup>2</sup>.
- 3.1.1.5 Despite section [3.1.1.4](#) above, the Director of Planning may increase the permitted floor space ratio to a maximum of:
- (a) 0.25 plus 130 m<sup>2</sup> to facilitate an addition to a character house; or
  - (b) 0.30 plus 130 m<sup>2</sup> for infill in combination with retention of a character house,
- if the Director of Planning considers the intent of this schedule and all applicable Council policies and guidelines.

**3.1.2 Building Form and Placement**

Regulations		RS-3	RS-3A
3.1.2.1	Maximum building height	10.7 m and 3 storeys	9.2 m and 3 storeys
3.1.2.2	Required front yard depth	the average depth of the front yards of 2 adjacent sites on each side of the site	
3.1.2.3	Minimum side yard width	10% of the site width	
3.1.2.4	Minimum rear yard depth	10.7 m	
3.1.2.5	Maximum site coverage for all buildings	35% of the site area	
3.1.2.6	Maximum area of impermeable materials	60% of the site area	
3.1.2.7	Maximum building depth	40% of the site depth	
3.1.2.8	Maximum building width	70% of the site width	

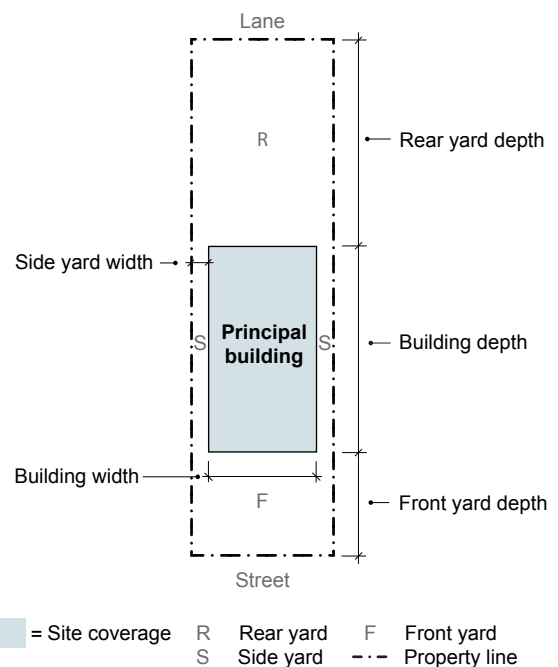
**Building Height**

3.1.2.9 Despite the maximum building height in section 3.1.2.1 above, the third storey must be a partial storey not exceeding 50% of the storey immediately below.

3.1.2.10 In the RS-3A district, the Director of Planning may increase the permitted building height to a maximum of 10.7 m if:

- (a) all roofs are either gable, hip or gambrel roofs, and have a minimum slope of 7:12 ratio over the whole roof area, except that:
  - (i) roofs covering only the first storey do not require a minimum slope, and
  - (ii) dormer roofs may have a minimum slope of 4:12 ratio over their area, or
- (b) the Director of Planning considers the intent of this schedule and all applicable Council policies and guidelines.

**Diagram: Building placement for principal building**



## Front Yard

- 3.1.2.11 Despite the required front yard depth in section 3.1.2.2 above:
- (a) where an adjacent site is vacant, it is deemed to have a front yard depth of 20% of the site depth;
  - (b) if 1 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 will not be used in computing the average; and
  - (c) where the site is adjacent to a flanking street or lane, the average depth will be computed using the remainder of the adjacent sites.
- 3.1.2.12 The Director of Planning may vary the required front yard depth on a double fronting site or a site where a building line has been established pursuant to section 8.1.1 of this by-law.

## Area of Impermeable Materials

- 3.1.2.13 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 multiplied by 3.1 m; and
  - (b) for each additional parking space, 67 m<sup>2</sup> to accommodate vehicular access and manoeuvring.
- 3.1.2.14 The Director of Planning may increase the maximum area of impermeable materials for buildings existing prior to May 30, 2000 to a maximum of 70% of the total site area if:
- (a) the percentage of the site area covered by existing impermeable materials is not increased by the proposed development; and
  - (b) the Director of Planning considers the intent of this schedule and all applicable Council policies and guidelines.



## 4 GENERAL REGULATIONS

All uses in these districts are subject to the following regulations.

### 4.1 Computation of Floor Area

#### 4.1.1 Computation of floor area must include:

- (a) all floors, including earthen floor, measured to the extreme outer limits of the building including accessory buildings;
- (b) stairways, fire escapes, elevator shafts, and other features that the Director of Planning considers similar to the foregoing, 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 in building or relationship to yard setbacks, which exceeds the product of the total permitted floor area above the basement multiplied by 0.01.

#### 4.1.2 Computation of floor area must exclude:

- (a) balconies and decks, and any other appurtenances that the Director of Planning considers similar to the foregoing, provided that the total area of these exclusions does not exceed 8% of the permitted floor area;
- (b) patios and roof decks, if the Director of Planning considers the impact on privacy and overlook;
- (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 dwelling units, or uses that the Director of Planning considers similar to the foregoing, those floors or portions thereof not exceeding 7.3 m in length that:
  - (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 located in a principal building, or in an accessory building located within the building depth and width prescribed in this schedule, up to a maximum of 42 m<sup>2</sup>;
- (d) child day care facilities to a maximum floor area of 10% of the permitted floor area, if the Director of Planning is satisfied that there is a need for a child day care facility in the immediate neighbourhood;
- (e) areas of undeveloped floors that are located:
  - (i) above the highest storey or partial storey, and to which there is no permanent means of access other than a hatch, or
  - (ii) adjacent to a storey or partial storey with a ceiling height of less than 1.2 m;

- (f) basements, cellars and other spaces below floor surfaces:
  - (i) located less than 1.8 m above finished grade, or
  - (ii) for buildings existing prior to April 12, 1988, 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 entries, porches and verandahs complying with the conditions of section [4.3.1](#) of this schedule;
- (g) entries, porches and verandahs, and covered porches above the first storey, if:
  - (i) they face a street or a rear property line and entries, porches and verandahs are located at the basement or first storey,
  - (ii) the side facing the street or rear property line is open or protected by guards that do not exceed the required minimum height,
  - (iii) the total area of these exclusions, when combined with the balcony and deck exclusions under section [4.1.2\(a\)](#) above, does not exceed 13% 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 entry, porch or verandah floor;
- (h) unconditioned floor areas with a ceiling height or height to the underside of joists of less than 2.0 m, located below the floors of entries, porches and verandahs complying with section [4.1.2\(g\)](#) above, to which there is no access from the interior of the building; and
- (i) the floor area of a laneway house.

- 4.1.3 In the case of a corner site, where the rear property line of a site adjoins the side yard of a site in an R district, without the intervention of a lane, the Director of Planning may vary the provisions of section [4.1.2](#) above 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>.

## 4.2 Building Height: Measurement

- 4.2.1 Building height in this district must 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 building height be measured from base surface.

## 4.3 Site Coverage and Impermeability: Measurement

- 4.3.1 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 is 30%.

4.3.2 The maximum area of impermeable materials includes site coverage for all buildings.

#### 4.4 Building Depth: Measurement

4.4.1 Building depth means 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 will be measured from the front exterior wall rather than the required front yard.

4.4.2 Projections into front yards permitted in [Section 10](#) of this by-law will not be included in the calculation of building depth.

#### 4.5 External Design

4.5.1 For the purpose of this section [4.5](#), “front entrance” means a door 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.

4.5.2 For single detached house, there must be no more than 1 separate and distinct front entrance.

4.5.3 For single detached house with secondary suite, there must be no more than 2 separate and distinct front entrances.

4.5.4 Despite sections [4.5.2](#) and [4.5.3](#) above, the Director of Planning may, on the advice of the Chief Building Official, permit 1 additional front entrance if it provides access to a building existing prior to March 14, 1989

4.5.5 The surface of the ground adjoining a building may be lowered only for the purpose of providing:

- (a) a window well for a basement or a cellar, if the lowered surface does not extend more than 1.0 m from the surface of a wall;
- (b) a sunken entrance for a basement, if:
  - (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 building width or 4.6 m, whichever is the lesser; or
- (c) a sunken entrance for a cellar in buildings existing prior to June 23, 2020, if:
  - (i) it complies with section [4.5.5\(b\)](#) above, and
  - (ii) the depth of the lowered surface does not exceed 1.83 m below the average finished grade.

- 4.5.6 Exterior windows in a secondary suite 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 RELAXATIONS

- 5.1 Where, due to conditions peculiar either to the site or to the proposed development, literal enforcement would result in unnecessary hardship, the Director of Planning may relax:
- (a) the minimum front yard depth, but in no case may the depth be reduced to less than 60% of the depth required in this schedule;
  - (b) the minimum side yard width, but in no case may the width be reduced to less than 60% of the width required in this schedule;
  - (c) the minimum rear yard depth, but in no case may the depth be reduced to less than 60% of the depth required in this schedule;
  - (d) the maximum building depth;
  - (e) the maximum building width; and
  - (f) the floor space ratio exclusions for parking in accessory buildings in section [4.1.2\(c\)\(i\)](#) of this schedule,

if the Director of Planning considers the submission of any advisory group, property owner or tenant and the intent of this schedule and all applicable Council policies and guidelines.

- 5.2 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, the Director of Planning may relax the maximum area of impermeable materials if the Director of Planning considers the intent of this schedule and all applicable Council policies and guidelines.

