

## RM-9 and RM-9N Districts Schedule

### 1 Intent

The intent of this Schedule is to permit a variety of medium density residential buildings, such as low rise apartments, ground oriented stacked townhouses and rowhouses, including courtyard and freehold rowhouses. Emphasis is on a high standard of liveability and creation of a variety of dwelling unit sizes, including those appropriate for families with children. Secondary suites and lock-off units are permitted, within limits, to provide flexible housing choices. All new development will demonstrate high quality design, ensure a high standard of liveability and neighbourhood fit.

The RM-9N District differs from the RM-9 District in that it requires evidence of noise mitigation for residential development in close proximity to arterial streets.

### 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 are permitted in these districts and will be issued a permit.

#### **2.2 Uses**

- 2.2.A**
- Accessory Buildings customarily ancillary to any of the uses listed in this Schedule, except for accessory buildings ancillary to multiple dwelling and freehold rowhouse use, if:
    - (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 of the level between the eaves and the ridge of a gable, hip or gambrel roof, except that no portion of an accessory building may exceed 4.6 m in height;
    - (b) all accessory buildings are located:
      - (i) within 7.9 m of the ultimate rear property line, and
      - (ii) no less than 3.6 m from the ultimate centre line of any rear or flanking lane and 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, is not greater than 48 m<sup>2</sup>;
    - (d) not more than 80% of the width of the site at the rear property line is occupied by accessory buildings;
    - (e) no accessory building is closer than 3.7 m to any residential dwelling; and
    - (f) roof decks and sun decks are not located on an accessory building.

- Accessory Uses customarily ancillary to any of the uses listed in this section, provided that accessory parking spaces must comply with the provisions of section 2.2.A (b) of this schedule.

#### **2.2.DW [Dwelling]**

- Multiple Conversion Dwelling, if:
  - (a) no additions are permitted;
  - (b) no housekeeping or sleeping units are created;
  - (c) there are no more than 2 dwelling units;
  - (d) the development complies with section 4.8 of this schedule; and

(e) no development permit will be issued until the requisite permits required by other by-laws that relate to design, construction and safety of buildings are issuable.

- One Family Dwelling which complies with the current RS-1 District Schedule, if one-family dwelling is the only principal building on the site.

#### 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, if the Director of Planning first considers:

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

#### 3.2 Uses

3.2.A • Accessory Buildings not provided for in section 2.2.A of this schedule and customarily ancillary to any of the uses listed in this schedule, provided that for multiple dwelling and freehold rowhouse,

- 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 of the level between the eaves and the ridge of a gable, hip or gambrel roof, except that no portion of an accessory building may exceed 4.6 m in height;
- all accessory buildings are located:
  - within 7.9 m of the ultimate rear property line, and
  - no less than 3.6 m from the ultimate centre line of any rear or flanking lane, and 1.5 m from a flanking street;
- the total floor area of all accessory buildings, measured to the extreme outer limits of the building, is not greater than 48 m<sup>2</sup>, except that:
  - the Director of Planning may increase the total floor area of all accessory buildings to a maximum of 24 m<sup>2</sup> for each dwelling unit, not including lock-off units, if the Director of Planning first considers the intent of this schedule and all applicable Council policies and guidelines;
- not more than 30% of the width of the site at the rear property line is occupied by accessory buildings, except that the Director of Planning may increase the amount of the width of the site at the rear property line that may be occupied by accessory buildings to a maximum of 80%, if the Director of Planning first considers the intent of this schedule and all applicable Council policies and guidelines;
- no accessory building is closer than 3.7 m to any residential dwelling; and
- roof decks and sun decks are not located on an accessory building.

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

#### 3.2.C [Cultural and Recreational]

- Club.
- Community Centre or Neighbourhood House.

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

3.2.D • Deposition or extraction of material which alters the configuration of the land.

3.2.DW [Dwelling]

- Dwelling Units, up to a maximum of two, in conjunction with a Neighbourhood Grocery Store existing as of July 29, 1980, subject to section 11.16 of this by-law.
- Freehold rowhouse, subject to section 11.25 of this by-law.
- Infill One-Family Dwelling, if it is in conjunction with the retention of a building existing on the site prior to January 1, 1940;
- Laneway House on a site with one principal building, subject to section 11.24 of this by-law and the RS-1 District Schedule.
- Multiple Conversion Dwelling not provided for in section 2.2.DW of this schedule, resulting from the conversion of a building existing as of May 27, 2014, if:
  - (a) the Director of Planning first considers the quality and liveability of the resulting units, the suitability of the building for conversion in terms of age and size and the effect of the conversion on adjacent properties;
  - (b) additions are not permitted for buildings constructed on or after January 1, 1940, except additions up to a maximum of 5 m<sup>2</sup> used as exits;
  - (c) no housekeeping or sleeping units are created; and
  - (d) there are no more than three dwelling units.
- Multiple Dwelling.
- One-Family Dwelling with Secondary Suite on a site with one principal building, which complies with the current RS-1 District Schedule.
- Principal Dwelling Unit with Lock-off Unit, provided that:
  - (a) in multiple dwellings or freehold rowhouses, there may be one lock-off unit for every 3 principal dwelling units, except that the Director of Planning may permit a higher ratio after first considering the intent of this schedule and all applicable Council policies and guidelines.
- Seniors Supportive or Assisted Housing, subject to section 11.17 of this by-law.

3.2.I [Institutional]

- Ambulance Station.
- Child Day Care Facility.
- Church, subject to the provisions of section 11.7 of this By-law.
- 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.
- Hospital, subject to the provisions of section 11.9 of this By-law.
- Public Authority Use essential in this District.
- School – Elementary or Secondary, subject to the provisions of section 11.8 of this By-law.
- Social Service Centre.

3.2.R [Retail]

- Farmers’ Market, subject to the provisions of Section 11.21 of this By-law, and to compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, and pedestrian amenity.

- Neighbourhood Grocery Store existing as of July 29, 1980, subject to the provisions of section 11.16 of this By-law.
- Public Bike Share.

### 3.2.S [Service]

- Bed and Breakfast Accommodation, subject to the provisions of section 11.4 of this By-law.

### 3.2.U [Utility and Communication]

- Public Utility.

## 4 Regulations

All approved uses are subject to the following regulations, except for:

- One-Family Dwelling and One-Family Dwelling with Secondary Suite, as the only principal building on the site, which are regulated by the RS-1 District Schedule; and
- Laneway House, which is only permitted in combination with 4(a), and is regulated by section 11.24 of this by-law.

### 4.1 Site Area

#### 4.1.1 The minimum site area for:

- a multiple conversion dwelling with more than two dwelling units;
- a multiple conversion dwelling or a one-family dwelling or one-family dwelling with secondary suite, in combination with an infill one-family dwelling; or
- a multiple dwelling containing no more than 3 dwelling units, not including lock-off units,

is 303 m<sup>2</sup>.

#### 4.1.2 The minimum site area for a multiple dwelling containing 4 or more dwelling units, not including lock-off units, or for a building containing freehold rowhouses, or for senior supported or assisted housing is 445 m<sup>2</sup>.

#### 4.1.3 Notwithstanding section 4.1.2 of this schedule, if the Director of Planning first considers the intent of this schedule and all applicable Council policies and guidelines, the Director of Planning may permit a freehold rowhouse or a multiple dwelling containing 4 or more dwelling units, not including lock-off units, on a site smaller than 445 m<sup>2</sup>.

### 4.2 Frontage

#### 4.2.1 The minimum frontage for a multiple dwelling containing 4 or more dwelling units, not including lock-off units, is 12.8 m.

#### 4.2.2 The maximum frontage for a site for a multiple dwelling containing 4 or more dwelling units, not including lock-off units, is 50 m.

#### 4.2.3 Notwithstanding sections 4.2.1 and 4.2.2 of this schedule, the Director of Planning may increase the maximum site frontage requirement if the Director of Planning first considers the intent of this Schedule and all applicable Council policies and guidelines.

**4.3 Height**

- 4.3.1 A building must not exceed 10.7 m in height.
- 4.3.2 Notwithstanding section 4.3.1 of this schedule, the Director of Planning may permit a height increase in a multiple dwelling containing 4 or more dwelling units, not including lock-off units, to 13.7 m and 4 storeys, if the Director of Planning first considers the intent of this schedule and all applicable Council policies and guidelines.

**4.4 Front Yard**

- 4.4.1 A front yard with a minimum depth of 4.9 m must be provided.
- 4.4.2 Notwithstanding sections 4.4.1 of this schedule, the Director of Planning may decrease the front yard requirement for multiple dwellings, if the Director of Planning first considers the intent of this schedule and all applicable Council policies and guidelines.
- 4.4.3 Covered porches complying with section 4.7.8 (i) of this schedule, may project up to 1.2 m into the required front yard.
- 4.4.4 For multiple dwellings, portions of basement floor area directly below covered porches may project up to 1.2 m into the required front yard.
- 4.4.5 Notwithstanding section 10.7.1 (b) of this by-law, eaves and gutters or other projections, which in the opinion of the Director of Planning are similar, may project into the minimum front yard to a maximum of 1.0 m measured horizontally.

**4.5 Side Yard**

- 4.5.1 Side yards with a minimum width of 2.1 m must be provided.
- 4.5.2 Notwithstanding section 4.5.1 of this schedule, side yards for a multiple conversion dwelling with more than two dwelling units, an infill one-family dwelling, multiple dwelling containing no more than 3 dwelling units, not including lock-off units, and freehold rowhouses, must have a minimum width of 1.2 m.
- 4.5.3 Notwithstanding section 4.5.1 of this schedule, the Director of Planning may decrease the side yard requirement for multiple dwellings, if the Director of Planning first considers the intent of this schedule and all applicable Council policies and guidelines.
- 4.5.4 Notwithstanding section 10.7.1 (b) of this by-law, eaves and gutters or other projections, which in the opinion of the Director of Planning are similar, may project into the minimum side yard to a maximum of 1.0 m measured horizontally.

**4.6 Rear Yard**

- 4.6.1 A rear yard with a minimum depth of 7.6 m must be provided.
- 4.6.2 Notwithstanding section 4.6.1 of this schedule, the Director of Planning may decrease the rear yard requirement for multiple dwellings to a minimum of 1.2 m, if the Director of Planning first considers the intent of this schedule and all applicable Council policies and guidelines.
- 4.6.3 Notwithstanding section 10.7.1 (b) of this by-law, eaves and gutters or other projections, which in the opinion of the Director of Planning are similar, may project into the minimum rear yard to a maximum of 1.0 m measured horizontally.

#### 4.7 Floor Area and Density

4.7.1 Except as provided in sections 4.7.2 and 4.7.3 of this schedule, floor space ratio must not exceed 0.75 for all uses.

4.7.2 Notwithstanding section 4.7.1 of this schedule, if the Director of Planning first considers the intent of this schedule, all applicable Council policies and guidelines, and the submissions of any advisory groups, property owners or tenants, the Director of Planning may permit an increase in floor area as follows:

- (a) for multiple dwelling or seniors supportive or assisted housing developed as secured market rental housing or social housing on sites that are 445 m<sup>2</sup> and larger:
  - (i) with a minimum frontage of 12.8 m, the permitted floor area may be increased to a maximum floor space ratio of 1.20,
  - (ii) with a minimum frontage of 15.2 m, the permitted floor area may be increased to a maximum floor space ratio of 1.50, and
  - (iii) with a minimum frontage of 27.4 m, the permitted floor area may be increased to a maximum floor space ratio of 2.0;
- (b) for freehold rowhouse developed as secured market rental housing or social housing, the permitted floor area may be increased to a maximum floor space ratio of 1.20;
- (c) for multiple dwelling or seniors supportive or assisted housing developed as secured market rental housing or social housing on sites that are less than 445 m<sup>2</sup> in size or with a frontage less than 12.8 m, the permitted floor area may be increased to a maximum floor space ratio of 0.90; and
- (d) for multiple conversion dwelling or infill on sites where buildings existing prior to January 1, 1940 are retained, the permitted floor space ratio may be increased to a maximum of 0.90.

4.7.3 Notwithstanding section 4.7.1 of this schedule, if the Director of Planning first considers the intent of this schedule and all applicable Council policies and guidelines, and the submissions of any advisory groups, property owners or tenants, the Director of Planning may permit an increase in floor area as follows:

- (a) for multiple dwelling or seniors supportive or assisted housing on sites that are 445 m<sup>2</sup> and larger:
  - (i) with a minimum frontage of 12.8 m, the permitted floor area may be increased by one m<sup>2</sup> per amenity share or affordable housing share provided to the city at no cost to the city, to a maximum floor space ratio of 1.20,
  - (ii) with a minimum frontage of 15.2 m, the permitted floor area may be increased by one m<sup>2</sup> per amenity share or affordable housing share provided to the city at no cost to the city to a maximum floor space ratio of 1.50, and
  - (iii) with a minimum frontage of 27.4 m, the permitted floor area may be increased by one m<sup>2</sup> per amenity share or affordable housing share provided to the city at no cost to the city to a maximum floor space ratio of 2.0;
- (b) for freehold rowhouse, the permitted floor area may be increased by one m<sup>2</sup> per amenity share or affordable housing share provided to the city at no cost to the city, to a maximum floor space ratio of 1.20; and
- (c) for multiple dwelling or seniors supportive or assisted housing on sites that are less than 445 m<sup>2</sup> in size or with a frontage less than 12.8 m, the permitted floor area may be increased by one m<sup>2</sup> per amenity share or affordable housing share provided to the city at no cost to the city, to a maximum floor space ratio of 0.90.

4.7.4 For the purposes of section 4.7.3, affordable housing share means:

- (a) \$108 per m<sup>2</sup> to a maximum floor space ratio of 1.20; and

(b) \$592 per m<sup>2</sup> for any increase in floor space ratio above 1.20.

4.7.5 For the purposes of section 4.7.3, amenity share means:

- (a) \$108 per m<sup>2</sup> to a maximum floor space ratio of 1.20; and
- (b) \$592 per m<sup>2</sup> for any increase in floor space ratio above 1.20.

4.7.6 For the purposes of sections 4.7.3 and 4.7.5 of this schedule, amenity means one or more of the following:

- (a) Community Centre or Neighbourhood House;
- (b) Library;
- (c) Museum or Archives;
- (d) Park or Playground;
- (e) Rink;
- (f) Swimming Pool;
- (g) Child Day Care Facility;
- (h) Public Authority Use; and
- (i) Social Service Centre.

4.7.7 Computation of floor area must include:

- (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, 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 in building or relationship to yard setbacks, which is greater than the product of the total floor area permitted above the basement multiplied by 0.01.

4.7.8 Computation of floor area must exclude:

- (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, if the total area of these exclusions does not exceed 12% of the permitted floor area for multiple dwelling and freehold rowhouse and 8% of the permitted floor area for all other uses;
- (b) patios and roof gardens, if the Director of Planning first approves the design of sunroofs and walls;
- (c) for multiple dwelling and freehold rowhouse, where floors are used for:
  - (i) off-street parking and loading, those floors or portions thereof which are located underground, except that the maximum exclusion for a parking space must not exceed 7.3 m in length, and
  - (ii) bicycle storage located underground, or, if located at or above base surface are contained in an accessory building which complies with section 3.2.A of this schedule;
- (d) for dwelling uses other than multiple dwelling and freehold rowhouse, where floors are used for off-street parking and loading, or bicycle storage in multiple conversion dwellings containing 3 or more dwelling units, or uses which, in the opinion of the Director of Planning, are similar to the foregoing:
  - (i) those floors or portions thereof not exceeding 7.3 m in length, which are located in an accessory building which complies with section 2.2.A of this schedule, or in an infill one family dwelling located within 7.9 m of the ultimate rear property line, up to a maximum of 48 m<sup>2</sup>, and

- (ii) on sites with no developed secondary access, those floors or portions thereof not exceeding 7.3 m in length and minimum required maneuvering aisle, which are located either in a principal building, an accessory building, or an infill one-family dwelling up to a maximum area that the Director of Planning may determine, provided the Director of Planning first considers all applicable Council policies and guidelines;
- (e) for non-dwelling uses, where floors are used for off-street parking and loading, heating and mechanical equipment, 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 are located in an accessory building located within 7.9 m of the ultimate rear property line, or underground;
- (f) 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;
- (g) floors located at or below finished grade with a ceiling height of less than 1.2 m;
- (h) for multiple dwelling and freehold rowhouse, all residential storage area above or below base surface, except that if residential storage area above base surface exceeds 3.7 m<sup>2</sup> per dwelling unit, there will be no exclusion for any of the residential storage area above base surface for that unit;
- (i) covered verandas or porches, if:
  - (i) the portion facing a street, rear property line, common open space, park or school, is open or protected by partial walls or guard rails, which conform to the height minimum specified in the Building By-law,
  - (ii) the total excluded area, combined with the balcony and sundeck exclusions permitted in section 4.7.8 (a) of this schedule, does not exceed 16% of the permitted floor area for multiple dwellings and 13% of the permitted floor area for all other uses, and
  - (iii) the ceiling height, excluding roof structures, of the total area being excluded does not exceed 3.1 m measured from the porch floor; and
- (j) 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 is 55% of the site area, except that, for multiple dwelling, the Director of Planning may increase the maximum site coverage if the Director of Planning first considers the intent of this schedule and all applicable Council policies and guidelines.
- 4.8.2 Site coverage for buildings must 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 area of impermeable materials, including site coverage for buildings, must not exceed 75% of the total site area, except that for multiple dwelling, the Director of Planning may increase the area of impermeable materials, for developments providing underground parking.
- 4.8.4 For the purposes of section 4.8.3 of this schedule:
  - (a) the following are 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; and



- (b) the following are considered permeable: gravel, river rock less than 5 cm in size, wood chips, bark mulch, wood decking with spaced boards and other materials which, in the opinion of the Director of Planning, have fully permeable characteristics when placed or installed on grade with no associated layer of impermeable material (such as plastic sheeting) that would impede the movement of water directly to the soil below.

4.8.5 In the case of a sloping site where a structure is located in or beneath a yard, the structure will be excluded from the site coverage calculation if it does not, except for required earth cover, permitted fences and similar items, project above the average elevation of the portions of the streets, lanes or sites located adjacent to such structure, and does not, in any event, project more than 1.0 m above the actual elevation of adjoining streets, lanes and sites.

**4.9 [Deleted - see Parking By-law.]**

**4.10 Horizontal Angle of Daylight**

4.10.1 Each habitable room must have at least one window on an exterior wall of a building.

4.10.2 Each exterior window must be located so that a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, will encounter no obstruction over a distance of 24.0 m.

4.10.3 The plane or planes referred to in section 4.10.2 must be measured horizontally from the centre of the bottom of each window.

4.10.4 The Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement, if:

- (a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
- (b) the minimum distance of unobstructed view is not less than 2.4 m.

4.10.5 An obstruction referred to in section 4.10.2 means:

- (a) any part of the same building including permitted projections; or
- (b) the largest building permitted under the zoning on any adjoining site.

4.10.6 A habitable room referred to in section 4.10.1 does not mean:

- (a) a bathroom; or
- (b) a kitchen whose floor area is the lesser of:
  - (i) 10% or less of the total floor area of the dwelling unit, or
  - (ii) 9.3 m<sup>2</sup>.

**4.11- (Reserved)**

**4.14**

**4.15 Acoustics**

- 4.15.1 A development permit application for dwelling uses in the RM-9N District requires 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 do not exceed the noise levels expressed in decibels set opposite such portions of 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 the noise level in decibels.

Portions of dwelling units	Noise levels (Decibels)
Bedrooms	35
Living, dining, recreation rooms	40
Kitchen, bathrooms, hallways	45

**4.16 Building Depth**

- 4.16.1 For a multiple dwelling with three or fewer dwelling units, the maximum distance between the required minimum front yard and the rear of a building must be 45% of the site depth, measured prior to any required lane dedication.

**4.18 Dwelling Unit Density**

- 4.18.1 For multiple dwelling and freehold rowhouse, the total number of dwelling units, excluding lock-off units, must not exceed:

- (a) for development up to and including 0.90 floor space ratio, 100 units per hectare of site area;
- (b) for development over 0.90 and up to and including 1.20 floor space ratio, 132 units per hectare of site area;
- (c) for development over 1.20 and up to and including 1.50 floor space ratio, 180 units per hectare of site area; or
- (d) for development over 1.5 and up to and including 2.0 floor space ratio, 240 units per hectare of site area.

- 4.18.2 Where the calculation of dwelling units per hectare results in a fractional number, the number must be rounded down.

**4.19 Number of Buildings on Site**

- 4.19.1 Notwithstanding section 10.1 of this by-law, the Director of Planning may permit more than one building on a site, in combination with a multiple dwelling or freehold rowhouse, if the Director of Planning first considers the intent of this schedule and all applicable Council policies and guidelines.

**5 Relaxation of Regulations**

- 5.1 The Director of Planning may relax the minimum site area requirements of section 4.1 of this schedule with respect to any of the following developments, if the lot was on record in the Land Title Office prior to May 27, 2014:

- (a) infill one-family dwelling in conjunction with the retention of a building existing on the site prior to January 1, 1940; and
- (b) multiple dwelling with no more than three dwelling units,

if the Director of Planning first considers the quality and liveability of the resulting units, the effect on neighbouring properties and all applicable Council policies and guidelines.