

F.2 Bylaw for 941 Fullerton Avenue: Rezoning Application No. 00769

Moved By Councillor Alto

Seconded By Councillor Potts

That the following bylaw **be given first and second readings:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1266) No. 21-110

CARRIED UNANIMOUSLY

DRAFT



Council Report

For the Meeting of November 25, 2021

To: Council **Date:** November 18, 2021
From: C. Kingsley, City Clerk
Subject: 941 Fullerton Avenue: Rezoning Application No. 00769

RECOMMENDATION

That the following bylaw be given first and second readings:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1266) No. 21-110

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 21-110.

The issue came before Council on October 28, 2021 where the following resolution was approved:

941 Fullerton Avenue: Rezoning Application No. 00769

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00769 for 941 Fullerton Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Respectfully submitted,

Curt Kingsley
City Clerk

Report accepted and recommended by the City Manager

List of Attachments:

- Bylaw No. 21-110

NO. 21-110

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the Restricted Small Lot with Secondary Suite (Fullerton Street), and to rezone land known as 941 Fullerton Avenue from the R1-S2 Zone, Restricted Small Lot (Two Storey) District to the R1-S31 Zone, Restricted Small Lot with Secondary Suite (Fullerton Street) District.

The Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the “ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1266)”.
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule “B” under the caption PART 1 – DETACHED DWELLING ZONES by adding the following words:

“1.154 R1-S31, Restricted Small Lot with Secondary Suite (Fullerton Street) District”
- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 1.153 the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 941 Fullerton Avenue, legally described as PID: 024-533-238, Lot A, Section 31, Esquimalt District, Plan VIP69070, and shown hatched on the attached map, is removed from the R1-S2 Zone, Restricted Small Lot (Two Storey) District, and placed in the R1-S31 Zone, Restricted Small Lot with Secondary Suite (Fullerton Street) District.

READ A FIRST TIME the	day of	2021
READ A SECOND TIME the	day of	2021
Public hearing held on the	day of	2021
READ A THIRD TIME the	day of	2021
ADOPTED on the	day of	2021

CITY CLERK

MAYOR



PART 1.154 – R1-S31 ZONE, RESTRICTED SMALL LOT WITH SECONDARY SUITE (FULLERTON STREET) DISTRICT

1.154.1 Permitted Uses in this Zone

The following uses are the only uses permitted in this Zone:

- a. Uses permitted in the R1-S2 Zone, Restricted Small Lot (Two Storey) District, subject to the regulations set out in Part 1.23 of the Zoning Regulation Bylaw
- b. The uses set out in paragraphs (c) to (h) are permitted in buildings constructed prior to January 1, 1950 and are subject to the regulations set out in this Part 1.154 of the Zoning Regulation Bylaw
- c. Single family dwelling
- d. No more than one secondary suite
- e. A maximum of two garage sales in any calendar year
- f. Public Building
- g. Home occupation subject to the regulations in Schedule “D”
- h. Accessory Buildings subject to the regulations in Schedule “F”

1.154.2 Lot Area

- | | |
|-------------------------------|------------------------------|
| a. <u>Lot area</u> (minimum) | 260m ² |
| b. <u>Lot width</u> (minimum) | 10m average <u>lot width</u> |

1.154.3 Floor Area, Floor Space Ratio

- | | |
|---------------------------------------|-------------------|
| a. <u>Total floor area</u> (maximum) | 190m ² |
| b. <u>Floor space ratio</u> (maximum) | 0.60:1 |

1.154.4 Height, Storeys

- | | |
|---|------|
| a. Principal <u>building height</u> (maximum) | 7.5m |
| b. <u>Storeys</u> (maximum) | 2 |

PART 1.154 – R1-S31 ZONE, RESTRICTED SMALL LOT WITH SECONDARY SUITE (FULLERTON STREET) DISTRICT

1.154.5 Setbacks, Projections

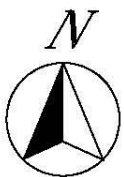
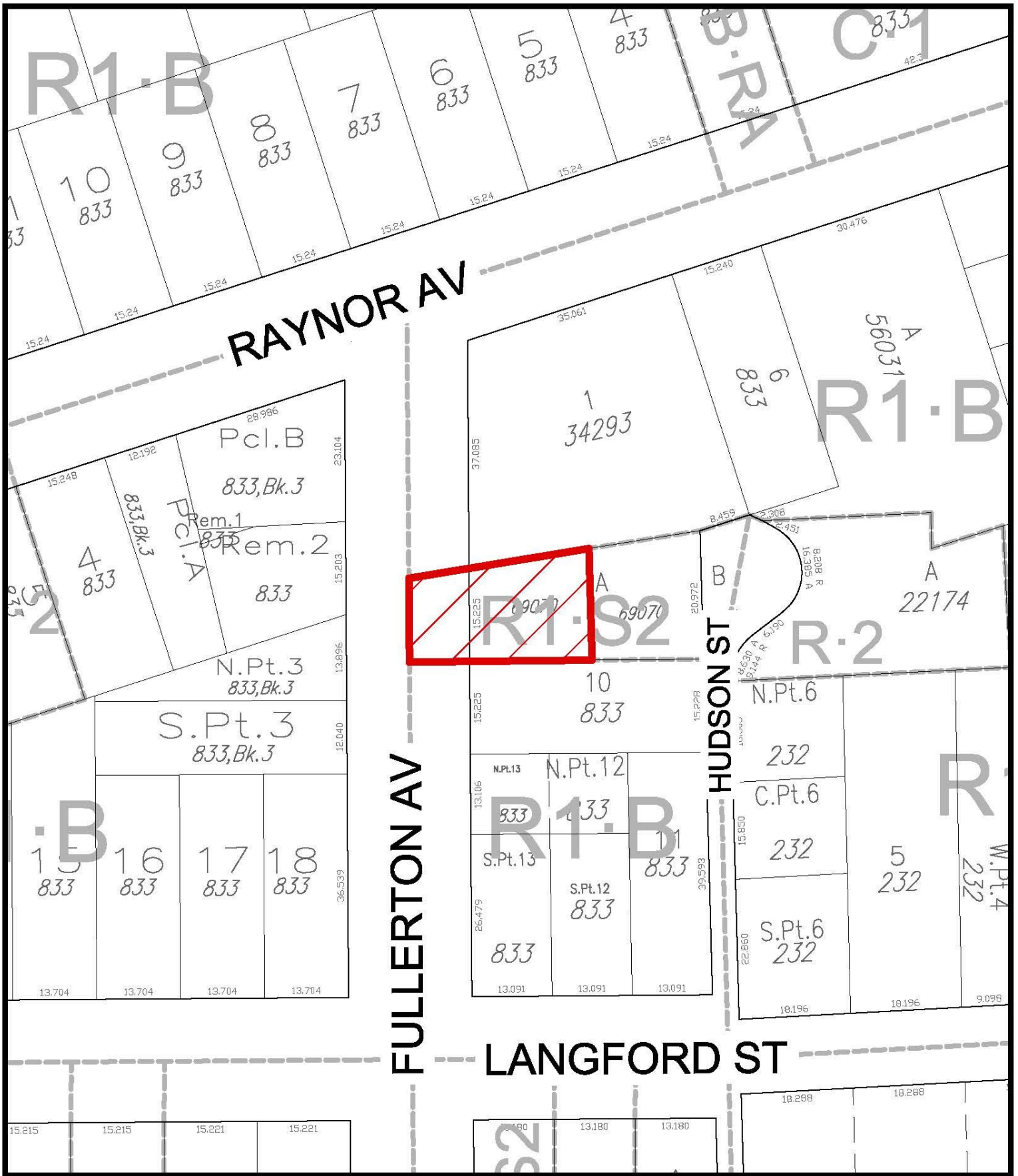
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|--|-------|
| a. <u>Front yard setback</u> (minimum) | 3.53 |
| Except for the following maximum projections into the setback: | |
| • Stairs | 1.11m |
| • Porch | 1.21m |
| b. <u>Rear yard setback</u> (minimum) | 2.83m |
| c. <u>Side yard setback</u> (minimum) | 1.79m |

1.154.6 Site Coverage, Open Site Space

- | | |
|-----------------------------------|-----|
| a. <u>Site Coverage</u> (maximum) | 47% |
|-----------------------------------|-----|

1.154.7 Parking

Subject to the regulations in Schedule "C"



941 Fullerton Avenue
Rezoning No.00769

