

F.1 Bylaw for 580 and 582 Niagara Street: Rezoning Application No. 00721

Moved By Mayor Helps
Seconded By Councillor Alto

That Council:

1. Rescind second reading of Zoning Regulation Bylaw, Amendment Bylaw (No. 1251) No. 21-028

CARRIED UNANIMOUSLY

Moved By Councillor Loveday
Seconded By Councillor Potts

That Council:

2. Amend Schedule 1 of the Bylaw as follows:
 - i. In section 3.135.1, by striking out:
 - “c. Public Building
 - d. Home occupation subject to the regulations in Schedule “D”
 - e. Accessory Buildings subject to the regulations in Schedule “F”
 - ii. in section 3.135.8 (Vehicle and Bicycle Parking) subsection a., by adding the following after the words “Subject to Schedule C”:
“except as otherwise specified in the regulations in this Part”
 - iii. by adding a new subsection b. to section 3.135.8:
“b. Multiple dwelling (minimum) 1 space per dwelling unit”
 - iv. by adding a new subsection c. to section 3.135.8:
“c. Bicycle parking Subject to the regulations in Schedule “C””

CARRIED UNANIMOUSLY

Moved By Councillor Alto
Seconded By Councillor Potts

That the following bylaw, as amended, **be given second reading:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1251) No. 21-028

CARRIED UNANIMOUSLY



Council Report

For the Council Meeting of December 9, 2021

To: Council **Date:** November 25, 2021
From: Karen Hoese, Director, Sustainable Planning and Community Development
Subject: Rezoning Application No. 00721 for 580 and 582 Niagara Street

RECOMMENDATION

That Council:

1. Rescind second reading of Zoning Regulation Bylaw (Amendment Bylaw No. 1251) No. 21-028 (the "Bylaw");
2. Amend Schedule 1 of the Bylaw as follows:
 - i. In section 3.135.1, by striking out:
 - "c. Public Building
 - d. Home occupation subject to the regulations in Schedule "D"
 - e. Accessory Buildings subject to the regulations in Schedule "F"
 - ii. in section 3.135.8 (Vehicle and Bicycle Parking) subsection a., by adding the following after the words "Subject to Schedule C":

"except as otherwise specified in the regulations in this Part"
 - iii. by adding a new subsection b. to section 3.135.8:

"b. Multiple dwelling (minimum) 1 space per dwelling unit"
 - iv. by adding a new subsection c. to section 3.135.8:

"c. Bicycle parking Subject to the regulations in Schedule "C"
3. Give second reading to Zoning Regulation Bylaw, Amendment Bylaw (No. 1251) No. 21-028, as amended.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for Rezoning Application No. 00721 for 580 and 582 Niagara Street. The application is to rezone the property from the R-2 Zone, Two Family Dwelling District to allow for two additional units in an

existing duplex, for a total of four residential units. The two additional units are existing but unapproved.

A public hearing was scheduled to be held on May 27, 2021 but was cancelled as there were issues with the mailout and it was discovered there were changes needed to the proposed zone. The proposed R-101 Zone, Niagara Street Multiple Dwelling District has been amended and now includes parking requirements and three uses have been deleted because these uses are already permitted in the R-2 Zone and restating them would be redundant. There have not been any changes made to the proposal; the changes being advanced here are only required to ensure accuracy and a consistent approach to zoning bylaw amendments

As the *Zoning Regulation Bylaw* amendment received first and second reading on May 13, 2021, the recommended motion includes rescinding second reading, amending the zone, and giving second reading to the amended Bylaw.

All other legal agreements have been executed, including a housing agreement to secure two dwelling units as rental housing for twenty years, and a Statutory Right-of-Way.

Respectfully submitted,

Chelsea Medd
Planner
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the R-101 Zone, Niagara Street Multiple Dwelling District, and to rezone the land known as 580-582 Niagara from the R-2 Zone, Two Family Dwelling District, to the R-101 Zone, Niagara Street Multiple Dwelling 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. 1251)”.
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule “B” under the caption PART 3 – Multiple Dwelling Zones by adding the following words:

“3.135 R-101 Zone, Niagara Street Multiple Dwelling District”
- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 3.134 the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 580-582 Niagara Street, legally described as PID: 000-003-671, Lot 16, Beckley Farm, Victoria City, Plan 227, and shown hatched on the attached map, is removed from the R-2 Zone, Two Family Dwelling District, and placed in the R-101 Zone, Niagara Street Multiple Dwelling District.

READ A FIRST TIME the	13th	day of	May	2021
READ A SECOND TIME the	13th	day of	May	2021
RESCINDED SECOND READING the		day of		2021
AMENDED 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 3.135 – R-101 ZONE, NIAGARA STREET MULTIPLE DWELLING DISTRICT

3.135.1 Permitted Uses in this Zone

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

- a. Uses permitted in the R-2 Zone, Two Family Dwelling District, subject to the regulations set out in Part 2.1 of the Zoning Regulation Bylaw
- b. Multiple dwelling, subject to the regulations set out in this Part

3.135.2 Lot Area, Site Area Per Unit, Lot Width

- | | |
|---|------------------------------|
| a. <u>Lot area</u> (minimum) | 679m ² |
| b. <u>Site area</u> for each <u>dwelling unit</u> (minimum) | 169m ² |
| c. <u>Lot width</u> (minimum) | 17m average <u>lot width</u> |

3.135.3 Floor Area, Floor Space Ratio

- | | |
|---------------------------------------|----------------------|
| a. <u>Total floor area</u> (maximum) | 318.52m ² |
| b. <u>Floor space ratio</u> (maximum) | 0.47:1 |

3.135.4 Height, Storeys, Roof Decks

- | | |
|---|---------------|
| a. Principal <u>building height</u> (maximum) | 7.6m |
| b. <u>Storeys</u> (maximum) | 2 |
| c. <u>Roof deck</u> | Not permitted |

3.135.5 Setbacks, Projections

- | | |
|--|---|
| a. <u>Front yard setback</u> (minimum) | 7.5m |
| Except for the following maximum projections into the setback: | |
| • Steps less than 1.7m in <u>height</u> | 2.5m |
| • porch | 1.5m |
| b. <u>Rear yard setback</u> (minimum) | 13.0m |
| c. <u>Side yard setback</u> from interior <u>lot lines</u> (minimum) | 1.5m or 10% of the lot width
whichever is greater |
| | 3.0m for one side yard when the
lot is not serviced by a rear lane |
| d. Combined <u>side yard setbacks</u> (minimum) | 4.5m |

PART 3.135 – R-101 ZONE, NIAGARA STREET MULTIPLE DWELLING DISTRICT

3.135.6 Site Coverage

- a. Site Coverage (maximum) 40%

3.135.7 Outdoor Features

The setbacks set out in Section 3.132.5 apply to outdoor features as though they are buildings.

Outdoor features shall not exceed a height of 3.5m from natural grade or finished grade, whichever is lower.

3.135.8 Vehicle and Bicycle Parking

- a. Vehicle parking (minimum) Subject to the regulations in Schedule “C” except as otherwise specified by the regulations in this Part
- b. Multiple dwelling (minimum) 1 space per dwelling unit
- c. Bicycle parking (minimum) Subject to the regulations in Schedule “C”



580/82 Niagara Street
Rezoning No.00721

