



## TOWN OF COMOX

1809 Beaufort Avenue Ph: (250) 339-2202  
Comox BC V9M 1R9 Fx: (250) 339-7110

### ***SPECIAL MEETING OF COUNCIL*** **AGENDA FOR WEDNESDAY MARCH 16, 2016**

*We respectfully acknowledge that we live, work and play on the traditional lands of the K'ómoks First Nation ... Gila'kasla ... Hay ch q'a'*

Meeting Location: Council Chambers, 1801B Beaufort Avenue, Comox

Call to Order: 6:30 pm

Adoption of the Agenda

---

#### **PUBLIC HEARING TO CONSIDER THE FOLLOWING AGENDA ITEMS:**

**1. REZONING APPLICATION: 15-9 (COMMUNITY GARDENS):**

- (5) a. [Comox Zoning Amendment Bylaw No. 1832](#)

Adjournment

---

Deputy Corporate Administrator



## **1. PUBLIC HEARING – Opening Statement**

This Public Hearing is hereby convened pursuant to Section 890 of the Local Government Act for the purpose of hearing representations from those persons who believe that their interest is affected by the proposed Comox Zoning Amendment Bylaw No. 1832. The proposed bylaw has received first and second readings, but has not passed third reading or been adopted by Council.

Notices of this Public Hearing have been published in accordance with the requirements of the Local Government Act. Also, a copy of the proposed bylaw, supporting documentation and any submissions to Council received from the public have been available for inspection at Comox Town Hall as required by the Local Government Act.

To maintain order and to ensure everyone a reasonable opportunity to be heard, I ask that each person wishing to speak first sign the Speaker's List, located at the desk of the Clerk. Once called by the Chair, please begin your presentation to Council by clearly stating your name and address. Please make your presentation as brief as possible. After all have had an opportunity to be heard, anyone wishing to have further input may once again sign the Speaker's List.

Council will not debate with each other or members of the public. Council will not answer questions; we are here to hear from you. Technical questions may be directed by the Chair to the staff.

Everyone will be given a reasonable opportunity to be heard at this meeting. No one will be, or should feel, discouraged or prevented from making his or her views heard. Please refrain from any conduct that would intimidate others or discourage them from speaking.

### **a. Application Summary**

#### **1. Rezoning Application RZ 15-9 (Community Gardens)**

##### **a) Comox Zoning Amendment Bylaw No. 1832**

In general terms, the purpose of Comox Zoning Amendment Bylaw No. 1832 is to:

- amend the Zoning Bylaw's "Assembly Centre" definition to clearly exclude Community Gardens, which will remove the ability to have a community garden in the C3.1 Arterial Commercial, C4.1 Core Commercial, M2.1 Marine Commercial, PA1.2 Public Assembly/Housing, and DND1.1 CFB Comox zones;
- add a new definition of Community Garden use;

- add, as a permitted use, Community Garden to the PA1.1 Public Assembly and P1.1 Park and Open Space zones ;and
- in the PA1.1 Public Assembly zone:
  - not require Community Gardens to be setback from rear and interior side lot lines; and
  - to provide setbacks for community garden accessory buildings.

**b. Public Hearing Submissions**

Written – To ensure that written submissions are included in the minutes of the meeting, please ensure that all are submitted to the desk of the Clerk before the end of the meeting.

Verbal – The proposed bylaw is now open for discussion.

**c. Close of Public Hearing**

I would remind those present that legal considerations prevent the members of Council from considering any representation made after the close of this Public Hearing.

Before closing the Public Hearing, I am going to call three times for any further speakers on any of the matters contained in the proposed bylaw.

For the first time, is there anyone who wishes to make any further representation?

For the second time, is there anyone who wishes to make any further representation?

For the third time, is there anyone who wishes to make any further representation?

There being no further speakers, I declare this Public Hearing closed.

# TOWN OF COMOX

## BYLAW NO. 1832

### A BYLAW TO AMEND TOWN OF COMOX ZONING BYLAW 1377

---

WHEREAS Council has the authority under the provisions of the *Local Government Act* to amend the Zoning Bylaw;

NOW THEREFORE the Council of the Town of Comox, in open meeting assembled, enacts as follows:

#### **1. Title**

This bylaw may be cited for all purposes as the “Comox Zoning Amendment Bylaw No. 1832”.

#### **2. Definitions**

- (1) “Council” means the Council of the Town of Comox;
- (2) “Town” means the Town of Comox.

#### **3. Amendments**

Town of Comox Zoning Bylaw 1377 is hereby amended as follows:

(a) Section 3. Definitions is amended by:

- i. Deleting the definition of Assembly Centre in its entirety; and
- ii. Adding the following text after the definition of Artists Studio:

##### **Assembly Centre**

A parcel, structure or part thereof used for the gathering or congregating of persons for civic, political, social, educational, religious or physical fitness purposes; includes places of worship and schools; does not include a brew pub, community garden, marine pub, neighbourhood pub or pub.

- ii. Adding the following text after the definition of Community Care Facility:

**Community Garden**

The use of land, buildings and structures for the growing and harvesting of soil-based plants for personal use, use on-site, or for instructional purposes.

- (b) Section 6.14 Required Off-Street Parking Spaces subsection (3) Required Parking Spaces Downtown is hereby amended by inserting the following:

Community Garden	0
------------------	---

after the following:

Child Care facility	1 per 10 children licensed by the Province
---------------------	--

and before the following:

Congregate care housing	0.25 per unit
-------------------------	---------------

- (c) Section 6.15 Required Off-Street Parking Spaces Outside Downtown subsection (3) Required Parking Spaces Outside Downtown is hereby amended by inserting the following:

Community Garden	0
------------------	---

after the following:

Child Care facility	1 per 5 children licensed by the Province
---------------------	---

and before the following:

Congregate care housing	0.25 per unit
-------------------------	---------------

- (d) Schedule "A" is amended by

- iii. deleting Section 601. P1.1 Park and Open Space in its entirety; and

- iv. adding as Section 601. P1.1 Park and Open Space, as shown on **SCHEDULE "1"** which is attached to and forms part of this Bylaw.

- v. deleting Section 701. PA1.1 Public Assembly in its entirety; and

- vi. adding as Section 701. PA1.1 Public Assembly, as shown on **SCHEDULE "2"** which is attached to and forms part of this Bylaw.

**4. Adoption**

- |                                       |         |      |
|---------------------------------------|---------|------|
| (1) READ A FIRST and SECOND time this | day of, | 2015 |
| (2) ADVERTISED A FIRST time this      | day of, | 2015 |
| (3) ADVERTISED A SECOND time this     | day of, | 2015 |
| (4) PUBLIC HEARING HELD this          | day of, | 2015 |
| (5) READ A THIRD time this            | day of, | 2015 |
| (6) ADOPTED this                      | day of, | 2015 |

---

Paul Ives,  
Mayor

---

Richard Kanigan,  
Corporate Officer

I HEREBY CERTIFY that this is a true copy of  
"Comox Zoning Amendment Bylaw No. 1832"

---

Shelly Russwurm,  
Deputy Corporate Administrator

## BYLAW NO. 1832

### SCHEDULE "1"

<b>601.P1.1 PARK AND OPEN SPACE</b>
-------------------------------------

**601.1 Permitted Uses:**

In the P1.1 zone, the following uses are permitted and all other uses are prohibited:

- (1) Accessory structures and uses
- (2) Community gardens
- (3) Parks
- (4) Playgrounds
- (5) Recreation facilities
- (6) Restaurants
- (7) Sports fields

**601.2 Conditions of Use:**

n/a

**601.3 Density:**

n/a

**601.4 Parcel Area:**

n/a

**601.5 Parcel Frontage:**

n/a

**601.6 Parcel Depth:**

n/a

**601.7 Parcel Coverage:**

Parcel coverage of all buildings shall not exceed 35%.

**601.8 Height and Storeys:**

Height shall not exceed 9.0 metres.

**601.9 Required Setbacks:**

(1) Front  
n/a

(2) Rear  
Rear setback shall not be less than 3.0 metres only where the parcel abuts a Residential or Multi-Family Residential zoned parcel.

(3) Side - interior  
Interior side setback shall not be less than 3.0 metres only where the parcel abuts a Residential or Multi-Family Residential zoned parcel.

(4) Side - exterior  
n/a



**601.10 Accessory Buildings**

n/a

**601.11 Screening**

The following shall be screened in accordance with Section 8:

- (1) Outside storage areas
- (2) Garbage compounds
- (3) Utility kiosks

**601.12 Off-Street Parking and Loading**

Off-street parking and loading shall be provided in accordance with Section 6.

**601.13 Other Requirements:**

- (1) All buildings shall conform to Section 5.18, Watercourse Regulations.

## BYLAW NO. 1832

### SCHEDULE "2"

<b>701. PA1.1 PUBLIC ASSEMBLY</b>
-----------------------------------

#### 701.1 Permitted Uses:

In the PA1.1 zone, the following uses are permitted and all other uses are prohibited:

- (1) Accessory structures and uses, excluding outside storage
- (2) Ambulance stations or training facilities
- (3) Animal shelters
- (4) Art galleries
- (5) Artist studios, including the creation of sculptures
- (6) Assembly centres
- (7) Boat launches
- (8) Childcare facilities
- (9) Community gardens
- (10) Cultural centres
- (11) Dwelling units
- (12) Fire stations or training facilities
- (13) Hospitals and related facilities
- (14) Libraries
- (15) Museums
- (16) Offices
- (17) Parkades
- (18) Parking lots
- (19) Parks
- (20) Physical therapy clinics
- (21) Playgrounds
- (22) Police stations or training facilities
- (23) Restaurants
- (24) Utility buildings and facilities such as telephone exchanges, transformer stations, and public works yards
- (25) Recreation facilities
- (26) Recycling drop-off centres
- (27) Sports fields
- (28) Visitor information centres

#### 701.2 Conditions of Use:

- (1) The following uses shall be located within a portion of a building completely enclosed by exterior walls: art galleries; artist studios, including the creation of sculptures; physical therapy clinics; and offices.
- (2) The following uses shall only be permitted on a parcel provided an assembly centre, cultural centre, library, museum or recreation facility is also located on the parcel: art galleries, dwelling units, physical therapy clinics and restaurants.

- (3) The gross floor area of physical therapy clinics shall not exceed 20% of the gross floor area of assembly centres, cultural centres, libraries, museums, and recreation facilities, or 100 m<sup>2</sup>, whichever is the lesser.
- (4) On all parcels except Lot 1, District Lot 87, Comox District, Plan 71790; Lot A, District Lot 87, Comox District, Plan 32509; Lot 1, Section 56, Comox District, Plan VIP70988; and Block A, DL 380, Nanaimo District, Plan VIP70988:
  - (a) The gross floor area of dwelling units shall not exceed 75% of the gross floor area of assembly centres, cultural centres, libraries, museums, physical therapy clinics, recreation facilities and restaurants, or 220 m<sup>2</sup>, whichever is the lesser; and
  - (b) The gross floor area of restaurants shall not exceed 20% of the gross floor area of assembly centres, cultural centres, libraries, museums, and recreation facilities, or 100 m<sup>2</sup>, whichever is the lesser.

**701.3 Density:**  
n/a

**701.4 Parcel Area:**  
Parcel area shall not be less than 750 square metres.

**701.5 Parcel Frontage:**  
Parcel frontage shall not be less than 18.0 metres.

**701.6 Parcel Depth:**  
n/a

**701.7 Parcel Coverage:**  
Parcel coverage shall not exceed 35% excluding fire stations or training facilities and accessory structures thereof.

**701.8 Height and Storeys:**  
Height shall not exceed 15.0 metres.

**701.9 Required Setbacks:**

- (1) Front  
Excluding fire stations or training facilities, and accessory buildings thereto - Front setback shall not be less than 7.5 metres.
- (2) Rear  
Excluding community gardens, fire stations or training facilities, and accessory buildings to fire stations or training facilities - Rear setback shall not be less than 9.0 metres.
- (3) Side - interior  
Excluding community gardens, fire stations or training facilities, and accessory buildings to fire stations or training facilities - Interior side setback shall not be less than 6.0 metres.
- (4) Side - exterior

- (a) Excluding community gardens, fire stations or training facilities, and accessory buildings to fire stations or training facilities - Exterior side setback shall not be less than 6.0 metres.
- (b) Community gardens - Exterior side setback shall not be less than 3.5 metres.

**701.10 Accessory Buildings**

Accessory buildings, excluding buildings accessory to parks, playgrounds, sports fields, recreation facilities, fire stations or training facilities, and utility buildings and facilities shall

- (1) not exceed 4.5 metres in height;
- (2) not be located within a front yard; and
- (3) for community gardens:
  - (a) the Rear and Interior Side setbacks shall not be less than 2.0 metres from a Residential or Multi-family Residentially zoned parcel; and
  - (b) the Exterior Side setback shall not be less than 6.0 m; and
  - (c) shall not exceed 60 m<sup>2</sup> in gross floor area.

**701.11 Screening**

The following shall be screened in accordance with Section 8:

- (1) Garbage compounds
- (2) Off-street parking and loading areas
- (3) Utility kiosks
- (4) PA1.1 zoned parcels from abutting Residential or Multi-Family Residential zoned parcels

**701.12 Off-Street Parking and Loading**

Off-street parking and loading shall be provided in accordance with Section 6.

**701.13 Other Requirements:**

- (1) Overhead wiring shall not be permitted on a parcel. All new services on a parcel shall be placed underground.
- (2) All buildings shall conform to Section 5.18, Watercourse Regulations.
- (3) No more than one dwelling unit shall be permitted on a parcel.