



## TOWN OF COMOX

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### ***PUBLIC HEARING MEETING*** **AGENDA FOR WEDNESDAY NOVEMBER 3, 2021**

*The Town of Comox respectfully acknowledges that we are standing on the Unceded traditional territory of the K'ómoks First Nation.*

**NOTICE is hereby given that, pursuant to Ministerial Order, this meeting will be conducted virtually and in-person with limited seating capacity. Once all available seating has been filled, members of the public will not be permitted to attend the meeting in person. All persons who believe their interest is affected by the proposed rezoning will be given the opportunity to be heard in person or virtually by means of Zoom, or by providing written submissions.**

**Please visit [comox.ca/virtual-public-hearings](https://comox.ca/virtual-public-hearings) for instructions on how to participate virtually. The meeting will also be live-streamed on the Town's YouTube pages.**

Meeting Location: d'Esterre Centre, 1801 Beaufort Avenue, Comox

Call to Order: 6:00 p.m.

Adoption of the Agenda

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

#### **1. REZONING APPLICATION RZ 20-4 URBAN AGRICULTURE::**

- (5) a. [Comox Zoning Amendment Bylaw 1987](#)

### **CLOSE OF PUBLIC HEARING**

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**CORPORATE OFFICER**



## **PUBLIC HEARING – Opening Statement**

This Public Hearing is hereby convened pursuant to Section 464 of the Local Government Act for the purpose of hearing representations from those persons who believe that their interest in property is affected by the proposed:

### **1. Rezoning application RZ 20-4 Urban Agriculture:**

#### **a. Comox Zoning Amendment Bylaw 1987**

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, copies of the proposed bylaw, supporting documentation and any submissions to Council received from the public have been available for inspection at [comox.ca](http://comox.ca) as required by the Local Government Act. Pursuant to Ministerial Order, this Public Hearing is being conducted virtually and in-person. All persons who believe their interest is affected by the proposed rezoning will be given the opportunity to be heard this evening.

To maintain order and to ensure everyone a reasonable opportunity to be heard, I ask that each person in the room wishing to speak first sign the Speaker's List, located at the desk of the Clerk. For Zoom Meeting Link users, hover over 'Reactions' in the bottom footer of the Zoom screen and click the 'Raise Hand' icon, or press \*9 on your phone, and wait to be asked to speak by the Chair. All speakers will be asked to speak by the Chair.

Once called by the Chair, please begin your presentation to Council by clearly stating your name and address (virtual presenters first click the 'unmute' button or press \*6 on your phone). You may then begin your presentation to Council. 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 or "raise their hand".

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.

In addition, if you wish to provide a written submission during this Public Hearing, you may do so by sending an email to [council@comox.ca](mailto:council@comox.ca). Note that written submissions must be received before the end of the Public Hearing.

## 1. Rezoning Application RZ 20-4 Urban Agriculture:

### **Application Summary**

#### a) Comox Zoning Amendment Bylaw 1987

In summary, the purpose of Comox Zoning Amendment Bylaw 1987 is to permit within certain residential zones on parcels containing one single-family dwelling, the following:

- the raising of a maximum of six hens on parcels greater than or equal to 1,500 m<sup>2</sup> for egg production and egg consumption by parcel residents; and,
- a maximum of one urban produce stand on a parcel for the sale of produce and flowers produced on-site.

### **Public Hearing Submissions**

Written – To ensure that written submissions are included in the minutes of the meeting, please ensure that all are submitted via email to [council@comox.ca](mailto:council@comox.ca) before the end of the meeting.

Verbal – The proposed bylaw is now open for discussion.

### **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. I am going to allow 15 seconds between each call in order to allow those viewing on YouTube to catch up to the opportunity to speak.

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

***(Note to chair: wait 15 seconds to account for virtual time lag)***

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

***(Note to chair: wait 15 seconds to account for virtual time lag)***

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

***(Note to chair: wait 15 seconds to account for virtual time lag)***

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

***(Call for a motion to Adjourn)***

# TOWN OF COMOX

## BYLAW 1987

### A BYLAW TO AMEND COMOX ZONING BYLAW 1850

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WHEREAS the Council of the Town of Comox 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 “Comox Zoning Amendment Bylaw 1987”.

#### 2. Amendments

1) Comox Zoning Bylaw 1850 is hereby amended as follows:

a) Section 3.2 Definitions is amended by

i) adding the following definitions in alphabetical order:

##### **Urban Hen Keeping**

The incidental and subordinate use of a parcel, structure, or part thereof for the rearing of hens for egg production for the consumption of members of a related or unrelated household occupying a single-family dwelling, secondary suite or coach house on the parcel. Urban hen keeping shall:

- (1) not be permitted on a parcel where the parcel area is less than 1500 m<sup>2</sup>;
- (2) not be permitted on a parcel on which a two-family dwelling or campground is located;
- (3) be located within a single-family dwelling rear yard;
- (4) not exceed six hens on a parcel;
- (5) be conducted only by members of a related or unrelated household occupying a single-family dwelling, secondary suite, or coach house on the parcel;
- (6) include the provision of one or more chicken coops; and,
- (7) not be permitted on a parcel on which more than one single-family dwelling is located.

##### **Chicken Coop**

A building or part thereof used for the rearing of hens.

##### **Urban Produce Production**

The incidental and subordinate use of a parcel, structure, or part thereof for the growing and harvesting of plants for human consumption including herbs and fruit, or flowers and their retail sale in a produce stand located on the same parcel as the plants or flowers are grown and harvested. A building or part thereof used for urban produce production shall be located in the rear yard of a single-family dwelling

Urban produce production shall:

- (1) only be permitted on a parcel provided a single-family dwelling is also located on the parcel;
- (2) not be permitted on a parcel on which a two-family dwelling or campground is located;
- (3) be conducted only by members of a related or unrelated household occupying a single-family dwelling, secondary suite or coach house on the parcel; and,
- (4) not be permitted on a parcel on which more than one single-family dwelling is located.

**Urban Produce Stand**

A structure used for the retail sale of unprocessed plants for human consumption including herbs and fruit, or potted or cut flowers from urban produce production on the same parcel.

Urban produce stands shall:

- (1) be located in a front yard or exterior side yard;
- (2) not be located closer than 1.0 metres to a front or side lot line;
- (3) be conducted only by members of a related or unrelated household occupying a single-family dwelling, secondary suite or coach house on the parcel;
- (4) not exceed 3.0 m<sup>2</sup> in area;
- (5) not exceed 2.5 metres in height;
- (6) not exceed one urban produce stand per parcel; and,
- (7) shall be permitted one sign in conformance with Town of Comox Sign Bylaw No. 1197, 1995.

- ii) replacing the definition of Front Yard with the following text:

**Front Yard**

The area of land extending across the full width of a parcel, between a front lot line and the adjoining walls or supporting members of a principal building other than an urban produce stand, or where no principal building exists, a principal use. (See Figure 3-2.)

- iii) replacing the definition of Accessory Building with the following text:

**Accessory Building**

A building utilized for an accessory use and subordinate in area and extent to the principal use or coach house served, or a chicken coop.

- iv) replacing the definition of Principal Use with the following text:

**Principal Use**

A permitted use for which a parcel is used; does not include an accessory use, coach house, or a chicken coop.

- b) Schedule "A" is hereby amended by:

- i) adding Urban Hen Keeping to the following sections in alphabetical order: 101.1, 103.1, 104.1, 105.1, 106.1, 109.1, 111.1, 112.1, 805.1, 809.1, 815.1, 818.1,
- ii) adding Urban Hen Keeping to section 813.1 in alphabetical order under the heading "In Area A of the CD13 zone, the following uses are permitted and all other uses are prohibited."
- iii) adding Urban Produce Stand and Urban Produce Production to the following sections in alphabetical order: 101.1, 102.1, 103.1, 104.1, 105.1, 106.1, 108.1, 109.1, 110.1, 111.1, 112.1, 113.1, 114.1, 115.1, 116.1, 801.0, 803.1, 805.1, 809.1, 813.1, 814.1, 815.1, 817.1, 818.1, 822.1, 823.1, and 826.1.

- iv) adding to the beginning of section 101.10(1), 101.10(6), 103.10(1), 103.10(6), 104.10(1), 104.10(6), 105.10(1), 105.10(5), 106.10(1), 106.10(5), 109.10(1), 109.10(6), 111.10(1), 112.10(1), 805.10(1), 805.10(6), 809.10(1), 813.10(1), 813.10(3), 813.10(6), 815.10(2)(a), 815.10(2)(f), 818.10(1), 818.10(5) the following text:
- other than chicken coops,
- v) adding as section 101.10(7), 103.10(7), 104.10(7), 105.10(6), 106.10(6), 109.10(7), 111.10(5), 112.10(6), 805.10(7), 809.10(6), 813.10(7), 815.10(2)(g), 818.10(6) the following text:
- chicken coops shall:
- (a) not exceed 2.5 metres in height;
  - (b) not exceed 5.0 m<sup>2</sup> in gross floor area;
  - (c) not be located closer than 1.0 metre to a principal building or a coach house;
  - (d) be located in a rear yard; and,
  - (e) be excluded from required rear and side setbacks provided that no chicken coop is located closer than 3.5 metres to a rear or interior side lot line and 4.0 metres to a exterior side lot line.
- 2) Comox Zoning Bylaw 1850 is hereby further amended by making such consequential changes as are required to reflect the foregoing amendments, including without limitation changes in the numbering and order of the sections of this bylaw.

### 3. Adoption

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|---------------------------------------|---------------------------------------|
| (1) READ A FIRST AND SECOND time this | 6 <sup>th</sup> day of October, 2021  |
| (2) ADVERTISED A FIRST time this      | 20 <sup>th</sup> day of October, 2021 |
| (3) ADVERTISED A SECOND time this     | 27 <sup>th</sup> day of October, 2021 |
| (4) PUBLIC HEARING HELD this          | day of , 2021                         |
| (5) READ A THIRD time this            | day of, 2021                          |
| (6) ADOPTED this                      | day of, 2021                          |

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Mayor

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Corporate Officer