

**CORPORATION OF THE CITY OF COURTENAY
COUNCIL MEETING AGENDA**

DATE: Monday, September 23, 2013
PLACE: City Hall Council Chambers
TIME: 4:00 p.m.

1.00 ADOPTION OF MINUTES

1. Adopt September 9, 2013 Regular Council meeting minutes

2.00 INTRODUCTION OF LATE ITEMS

3.00 DELEGATIONS

Page #

1. Bryce Hansen, application for rezoning, 1648 Thorpe Ave. (see pg#21)
2. Mark Middleton, DCBIA President to give Annual Update

4.00 COMMITTEE/STAFF REPORTS

(a) Legislative Services

- 1 1. Liquor Primary Licence – Harry’s Golf and Country Club

(b) Community Services

- 17 2. Lewis Centre Expansion and Renovation Project (Blair Pettis to present)

(c) Development Services

- 21 3. Rezoning Application – 1648 Thorpe Avenue
- 37 4. Sign Bylaw

(d) Operational Services

- 39 5. Integrated Flood Management Study Update
- 43 6. Appointment of Interim Approving Officer

(e) Financial Services

- 45 7. Water and Sewer Frontage Tax Bylaws

5.00 REPORTS AND CORRESPONDENCE FOR INFORMATION

- 51 1. Green Communities Committee re: corporate greenhouse gas emissions
- 53 2. Status Update: Supportive Housing Project

6.00 REPORTS FROM COUNCIL REPRESENTATIVES

7.00 RESOLUTIONS OF COUNCIL

- 1. In Camera Meeting

That notice is hereby given that a Special In-Camera meeting closed to the public will be held September 23, 2013 at the conclusion of the Regular Council Meeting pursuant to the following sub-sections of the *Community Charter*:

- 90 (1) (e) The acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality.

8.00 UNFINISHED BUSINESS

9.00 NOTICE OF MOTION

10.00 NEW BUSINESS

11.00 BYLAWS

For First, Second and Third Reading

- 55 1. "Sign Bylaw No., 2760, 2013"
(to enact a new Sign Bylaw)
- 79 2. "Water Service Frontage Tax Bylaw No. 2766, 2013"
(to enact a new Water Service Frontage Tax Rates Bylaw)
- 81 3. "Sewer Service Frontage Tax Bylaw No. 2767, 2013"
(to enact a new Sewer Service Frontage Tax Bylaw)

12.00 COUNCIL MEMBER ROUND TABLE

13.00 ADJOURNMENT

THE CORPORATION OF THE CITY OF COURTENAY

REPORT TO COUNCIL

FILE #: 4320 – 20

FROM: Director of Legislative Services

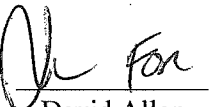
DATE: September 19, 2013

SUBJECT: Application for Liquor Primary Licence – Harry's Golf and Country Club

C.A.O COMMENTS/RECOMMENDATIONS:

I support the recommendation.

RECOMMENDATION:



David Allen

That Council receive the application from Harry's Golf and Country Club for a liquor primary licence; and

That notices be sent to City of Courtenay property owners and businesses within a 100 metre radius of the subject property requesting input on the proposed licence for Council consideration at the October 15, 2013 Council meeting.

PURPOSE:

To respond to the application by Harry's Golf and Country Club (Mulligan's Golf Course) for a liquor primary licence.

BACKGROUND:

Harry's Golf and Country Club currently has a food primary liquor licence and has been operating for approximately 20 years. The applicant wishes to replace the food primary licence with a liquor primary licence which would more appropriately reflect the services provided to its customers.

The proposed new liquor primary licence is permitted under the current zoning of the golf course.

As outlined in the attached application, the applicant has met the eligibility and suitability requirements of the Liquor Control and Licencing Act as well as the Liquor Control and Licencing Policy Section 3.2.

DISCUSSION:

According to the Liquor Control and Licencing Branch prescribe criteria, should Council wish to comment on the application, a Council resolution must address the following:

- a) Council's recommendation on the application and a detailed explanation of the reasons for the recommendation.

b) Council's comments on each of the following considerations:

1. The location of the establishment;
2. The proximity of the establishment to other social or recreational facilities and public buildings;
3. The person capacity and hours of liquor service of the establishment;
4. The number and market focus or clientele of liquor-primary licence establishments within a reasonable distance of the proposed location;
5. The impact of noise on the community in the immediate vicinity of the establishment; and
6. The impact of the community of the application is approved.

Once the views of the residents have been gathered, a proposed resolution will be presented to Council for consideration at the regular meeting scheduled for October 15, 2013 addressing the considerations outlined above.

Options for Council consideration:

1. Notification to City residents and businesses in the area as outlined in recommendation;
2. Public notification in a newspaper and on the City's website;
3. Conduct public hearing; or
4. Pass a resolution to "opt out" of process and allow the LCLB to make a determination.

The Comox Valley RCMP have been asked to comment on the application, and they have indicated that they have no concerns.

FINANCIAL IMPLICATIONS:

The applicant has paid the \$500 processing fee pursuant to the City's Fees and Charges bylaw. Should Council require a public hearing, an additional \$750.00 would be required.

STRATEGIC PLAN REFERENCE:

Required by statute.

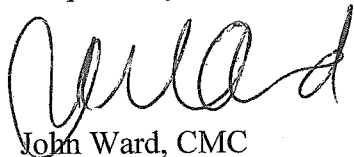
OCP SUSTAINABILITY REFERENCE:

None.

REGIONAL GROWTH STRATEGY REFERENCE:

None.

Respectfully submitted,



John Ward, CMC
Director of Legislative Services



4320-20

July 21, 2013

Job #18093149-1

John Ward
Director of Legislative Services
City of Courtenay
830 Cliffe Ave
Courtenay BC V9N 2J7

Dear Mr. Ward:

Re: Application for a Liquor Primary Licence
Applicant: Harry's Golf & Country Club Ltd.
Proposed location: 4985 Cotton Road, Courtenay
Proposed LP establishment name: Mulligans Golf Course

The applicant, Harry's Golf & Country Club Ltd., has applied to the Liquor Control and Licensing Branch (the Branch) for a Liquor Primary (LP) licence to be located at the above-noted address. The Branch has completed the initial review of the application to determine applicant suitability and eligibility of the establishment type for licensing. As part of that process, a Liquor Inspector has completed a site visit at the proposed establishment location.

Having determined applicant eligibility, we are now proceeding to the Site and Community Assessment (SCA) stage which is the stage for local government input.

The City of Courtenay is requested to consider the application and provide the Branch with a resolution which includes comments and recommendation with respect to the licence application. To assist with Council's assessment of the application, the Branch has prepared a summary report (enclosed) for review and consideration by Council. The summary report is based on information provided by the applicant and by Branch staff.

Please note that effective February 16, 2011, there has been a change in the regulatory criteria that Council is asked to consider and comment on. The amended regulatory criteria are reflected in the attached summary report. For more information on the change to the regulatory criteria, see LCLB policy directive 11-01 at <http://www.pssg.gov.bc.ca/lclb/resources/index.htm#8>

Council has 90 days to either provide comments, in the form of a Council resolution, to the General Manager of the Branch, or to advise that they wish to "opt out" of the

Liquor Control and
Licensing Branch

Mailing Address:
PO Box 9292 Stn Prov Govt
Victoria BC V8W 9J8
Telephone: 250 952-5787
Facsimile: 250 952-7066

Location:
4th Floor, 3350 Douglas Street
Victoria, BC

<http://www.pssg.gov.bc.ca/lclb>

process. Additional time over the 90 days can be approved by the Branch if the request is received in writing prior to the end of the 90 day period.

Upon receipt of a Council resolution, the Branch will review the resolution to determine if all the regulatory criteria have been met in accordance with section 10 of the Liquor Control and Licensing Regulation and, if recommended by local government, assess whether the granting of the licence would be contrary to the public interest.

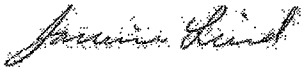
Following the rendering of a decision by the General Manager as to whether to grant Site and Community Approval, the applicant and the local government will be advised in writing.

Once granted SCA, the application proceeds to the building assessment stage of the licensing process, where floor plans are reviewed and if approved in principle, the applicant may proceed with construction/renovation of the establishment, followed by the final stages of the licensing process.

Further details of the liquor licensing application process can be found in the "Role of Local Government and First Nations in the Provincial Liquor Licensing Process" guidelines, enclosed for your reference and also available on the branch website at <http://www.hsd.gov.bc.ca/lclb/>.

If you have any questions regarding this application please contact me at 250 952-5767 or janine.lind@gov.bc.ca.

Sincerely,



Senior Licensing Analyst

Enclosures

copy: Terrance Trytten, Liquor Inspector
Harry Hoiger, Harry's Golf & Country Club Ltd.



APPLICATION SUMMARY

For Applicant and Local Government/First Nations

Date: May 3, 2013

Job #18093149-1

Created by: Janine Lind

Re: Application for a Liquor-Primary licence
Applicant: Harry's Golf & Country Club Ltd.
Proposed Location: 4985 Cotton Road, Courtenay
Proposed Establishment Name: Mulligans Golf Course

1. APPLICATION INFORMATION

Date application deemed complete: March 26, 2013

Local Government Jurisdiction: City of Courtenay

The primary business focus of the proposed establishment: Entertainment, Food & Beverage

Total person capacity/occupant load requested: Person 01 (interior) = 36 persons
(these numbers include patrons plus staff) Patio 01 = 69 persons
1 Beverage Cart

Note: This application for a Liquor Primary interior lounge with 36 persons, an abutting patio with 69 persons, plus the playing area of the golf course with 1 beverage cart, will result in the elimination of the existing Food Primary licence #163942 (patron 01 = 32; patio 01 = 80).

Hours of Operation requested:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM
10:00 PM	10:00 PM	10:00 PM	10:00 PM	10:00 PM	10:00 PM	10:00 PM

Terms and Conditions or Endorsements Requested: Minors in the lounge & abutting patio until 10PM.

2. APPLICANT ELIGIBILITY AND SUITABILITY INFORMATION (Fit and Proper)

Applicant has met the eligibility and suitability requirements of the Liquor Control and Licensing Act (LCLA) as well as Liquor Control and Licensing Policy section 3.2.

3. LOCATION/SITE FACTORS

The following sections are compiled from information provided by the applicant except where indicated otherwise.

The legal description of the proposed site is: Parcel A, Except plan V1P70553, DD 58411 MHR, Section 22. The proposal is for a new liquor primary licence for an interior lounge, exterior abutting patio and the playing area of the golf course with liquor sales and service from 1 beverage cart.

See the attached **Applicant's Letter of Intent** for details of the proposed Liquor Primary establishment, including the following details:

- a) **Business Focus or Purpose**
- b) **Target Market**
- c) **Composition of the Neighbourhood and Reasonable Distance Measure**
- c) **Benefits to the Community**
- d) **Noise in the Community**
- f) **Impact on the Community**
- g) **Other impacts, comments or requests**

Please note that the applicant's letter of intent is enclosed as an attachment to this report for reference purposes. The information or statements included in the letter of intent have not been confirmed unless otherwise stated in this report.

The following information is provided by both the applicant and the Liquor Control and Licensing Branch:

h) Distance measure used for public buildings and other liquor primary licensed establishments: 1 mile

i) Social Facilities and Public Buildings within the distance measure of 1 mile radius:

Name/Type of Facility	Distance from site	Clientele Affected	Identified by
G.P. Vanier Secondary School	within 1 mile	minors, residents	Applicant
Comox Valley Sports Centre	within 1 mile	minors, residents	Applicant
Huband Park Elementary School	1 mile	minors, residents	Inspector
Comox Curling Club	1 mile	minors, residents	Inspector

j) Liquor-primary and Liquor-primary club establishments within the distance measure of 1 mile from the proposed location:

Establishment Name	Licence Number	Establishment Type	Total Capacity	Distance from proposed site	Market Served	Identified by
Sunnydale Golf Club	304610	Golf Course	180	1 mile	Residents, minors, tourists	Inspector

The following information is provided by Liquor Control and Licensing Branch except where indicated otherwise.

Community Indicators

Contravention Statistics

The Liquor Control and Licensing Branch has compiled contravention statistics on the identified liquor primary and liquor primary club establishments within a 1 mile radius of the proposed location. These statistics are based on a period covering from February 1982 to present and only include **proven** contraventions.

- No proven contraventions noted at this time.

POPULATION AND SOCIO-ECONOMIC INFORMATION

- Circle population statistics for 2001 and 2006 are available from BC Stats by emailing your request to BC.Stats@gov.bc.ca
- BC Stats Community Facts includes the BC Benefits recipient and EI Beneficiary statistics and is available at <http://www.bcstats.gov.bc.ca/data/dd/facsheet/facsheet.asp>

4. PUBLIC INTEREST

In providing its resolution on the proposed Liquor Primary application, local government must consider and comment on each of the regulatory criteria indicated below. The written comments must be provided to the general manager by way of a resolution within 90 days after the local government receives notice of the application, or any further period authorized by the general manager in writing.

Section 10 of the Liquor Control and Licensing Regulation states that local government or First Nation must consider and comment on each of the following criteria:

- a) The location of the establishment;
- b) The proximity of the establishment to other social or recreational facilities and public buildings;
- c) The person capacity and hours of liquor service of the establishment;
- d) The number and market focus or clientele of liquor primary establishments within a reasonable distance of the proposed location;
- e) The impact of noise on the community in the immediate vicinity of the establishment; and
- f) The impact on the community if the application is approved.

The local government or first nation must gather the views of residents in accordance with section 11.1 (2) (c) of the Act and include in their resolution:

- (i) the views of the residents,
- (ii) the method used to gather the views of the residents, and
- (iii) its comments and recommendations respecting the views of the residents;

The local government or first nation must provide their recommendations with respect to whether the licence should be issued and the reasons for its recommendations.

The resolution must be provided to the general manager within 90 days after the local government or first nation receives notice or any period authorized by the general manager in writing.

A sample resolution template and comments are enclosed as attachments 2 and 3 to this report for reference purposes.

For use by Liquor Control and Licensing Branch:

5. REGULATORY CONSIDERATIONS

Liquor Control and Licensing Act, sections: 11, 16 and 18

Liquor Control and Licensing Regulations sections: 4, 5, 6, 8, 10

6. POLICY CONSIDERATIONS

Policy Manual Section 3.2 Applicant Eligibility Assessment

Policy Manual Section 3.3 Site and Community Assessment

Policy Manual Section 3.4 Building Assessment and Issue of a Licence

ATTACHMENT 1

APPLICANT'S LETTER OF INTENT

PART 6: Establishment Information

NOTE: Signs should not be ordered prior to approval of the establishment's name by the Liquor Control and Licensing Branch.

Proposed establishment name:	Mulligans Golf Course	Contact Name:	Lynda Kele Keete	
Establishment physical address:	4985 Cotton Road	Courtenay	BC	V9N 5Y1
	Street	City	Province	Postal Code
Local police jurisdiction:	Courtenay, BC RCMP	Legal description of site:	Parcel A, Except plan VIP70553, DD 585411 MHR, Section 22 (Legal description and parcel identifier (PID) or Strata Plan number of the establishment site, found on property tax notice or from Land Titles office)	
Local government or First Nation:	Municipal - City of Courtenay	Business e-mail:	mulligansgolf@shaw.ca	
Establishment Phone # with area code and extension:	250-338-2440	Establishment fax with area code:	250-338-2440	

PART 7: Establishment Proposal

1. **Proposed person capacity (patrons plus staff):** The person capacity of a licensed establishment must equal the occupant load of the establishment. Capacity must be approved by the LCLB and is subject to local government/First Nations comment. See Part 12 for an explanation of the liquor-primary approval process.

- a) Proposed total interior capacity (occupant load): 32 b) Proposed patio capacity (occupant load): 80
- c) Describe the intended use of the patio(s) (e.g., if entertainment or games will be situated on patio):

Patrons wishing to visit after their game, either as a small foursome or as large as a tournament of up to 48+ players.

2. **Proposed hours of sale:** Complete the table below by entering the opening and closing times proposed for the establishment. Hours requested must fall between 9:00 am and 4:00 am of each business day. All requested hours will be reviewed by your local government/First Nation for consideration:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
OPEN	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM
CLOSE	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight

10:00 pm
all
week

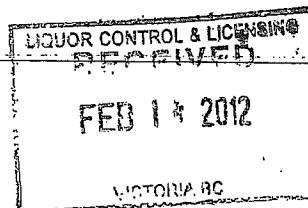
PART 8: Letter of Intent (Functions and Services to be Provided)

Explain the functions and services your facility or venue will provide. The information you provide must address all relevant items indicated under each topic. If additional space is required or if you would like to attach a separate sheet please check the box.

☐ I have attached a separate sheet.

1. **Purpose.** Describe the purpose and business focus of your establishment. The business focus must fall within beverage service, entertainment and hospitality services and must not be youth oriented.

We are a small Executive Par 3 golf course, with the focus on all aspects of the game of golf. From someone just learning the game to those players that have been playing for many years and have much more experience. We have a large covered driving range that enables people to come and practice and also have an instructor teach and to help a new student.



2. Target Market. Your proposed establishment will serve mainly (check all that apply):

- ☒ Urban locals ☒ Suburban locals ☒ Rural locals ☒ Neighbouring communities ☒ Tourists
☐ Other (please specify):

3. Composition of the Neighbourhood

A) The composition of the neighbourhood is best characterized as (check all that apply):

- ☐ Commercial ☒ Residential ☐ Industrial ☒ Light Industrial ☐ Urban
☐ Downtown ☐ Suburban ☐ Rural ☒ Agricultural Land Reserve (ALR) ☐ First Nations' Land
☐ Other (please specify):

B) Provide a site map of the area surrounding your proposed location identifying the following within a reasonable distance* of the proposed establishment:

- Site location
- Road access, egress, parking and all residential areas
- All other licensed liquor primary or liquor primary club establishments and liquor primary applications in progress
- Churches
- Clubs
- Schools (K-12, colleges, universities)
- Preschools
- Day care centres
- Health care facilities
- Seniors facilities
- Recreational/sports facilities
- Police stations
- Fire halls
- Libraries
- Government buildings
- Any other social, public or private facilities

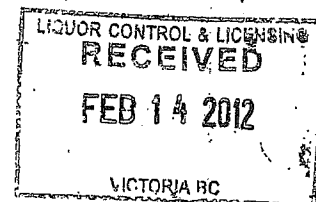
*Note: What constitutes a reasonable distance will vary depending on individual circumstances.

Reasonable Distance Guidelines:

- In a densely populated city or municipality, reasonable distance is probably a 2 block radius;
- In a pocket community having no adjacent developed regional areas (e.g. Gold River, Tumbler Ridge, Whistler, Valemont) reasonable distance is probably the whole community;
- In a rural area having large acre parcels, reasonable distance is probably up to 8 km (5 miles);
- In a moderately populated area of developed subdivisions, suburbs, reasonable distance is probably 1.5 or 2 km (1 mile).

C) On the same map, please mark the boundaries of the neighbourhood of the proposed location as per the reasonable distance guidelines above. State what distance measure you chose and explain your logic.

One mile



4. Benefits of the proposed establishment to the community

Describe the community/market need you are addressing by providing an additional licensed establishment in the community: (e.g. the proposed establishment will be located in a new mixed-use development where businesses, government offices, residences and sports facilities are located and the LP will be meeting a food and beverage need OR there are currently no licensed establishments in the area)

We are currently licensed as a Food Primary establishment, but are not in full compliance according to the current terms and conditions. Until this last year we have operated with that license, but our food was mostly hotdogs, sandwiches, muffins, chocolate bars and chips. We would like to offer to our patrons the ability of having a beverage after their game without having to have food with their drinks, (unless they choose to have a hotdog etc.). We do not have the facility to provide a proper kitchen for a full food primary license and therefore would like to add to this application that we have the ability of offering service only until 10pm, even with minors on the property, but service not given to them.

5. Impact of noise on the surrounding community

Describe the noise issues expected from your proposed establishment and the measures you will take to ensure others are not disturbed by your establishment: (e.g. entertainment involving amplified music will be addressed by soundproofing walls; noise from outdoor patio will be addressed by closing the patio by 10 p.m.; outdoor entry lineups will be monitored according to our security plan by trained door security and outdoor lighting and cameras will be installed)

This golf course has been at this location for approximately 20 years and has always operated under the rule that the patio will be closed by 10pm, and rarely, if ever has there been anyone on the property after that time and that includes staff unless they live on the property as greens keepers.

6. Other impacts on the surrounding community

Describe any other issues expected from your proposed establishment and the measures you will take to address them:
(e.g. late night community disturbance)

7. Other

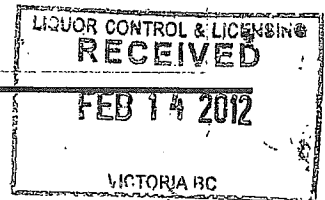
Include any additional information that might be relevant to your application: (such as site requires rezoning, your business is seasonal in nature and only open from May to October, or liquor service is event driven)

Until the year 2010, we were open year round. Under current ownership we closed November 2010 to June 2011, and we expect to close from December 1st, 2011 to March 1st, 2012, but going forward in any given year December-March.

8. Additional Requests

State any additional requests that you are making as part of your application:

Noted earlier, we would like to apply for the endorsement at allow minors on the premises until 10pm.



PART 9: Required Documents

(an application must be complete before it can be processed)

To be considered a "complete application", the following documents must be provided:

- ☒ 1. Completed *Liquor Primary Licence Application* (LCLB001)
- ☒ 2. Application fee. See Part 11 of this application form.
- ☒ 3. Completed *Consent for Disclosure of Criminal Record information* (RCMP GRC3584) for all required individuals. (Please note, you must complete Part 1, 4 and 5 of the *Consent for Disclosure* form and all category boxes must be initialled in section 5.) Refer to the LCLB web page for information on criminal record searches:
http://www.pssg.gov.bc.ca/lclb/LLinBC/criminal_record_search.htm
- ☒ 4. Completed *Personal History Summary and Consent for Criminal Record Search* (LCLB004) forms for all required individuals.
- ☒ 5. Statutory Declaration must be completed by all individuals that answered "yes" to 2, 3 or 9 in the *Personal History Summary and Consent for Criminal Record Search* form (LCLB 004)
- ☒ 6. Relevant business documents as identified in Part 5 of this application form. These documents will vary according to applicant type: public corporation, private corporation, partnership, sole proprietorship, society or other.
- ☒ 7. Preliminary concept drawings of the overall establishment, including details of access to the area(s), egress, kitchen, washrooms, bar, stairs, patio area(s) and unlicensed areas (Professionally drawn floor plans with occupant load stamps will be required at a later stage called "plans approval").
- ☒ 8. Site map (as per Part 8).
- ☒ 9. A sketch of the proposed establishment signage. Signs are subject to LCLB approval.
- ☒ 10. A letter of support from the BCLC for a new liquor-primary licence within a casino, commercial bingo hall, or community gaming centre. n/a

Gaming Facility, also provide:

- ☒ 11. The floor plans for the liquor-primary application must be stamped by the BC Lottery Corporation. The stamp indicates BCLC's final support for the application. A licence cannot be issued to a casino and commercial bingo hall that does not have the support of the BCLC.

Aircraft, trains and motor vessels, also provide:

- ☒ 12. Motor vessels: a) Evidence of moorage showing that the moorage contract is for at least 12 months from the date the liquor licence is issued.
b) Site map showing the moorage location and surrounding areas.
- ☒ 13. Floor plans showing public access areas, kitchen/food service areas, liquor service bar and washroom facilities on the vessel.
- ☒ 14. A captain accreditation certificate.
- ☒ 15. Photocopy of registration and safety certificates. Motor vessels – Passenger Vessel: *Transport Canada Passenger Vessel Inspection Certificate*; Charter Vessel: *Small Vessel Regulation Certificate* or a *Courtesy Examination for Pleasure Craft*.

ATTACHMENT 2

Sample Resolution Template for a Liquor-Primary or Liquor-Primary Club Licence Application

General Manager, Liquor Control and Licensing Branch

RE: Application for a liquor-primary licence at: (address of proposed establishment)

At the (council/board) meeting held on (date), the (council/board) passed the following resolution with respect to the application for the above named liquor licence:

"Be it resolved that:

1. The (council/board) (recommends/does not recommend) the issuance of the licence for the following reasons: (detail and explain reasons for recommendation)

2. The (council's/board's) comments on the prescribed considerations are as follows: (see the following page for sample comments for each criterion – a comment on each must be included in the resolution. Where a staff report has been prepared that addresses the criteria this can be used to provide Council's comments provided the staff report is referenced in the resolution and there is a clear statement that Council endorsed the comments in the report.)

- (a) The location of the establishment (provide comments)
- (b) The proximity of the establishment to other social or recreational facilities and public buildings (provide comments)
- (c) The person capacity and hours of liquor service of the establishment (provide comments)
- (d) The number and market focus or clientele of liquor-primary licence establishments within a reasonable distance of the proposed location (provide comments)
- (e) The impact of noise on the community in the immediate vicinity of the establishment (provide comments), and
- (f) The impact on the community if the application is approved (provide comments)

3. The (council's/board's) comments on the views of residents are as follows: (describe the views of residents, the method used to gather the views and provide comments and recommendations with respect to the views. If the views of residents were not gathered, provide reasons).

The undersigned hereby certifies the above resolution to be a true copy of the resolution passed by the (council/board) of (local government/First Nation) on (date).

Sincerely,

(signature)

(name and title of official)

(local government/First Nation)

Note:

- All of the items outlined above in points 1, 2 (a) through (f) and 3 must be addressed in the resolution in order for the resolution to comply with section 10 of the Liquor Control and Licensing Regulation.
- Any report presented by an advisory body or sub-committee to the council or board may be attached to the resolution.

ATTACHMENT 3

Sample Resolution Comments for a Liquor-Primary Licence Application

The following are examples that illustrate the type of comments that local government and First Nations might provide to demonstrate they have taken into consideration each of the criterion in reaching their final recommendation. Comments may be a mix of positive, negative and neutral observations relevant to each criterion. The final recommendation is the result of balancing these 'pros and cons'.

The list is not intended to illustrate every possible comment as the variations are endless, given the wide range of applications and local circumstances.

It is important that the resolution include the comment and not refer to a staff report, as the general manager cannot suppose that the local government considered all the criteria unless comment on each criterion is specifically addressed in the resolution itself.

Local government or First Nation staff may wish to contact the Liquor Control and Licensing Branch for assistance on drafting the content of a resolution before it is presented to local government or First Nation to avoid resolutions that do not comply with the regulations.

(a) The location of the establishment:

The location is in a commercial area that is removed from nearby residences and is suitable for a late night entertainment venue where some street noise at closing time can be anticipated.

(b) The proximity of the establishment to other social or recreational facilities and public buildings:

The only nearby social, recreational and public buildings do not conflict with the operation of a late night entertainment venue.

— or —

The proposed location is across a lane from a church with an attached retirement facility and church hall routinely used for youth group gatherings. The proximity of the proposed establishment is not considered compatible with the existing facilities.

(c) The person capacity and hours of liquor service of the establishment

The maximum person capacity of 250 with closing hours of 2:00 a.m. Tuesday through Saturday and midnight on Sunday is acceptable. A larger capacity or later hours is not supported given the few number of police on duty at that time.

(d) The number and market focus or clientele of liquor-primary licence establishments within a reasonable distance of the proposed location:

The existing establishments are large public house establishments that focus on exotic entertainment or are nightclubs that attract patrons 19 to 25 years of age. The proposed establishment is a small local pub style facility with an extensive menu and is designed to appeal to couples wanting a quiet adult venue for socializing in their community. There are no other (or few other) facilities with a similar focus.

(e) The impact on the community in the immediate vicinity of the establishment:

The establishment is not expected to negatively affect traffic patterns and noise is not expected to be an issue because [of the small size and early hours] – or – [the applicant has agreed to various noise baffling strategies to ensure the neighbours are not disturbed by late night music]. The applicant has met the requirements of the zoning bylaw with regard to road access and parking.

(f) The impact on the community if the application is approved:

If the application is approved, the impact is expected to be positive in that it will support the growth in tourism and offer a new social venue for residents.

The Council's comments on the views of residents are as follows:

The views of residents within a half mile* of the proposed establishment were gathered by way of *written comments that were received in response to a public notice posted at the site and newspaper advertisements placed in two consecutive editions of the local newspaper. Residents were given 30 days from the date of the first newspaper advertisement to provide their written views. Residents were also given an opportunity to provide comments at the public meeting of Council held on March 18, 200X.

A total of 63 responses were received from businesses and residents. Of the responses received, 21 were in support of the application citing the creation of additional jobs and a new entertainment venue for the area as their primary reasons. A total of 42 letters were received in opposition to the application. The primary reason cited by those in opposition was the proposed closing hours of 4 am. A number of business residents in the area also cited the lack of parking as an area of concern.

The following three examples illustrate ways Council may complete their comments on the views of residents based upon the preceding fact pattern.

1. Council agrees that a 4 am closing time for this establishment would not be appropriate and therefore recommends that the establishment have a closing time of 2 am to be consistent with the other licensed establishments in the area. Council does not agree with the parking concerns raised by some of the local businesses as the proposed establishment's peak operating hours will be after the surrounding businesses have closed.

Council recommends that a liquor licence be issued with hours of operation ceasing at 2 am. Council believes that the majority of residents in the area support the issuance of the licence provided the closing hours are no later than 2 am. The establishment will create new jobs and provide a new entertainment venue that is needed in this area.

- or -

2. There are 6450 residents within the half mile radius of the proposed establishment. Notwithstanding that there is a two to one ratio of opposed residents to residents that support the application Council is of the view that the 42 residents who are in opposition represent a small proportion of the overall population that may be affected by this establishment. Council also notes that

frequently only residents who oppose a proposal are the ones that respond; consequently Council is of the view that the rest of the residents are not opposed to issuance of a liquor licence for this establishment.

Council recommends that a liquor licence be issued with hours of operation ceasing at 4 am. Council believes that the majority of residents in the area support the issuance of the licence. The establishment will create new jobs and provide a new entertainment venue that is needed in this area.

- or -

3. Based upon the input received by residents within a half mile of the proposed establishment there is a two to one ratio of opposed residents to residents that support the application. The opposition to this establishment comes from both homeowners and businesses. Council is of the view that with both the residential and business communities' opposition to this proposed establishment that the issuance of a licence for this establishment would be contrary to the community standard for this area.

Despite the potential creation of additional jobs and a new entertainment venue for the area Council is unable to support the issuance of a liquor licence for this establishment. Council recommends that a licence not be issued.

*** The local government or First Nation determines the appropriate area to be included and the method for gathering those views**



BRIEFING NOTE

To: Mayor and Council
From: Director of Community Services via CAO David Allen
Subject: Lewis Centre Expansion and Renovation Project

File No.:

Date: September 16, 2013

ISSUE:

The Grand Opening of the Lewis Centre Expansion and Renovation Project is on Tuesday, September 24, 2013 at 10:00 am. The project has been well-received by the public and will be a legacy for the community.

BACKGROUND:

Feasibility Study, February 2011 - The City engaged consultants to evaluate the Lewis Centre. This report identified functional deficiencies, including the potential for expansion and parking improvements. The report noted that demands on the Lewis Centre exceeded its capacity. Major issues were:

- Inadequate wellness centre for public and seniors programs
- Demand for crafts programs required another craft space
- Locker/washroom configuration was congested and needed expansion
- Noise from squash courts affected main reception and administration areas
- Inadequate storage for diverse programs and specialized equipment
- Special needs program located in space with no accessibility
- Cross use of spaces created problems with disinfection, health and safety
- Insufficient flexible meeting space
- Summer programs displaced nursery programs
- Unable to accommodate demand for seniors programming
- Air quality and energy efficiency issues

Timeline

- **October 2011** – The City hired a Project Manager
- **November 2011** – Vic Davies Architects Ltd was chosen to design the addition and renovation.
- **March 2012** - The City selected Construction Manager Knappett Projects Ltd.
- **February – October 2012** - The project team consulted with stakeholders, holding design forums to develop the design for tendering. The project is tendered sequentially to allow foundation excavations and backfill to proceed during dry weather. Foundation work starts August 15, 2012.
- **October 2012- Construction starts.** The Lewis Centre remained open during construction. This created construction challenges and also had the potential to affect the project budget. The project team was able to work around this issue and still met financial and scheduling targets.

Community Partners

The City worked with many partners to ensure the needs of the community were met. To meet all of the requests and needs was a difficult task, but the overall design allowed for maximum use of the site,

provided for a fresh renovation to an old building, and created an expansion with multi-use opportunities. Some of the community partners the City worked with included:

- Comox Valley Accessibility Committee
- Courtenay Recreational Association
- Evergreen Club (55+)
- Comox Valley Squash Club
- Cycling Coalition and liaison
- North Island College- Emily Carr School of Art
- Comox Valley Arts Gallery
- Comox Valley Arts Council/Youth Mentorship Program
- Linc Youth Services and Council
- SD 71 (weight room equipment form old Weight room was donated to 4 schools)
- Community organizations and groups using the Centre and amenities on a regular basis
- all City Departments contributed to the overall building and site development

Project Scope and Components

Expansion

- 3737 sq. ft. wellness centre, including 610 sq. ft. stretching space and 142 sq. ft. office/storage
- Two new activity rooms totalling 3000 sq. ft. with sprung hardwood floors and 385 sq. ft. of storage
- New men's and women's locker room and public washroom, and a universally accessible washroom with motorized change table, shower, and the ability to accept overhead lift if required.
- Janitor room and electrical service room; power upgrades to entire facility and pool building.

Renovation - North East Section

- The old weight room and locker rooms were renovated to provide:
 - 292 sq. ft. storage room accessible to craft room and lobby
 - 948 sq. ft. craft/multi use room
 - 468 sq. ft. office space
 - 360 sq. ft. lobby
 - Widened north hallway entrance and improved overall access to the centre
- New **squash court mezzanine** provides both sound attenuation and more flexible use of space
- **Gathering spaces** for socializing and informal play were incorporated throughout the building. The old offices in the upper level were converted to a new staff room.
- A new 1,125 sq. ft. wood beam and concrete **Outdoor Covered Activity Area** with power and communications services. This multi-use space replaced the previous covered "stage" area, which was removed to allow for the expansion. A mural done in conjunction with Comox Valley Arts Council and their youth mentorship program is being created for the covered area.
- **Mechanical Upgrade:** Existing program areas have been upgraded to modern ventilation standards, including squash courts, the Vern Nichols gym and the MP Hall. Administration areas have better temperature controls. The Lewis Centre was converted to an energy efficient condensing boiler system. The lighting systems in the renovated area were retrofitted and new energy efficient lighting systems installed in the new area. The overall improvements to the centre will provide greater comfort to both staff and users, and will also increase energy efficiency.
- **Accessibility:** Three entrance doors and the Wellness Centre now have automatic door openers. A wheelchair lift allows movement between the new and existing areas. New offices for Special

needs administration were relocated to the main floor. A new access ramp improves access to the main entrance. Braille signage for the visually impaired was installed throughout the building.

- **New Entrance:** A new formal entrance faces the parking lot area. Canopies were installed and the entrance and hallway were widened. The BC wood theme was incorporated into the entry way.
- **Cycling Stations** - Covered cycling stations were added to the new entry, with the potential for more in the future. Several new stations will be added around the building.
- **Added Scope** - The project addressed several building envelope issues with the existing facility. The project team maximized savings on the overall project budget to allow these repairs to take place.
 - New hardi-plank siding on the upper wall facing south east. Also, the leaking atrium and mezzanine office windows were replaced. Leaks at the east entrance were repaired.
 - Two sections of the existing roof were replaced in conjunction with the new work to achieve efficiencies in cost. While doing so, rotted sections were discovered and repaired.
 - Flooring in the main lobby and south to the MP hall wing was installed to match the new work. As well, the wall treatment was extended down to the south meeting room.
 - Roof drainage on the Vern Nichols gym was improved
 - The exterior of the existing building was painted to match the new addition.
 - Squash court #1 was renovated with raised roof and the viewing areas improved with glass railings, and all four courts had the floor sanded and refinished.
 - Rooftop access was improved for maintenance of new systems
 - Lighting upgrades in the MP Hall and Vern Nichols Gym increased light levels and energy efficiency. New paneling in the MP Hall improved its acoustics, brightness and appearance.

Schedule

The project was completed in 13 months. The addition opened to the public in June 2013 and the renovation completed in early September 2013.

Budget

\$5 million of the \$5.4 million project was allocated for construction and renovations. Including the additional scope of work, the project will be completed under budget by approximately \$200,000.

Funding for the project included approximately \$1 million from Gas Tax and \$400,000 from the Province of BC's Community Recreation Program. Other funds were received from the Enabling Accessibility Fund, Fortis BC and the Evergreen Club.

Benefits of the Project

The Lewis Centre Renovation/Expansion project surpassed expectations, providing continued service to the public during construction, within the established timeframe, and under budget. The project, part of the City's strategic plan and priorities, has provided many community benefits:

- A multi-use facility that will increase recreational and wellness opportunities for all ages
- Increased recreational services to our seniors population
- Improved accessibility for our special needs users and elderly population – particularly important, as the Lewis Centre is the regional headquarters for special needs programs
- Maintaining the existing location will help keep Courtenay's downtown vibrant
- The upgrades will allow for growth and increased activities and events. The many amenities around the facility including the outdoor pool, ball fields, tennis courts and walking trails will see increased

activities. More meeting space, improved and enlarged washrooms and more services will allow for expanded services

- New mechanical and electrical systems have increased comfort and safety for users and staff, and increased energy efficiency for the entire building
- A cultural component integrated into centre provides the potential for community art to be displayed throughout the centre
- Many building envelope issues have been corrected. The last major expansion and renovation to this facility were in 1990
- Cycling stations were increased to encourage alternative transportation.

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THE CORPORATION OF THE CITY OF COURTENAY

REPORT TO COUNCIL

FROM: Development Services Department

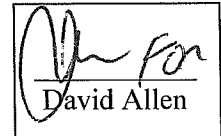
FILE #: 3360-20-1308

DATE: September 18, 2013

SUBJECT: Application to Amend Zoning Bylaw No. 2500, 2007
1648 Thorpe Avenue
Lot 5, District Lot 157, Comox District, Plan 46644

C.A.O. COMMENTS/RECOMMENDATIONS:

I support the recommendation.



David Allen

RECOMMENDATION:

That Council consider the application to amend *Zoning Bylaw No. 2500, 2007* for the property legally described as Lot 5, District Lot 157, Comox District, Plan 46644 (1648 Thorpe Avenue);

That *Zoning Amendment Bylaw No. 2761, 2013* to rezone the lot shown in bold on ***Attachment No. 1*** from Residential One Zone (R-1) to Residential One S Zone (R-1S) proceed to 1st and 2nd reading; and

That Council direct staff to schedule and advertise a statutory public hearing with respect to *Zoning Amendment Bylaw No. 2761, 2013* on October 15th, 2013 at 5:00 p.m. in City Hall Council Chambers.

PURPOSE:

To consider an application to rezone the subject property to allow a secondary suite within an existing single residential dwelling.

BACKGROUND:

The subject property is currently zoned Residential One (R-1) and contains an existing single residential dwelling with a secondary suite. The applicant is proposing to rezone the property to Residential One S (R-1S) to legalize the secondary suite.

A location map and reference information is contained in ***Attachment No. 1***. Information provided by the applicant is contained in ***Attachment No. 2***. Public input is included as ***Attachment No. 3***. Photos of the suite are included as ***Attachment No. 4***.

DISCUSSION:

The proposed zoning amendment is consistent with the land use policies of the Official Community Plan and the City's Affordable Housing Policy which encourage secondary suites as a means of providing affordable housing options in established areas of the city which often have good access to parks, schools and services and that make use of existing City infrastructure. The subject property is designated Urban Residential in the Official Community Plan. The Urban

Residential designation includes the policy statement that secondary suites will be considered as part of a principal single-family residential building subject to zoning approval.

If the zoning amendment is approved the applicant will be required to obtain a building permit to ensure construction meets the requirements of the BC Building Code. Both the City Zoning Bylaw and BC Building Code set the following limitations on secondary suites:

- be no more than 90 m² in area;
- may occupy no more than 40% of the habitable floor space of the building;
- must be located within a building of residential occupancy containing only one other dwelling unit;
- must be located in a building which is part of a single real estate entity; and
- must provide one additional off-street parking space.

The applicant will be required to confirm in their building permit submission that they meet these requirements, however an inspection by City Staff indicate it will comply.

The applicant held a neighbourhood public information meeting on September 16th, 2013. The meeting was attended by 7 people and the minutes supplied by the applicant are attached. Additionally, the City received two letters of opposition from neighbouring property owners and a petition with 49 signatures from area residents opposing the application. The opposition is not uncommon with applications for secondary suites and generally surrounds the impact renters may have on the neighbourhood. Neighbouring property owners indicate the previous owner had renters approximately 10 years ago that created problems. Copies of the emails, petition and a summary report of the public information meeting are included as *Attachment No. 3*.

FINANCIAL IMPLICATIONS:

Not applicable.

STRATEGIC PLAN REFERENCE:

Value No. 2 - A progressive, diverse and sustainable City.

OCP SUSTAINABILITY REFERENCE:

Part 10 of the OCP, Planning for Climate Change, has policy encouraging infill development in single-residential neighbourhoods in the form of secondary suites and auxiliary buildings.

REGIONAL GROWTH STRATEGY REFERENCE:

The proposed zoning amendment addresses the Comox Valley Regional Growth Strategy goal to ensure a diversity of housing options to meet evolving demographics and needs, and to encourage the provision of alternative housing forms that provide housing at lower costs and with lower environmental impacts.

OPTIONS:

1. Give Bylaw 2761, 2013 First and Second reading and proceed to Public Hearing;
2. Defeat Bylaw 2761, 2013.

Respectfully submitted,



Ian Buck, MCIP, RPP
Manger of Planning



Peter Crawford, MCIP, RPP
Director of Development Services

REFERENCE INFORMATION:

**Applicants/Owners:**

Bryce Hansen (Applicant)/ Lisa and Daniel Klco (Owners)

Location:

1648 Thorpe Avenue

Legal Description:

Lot 5, District Lot 157, Comox District, Plan 46644

OCP Designation: Urban Residential**Zoning:***Required**Proposed*

R-1

R-1S

Permitted Uses:

Single residential dwelling, accessory building, home occupation

Single residential dwelling, accessory building, home occupation, **secondary suites**

Secondary Suite Requirements:

>40% of habitable floorspace
90.0 m² Maximum
3 parking spaces minimum

Adjacent land use: single residential

27 May 13

Re-Zoning application, City of Courtenay

To whom it may concern;

In 2010, my husband and I found out we were expecting our first child. At the time, we were living in different cities, I in Yellowknife, Northwest Territories, and he in Courtenay, British Columbia. Since we were both military, we requested the military relocate me to join him so that we could make a home in Courtenay. We were informed this should be taking place in the New Year. Over the Christmas period of 2010, we went in search of a home that would be suitable for our growing family. In addition, we were in search of a place that would accommodate my husband's aging parents who at the time were unemployed and requiring additional family support. After an exhausting search, with very limited options, we found what we hoped would be a home that could suit our families long term living arrangements. It met much of our criteria; it was located in a well established area, family friendly, close to shopping, schools, walking trails and a bus route; it was perfect.

While on 2 weeks of Christmas leave, we found 1648 Thorpe Ave, Lot 5, District lot 157, Comox District, Plan 46644. Unfortunately, I immediately had to return to Yellowknife awaiting re-location and finalize the purchase from out of town. Due to our anticipated move restrictions, the house had to be purchased solely by me.

After the purchase of the house, two months before I was due to deliver, we found out our request to be co-located was denied. I returned to Courtenay to deliver our daughter and to make a home for the limited time I could. We invested money in modernizing and improving the interior and exterior fixtures of the house, still hopeful of a possible relocation for me. After my maternity leave, I was required to return to Yellowknife while we continued to try to be co-located in Courtenay. We changed the registration into both of our names, and started to establish roots in the community for our daughter, and continued to grow our family.

In the following summer of 2011, our request to be co-located was granted, with a move to Greenwood, NS. We were expecting twins. We listed the house for sale, and proceeded to purchase a new home that would again accommodate our growing family. In our departure, we tried to ensure the house was always in exemplary condition both for the community and for re-sale of the home. We took a great deal of pride in ensuring it was updated, clean, and well cared for.

Upon our arrival to our new military posting, we had a harrowing experience of delivering 7 week premature twins, who have required significant medical intervention in the early part of their lives. While dealing with that and a young daughter, we steadily maintained our house on the market. We ensured landscapers were grooming the grounds, taking care of the decks and the building itself. We deeply wanted to preserve the beauty of this home which first attracted us to it.

After remaining vacant on the market for a year, we finally receive an offer on house and expect it to close with no problems. We were advised that the building inspection went well, and we were waiting the last week for subjects to be removed. On the last day, we had an impromptu visit from the building inspector. He who informed us the suite that was pre-existing in our home as it was sold to us is considered an illegal suite. Since the buyers were also looking for additional accommodation, they were not willing to risk purchasing the home if the suite would not be allowed because of zoning.

The original paperwork of sale does list the site as an R1 zoning. It further notes additional accommodation. Our realtor listed it the same. We did not realize that the R1 zoning did not permit for the additional accommodation shown. It was never noted to us through our realtor that is not permissible, nor were there concerns with the suite mentioned during our building inspection. Further, the original sellers signed the property disclosure statement indicating no work or changes had been completed without permits, and that there was no illegal accommodation. Finally, we have been informed from our neighbors, the previous owners used to have their mother-in-law residing with them. Thus, we did not foresee any concerns having my husband's parents coming to reside with us. We had no knowledge that the conformity of the suite did not meet the R1 zoning. In the interim, we are seeking to rectify this problem before proceeding to sell the home to new buyer.

After considering all options, including decommissioning the suite, we have decided that the neighborhood and its appreciable value would benefit from us taking proper action to convert this to a legal suite. All indications from our neighbors' suggest that they have previously supported the use of this suite for additional accommodations. The previous owner's conversions of it, coupled with our need for it, and the subsequent potential buyers' intentions for it all suggest that there is a need for houses with this type of accommodation within the Comox Valley. Re-zoning this would expand the availability of affordable housing within the Comox Valley. We found homes of this nature to be in short supply in the Valley. It would allow for a family with in-laws to purchase the house. Or this would also be an excellent mortgage helper for those who need it as a viable rentable space. Utilizing this space as a rental would be an excellent option for many, as the layout is convenient and well suited to independent living.

The suite is approximately 640 sqft. It as has a private entrance off the main level. It has spacious master bedroom, one bath, a living room and small kitchen with available amenities. It occupies less than 40 % of the main living area, and 2/3rds of the main level of the house. Within the house, it is currently separated by glass doors. We have been advised by the city that minimal additional work would be required to ensure it meets the full definition of a legal suite should zoning and permits be approved. If approved, we would ensure all necessary permits are obtained to ensure the remaining items required for conversion to a legal suite conform to code.

We believe after considering all options, the neighborhood, and the city of Courtenay, would greatly benefit from the additional affordable housing. The layout of this house is

most conducive to multiple family dwellings. It has a large backyard, ample parking. It is within walking distance to schools for children of all ages, including the college, recreation facilities, walking trails, the new mall, Home Depot and Costco. It would be ideal for any of the workers who are employed by these facilities as it is safely within walking distance with well lit routes. This would encourage a positive net environmental impact for these employers, as well as working to provide alternative affordable housing options.

With the market changes to the Comox Valley real estate, even in the short time we owned this home; we stand to loose money on all we have already invested into this property. We are already trying to sell it below the independent appraisal value. Keeping the zoning current zoning, and de-commissioning the suite would cripple any potential we have to sell this house. Therefore we ask you to please strongly consider our application for re-zoning.

Thank-you in advance for your consideration of this application.



Lisa and Daniel Klco
31 Laurel St
Kingston NS, B0P1R0

We held the public information meeting for the zoning amendment file # 3360-20-1308 on Monday September 16th from 7 pm until 8 pm. at 2230A Cliffe Ave in Courtenay. As per the public information reading regulations the meeting was advertised by letters sent out to a list of addresses provided by the City of Courtenay. There were 7 attendees (I have attached the sign in sheet) and all were given information packages regarding 1648 Thorpe. Questions and discussions arose regarding the steps required to make a legal suite at the residence as well as these two questions written on the comments sheet.

If a suite is allowed, can both units be rented by a non-residential owner?

If there is a suite in the basement, would it have a separate meter and separate water system?

Please also note the attachment MLS # 354023 which is on the same street and close to the 1648 Thorpe home. This home has a legal suite in place, and this was pointed out and shown to all attendees present.

I understand that the oppositions can influence Council in their decision, but am hopeful that Council will be supportive of the Official Community Plan that supports secondary suites. Please keep us informed as the proceedings continue.

Respectfully yours,

Bryce Hansen

PUBLIC INFORMATION MEETING
Sept. 16, 2013
SIGN IN SHEET
 FOR
1648 Thorpe Avenue Courtenay

NAME (Please Print)	ADDRESS
JEFF GAILLOUX	1620 Griffin Dr.
SHELLEY GAILLOUX	1620 GRIFFIN DR.
Jeff and Shelley	1649 THORPE
Patty Matthews	1672 Thorpe Ave.
Phil Matthews	1672 Thorpe Ave.
STIRLING FRASER	1652 FINCH PLACE
Noni Fenwick-Wilson	1652 Finch Place, Courtenay.
	nonfw@gmail.com
(matthews) pattyandp@gmail.com	
GAILLOUX	jeffandshelley@shaw.ca

Buck, Ian

From: JEFF GAILLOUX [jeffandshelley@shaw.ca]
Sent: September-15-13 11:49 PM
To: Buck, Ian
Subject: Re-zoning of 1648 Thorpe Ave.

Please accept this e-mail as our official opposition to the re-zoning of 1648 Thorpe Ave. Courtenay.

We have lived in our house for 22 years and many of our neighbours are not far behind us. We go about our business but are always looking out for one another. We take pride in our yards and value the investment we have put into them. In years past the house in question has had a family member(s) live in the suite downstairs which has never been a problem or concern. However, in the past, the original owner rented out the suite and this caused nothing but problems.

We appreciate that the owner has had their house on the market for over a year and would like to get their money out of it. Their decision to ask for a re-zoning is their way of trying to re-coup their cost of renovations they chose to make rather than lowering the price. Having a family member who just sold their house after being on the market for two years we are aware of the choices and decisions one has to make. As the saying goes, people don't plan to fail they fail to plan.

We feel that if this home is re-zoned it could be the beginning of the downward trend of our property values and lead to problems we have experienced in the past. For these reasons we are opposed to the re-zoning of this property. Thank you for your time and consideration.

Jeff and Shelley Gailloux
1620 Griffin Drive (adjacent property)

Buck, Ian

From: andy anderson [551andys@gmail.com]
Sent: September-13-13 1:54 PM
To: Buck, Ian
Subject: rezoning application 1648 Thorpe

Ian I am forwarding this "E" mail as you recommended. Regarding my position on the rezoning request for the house at 1648 Thorpe, which is in my backyard. My wife and I purchased our home over 20 years ago mainly because the area was single family residential. Over the past 20 years we have strove to improve both our house and property while fully supporting Courtenay and the Comox valley. It is very disturbing to find someone who does not even live in the valley can undermine the value of my property by having his house turned into 2 apartments, simply to make his property more marketable. The original owner of that house had a suite put in some 10 or more years ago and actually rented out for a time [much to the annoyance of neighbors] until the city became aware and terminated that. Its well known that the average renters attitude is not that of a home owner ie[check out the property at 1530 Thorpe which is a rental. It would be bad enough if the house at 1648 remains a rental, however if rezoned I am sure it very quickly would be converted into 2 apartments which would be disastrous for the community. It would possibly be akin to opening a Pandora's box. I very strongly urge the city council to deny this rezoning application. Sincerely MR Anderson 1610 Griffin Dr

SEPT. 17/2013

CITY OF COURTENAY
PLANNING DEPT.

ATTENTION: IAN BUCK.

Re: 1648 THORPE AVE, COURTENAY

This petition is as a result of a zoning application for a proposed rental suite in the basement of 1648 Thorpe Ave.

The homeowners in the proposed zoning area have been contacted and have signed the attached form disagreeing with this proposal. Most of them are long-time residents in the area and many retirement age. They enjoy this quiet peaceful area and don't want it to change.

S. J. RHODES

1648 THORPE AVE

Name	Signature	Address	Postal Code	Phone	Yes	No
1277 THORPE AVE		1277 THORPE AVE	V9N 8J7	338-1125		
1601 THORPE AVE		1601 THORPE AVE	V9N 8J7	338-1125		
DAVE WILES	[Signature]	1593 THORPE	V9N 8J7	338 1125		RW
1600 THORPE AVE		1600 THORPE AVE	V9N 8J7	338 1125		
Lászlo Nemethy	[Signature]	1605 Griffin Dr	V9N 8J7	334 3167		
SHEILEY GAILLARD	[Signature]	1620 GRIFFIN DR	V9N 8J7	338-1063		
M.R. ANDERSON	[Signature]	1610 GRIFFIN DR	V9N-8J7	334-4093		
J. VICKERS	[Signature]	1672 FINCH PL	V9N 8M5	334-2503		
MARG JEAN	[Signature]	1672 Finch Pl	V9N 8M5	334-8567		
SYLVIA LISCUM	[Signature]	1600 Finch PL	V9N 8M5	338-6070		
KEITH LISCUM	[Signature]	1600 Finch PL	V9N 8M5	338-6070		
D. LATTER	[Signature]	1595 Griffin Dr	V9N 8M5	338 9630		
1629 Finch Pl		1629 Finch Pl	V9N 8M5	334 8567		
D. MILLER	[Signature]	1595 Griffin Dr	V9N 8M5	338 9630		
F. GAILLARD	[Signature]	1620 Griffin Dr	V9N 8J7	338 1063		
JOHN W. SMITH	[Signature]	1580 THORPE AVE	V9N 8J7	302-4587		
R. CAISSE	[Signature]	1520 THORPE AVE	V9N 8J7	897-3260		
JOHN COLEMAN	[Signature]	1571 THORPE AVE	V9N 8J7	898-8109		
DARLENE NEUMAN	[Signature]	1601 THORPE AVE	V9N 8J7	338-4736		
BRUCE ALLEN	[Signature]	1625 THORPE AVE	V9N 8J7	338-0084		
ELFRIEDE ALLEN	[Signature]	1625 THORPE AVE	V9N 8J7	338-0084		
Phil Matthews	[Signature]	1672 Thorpe Ave	V9N 8J7	338 6808		
Patty Matthews	[Signature]	1672 Thorpe Ave	V9N 8J7	338-6808		
Terry HODGE	[Signature]	1711 FINCH PL	V9N 8M5	338 7604		
Lynn Hodge	[Signature]	1711 FINCH PL	V9N 8M5	338 7604		
Muriel Fedorak	[Signature]	1699 Finch Pl	V9N 8M5	334-3462		
ALEX FEEDER	[Signature]	1699 Finch	V9N 8M5	334-3462		
Christine FRANK-WILSON	[Signature]	1652 Finch Pl.	V9N 8M5	898-8266		
STANLEY FRASER	[Signature]	1652 FINCH PL	V9N 8M5	898-8266		
J.M.C. KENNEDY	[Signature]	1712 THORPE AVE	V9N 8M3	334-2766		
Sharon Coulter	[Signature]	1719 Thorpe Ave	V9N 8M3	338-6705		
L.E. WALDA	[Signature]	1745 THORPE AVE	V9N 8M3	338-1041		
JOE VISOTZKI	[Signature]	1755 THORPE AVE	V9N-8M3	338-7357		





THE CORPORATION OF THE CITY OF COURTENAY

REPORT TO COUNCIL

FROM: Development Services Department

FILE #: 3900-01

DATE: September 17, 2013

SUBJECT: Sign Bylaw

C.A.O. COMMENTS/RECOMMENDATIONS:

I support the recommendation.

David Allen

RECOMMENDATION:

That "Sign Bylaw No. 2760, 2013" proceed to first, second, and third reading.

PURPOSE:

To update Council on the Sign Bylaw review, and enact a new sign bylaw.

BACKGROUND:

One of Council's priorities for the 2012-2014 term was to have the sign bylaw reviewed. The review process was initiated by staff in the fall of 2012. The intent of the review was to respond to advances in sign technology and emerging commercial development formats which are leading to a large number of variance requests. Key objectives were to allow businesses and organizations to effectively identify their services and products while supporting community design objectives, and to make the resulting bylaw more user-friendly.

Staff reviewed sign industry, planning literature and approaches that other municipalities are taking with respect to regulating signage. Based on this research, staff presented a series of options for discussion with stakeholders at a workshop in February. Stakeholder groups included representatives from local sign designers and manufacturers, the Downtown Business Improvement Association, the Chamber of Commerce, the School District and community organizations. These options were then refined and included as part of the draft bylaw presented at a public open house in June 2013.

DISCUSSION:

The overall approach to the new bylaw recognizes that different areas of the city have distinct functions and characters. The choice of signage can reinforce and enhance that character or it can detract from it. For this reason the city has been divided into four main areas, each with different regulations: downtown, Old Orchard, commercial and industrial corridors and institutional. Regulations within each of these areas were guided by the corresponding design guidelines found in the Official Community Plan. The regulations are also intended to respond to the most frequently requested for variances including the number of signs permitted, the height of signs and the area of fascia signs for large format retail. Across the city, the basic premise was to introduce more flexibility in permanent signage while restricting the size and type of temporary signage.

In order to make the sign bylaw more user-friendly, signage requirements from various City

policies have been integrated into one document. Sign regulations for home occupations have been pulled from the *Zoning Bylaw* and Development Permit signage guidelines have been taken from the Official Community Plan and are embedded in the new sign bylaw. The document itself is also much more visual using photos and graphics to illustrate concepts and regulations. Together with future improvements to the sign bylaw webpage, staff believes these changes will create a more streamlined sign permitting process that is easier for applicants to navigate and for staff to administer. It will also reduce the time staff and Council spend on variance applications.

As noted above, the new sign bylaw will necessitate changes to the Zoning Bylaw and Official Community Plan. Additional amendments will also be required to the Municipal Ticketing Bylaw for enforcement and to the Fees and Charges Bylaw to adjust sign permit application fees. These amendments will be brought forward at a later date.

FINANCIAL IMPLICATIONS:

NA

STRATEGIC PLAN REFERENCE:

Goal 3: Advocate high standards of design and community aesthetics:

e) Review the sign bylaw

OCP SUSTAINABILITY REFERENCE:

NA

REGIONAL GROWTH STRATEGY REFERENCE:

NA

Respectfully submitted,



Erin Ferguson, MCP
Planning Technician



Peter Crawford, MCIP, RPP
Director of Development Services

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THE CORPORATION OF THE CITY OF COURTENAY

REPORT TO COUNCIL

FROM: Lesley Hatch, P. Eng.
Municipal Engineer

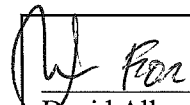
FILE #:

DATE: September 23, 2013

SUBJECT: Integrated Flood Management Study (IFMS) Update on Grant Application to
Emergency Management BC's, Flood Protection Program

C.A.O. COMMENTS/RECOMMENDATIONS:

I support the recommendation.


David Allen

RECOMMENDATION:

1. That this report from the Municipal Engineer on the topic of the IFMS be received; and
2. That Council endorse and direct staff to pursue the following actions relating to this project:

Complete the flood study to the satisfaction of the Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) Diking Authority within the existing 2013 capital project budget.

AND

Amend the City's Floodplain Mapping Bylaw to include the new flood elevation data resulting from the study.

AND

Continue to seek out future grant opportunities for flood mitigation funding.

PURPOSE:

This report is to provide Council with a project update and in response to Council's resolution on May 13, 2013:

"Moved by Anglin and seconded by Theos that Council direct staff to submit a grant application to EMBC for the "ring dike" and proceed with the project based on the following conditions:

- *Confirmation of a successful application;*
- *Completion of additional public engagement highlighting general support for the "ring dike" design concept;*
- *Council commit to the funding the remaining 1/3 of the project funds from borrowing; and*
- *Subject to the successful undertaking of the borrowing process."*

BACKGROUND:

In January of 2012, the City received funding from EMBC to address flooding issues related to the Puntledge and Tsolum Rivers. The proposed works included an update to the City's Floodplain Mapping, development of a hydraulic model, preparation of an Integrated Flood Management Study (IFMS) and investigation of flood mitigation options including the Tsolum River Floodwall.

With the benefit of the floodplain mapping and subsequent modeling, at the March 18, 2013 Council Meeting, McElhanney Consulting presented an animation illustrating the level of flood protection offered through construction of the proposed Tsolum River Flood Wall. The IFMS has confirmed that the Tsolum River Floodwall, similar to that envisioned in the original concept, would only offer flood protection up to a 1:50 year level. However, in order to meet the Provincial Diking Authority requirements and thus qualify for funding, flood mitigation works must provide 1:200 year flood protection. Therefore, the flood mitigation solution must expand beyond the original Tsolum River Floodwall concept.

Achieving 1:200 year flood protection would require construction of a ring dike structure as referred to as Option #2 – Ring Dike in the IFMS. This option was presented to the public and interest groups but was not selected as the preferred option (moderate support) as it lacked components of both 'planned retreat' and 'floodway accommodation'. Construction of a floodway in conjunction with partial diking, (referred to in the IFMS as option 3) would not afford any significant degree of additional flood protection.

Any and all construction works funded under EMBC must meet Provincial Diking Authority standards which stipulate that all dike structures must be constructed to 1:200 year flood protection and meet current seismic standards.

On April 12, 2013, EMBC sent notice to municipalities indicating that the Flood Protection Program was accepting applications for funding. Subsequent to the May 13 Council meeting and resolution, staff submitted an application for the 2013/2014 funding cycle prior to the May 22, 2013 deadline. Concurrently with the 2013/2014 grant application, EMBC was advised of the project scope change from a "flood wall" to a "ring dike" and the proposed phasing of the structure construction as described in our May 13 report to Council (i.e. Phase 1 construction under the existing approved application and Phases 2A, 2B and 3 through future grant opportunities).

DISCUSSION:

In mid-July, EMBC advised staff that the project scope change and proposal for Phase 1 "ring dike" construction were not approved by Western Economic Diversification Canada and Infrastructure Canada, otherwise known as the Federal partners of the grant funds. Subsequently, EMBC provided the City with a de-commitment form for the balance of the used federal and provincial funding as the objective of a constructed project cannot be met. This includes any remaining project work to be completed after August 1, such as the final preparation of the study. Therefore, City is now 100% fiscally responsible for the balance of the project work.

However, EMBC advised that the City could transfer the proposal for Phase 1 construction into the 2013/2014 grant funding intake for consideration. Therefore this application would be all encompassing for Phases 1, 2A, 2B and 3 design and construction with the caveat that the Diking Authority's approval of the concept is required for their consideration of the project.

In undertaking the 2013/2014 Flood Protection Program grant application, there were several factors that required resolution to satisfy the provincial agencies, and Council, in order to proceed with the project. They included:

Y:\LGMA\COUNCIL (0570-01)\2013\09 SEPT\REPORTS\IFMS Update Application for Grant - COUNCIL Report_Sept 23.docx

technical analysis to the satisfaction of the Provincial Diking Authority and discontinuing the pursuit of flood protection grant funding for 2013/2014.

FINANCIAL IMPLICATIONS:

The project has expended \$270,833 to-date. This sum was in part funded through the 2012/2013 Flood Protection Program grant, with the balance from city capital funds. It is anticipated that another \$30,000 will be incurred to bring the project to the recommended completion. There is sufficient budget allocated for this expenditure.

STRATEGIC PLAN REFERENCE:

No direct reference on this subject.

OCP SUSTAINABILITY REFERENCE:

No direct reference on this subject.

REGIONAL GROWTH STRATEGY REFERENCE:

Goal 8: Climate Change

Objective 8-F: Plan for climate change adaptation

8F-2: Promote inclusion of climate change modeling and impacts in future infrastructure and resource studies.

Respectfully submitted,



Lesley Hatch, P.Eng.,
Municipal Engineer

1. Approval from the Provincial Diking Authority for the “ring dike” concept.
2. Fulfilling EMBC’s request for an expanded business case (received end of July)
3. Public engagement with general acceptance of the proposed project
4. Successful borrowing process to fund the project

Staff have been working to this end and provide the following update.

The Diking Authority’s acceptance of the proposed “ring dike” is still outstanding. During the summer, staff have been working with our consultants and meeting with the provincial agencies to appease some technical questions that arose during their review of the modelling information. The consultants are in the process of updating model to reflect our discussions and preparing final draft report for further review.

The results of the revised modelling are needed to inform the additional request from EMBC to complete an extensive business case; much more elaborate than what had previously been required. Furthermore, EMBC is seeking for the business case to ensure a firm financial commitment such as allocated funds in the capital budget for 2014 and beyond. EMBC has advised staff that a Council resolution without security of the funds is considered to be financially uncertain. Given the time constraints associated with the borrowing process required for this project, the City is not a position to demonstrate this level of commitment.

Public engagement on the proposed “ring dike” concept and a reasonable level of “buy-in” also remain as an outstanding item for the project.

It is staff’s position that the project has too many unknowns associated with it to proceed any further with this round of grant funding. Without full support from the Diking Authority, secured funds, and the element of public engagement completed to Council’s satisfaction, the project remains vulnerable to change. As we have seen from the current round of grant funding, scope changes are not permitted and the City could be at risk for covering all project costs incurred.

The City has reaped tremendous benefit from the 2012/2013 grant funding and the undertaking of this study. A few of the key elements we have obtained include:

- A flood modelling tool and study to guide staff and Council to make more informed decision on the land use in and around floodplain areas;
- A model that can support emergency management planning, providing for simulations of the extents of potential flooding given the varying rainfall events;
- New floodplain mapping which will support an amendment to the Floodplain Bylaw and provide the public with stronger understanding of the impacts of flooding in the low lying areas adjacent to the rivers;
- A greater understanding of the extents of a flood mitigation strategy needed to meet Provincial Diking Authority standards for protection of the existing businesses, infrastructure and facilities in the commercial floodplain zone (i.e. a ring dike along Old Island Highway and surrounding area).
- A defined capital project with costs that can be reviewed under a holistic approach to Asset Management and prioritization.
- The opportunity to engage with the public and Council before pursuing or funding this (or any other) concept further into the design phase.

The process and information generated around this topic will allow the City to pursue other funding opportunities in the future. At this time, staff are recommending completing the study and the

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THE CORPORATION OF THE CITY OF COURTENAY

REPORT TO COUNCIL

FROM: Lesley Hatch, P. Eng.
Municipal Engineer

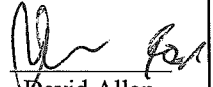
FILE #: 2770-00

DATE: September 23, 2013

SUBJECT: Appointment of Interim Approving Officer, Mr. Graham Savage

C.A.O. COMMENTS/RECOMMENDATIONS:

I support the recommendation.


David Allen

Section 77 of the Land Title Act states: "(1) For land within a municipality, the municipal council must appoint a person as an approving officer. (2) An approving officer appointed under this section must be..... (d) a person who is under contract with the municipality."

RECOMMENDATION:

That Council appoint Mr. Graham Savage as the City of Courtenay's interim Approving Officer, pursuant to Section 77 of the Land Title Act, for a period of six months.

PURPOSE:

To fill the vacancy of the role of the Approving Officer for the City of Courtenay.

BACKGROUND:

The retirement of the Director of Operational Services, Kevin Lagan, has left a vacancy in the role of the City's Approving Officer for development. Until the Municipal Engineer is able to complete the Municipal Administration Training Institute's (MATI) School for Approving Officers this fall and gains experience in this capacity, an interim Approving Officer is required.

DISCUSSION:

Graham Savage has several years experience operating under the umbrella of municipal government. He retired from his position as Manager of Development Engineering and Subdivision Approving Officer for the City of Nanaimo in 2006 and has since been contracting his services in the capacity of Approving Officer to several Vancouver Island communities, which include the District of Lantzville, the Village of Cumberland and the District of Tofino.

FINANCIAL IMPLICATIONS:

The City has assigned a budget of \$20,000 to support this consultant engagement over the term of the contract, six months. The funds have been re-allocated from protective services which will be under the 2013 allocated budget for that purpose. This has a zero net increase to the overall City budget.

STRATEGIC PLAN REFERENCE:

No direct reference on this subject.

OCP SUSTAINABILITY REFERENCE:

No direct reference on this subject.

REGIONAL GROWTH STRATEGY REFERENCE:

No direct reference to this subject.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L Hatch', written in a cursive style.

Lesley Hatch, P.Eng.,
Municipal Engineer

7

THE CORPORATION OF THE CITY OF COURTENAY

REPORT TO COUNCIL

FILE #: 1970-02

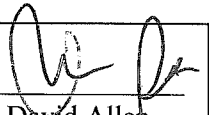
FROM: Director of Financial Services/Deputy CAO

DATE: September 23, 2013

RE: Review and Proposed Revisions - Water and Sewer Frontage Tax Bylaws

C.A.O.'S COMMENTS/RECOMMENDATIONS:

I support the recommendation.



David Allen

RECOMMENDATION:

Whereas the water and sewer frontages rates bylaws are dated and require revisions to reflect current legislative references as well as updated processes;

Therefore, it is recommended:

That Council consider the proposed changes to the water frontage rates bylaw, 1969, No. 1004 and sewer frontage rates bylaw, 1969, No. 1005 and all subsequent amendments; and

That Council endorse the revised water and sewer parcel tax bylaws which incorporate the recommended changes and repeal the existing bylaws 1004 and 1005 and all subsequent amendments; and

That Council direct staff to adjust all properties on the City of Courtenay tax roll affected by the bylaw changes.

PURPOSE:

To provide the results of a review of existing frontage tax processes and procedures; and suggest changes to the procedure and parcel tax bylaws.

BACKGROUND:

Sections 200 through 209 of the *Community Charter* allow Council to impose a parcel tax to provide funding for a service. In 1969, Council adopted the original core bylaws, "Water Frontage Rates Bylaw, 1969, No. 1004" and "Sewer Frontage Rates Bylaw, 1969, No. 1005" to fund water and sewer services within the City, and there have been subsequent amendments since that time.

It has been some time since there has been a formal review of the water and sewer frontage tax bylaws and processes. The review has been further triggered by two current difficulties requiring clarification in the bylaw:

1. Increasing staff time, and therefore payroll expense, associated with parcel tax roll maintenance and explanation to tax payers.
2. New parcel types (bare land strata parcels for example) that were not anticipated in the existing bylaws.

DISCUSSION:

A parcel, for the purposes of this discussion, is a property identified under a single roll/folio number by BC Assessment. This includes, among others, the individual units of a strata corporation, undeveloped properties, and vacant properties.

The levy of a parcel (frontage) tax is permitted under Community Charter sections 200 to 209.

Basic assumptions of a Parcel Tax

The principle of a Parcel Tax is that all parcels with access to a service, in this case the water and sanitary sewer utilities, benefit by that access whether connected to that utility or not. A vacant serviced lot is more valuable than a comparable unserved lot.

Access to water and sewer utilities is usually defined as a property that can connect to the utility without having to extend municipal mains to reach the property. Therefore, *most* properties that have municipal mains running adjacent to, or approaching any border of, the property are considered to have access to the utility.

It is not appropriate to charge a *user fee* to parcels not connected to a service. A user fee includes operational expenses such as bulk purchasing, electrical power, chemicals, flushing, monitoring, general payroll, and general maintenance, etc. All of these items represent the cost of delivery of a service on a daily basis.

It is, however, reasonable to charge a *fee per parcel* for capital expenses for all parcels with *access* to a particular service. Capital costs include replacement or expansion of existing assets, depreciation of assets with an expected life span, repairs that extend the expected life of an asset, and contributions to reserves for the future replacement of those assets.

Frontage Tax legislative options

The Charter permits three methods of calculating a parcel tax:

- 1) Flat Rate method – A single charge that is the same for all properties regardless of size. The advantage is ease of roll maintenance. The roll is the list of properties subject to the levy and includes information necessary to apply the tax. Once it has been determined whether the property has access or not there are no other calculations to be completed. The problem with a flat rate is that while it is easy to calculate it does not recognize any difference between properties that may vary considerably in size or actual anticipated future use.
- 2) Area Calculation method – In addition to determining access to the utility a calculation of the area of the parcel must be applied to each property. Most properties have this information included as part of the roll information available from BC Assessment. The charge per property then varies with each square foot or meter of area. BC Assessment primarily provides area in metric units but confusion and errors can be introduced when other units of area are given. It can be argued that the area measurement does not reflect the potential or actual consumption of utilities.
- 3) Frontage Tax method – In addition to determining access to the utility, each property has to be checked against some source that indicates frontage. The Charter does not define how frontage will be calculated. Frontage relates the length of the street access to the amount of assets that the municipality is providing to service the lot. This can be quite small or very large for pie shaped or irregular lots depending on which dimension of the lot is used as the frontage.

Challenges for staff

The City of Courtenay uses the frontage of a parcel to calculate the annual parcel tax levy. The challenge staff face in this calculation is defining and calculating that frontage for taxation purposes. The procedure in use has evolved over time as staff have dealt with challenges and complaints.

1. **Frontage** is not defined in the current bylaws. The Planning Division, for example, has a definition for frontage in zoning bylaws and uses a calculation that differs from the method staff use for the parcel tax. There is nothing incorrect about that definition in the context of the zoning bylaw, however the parcel tax bylaw should contain a definition of frontage to provide clarity and consistency within the bylaw.

Staff Recommend that frontage of a lot be defined as the length of the street side of the lot as shown on the subdivision plan provided by BC Assessment. For a parcel with more than one side on a street (a corner lot for example) the frontage will be taken from the measurement of the street side identified by the civic address of the property.

Staff will continue to calculate an average frontage for those irregular parcels that are not rectangular.

2. **The current frontage tax bylaw uses imperial measures** with all dimensions expressed in feet however all BC Assessment documents are detailed in metres. The need to convert all measures to feet currently takes time for finance staff, and introduces the possibility of error in the calculation.

Staff recommend that the bylaw be re-written to express all parcel measures in metres. This would simplify going forward but would require the existing data base of parcels to be converted. This can be easily accomplished by an automated adjustment to the database.

3. **The basic frontage** is taken from the official subdivision plans provided by BC Assessment.

In order to deal with properties with very small or very large frontages, the bylaw allows for a minimum frontage of 50 feet and a maximum frontage of 100 feet.

Staff recommend that the bylaw be re-written to stipulate that the minimum frontage be 15.25 metres (approximately 50 feet) and the maximum frontage be 30.5 metres (approximately 100 feet). The metre limits are rounded slightly in the conversion from the original feet but the difference produces an increase of no more than a total of \$.20 for water and sewer service on any given parcel.

4. **Strata parcels** are not specifically dealt with in the current bylaw. The bylaw does contain references to properties with less than thirty feet of frontage. Staff believe this was intended to deal with strata parcels, however the language is vague and has been unevenly applied in practice.

At issue are strata corporations that do have a frontage and a connection to services, but these corporations are not levied for property taxes. Instead, levies are assessed against the individual units which make up the strata. The problem arises when attempting to allocate the frontage for the corporation over the individual units of the strata. Typically individual units have no measurable frontage as the utilities are delivered by the strata to individual parcels *within* the strata from a single common connection. The result is that strata parcels are not dealt with consistently within the parcel tax roll.

Staff suggest that the parcel tax bylaw be rewritten to identify multi-family and multi level dwellings which are strata title units, have a deemed taxable frontage of 9.15 meters (approximately 30feet)per unit.

5. **Bare land strata developments** are relatively new to the community and are defined by the Province as, “a strata subdivision where no buildings currently exist. Some parcels of the bareland strata will be held individually, while others will be considered common area.” These developments may have a single connection to the City’s water and sewer system, however the strata is responsible for delivering the service to the individual parcels and maintaining the water and sewer lines. Although, the strata might maintain the infrastructure within the subdivision, the City must continue to maintain the main line infrastructure up to the subdivision property line. Therefore it is reasonable to charge a parcel tax on each parcel; however a lesser amount than other single family parcels would be considered a fairer approach.

It is the common or shared single connection that is at issue with these developments. While the situation is not known to exist in the City at this time; it is conceivable that a strata corporation may have individual connections to city utilities. It is also conceivable that otherwise conventional parcels may share a single connection to deal with a local service delivery problem.

Staff suggest that the parcel tax bylaw be rewritten to include only other strata title parcels that do not contain multi-family, or multi-level dwellings and are sharing a single connection to the City’s services have a deemed taxable frontage of 9.15 meters (approximately 30 feet) per parcel.

Council Options:

1. That Council direct staff to proceed with the conversion of the water and sewer parcel tax data base and endorse three readings of the following bylaws:
 - a) Water Service Frontage Tax Bylaw, 2766, 2013
 - b) Sewer Service Frontage Tax Bylaw, 2767, 2013
2. Defer readings of the new frontage tax bylaws for further discussion.
3. Make no changes to the existing bylaws.

FINANCIAL IMPLICATIONS:

The suggested changes to the bylaw would have resulted in an overall reduction of approximately \$96,400 to the 2013 water and sewer frontage tax levy based on the current rates. The tax reduction is distributed across the tax roll as follows:

- 1) There are currently 1,135 strata parcels being levied at more than 30 feet of frontage. The impact of changing them all to 30 feet of frontage will reduce the 2013 water and sewer parcel tax levy by 3.8% or \$99,535.
- 2) There are currently 26 properties identified that are currently assessed below the minimum 50 feet which will need to be adjusted. Correcting these will result in an *increase* to the 2013 water and sewer parcel tax levy by \$2,138. These properties would be notified in writing well before the 2014 property tax season.
- 3) Finally, there will be an approximate increase of \$1,000 to the 2013 water and sewer parcel tax levy due to rounding the conversion from feet to meters.

Provisions for these anticipated revenue reductions generated from the *frontage tax levies* have already been factored into the 2013 budget, and will not have an impact on rates required for 2014. A portion of the budgeted revenues generated from 2013 *user* rates incorporate the revenue offset required to ensure overall fund revenues were not affected.

It is essential from a financial and asset management planning perspective to ensure that overall revenues in these funds are not compromised. As the City moves forward with asset management, it is fully anticipated that the need for sustainable financial funding will be required to ensure that the service delivery needs of these utility distribution systems is appropriately provided for.

Subsequent to the passage of three readings of these bylaws, next steps include working with our software provider to assist in converting the frontage database, returning the bylaws to Council for final adoption, and preparation of letters to advise property owners affected by an increase to their taxable frontage.

STRATEGIC PLAN REFERENCE:

Not applicable

OFFICIAL COMMUNITY PLAN REFERENCE:

Section 4.4 Residential
Densities

5. "The City supports the designation of **multi residential** housing in a variety of locations..."

REGIONAL GROWTH STRATEGY REFERENCE:

Goal 1: Housing:

Ensure a diversity of housing options to meet evolving demographics and needs.

Respectfully submitted,



Tillie Manthey, BA, CGA
Director of Financial Services/Deputy CAO



Jennifer Nelson, CGA
Manager of Financial Planning



For
Info

Ref: 153331

August 22, 2013

His Worship Mayor Larry Jangula
and Members of Council
City of Courtenay
830 Cliffe Avenue
Courtenay, BC V9N 2J7

Dear Mayor Jangula and Members of Council:

On behalf of the joint Provincial-Union of BC Municipalities (UBCM) Green Communities Committee (GCC), we would like to extend our congratulations for your successful efforts to measure and reduce your corporate greenhouse gas emissions for the 2012 reporting year.

As a signatory to the Climate Action Charter (Charter), you have demonstrated your commitment to work with the Province and UBCM to take action on climate change and to reduce greenhouse gas emissions in your community and corporate operations.

Climate change is a global challenge. The work that your local government has undertaken to measure and reduce its corporate emissions demonstrates strong climate leadership and sets the stage for broader climate action in your community. This leadership and commitment is essential to ensuring the achievement of our collective climate action goals.

As you are likely aware, the GCC was established under the Charter to support local governments in achieving their climate goals. In acknowledgement of the efforts of local leaders, the GCC is recognizing the progress and achievements of local governments such as yours through the multi-level Climate Action Recognition Program. A description of this program is attached to this letter for your reference.

As a Charter signatory who has completed a corporate carbon inventory for the 2012 reporting year and has demonstrated familiarity with the Community Energy and Emissions Inventory, you have been awarded Level 2 recognition – 'Measurement.'

In recognition of your achievements, the GCC is very pleased to provide you with 'green communities' branding for use on official websites and letter heads. An electronic file with this logo will be provided to your Chief Administrative Officer. Also included with this letter is a Green Communities window decal, for use on public buildings.

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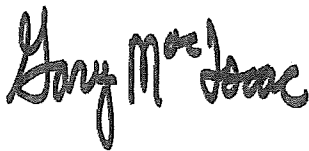
Mayor Jangula and Members of Council
Page 2

Congratulations again on establishing your corporate emissions inventory and your overall progress. We wish you continued success in your ongoing commitment to the goal of corporate carbon neutrality and your efforts to reduce emissions in the broader community.

Sincerely,

A handwritten signature in black ink that reads "Julian C. Paine". The signature is written in a cursive style with a large initial 'J' and a distinct 'P'.

Julian C. Paine
Assistant Deputy Minister,
Local Government Division

A handwritten signature in black ink that reads "Gary MacIsaac". The signature is written in a cursive style with a large initial 'G' and a distinct 'M'.

Gary MacIsaac
Executive Director, Union of BC Municipalities



THE CORPORATION OF THE CITY OF COURTENAY
BRIEFING NOTE

FOR
INFO

To: Mayor and Council

File No.: 5040-20

From: David Allen, Chief Administrative Officer

Date: September 23, 2013

Subject: Status Update: Planning/Development of Supportive Housing Project, Braidwood Rd Site

ISSUE:

The City of Courtenay purchased property at 810 Braidwood Road in June 2013, to be used as the site for the eventual construction and operation of supportive housing. This briefing note provides Council with a status update on the project.

BACKGROUND:

The Braidwood property was acquired by the City in June 2013 for the purpose of construction of a supportive housing project. The City is now preparing for the next steps in determining and planning a housing project for this site.

KEY CONSIDERATIONS:

In July 2013, BC Housing confirmed that they have made \$50,000 available to the City, in a proposal development loan, to assist in the planning and development of a supportive housing proposal for this site. A copy of their letter is attached for Council's information.

A portion of the funds committed by BC Housing can be used towards the development of the RFP and the process of selection of the non-profit operator. It should be noted that a BC Housing requirement is for an open and transparent process in the development and selection of a project/not-for-profit organization.

Next steps involve the preparation of a Request for Proposal (RFP) for a non profit operator to lead the development of a supportive housing proposal. The RFP will be a key directional document for the project in that it can be used to define the Council supported parameters of a housing project specific to the Braidwood Road property.

To assist the City with the independent development of content in the RFP such as project parameters, scoring criteria, and selection criteria, staff have sourced a resource list of development consultants from BC Housing. In addition, staff have contacted the BC Non-Profit Housing Association (BCNPHA) for information on the resources they might provide.

Based on the initial information received from the BCNPHA, it would appear that the services offered by this organization should be further researched and ultimately may provide the lowest cost method of moving ahead with the development of the RFP. Typically this organization provides this type of service at a moderate cost, depending on how much work is involved.

A teleconference with the BCNPHA will be arranged in the near future to discuss the City's needs in more detail and to obtain a quote for services.



BC Housing

Home Office
1701 - 4555 Kingsway
Burnaby, BC V5H 4V8

Tel 604-433-1711
Fax 604-439-4722
www.bchousing.org

July 10, 2013

Mr. David Allen
Chief Administrative Officer
City of Courtenay
830 Cliffe Avenue
Courtenay, B.C.
V9N 2J7

Dear Mr. Allen

This is to confirm that BC Housing will make available \$50,000 in a proposal development loan to assist in the planning and development of a supportive housing proposal in the City of Courtenay.

A portion of the funds may be used by the City to prepare a Request for Proposals (RFP) for a non profit operator to lead the development of the proposal. The remainder can be used by the successful operator to develop the business case and will be secured by a promissory note. The funds cannot be used by any potential operators to prepare a response to the RFP.

Copies of all expenses must be submitted to Donna Money, Senior Project Officer, for reimbursement.

We are pleased to be able to support this initiative.

Yours truly,

Armin Amrolia
Acting Vice President, Development Services

Cc: Danna Locke, Director Regional Development
Roger Butcher, Regional Director, Operations



CITY OF COURTENAY
SIGN BYLAW NO. 2760, 2013



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THE CORPORATION OF THE CITY OF COURTENAY
BYLAW NO. 2760

A bylaw to regulate the number, size, type, form, appearance and location of signs within the City of Courtenay

WHEREAS Council may by bylaw regulate the number, size, type, form, appearance and location of signs, and make different provisions for different zones, for different uses within a zone and for different classes of highways;

AND WHEREAS it is deemed desirable:

To enable local businesses, institutions, and community organizations to clearly identify themselves and the products or services available to the extent that this bylaw permits;

To enhance the appearance and visual character of the community through appropriate signage; and

To ensure the safety of pedestrians, cyclists and motorists by ensuring that signs are properly located, minimize distraction, and do not interfere with traffic control devices.

THEREFORE, the Council of the Corporation of the City of Courtenay, in open meeting assembled, enacts this bylaw as follows:

PART 1 - ADMINISTRATION

1.1 Title

This Bylaw may be cited for all purposes as "Sign Bylaw No.2760, 2013".

1.2 Definitions

Words and phrases used in this Bylaw shall have the meanings set forth in this section.

Abandoned sign means any *sign* which no longer serves its previously intended purpose, or which is not maintained as required by this bylaw. Signs which are not in use for a period of 6 months or longer will be considered abandoned.

Address sign means a permanent *sign* displaying in letters and/or numbers the civic address of, and/or the name of the owner or occupant of any land, building, structure, business, or establishment located on the same *parcel* as the *sign*.

Animated sign means all *signs* that move or depict movement by any means including intermittent, strobe, flashing, or oscillating lights, or mechanical rotation or movement. *Animated signs* do not include *electronic message board signs*.

Awning means a shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

Awning sign means a *sign* painted or affixed flat to the surface of an *awning*, which does not extend vertically or horizontally beyond the limits of such *awning*.

Banner means a *sign* composed of lightweight, non-rigid material such as vinyl, cloth, canvas or similar fabric whether affixed to a building face or suspended above.

Building directory means a *sign* affixed to a building face near the main entrance which lists only the names and location of individual *business premises* located within a multi-tenanted building.

Building face area means all individual wall areas of a building in one plane or elevation.



Awning



Building Face Area for multi-tenanted buildings



Each of the coloured boxes represents building face area for a different business premise

Bus shelter sign means a *sign* on a shelter structure or bench intended to serve bus patrons and situated on land which adjoins a bus stop in ordinary use by buses operated by a public transit authority.

Business premise means that part of a building or a *parcel* owned or occupied for the conducting of a business or service.

Canopy means a permanent hood, cover or shelter projecting from a building face.

Canopy sign means a *sign* that is part of or attached to a canopy, or other structural protective element installed over a window, door, entrance, outdoor service area, port cochere or similar type of entranceway.

City means the Corporation of the City of Courtenay.

Clearance means the vertical distance between the underside of a *sign* and finished grade immediately below.

Commercial promotional sign means a temporary *sign* advertising a special event including a sale, business opening, business closing or change in ownership.

Community event sign means a *sign* advertising a community event which is carried on by a not-for-profit organization for the betterment of the community.

Community notice board means a *sign* used to display educational material, promoting the health and welfare of the community, and not-for-profit community events or notices

Community organization sign means a *sign* directing attention to a religious, community, service club or similar organization.

Construction project sign means a temporary *sign* identifying the nature of the project, owner, general contractor, architects, engineers, sub-trades and others associated with the planning, design, development and financing of the project.

Contractor sign means a temporary *sign* identifying individual contractors or subcontractors relating to the construction, renovation, or demolition occurring on a parcel.

Copy means the letters, characters, numbers or graphics that make up the message on a *sign*, but does not include background colour.

Changeable copy sign means a *sign* that facilitates the manual changing of attachable letters and numbers to compose new messages.

Directional sign means a permanent *sign* that only communicates information regarding vehicular or pedestrian movement on the parcel on which it is located.

Director of Development Services means the Director of Development Services of the City and includes those officials of the City performing their duties under his or her authority and control.

Electronic message board means a *sign*, or portion of a *sign*, on which the message copy is displayed by means of electronically controlled illumination of lamps, tubes, light emitting diodes (LEDs) or other electronic technology which can be changed through computer programming.

Fascia sign means a *sign* affixed on and parallel to the building face on which it is displayed. Fascia signs do not include *banners*.

Farm Product Sign means a *sign* advertising farm products for sale but does not contain any other advertising.

Fast Food Menu Board means a *sign* associated with drive-through facilities to provide menu options.



Together, A, B and C make up the building face for this single tenant building



Canopies



The distance between the bottom of the sign and the sidewalk below is referred to as clearance



Changeable copy sign

Freestanding sign means a permanent *sign* standing apart from a building supported by an independent structure affixed to the ground.

Frontage means the length of the property line of a *parcel* of land abutting a public street, excluding a lane.

Grade means the average natural ground surface elevation at the *sign* location.

Hanging sign means a *sign* suspended from a *canopy* or *awning* and contained entirely under such *canopy* or *awning*.

Height means the vertical distance measured from the highest point of a *sign* or supporting structure to the elevation of the *grade* directly below the *sign*. Where the sign has been located on a berm, the berm will be included as part of the *sign* for the purposes of determining the height.

Home occupation sign means a *sign* identifying a home occupation as permitted under the *Zoning Bylaw*.

Identification sign means a *sign* containing only the specific or generic name of a business, its logo, address, phone number and hours of operation.

Illuminated sign means a *sign* with an internal light source or designed to reflect light from an external source intentionally directed at it.

Illuminated sign, Indirect means a *sign* where the light source does not shine directly forward through the sign face from an internal light source.

Illuminated sign, External means a *sign* where the light source is designed to reflect light onto a *sign* from a lamp or light typically mounted above.

Mansard roof sign means a *sign* attached to a mansard roof.

Monument sign means a low profile *free-standing sign* which is supported by and integrated with a solid base that extends the length of the *sign*.

Mural means an artistic rendering or drawing painted or otherwise applied to a building face which is intended as a public display but has limited text, identification, information or advertising content and is not a *fascia sign*.

Off-premise sign means a *sign* which directs attention to a business, service, activity or product not sold offered or occurring on the parcel on which the *sign* is located, but does not include *bus shelter signs*.

Parcel means any lot, block or other area in which land is held or into which it is subdivided, but does not include a highway.

Pole mounted sign means a freestanding *sign* attached or mounted to a single pole or mast.

Political sign means a *sign* containing only messages relating to a public election or referendum.

Portable sign means a *sign* not permanently affixed to the ground or a building and can be readily transported.

Projected image sign means a temporary *sign* digitally projected onto a building face by a not-for-profit organization for the betterment of the community.

Projecting sign means a *sign* which is attached to and projects generally perpendicular from a building face.

Promotional sign means a temporary *sign* advertising a special promotion or sale, the opening or closing of a business premise, or advertising a change in use or ownership of a business premise.

Real estate sign means a *sign* indicating that the *parcel* or *business premise* on which it is located is for sale, rent or lease.

Roof line means the line formed by the intersection of the exterior walls of a



The height of the sign is indicated by the arrow.



Internally Illuminated Sign

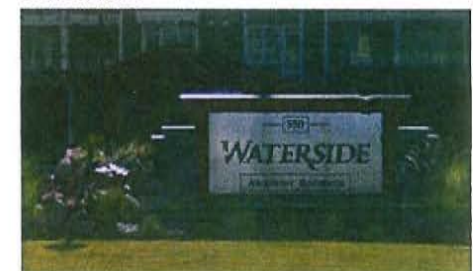


Externally Illuminated Sign



Indirect illumination refers to externally illuminated signs and signs where the letters and logo are illuminated by reflected light such as the sign above where the light is directed from the back of the sign towards the building wall or reflective surface giving the sign a halo effect.

For more examples of lighting styles see Schedule C



Monument sign

building with the roof of the building, including a false roof to a maximum of 2.0 metres above the main roofline (see image at right).

Roof sign means a *sign* erected on top of the roof or parapet of a building or structure, or wholly or partly above a *roof line* of a building.

Sandwich board sign means a *portable sign* consisting of two rigid surfaces attached together at one edge.

Sight triangle means a triangular space formed by two lines parallel to the street edge measured 6 m back from the intersection and a third line connecting them. The area within the sight triangle must be kept clear to maintain visibility for people travelling on one road to oncoming traffic.



Sign means any structure, device, or visual display which communicates information or attracts the attention of the public to a product, place, activity, person, service, institution, or business.

Sign area means the total area within the outer edge of the frame or border of a sign, but where a sign has no frame or border or background, means the area contained within the shortest line surrounding the copy. Where a sign has more than one side, the sign area is the total of the sign area on all sides, unless otherwise specified. In the case of an irregularly shaped sign, sign area shall be the sum of the area of the smallest group of rectangles, triangles or circles within which all letters and other corporate graphics would fit.

Subdivision identification sign means a monument style freestanding sign identifying only the name and location of a subdivision or multi-residential development.

Window sign means a sign painted on or affixed to the interior or exterior of a window.

Zone means premises designated for certain uses according to "City of Courtenay Zoning Bylaw No. 2500, 2007" and all amendments thereto.



Projecting Sign



The purple and blue lines above represent the roofline. The blue lines indicate the main roofline while the purple line indicates the parapet or false roof.



Sandwich boards.



The red line indicates sign area. For more examples on how to calculate sign area, see Schedule B.

PART 2 - GENERAL PROVISIONS

2.1 Application of Sign Bylaw

- 2.1.1 No *sign* shall be erected, placed, displayed, altered or moved within the city except in conformity with the provisions of this bylaw.
- 2.1.2 Nothing in this bylaw relieves a person from complying with all other applicable enactments, including Federal and Provincial legislation and all *City* bylaws.
- 2.1.3 The application of this bylaw to *signs* may be affected by a development permit or development variance permit issued by the *City*.
- 2.1.4 Unless otherwise provided for by this bylaw, a *sign* for a *business premise* must be erected or placed only on that part of the building or *parcel* occupied by the business or activity to which the *sign* relates.

2.2 Non-Conforming Signs

- 2.2.1 Any *sign* lawfully in existence at the time of adoption of this bylaw, although such *sign* does not conform with the provisions of this bylaw, may continue to be used as a legal non-conforming *sign*, provided it is maintained in a clean and safe condition and provided that the *sign* was legally authorized by issuance of valid sign permit prior to its installation.
- 2.2.2 Changes to the copy of a legal non-conforming *sign* may be permitted by a sign permit provided that the *sign* shall not be rebuilt, enlarged, extended or relocated.

2.3 Sign Maintenance

- 2.3.1 All *signs* and their supporting structures and electrical equipment shall be maintained in good condition by the owner, or lessee of the *parcel* or *business premise* on which the *sign* is located.
- 2.3.2 Any *sign* that poses an immediate safety risk or hazard to persons or property, as determined by the *City* shall be repaired or removed by its owner within 24 hours of receiving a written notice from the *City*.
- 2.3.3 All normal maintenance, including replacement of copy, light bulbs or electrical equipment and refurbishing of *signs* shall not require a permit provided that the *sign* is not rebuilt, enlarged, extended or relocated.

2.4 Sign Illumination

- 2.4.1 Lighting for *illuminated signs* shall not shine directly onto neighbouring premises or create a safety concern on adjacent public rights-of-way.
- 2.4.2 *Signs* on properties that are directly adjacent to residential uses or environmentally sensitive areas, and are directed towards these areas, shall not be illuminated. For clarity, where the properties are separated by a street, this restriction shall not apply.
- 2.4.3 *Externally illuminated signs* shall use a shielded light source.
- 2.4.4 *Signs* that are *internally illuminated* are subject to the following regulations:
 - a) A *sign* having individually, incised plastic, metal or glass letters or symbols shall be mounted in a solid opaque sign face or directly onto a building face;
 - b) Rectangular sign cabinets shall have an opaque background with only the letters or symbols illuminated.
- 2.4.5 All wiring and conduits for *illuminated signs* shall be concealed.

2.5 Changable Copy Signs

- 2.5.1 Changeable copy is restricted to 40% of the *sign area* except that in the case of *fascia signs* for theatres it is not restricted.

2.6 Signs on Public Right-of-Ways

- 2.6.1 No *sign* shall be located upon or over any public right-of-way, street or sidewalk or public property, except as permitted by this Bylaw.

- 2.6.2 No *sign* shall interfere with or obstruct any traffic control device as defined in the Motor Vehicle Act, R.S.B.C. 1996, c. 318, or in any other way interfere with visibility from one street to another.
- 2.6.3 No *sign* shall be located upon or suspended over a public right-of-way, street, sidewalk or public place unless the owner of the *business premise* upon which the *sign* is located or affixed has entered into an encroachment agreement with the *City*, in a form acceptable to the *City*.

2.7 Exemptions

- 2.7.1 Notwithstanding any other provisions of this bylaw, the following types of signs are exempt from this bylaw:
- a. *Address signs* not exceeding 0.3 m² (3.2 sq.ft);
 - b. *Signs* on or over *City* streets for the control of traffic and parking, or for street names, or directions and administered by the *City*;
 - c. Traffic control devices under the *Motor Vehicle Act of British Columbia*;
 - d. Notices issued by or required by the *City*, the Government of British Columbia or the Government of Canada;
 - e. *Political signs*;
 - f. *Bus shelter signs* intended for public convenience and administered by the *City*;
 - g. Private celebrations or holiday decorations of a temporary or seasonal nature displayed for not more than 60 days;
 - h. Flags and emblems of a political, civic, educational or religious organization not exceeding 4.0 m² (43.1 sq.ft)
 - i. *Murals*;
 - j. Display of goods placed inside a window;
 - k. Gravestones, cornerstones, plaques or other markers placed for historical, commemoration or memorial purposes.

PART 3 - PROHIBITED SIGNS

Signs that are not specifically permitted in this bylaw are prohibited. Without restricting or limiting the generality of the foregoing, the following *signs* are prohibited:

- a. *abandoned signs*;
- b. *animated signs* or *signs* equipped with flashing, strobe or oscillating lights, rotating or moving devices or which have emissions whether audible, visual or otherwise;
- c. wind activated devices designed to attract the attention of the public with movement;
- d. *signs* mounted or supported on a balcony;
- e. balloon signs or other inflatable devices except as described in Section 5.1 (community event signs);
- f. *electronic message board signs* except as otherwise permitted by this bylaw;
- g. *off-premise signs* except as described in Part 4 (community event signs) and Section 5.2 (sandwich boards downtown);
- h. *roof signs*;
- i. *portable changeable copy signs*;
- j. any *sign* which imitates or resembles an official *sign* or traffic control device;
- k. any *sign* which interferes with the safe use of the street by pedestrians, cyclists or vehicles, impedes traffic or interferes with the use or visibility of any traffic control device or other equipment installed by the *City* or by a utility company.
- l. *signs* which obstruct a parking space or utilize such parking space for purposes of locating a *sign*.
- m. *Signs* attached to or located on any vehicle or trailer parked so as to be visible from a street for the principal purpose of advertising. This section does not prohibit any form of permanent signage normally attached to a motor vehicle for the purposes of identifying the owner or operator of the vehicle and the goods or services it contains or provides;
- n. *Signs* that obstruct any part of a doorway, window, passageway, fire escape, walkway, road, lane, sidewalk or similar feature.

Prohibited Signs - The images below are examples of some of the signs which are not allowed. This is not an exhaustive list. Some of the signs featured below may be allowed with special permissions as stated elsewhere in this bylaw and these signs have been indicated with an asterisk *



Abandoned Signs



Animated Signs (flashing lights)



Animated Signs (rotating)



Wind activated signs



Wind activated signs



Signs mounted on a balcony



Digital billboards. Signs on institutional properties may have electronic message boards provided they meet specific criteria



Signs attached to parked vehicles for the principal purpose of advertising



Roof signs



portable changeable copy signs



* Off premise signs with the exception of community event signs, see Part 4.



* Inflatable devices may be allowed for community events, see Part 4.

PART 4 - SIGNS THAT ARE REGULATED BUT DO NOT REQUIRE A PERMIT

The following signs do not require a sign permit but must conform to all other provisions of this bylaw:

- a. *Farm product sign* with a *sign area* of not more than 3.0 m² (32.3 sq. ft.) and a *sign height* not exceeding 2.0 m (6.6 ft). The advertised farm products must be grown or raised on the property on which the sign is erected. Only one *farm product sign* is permitted per farm and the *sign* must not be illuminated.
- b. *Building directory sign* with a maximum *sign area* of 2.0 m² (21.5 sq.ft.) provided the maximum area allocated for each business premise is no greater than 0.2 m² (2.15 sq.ft). *Building directory signs* must be *fascia signs*.
- c. One *commercial promotional sign* provided it is a *banner* with a *sign area* not exceeding 3.5 m² (37.7 sq.ft) for a maximum of 30 days up to two times per year. There shall be a minimum of 30 days between each of the two permitted sign events.
- d. *Community event signs* located on or over public property provided written permission from the City is first obtained.
- e. *Community event signs* on private property provided the *sign* is installed no earlier than 30 days before the date of the community event and is removed no later than 7 days after the event is held. *Community event signs* which are *fascia*, *freestanding* or *portable signs* shall not exceed 3.0 m² (32.3 sq.ft) in area or 2.0 m (6.56 ft) in height. *Projected image signs* and inflatable devices maybe permitted at the discretion of the Director of Development Services.
- f. One *home occupation sign* per *parcel* with a *sign area* of not more than 0.5 m² (5.4 sq. ft.), and for *freestanding signs*, a *sign height* not exceeding 1.2 m (4.0 ft). *Home occupation signs* must be either *fascia* or *freestanding signs* and must not be illuminated.
- g. One *identification sign* with a *sign area* not exceeding 0.3 m² (3.23 sq.ft). *Identification signs* must be *fascia signs* and shall be mounted at an entrance of a *business premise*.
- h. One *construction project sign* with a *sign area* not exceeding 3.0 m² (32.3 sq. ft.) and not exceeding 2.5 m (8.2 ft) in height. *Construction project signs* must be removed within 30 days following issuance of the occupancy permit for the project.
- i. One *contractor sign* per contractor per site with a maximum *sign area* not exceeding 0.5 m² (5.4 sq. ft). *Contractor signs* must be removed no later than 30 days following issuance of the occupancy permit for the project.
- j. *Window Signs* with a maximum *sign area* comprising less than 40% of the area of the window in which they are contained. Open/close or vacancy signs displayed in a window are not included the maximum total *sign area* for *window signs*
- k. One *Open/Close or Vacancy sign* with a maximum *sign area* of 0.3 m² (3.2 sq.ft).
- l. One non-illuminated temporary *real estate sign* per strata unit or parcel provided :
 - i. The *sign area* does not exceed 1.0 m² (10.8 sq. ft.) and a maximum *height* not exceeding 1.2 m (3.9 ft) for residential zones.
 - ii. The *sign area* shall not exceed 3.0 m² (32.2 sq. feet.) and the *height* shall not exceed 2.0 m (6.56 feet), for all non-residential zones. However, for a *parcel* exceeding 2.0 ha. (4.94 acres) in area, the *sign area* shall not

Examples of signs that are regulated but do not require a permit



Farm product sign



Building Directory sign



Home Occupation Sign



Identification Sign



Window Sign



10 Community Notice Board Signs

exceed 7.0 m² (75.3 sq. ft.) or 14.0 m² (150.7 sq. ft.) if the *sign* is more than one-sided, and shall not exceed 6.0 m (19.7 ft.) in height for *parcels* with primary uses that are commercial, industrial or multi-family residential.

- iii. *Real estate signs* shall conform to the definition of *freestanding* or *fascia signs*. *Freestanding signs* must be located a minimum distance of 2.0 m from the front lot line and a minimum of 3.0 m from a side lot line.
- iv. *Real estate signs* are permitted for a maximum period of 24 months.

PART 5 - SIGNS THAT REQUIRE A PERMIT LISTED BY LOCATION

For the purposes of this bylaw, the city has been divided into five sign precincts based on the *Zoning Bylaw*.

5.1 Downtown (C-1 zone)

The downtown is an integral part of the city's identity and is the heart of the Comox Valley - a vibrant, creative, and artistic community. Signage within the downtown area should reflect this and support the Official Community Plan policy "to ensure innovative and creative design and an attractive street appearance" within the downtown. Accordingly, the intent of the regulations below is to encourage creative, playful, interesting, and one-of-a-kind signage.

The following *signs* may be erected on any *parcel* or *business premise* within the downtown provided that a sign permit is first obtained and all other provisions of this bylaw are satisfied:

5.1.1 Fascia Signs

- a. The combined *sign area* of all *fascia signs* plus all *canopy signs*, *awning signs*, *projecting signs* and vertical *banners* shall not exceed 20% of the *building face area* for a *business premise* to a maximum of 9.0 m² (96.9 sq. ft.).
- b. A handcrafted appearance is encouraged.
- c. No new *internally illuminated* sign cabinets are permitted.
- d. For theatre uses, the *sign area* may be increased to twice the maximum *sign area* otherwise allowed with respect to one *building face* on the building in which the theatre is located.
- e. For multi-residential uses, the *sign area* shall not exceed 1.5 m² (16.1 sq.ft.).

5.1.2 Canopy or Awning Sign

- a. The combined *sign area* of all *canopy signs* or *awning signs* plus all *fascia signs*, *projecting signs* and vertical *banners* shall not exceed 20% of the *building face area* for a *business premise* to a maximum of 9.0 m² (96.9 sq. ft.).
- b. *Awning signs* shall be an integral part of the *awning* and not an attachment or addition.
- c. Where more than one *business premise* fronts a street under a single awning, there shall be not more than one *awning sign* for each business.
- d. An *awning sign* or *canopy sign* shall not project within 0.6 m (2ft.) of any curb line, or extend above the *roofline* of a building.
- e. *Signs* may be mounted on top of a *canopy* provided that the *sign* is comprised of individual letters, does not project above the main *roofline* of the building, and does not obscure upper storey windows.



Fascia sign with handcrafted appearance



Awning sign



The area of the awning sign and 3 fascia signs must be less than 20% of the building face to a maximum of 9 m² when all 4 signs are added together.



Hanging Sign



Projecting Sign

5.1.3 Hanging Signs

- a. One 0.2 m² (2.2 sq. ft.) *hanging sign* shall be permitted at each separate *business premise* entrance, and shall not project beyond the front edge of the *canopy* or *awning*.
- b. A minimum *clearance* of 2.3m (7.5 ft.) is required between the lowest portion of the *hanging sign* and the sidewalk below.
- c. *Hanging signs* shall not be illuminated.

5.1.4 Projecting Signs

- a. The combined *sign area* of all *canopy signs* or *awning signs* plus all *fascia signs*, *projecting signs* and vertical *banners* shall not exceed 20% of the area of the *building face* for a *business premise* to a maximum of 9.0 m² (96.9 sq. ft.).
- b. The *sign area* of a *projecting sign* shall not exceed 2.5 m² (26.9 sq. ft.) for each side.
- c. Only one *projecting sign* is permitted per *business premise* or *parcel* except for *business premises* located on a corner, then one *projecting sign* per street *frontage* is allowed to a maximum of two *projecting signs*.
- d. A minimum *clearance* of 2.5 m (8.2 ft) is required between the lowest portion of a *projecting sign* and the sidewalk below.
- e. A *projecting sign* shall not project more than 1.5 m (4.92 ft.) from the building face to which it is attached or within 0.6 m (2 ft.) of any curb line, or more than 1.5 m above the *roofline* of a building.

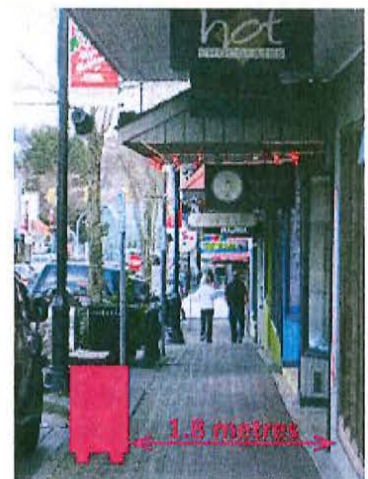
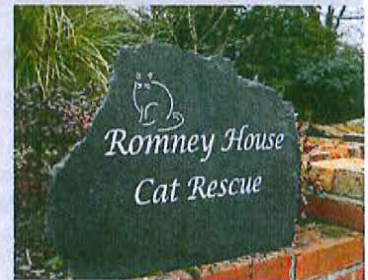
5.1.5 Freestanding Signs

Freestanding signs should incorporate natural materials in the design of the *sign*.

- a. The *sign area* shall not exceed 2.0 m² (21.5 sq.ft) per side with a maximum *height* of 1.2 m (4.0 ft) and shall be located within a landscaped area at least twice the *sign area*.
- b. No *sign* shall be located within 3.0 m (9.8 ft.) of an adjoining property line or within 1.0 m (3.3 ft.) of the property line facing a street and shall not be located within a *sight triangle*.
- c. For multi-residential buildings located downtown, *freestanding signs* shall have a maximum *sign area* of 1.5 m² (16.1 sq.ft) with a maximum *height* of 1.8 m (6.0 ft.). The *freestanding sign* may contain only the following information: name and street address of the building, name of the owner, name of the management company and vacancy information.
- d. For institutional uses within the downtown, *freestanding signs* shall have a maximum *sign area* of 3.0 m² (32.3 sq.ft) and a maximum height of 1.8 m (6.0 ft.), and may incorporate an *electronic message board sign* provided:
 - i) the *electronic message board* can be no more than 40% of the *sign area*
 - ii) the *electronic message board* must only be used to advertise uses, events and activities occurring on the property or the time and temperature
 - iii) each message must remain static for a minimum of 10 seconds
 - iv) the *sign* must not use scrolling, fading, flashing or animated display
 - v) the *electronic message board* must be a monochromatic display and must include automatic dimming features to reduce light intensity in lower ambient light conditions
 - vi) the *sign* must be located in a landscaped area at least 5.0 m²



Buildings in downtown are often set close to the street and reached on foot. Smaller scale freestanding signs are more appropriate for these locations.



5.1.6 Portable Signs

- a. *Portable signs* shall be *sandwich board signs*.
- b. The *sign area* shall not exceed 0.6 m² (6.5 sq. ft.) per face and the *height* shall not exceed 1.0 m (3.3 ft).
- c. Only one *portable sign* is permitted per *business premise* or *parcel*.
- d. *Portable signs* shall be located entirely on private property with the exception of business premises located within the area shown on Schedule A. Business premises within the area shown on Schedule A may place a *portable sign* on the public sidewalk provided it is located along the street edge and maintains a 1.8 m unobstructed walkway between the building face and the sidewalk edge.
- e. *Portable signs* must only be displayed during posted business hours for the associated *business premise*.

5.1.7 Vertical Banners

- a. The combined total *sign area* of all vertical *banners* plus all *fascia signs*, *projecting signs*, and *canopy or awning signs* shall not exceed 20% of the area of the *building face* for a *business premise* to a maximum of 9.0 m² (96.9 sq. ft.).
- b. *Banner signs* must not project above the *roofline*.
- c. *Banner signs* shall be mounted perpendicular to the *building face* on rigid rods or poles attached to the upper portion of the building wall with a minimum *clearance* of 2.5 m.



Examples of banner signs

5.2 Old Orchard Commercial Area (C-5)

The Old Orchard Commercial Area is within a neighbourhood recognized for its heritage character and governed by a Local Area Plan which includes guidelines for the designs of signs. The regulations below help to ensure that signage in this area reflects the character of the surrounding neighbourhood.

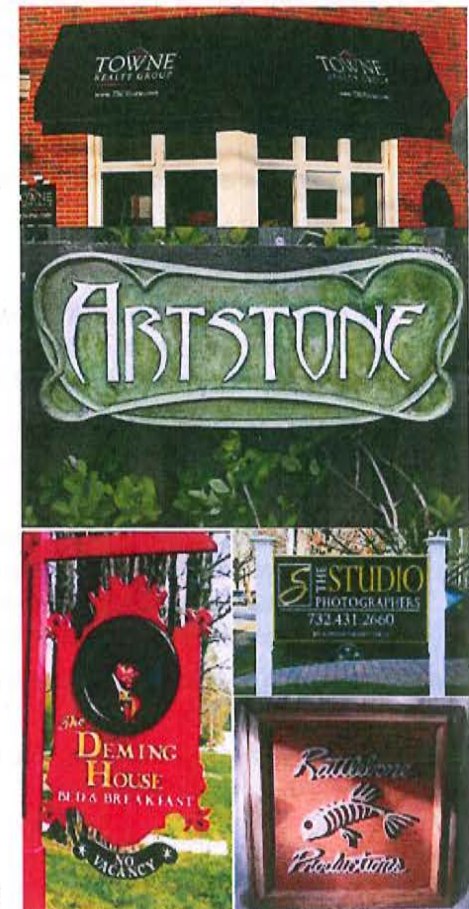
Within the Old Orchard Commercial Area, one *sign* is permitted per *parcel*. The *sign* may be either a *fascia sign*, *awning or canopy sign*, or *freestanding sign* provided it meets the following provisions:

5.2.1 Fascia Sign

- a. *Signs* shall be consistent with the neighbourhood's heritage character and shall have a handcrafted appearance.
- b. *Signs* shall incorporate the use of natural materials. *Signs* should not be synthetic or industrial in appearance.
- c. *Signs* shall not be illuminated.
- d. *Sign area* shall not exceed 10% of *business premise* face to a maximum of 1.0 m² (10.8 sq.ft).
- e. The *sign* shall be located adjacent to the primary *business premise* entrance.

5.2.2 Canopy or Awning Sign

- a. *Awning signs* shall be an integral part of the awning and not an attachment or addition.
- b. A *canopy sign* or *awning sign* shall not project within 0.6 m (2 ft.) of any curb line, or extend above the *roofline* of a building.



Examples of sign materials appropriate for the Old Orchard Commercial Area

- c. *Sign area* shall not exceed 10% of *business premise* face to a maximum of 1.0 m² (10.8 sq.ft).
- d. *Signs* shall not be illuminated.
- e. The *sign* must be located adjacent to the primary *business premise* entrance.

5.2.3 Freestanding Sign

- a. *Signs* shall be consistent with the neighbourhood's heritage character and shall have a handcrafted appearance.
- b. *Signs* shall incorporate the use of natural materials. *Signs* should not be synthetic or industrial in appearance.
- c. The *sign area* shall not exceed 0.6 m² (6.5 sq.ft) per side with a maximum height of 1.2 m (4.0 ft).
- d. No *sign* shall be located within 3.0 m (9.8 ft.) of an adjoining property line or within 2.0 m (6.6 ft.) of the property line facing a street and shall not be located within a *sight triangle*.
- e. *Freestanding signs* shall not be illuminated.

5.3 General Commercial and Industrial Areas (C-1A, C-2, C-2A, C-3, C-4, MU-1, MU-2, MU-3, MU-4, MU-5, I-1, I-2, CD-8, CD-1F)

Many commercial and industrial areas are located at entrances to the city or are key corridors through the city. These areas generate the first impressions of a community and are a significant part of our day to day experiences as we move through the city. Improving the attractiveness of signage and the overall appearance of commercial streets can contribute to enhancing the image of the region.

The following *signs* may be erected on any *parcel* or *business premise* provided that a sign permit is first obtained and all other provisions of this bylaw are satisfied:

5.3.1 Fascia Signs

- a. The combined *sign area* of all *fascia signs* plus all *canopy signs*, *awning signs*, and *projecting signs* shall not exceed 20% of the area of the *building face* for a *business premise* to a maximum of 9.0 m² (96.9 sq. ft.).
- b. For theatre uses, the *sign area* may be increased to twice the maximum *sign area* otherwise allowed with respect to one *building face* on the building in which the theatre is located.
- c. For commercial buildings with a floor area greater than 1,858 m² (20,000 sq. ft.) the combined maximum *sign area* of all *fascia signs* plus all *canopy* or *awning signs* and *projecting signs* shall not exceed 10% of the area of the *building face* for a *business premise* to a maximum of 30.0 m² (322.9 sq. ft.).
- d. Illumination of *signs* with a *sign area* greater than 9.0 m² shall use *indirect lighting* techniques.
- e. For multi-residential buildings, one *fascia sign* with a *sign area* not exceeding 1.5 m² (16.1 sq ft) is permitted.

5.3.2 Canopy or Awning Signs

- a. The combined *sign area* of all *canopy signs* or *awning signs* plus all *fascia signs*, and *projecting signs* shall not exceed 20% of the area of the *building face* or *business premise* to a maximum of 9.0 m² (96.9 sq. ft.).

- b. For commercial buildings with a floor area greater than 1,858 m² (20,000 sq. ft.) the maximum *sign area* of all *canopy or awning signs* plus all *fascia signs* and *projecting signs*, shall not exceed 10% of the area of the *building face* for a *business premise* to a maximum of 30.0 m² (322.9 sq. ft.).
- c. *Awning signs* shall be an integral part of the *awning* and not an attachment or addition.
- d. Where more than one *business premise* fronts a street under a *single awning*, there shall be not more than one *awning sign* for each business.
- e. An *awning sign* or *canopy sign* shall not project within 0.6 m (2ft.) of any curb line, or extend above the *roofline* of a building.

5.3.3 Hanging Sign

- a. One 0.2 m² (2.2 sq. ft.) *hanging sign* shall be permitted at each separate *business premise* entrance, and shall not project beyond the front edge of the *canopy or awning*.
- b. A minimum *clearance* of 2.5 m (8.2 ft.) is required between the lowest portion of the *hanging sign* and the sidewalk below.
- c. *Hanging signs* shall not be *illuminated*.

5.3.4 Projecting Signs

- a. The *sign area* shall not exceed 2.5 m² (26.9 sq. ft.) for each side of the *sign*.
- b. Only one *projecting sign* is permitted per *business premise* or *parcel*.
- c. A minimum clearance of 2.5 m (8.2 ft.) is required between the lowest portion of the *projecting sign* and the sidewalk below.
- d. A *projecting sign* shall not project more than 1.5 m (4.92 ft.) from the *building face* to which it is attached or within 0.6m (2 ft.) of any curb line, or more than 2.0 m above the *roofline* of a building.
- e. The combined area of a *projecting sign* plus all other *canopy signs* or *awning signs* and *fascia signs* shall not exceed 20% of the area of the *building face* or *business premise* to a maximum of 9.0 m² (96.9 sq. ft.).
- f. For commercial buildings with a floor area greater than 1,858 m² (20,000 sq. ft.) the maximum *sign area* of all *projecting signs* plus all *canopy or awning signs* and all *fascia signs*, shall not exceed 10% of the area of the *building face* for a *business premise* to a maximum of 30.0 m² (323 sq. ft.).

5.3.5 Freestanding Signs

For parcels with a **commercial or industrial use**, *freestanding signs* must comply with the following:

Number of Signs

- a. Only one *freestanding sign* is permitted per *parcel*, except that:
 - i. for a *parcel* with a site area exceeding 2.0 ha. (4.94 acres), two *freestanding signs* are permitted;
 - ii. where there are two or more vehicular entrances, a maximum of two *freestanding signs* are permitted provided the *signs* are located a minimum of 50.0 m apart;
 - iii. for a *parcel* with more than one street frontage, one *freestanding sign* is allowed per *frontage* to a maximum of two *signs* per *parcel*.



Each business premise under an awning is allowed one sign.



Projecting sign requirements

- b. Notwithstanding the above, in the case where separate *parcels*, all of which are zoned for commercial or industrial use, share access from a City street or highway, only one *freestanding sign* is permitted to a maximum of one per access, rather than one per *parcel*, despite being separate parcels with separate frontages.

Location

- a. *Freestanding signs* are permitted only on *parcels* with a minimum *frontage* of 30.0 m (98.4 ft.).
- b. All *freestanding signs* shall be located in a landscaped area, which shall be a minimum of 5.0 m² (53.8 sq. ft.) in area.
- c. No *sign* shall be located within 3.0 m (9.8 ft.) of an adjoining property line or within 2.0 m (6.56 ft.) of the property line facing a street and no *sign* shall be located within a *sight triangle*.

Design

- a. No *sign* shall be supported by a single pole.
- b. *Signs* shall be coordinated with the building architecture and site landscaping.
- c. The use of natural materials is encouraged.

Size

- a. For a *parcel less than 3,000 m²* (0.74 acres):
- i. *Sign area* shall not exceed 3.0 m² (32 sq.ft.), or if the *sign* is more than one sided the *sign area* shall not exceed 6.0 m² (64.5 sq.ft.)
- ii. The *sign* shall not exceed 2.5 m (8.2 ft) in *height*.
- b. For a *parcel 3,000 m² or larger but less than 2.0 ha* (4.94 acres):
- i. *Sign area* shall not exceed 4.0 m² (43.1 sq.ft.), or if the *sign* is more than one sided the *sign area* shall not exceed 8.0 m² (86.1 sq.ft.)
- ii. The *sign* shall not exceed 3.5 m (11.48 ft) in *height*.
- c. For a *parcel exceeding 2.0 ha.* (4.94 acres):
- i. *Sign area* shall not exceed 7.0m² (75.3 sq. ft.), or 14.0m² (150.7 sq. ft.) if the *sign* is more than one sided.
- ii. The *sign* shall not exceed 6.0 m (19.7 ft.) in *height*.

For *parcels* that have primarily **multi-family** or **institutional** uses:

- a. For institutional uses, the *sign area* shall not exceed 3.0m² (32.3 sq. ft.), or 6.0 m² (64.5 sq.ft) if the *sign* is more than one sided, and the *height* shall not exceed 2.0 m (6.56 ft.).
- b. For multi-residential uses, the *sign area* shall not exceed 1.5 m² (16.1 sq.ft) and the *height* shall not exceed 2.0 m (6.6 ft).
- c. Only one *freestanding sign* is permitted.
- d. *Freestanding sign* should incorporate natural materials and shall be coordinated with the building architecture and landscape design.
- e. All *freestanding signs* shall be located in a landscaped area, which shall be a



This....



instead of this....



New freestanding signs mounted on a single pole are not allowed.

minimum of 5.0 m² (53.8 sq. ft.) in area.

- f. No *sign* shall be located within 3.0 m (9.8 ft.) of an adjoining property line or within 2.0 m (6.56 ft.) of the property line facing a street and no sign shall be located within a *sight triangle*.

5.3.6 *Portable Signs* - See Part 3 for a list of prohibited sign types.

- a. The *sign area* shall not exceed 0.6 m² (6.5 sq. ft.) per face and the *height* shall not exceed 1.0 m (3.3 feet).
- b. Only one *portable sign* is permitted per *parcel*.
- c. *Signs* shall be located entirely on the same *parcel* as the *business premise* which it is advertising. *Portable signs* are not permitted on the City boulevard, sidewalk or within street rights-of-way.

5.4 Institutional (PA-1, PA-2, PA-3, PA-4)

Institutional properties such as schools, community centres and churches often host community activities and events. Electronic message boards allow these organizations to communicate information in a timely fashion. As these properties often have large areas available for landscaping, monument style signage can be accompanied by improved landscaping enhancing the overall look of the streetscape.

5.4.1 *Fascia*

- a. *Sign area* shall not exceed 20% of the area of the *building face* to a maximum of 9.0 m² (96.9 sq. ft.).

5.4.2 *Freestanding*

- a. The *sign area* shall not exceed 3.0 m² (32.3 sq. ft.) and the *height* shall not exceed 2.0 m (6.56 ft.).
- b. Only one *freestanding sign* is permitted per *parcel*.
- c. All *freestanding signs* shall be located in a landscaped area, which shall be a minimum of 5.0 m² (53.8 sq. ft.) in area.
- d. *Freestanding signs* should be *monument signs*. No sign shall be supported by a single pole.
- e. *Signs* shall be coordinated with the building architecture and site landscaping. The use of natural materials is encouraged.
- f. No *sign* shall be located within 3.0 m (9.8 ft.) of an adjoining property line or within 2.0 m (6.6 ft.) of the property line adjacent to a street.
- g. *Freestanding signs* may incorporate an *electronic message board* provided:
 - i) the *electronic message board* can be no more than 40% of the *sign area*
 - ii) the *electronic message board* must only be used to advertise uses, events and activities occurring on the property or the time and temperature
 - iii) each message must remain static for a minimum of 10 seconds
 - iv) the *sign* must not use scrolling, fading, flashing or animated display
 - v) the *electronic message board* must be a monochromatic display and must include automatic dimming features to reduce light intensity in lower ambient light conditions

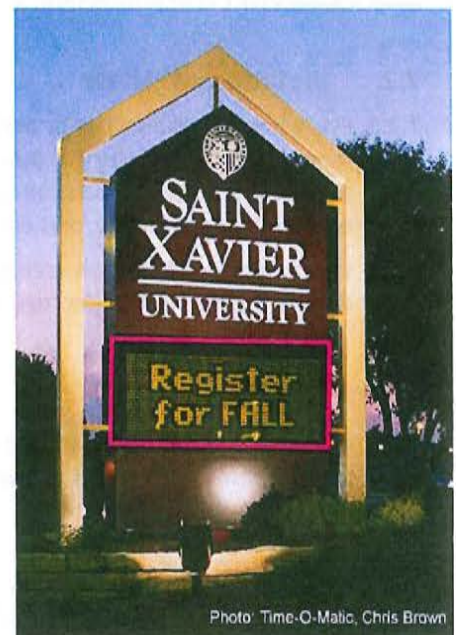


Photo: Time-O-Matic, Chris Brown

Electronic message board (shown in pink) can comprise up to 40% of the sign area.

PART 6 - APPLICATION REQUIREMENTS

- 6.1 The applicant for a sign permit shall make written application to the City on the form available therein. Such application for a sign permit should include:
- a. The name and contact information of the maker of the sign, the owner of the sign and the registered owner of the land on which the sign will be erected.
 - b. A sketch of the sign in colour indicating the proposed graphics, dimensions of the sign structure, dimensions of the copy, materials used, weight of the sign and the proposed method of illumination;
 - c. A current photograph of the building face indicating the proposed location of the sign, the dimensions of the building face where the sign will be located, and the location and dimensions of all existing signs on site which require a permit under this bylaw.
 - d. The proposed location of the sign in relation to the boundaries of the lot and required landscaping (for freestanding signs only);
 - e. Clearance between the bottom of the sign and the ground below for projecting, hanging, canopy or awning signs
 - f. Sealed drawings prepared by a Professional Structural Engineer at the discretion of the City;
 - g. Application fees as prescribed by the *City of Courtenay Fees and Charges Bylaw No. 1673, 1992* as amended or replaced from time to time.
- 6.2. The City may require as a condition of applying for a sign permit that all drawings and specifications, or any part thereof, be prepared, signed and sealed by, and the construction carried out under the supervision of a professional engineer registered in the Province of British Columbia.

PART 7 - ENFORCEMENT

7.1 Designation of Bylaw

- 7.1.1 This Bylaw is designated under Section 264 of the *Community Charter* as a bylaw that may be enforced by means of a Municipal Ticket Information in the form prescribed.

7.2 Violation of Bylaw

- 7.2.1 Every person who suffers or permits any act or thing to be done or who neglects to do or refrains from doing anything required to be done by this Bylaw, and thereby violates any provision of this Bylaw, is guilty of an offense punishable on summary conviction and shall be liable to the maximum penalties that may be imposed pursuant to the Offence Act for each and every offence, and each day that an offence continues shall constitute a separate offence against this bylaw.
- 7.2.2 Where any *sign* has been erected without a valid and subsisting *sign* permit issued by the City, the permit fees shall be double the amount of the regular permit fee.

PART 8 - SEVERANCE

- 8.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed portion.

PART 9 - REPEALS

- 9.1 *Sign Bylaw No. 2042, 1998* and all amendments thereto is hereby repealed.

Read a first time this 23rd day of September, 2013

Read a second time this 23rd day of September, 2013

Read a third time this 23rd day of September, 2013

Reconsidered, finally passed and adopted this day of October, 2013

Mayor

Director of Legislative Services

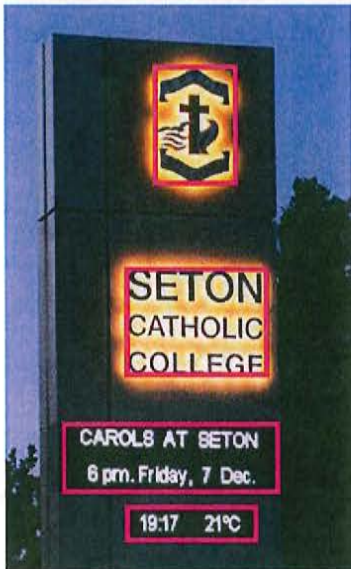
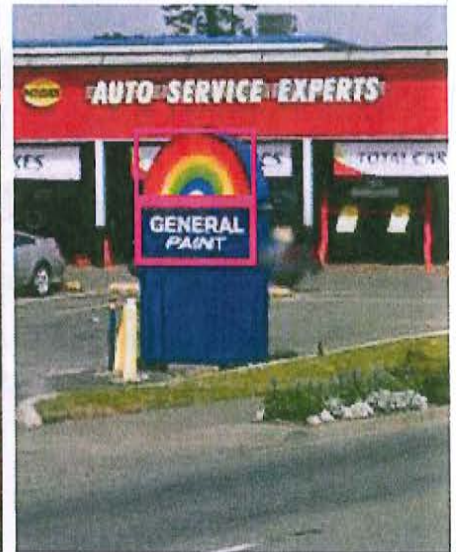
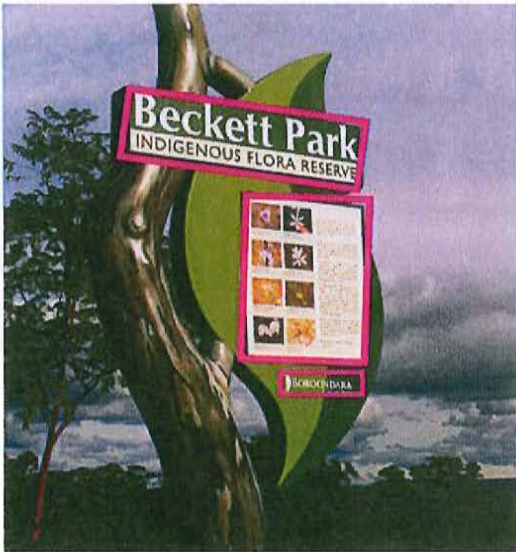
Schedule A
Downtown Sandwich Board Areas



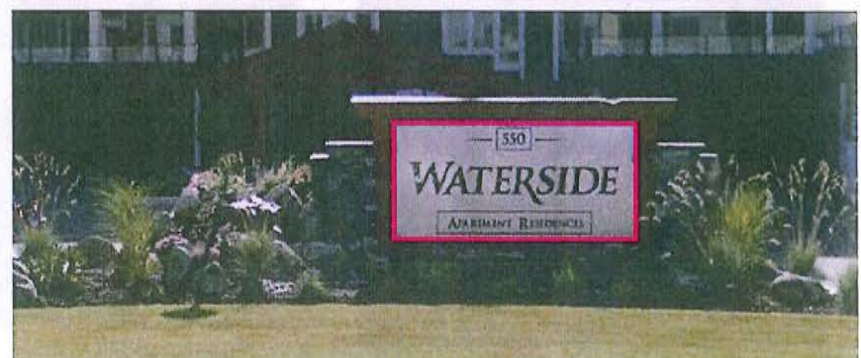
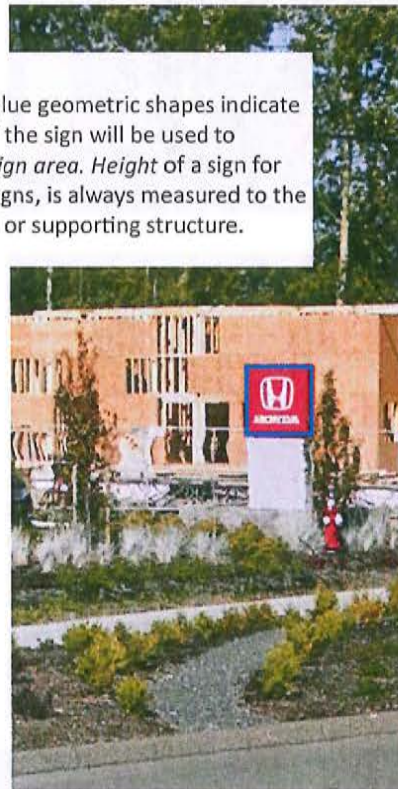
Business premises located within the shaded area are permitted to have one sandwich board on the City sidewalk provided they can meet the requirements of Section 5.1.6.

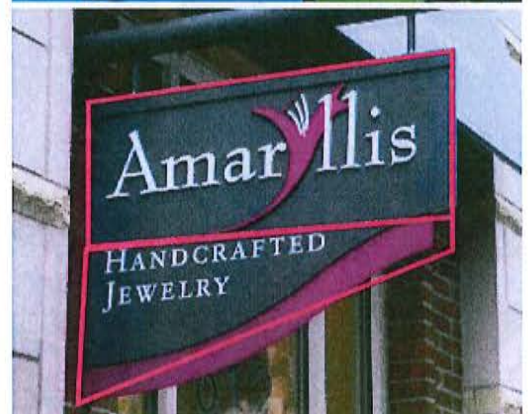
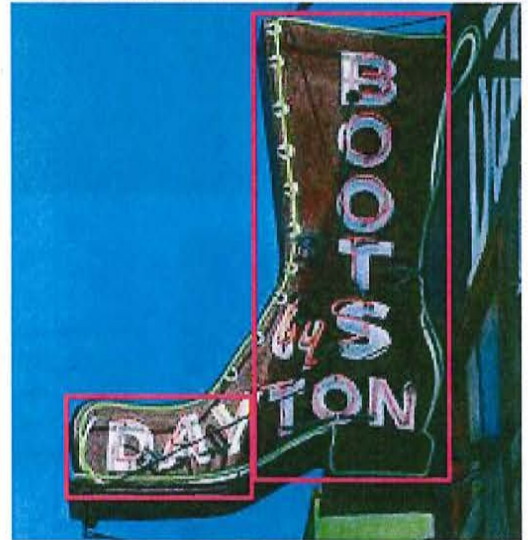
Schedule B

Sign Area Calculations



The pink and blue geometric shapes indicate which areas of the sign will be used to calculate the *sign area*. Height of a sign for freestanding signs, is always measured to the top of the sign or supporting structure.



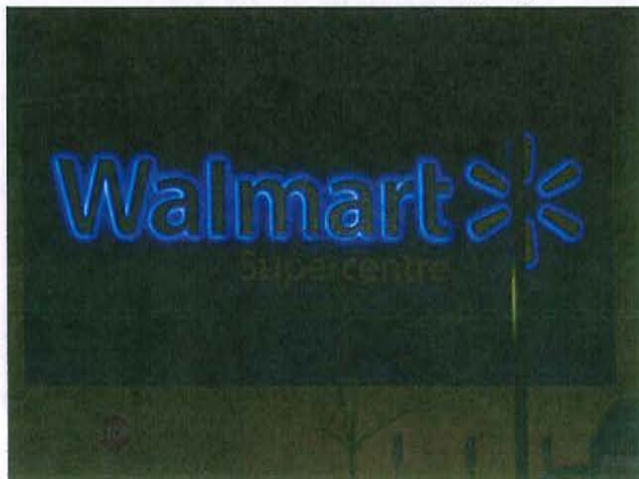


Schedule C Lighting Styles

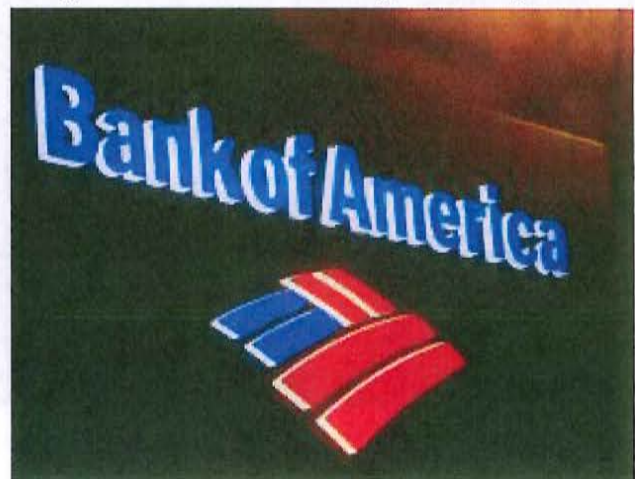
Externally Illuminated Signs



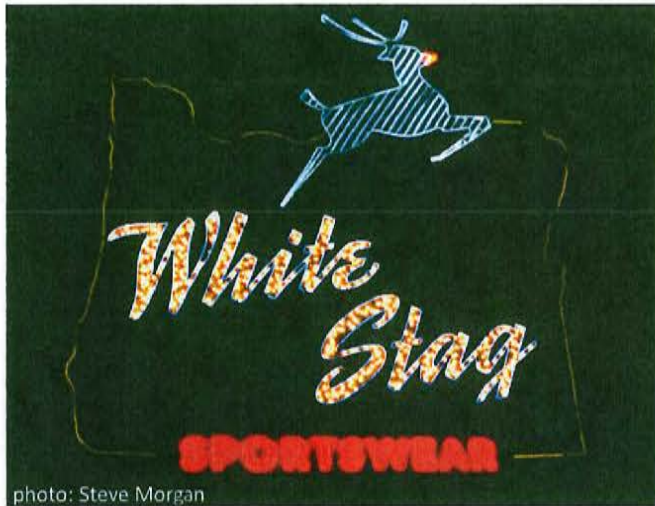
Reverse channel letters or halo-lit signage



Light Box with Push-through lettering



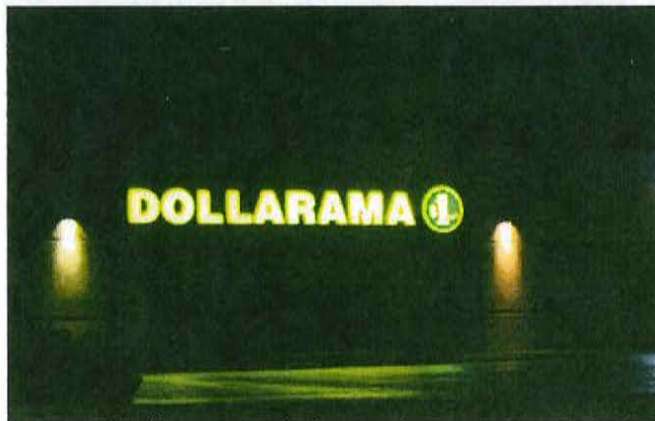
Neon



Illuminated Sign Cabinet with Translucent Face (not allowed)



Illuminated Sign Cabinet with Opaque Face (allowed)



Internally Illuminated Channel Letters

external illumination
(gooseneck)

internally illuminated
cabinet with translucent
face (not allowed)

reverse channel letters
(halo) illumination

sign cabinet with opaque
background (allowed
except downtown)



THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2766

A bylaw to impose a water service frontage tax

WHEREAS, pursuant to Section 200 of the *Community Charter*, Council may, by bylaw, impose a frontage tax to provide funding to pay for water services;

AND WHEREAS, certain costs have been or are to be incurred by the Municipality in providing water services to lands with access to the water system;

AND WHEREAS, the Council of the City of Courtenay deems it expedient to impose a frontage tax on properties connected to or capable of connecting to water services within the City of Courtenay;

NOW THEREFORE, the Council of the City of Courtenay, in open meeting assembled, enacts as follows:

1. In this bylaw, unless the context otherwise requires:

Actual Frontage means the number of metres of a parcel of land which actually abuts on the work or street as shown on the subdivision plan provided by BC Assessment.

Assessor means the Tax Collector for the City of Courtenay.

Taxable Frontage means the actual frontage in metres or, where applicable, the number of metres of a parcel of land deemed to abut on the work or street, and in respect of which parcel the frontage tax is levied for the work or service.

2. For the purpose of this bylaw, a regularly shaped parcel of land is rectangular.
 - (a) To place the Frontage Tax on a fair and equitable basis, the taxable frontage of the following parcels of land shall be the number of metres fixed by the Assessor:
 - i) A triangular or irregularly shaped parcel of land; or
 - ii) A parcel of land wholly or in part unfit for building purposes; or
 - iii) A parcel of land which does not abut on the street but is nevertheless deemed to abut on the work, as the case may be.
 - (b) For a parcel with more than one side that abuts on a street the frontage will be taken from the measurement of the street side identified by the civic address of the property.
3. A frontage tax shall be and is hereby imposed and levied upon all parcels within the City of Courtenay capable of being served by the City's water system.

4. The frontage tax will remain in effect until repealed or rescinded by the Council of the City of Courtenay.
5. The frontage tax will be levied each year on the basis of the taxable frontage of the parcel as follows:
 - (a) Parcels exceeding 30.5 metres of taxable frontage are deemed to have taxable frontages of 30.5 metres.
 - (b) Parcels with less than 15.25 metres of taxable frontage are deemed to have taxable frontages of 15.25 metres.
 - (c) In the case of multi-family, multi-level dwellings which are strata title units, the taxable frontage per unit will be deemed 9.15 metres.
 - (d) In the case of all other strata title parcels not included in paragraph (c) and sharing a single connection to the City's Water Service, the taxable frontage per parcel will be deemed 9.15 metres.
6. The parcel tax roll will be based on the BC Assessment Roll with exemptions recognized for parcels subject to statutory exemptions under the Community Charter and subject to the conditions outlined in sections 1 through 5 of this bylaw.
7. The annual amount to be paid under this tax per parcel is \$3.74 per metre of water frontage.
8. This bylaw will come into effect January 1, 2014.
9. This bylaw repeals Water Frontage Rates Bylaw, 1969, No. 1004 and all subsequent amendments.
10. This Bylaw may be cited as **"Water Service Frontage Tax Bylaw No. 2766, 2013"**.

Read a first time this 23rd day of September, 2013

Read a second time this 23rd day of September, 2013

Read a third time this 23rd day of September, 2013

Finally passed and adopted this day of , 2013

Mayor

Director of Legislative Services

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2767

A bylaw to impose a sewer service frontage tax

WHEREAS, pursuant to Section 200 of the *Community Charter*, Council may, by bylaw, impose a frontage tax to provide funding to pay for sewer services;

AND WHEREAS, certain costs have been or are to be incurred by the Municipality in providing sewer services to lands with access to the sewer system;

AND WHEREAS, the Council of the City of Courtenay deems it expedient to impose a frontage tax on properties connected to or capable of connecting to sewer services within the City of Courtenay;

NOW THEREFORE, the Council of the City of Courtenay, in open meeting assembled, enacts as follows:

1. In this bylaw, unless the context otherwise requires:

Actual Frontage means the number of metres of a parcel of land which actually abuts on the work or street as shown on the subdivision plan provided by BC Assessment.

Assessor means the Tax Collector for the City of Courtenay.

Taxable Frontage means the actual frontage in metres or, where applicable, the number of metres of a parcel of land deemed to abut on the work or street, and in respect of which parcel the frontage tax is levied for the work or service.

2. For the purpose of this bylaw, a regularly shaped parcel of land is rectangular.
 - (a) To place the Frontage Tax on a fair and equitable basis, the taxable frontage of the following parcels of land shall be the number of metres fixed by the Assessor:
 - i) A triangular or irregularly shaped parcel of land; or
 - ii) A parcel of land wholly or in part unfit for building purposes; or
 - iii) A parcel of land which does not abut on the street but is nevertheless deemed to abut on the work, as the case may be.
 - (b) For a parcel with more than one side that abuts on a street the frontage will be taken from the measurement of the street side identified by the civic address of the property.
3. A frontage tax shall be and is hereby imposed and levied upon all parcels within the City of Courtenay capable of being served by the City's sewer system.

4. The frontage tax will remain in effect until repealed or rescinded by the Council of the City of Courtenay.
5. The frontage tax will be levied each year on the basis of the taxable frontage of the parcel as follows:
 - (a) Parcels exceeding 30.5 metres of taxable frontage are deemed to have taxable frontages of 30.5 metres.
 - (b) Parcels with less than 15.25 metres of taxable frontage are deemed to have taxable frontages of 15.25 metres.
 - (c) In the case of multi-family, multi-level dwellings which are strata title units, the taxable frontage per unit will be deemed 9.15 metres.
 - (d) In the case of all other strata title parcels not included in paragraph (c) and sharing a single connection to the City's Sewer Service, the taxable frontage per parcel will be deemed 9.15 metres.
6. The parcel tax roll will be based on the BC Assessment Roll with exemptions recognized for parcels subject to statutory exemptions under the Community Charter and subject to the conditions outlined in sections 1 through 5 of this bylaw.
7. The annual amount to be paid under this tax per parcel is \$10.24 per metre of sewer frontage.
8. This bylaw will come into effect January 1, 2014.
9. This bylaw repeals Sewer Frontage Rates Bylaw, 1969, No. 1005 and all subsequent amendments.
10. This Bylaw may be cited as **"Sewer Service Frontage Tax Bylaw No. 2767, 2013"**.

Read a first time this 23rd day of September, 2013

Read a second time this 23rd day of September, 2013

Read a third time this 23rd day of September, 2013

Finally passed and adopted this day of , 2013

Mayor

Director of Legislative Services