

# AMENDED

## CORPORATION OF THE CITY OF COURTENAY COUNCIL MEETING AGENDA

**DATE:** Monday, October 7, 2013  
**PLACE:** City Hall Council Chambers  
**TIME:** 4:00 p.m.

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### **1.00 ADOPTION OF MINUTES**

1. Adopt September 23, 2013 Regular Council and September 30, 2013 Committee of Whole meeting minutes

### **2.00 INTRODUCTION OF LATE ITEMS**

### **3.00 DELEGATIONS**

Page #

1. Brett Giese, rezoning 3230-3260 Cliffe Avenue (see pg#1)

### **4.00 COMMITTEE/STAFF REPORTS**

#### **(a) Development Services**

1. Zoning Amendment No. 1307 – 3230, 3240, 3250 & 3260 Cliffe Ave

#### **(b) Operational Services**

23. 2. Annual Christmas Parade

#### **(c) Financial Services**

29. 3. Water and Sewer Parcel Taxes

### **5.00 REPORTS AND CORRESPONDENCE FOR INFORMATION**

39. 1. Jane Murphy, President and CEO, St. Joseph's General Hospital re: Hospice Services

41. 2. C.V. Economic Development re: Five Year Strategy

### **6.00 REPORTS FROM COUNCIL REPRESENTATIVES**

### **7.00 RESOLUTIONS OF COUNCIL**

### **8.00 UNFINISHED BUSINESS**

### **9.00 NOTICE OF MOTION**

**10.00 NEW BUSINESS**

- 48
1. Councillor Leonard re: V.I. Regional Library Budget
  2. Village of Cumberland re: C.V. Airport Commission Nominating Entities

**11.00 BYLAWS**

**For First and Second Reading**

- 50
1. "Zoning Amendment Bylaw No. 2761, 2013"  
(rezone 1648 Thorpe Ave. from R-1 to R-1S)
- 52
2. Zoning Amendment Bylaw No. 2768, 2013"  
(rezone 3230-3260 Cliffe Avenue to R-4A)

**For First, Second and Third Reading**

- 54
3. "Water Service Frontage Tax Bylaw No. 2766, 2013"  
(to enact a new Water Service Frontage Tax Rates Bylaw)
- 56
4. "Sewer Service Frontage Tax Bylaw No. 2767, 2013"  
(to enact a new Sewer Service Frontage Tax Bylaw)

**For Final Adoption**

- 58
5. "Sign Bylaw No. 2760, 2013"  
(to enact a new Sign Bylaw)

**12.00 COUNCIL MEMBER ROUND TABLE**

**13.00 ADJOURNMENT**



THE CORPORATION OF THE CITY OF COURTENAY  
**STAFF REPORT**

**To:** Mayor and Council

**File No.:** 3360-20-1307

**From:** Chief Administrative Officer

**Date:** October 7, 2013

**Subject:** Zoning Amendment Application No.1307 to permit multi-family residential development at 3230, 3240, 3250 and 3260 Cliffe Ave.

**PURPOSE:**

The purpose of the application is to rezone the subject properties to permit a multi-family development. The project is proposed to include 94 rental apartment units. In the application material (see attached) the applicant indicates their marketing strategy is to offer modern, affordable, clean, and safe housing to all segments of the population.

**C.A.O. RECOMMENDATIONS:**

That Bylaw No. 2768, 2013 to rezone Lots 1-4, Block 1, Section 67, Comox District, Plan 9900 (3230, 3240, 3250 and 3260 Cliffe Ave.) from Residential Rural (R-RU), Residential One (R-1) and Country Residential One (CR-1) to Residential Four A (R-4A), proceed to First and Second Reading;

That Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 2768, 2013 on October 21<sup>st</sup>, 2013 at 5:00 p.m. in City Hall Council Chambers.

Respectfully submitted,

David Allen  
Chief Administrative Officer

**BACKGROUND:**

The four subject properties are located on the north east corner of the intersection of Cliffe Avenue and Anfield Road. They are bound by the Anfield Road right of way and the Millard Creek Nature Trust Lands to the south, the Courtenay Riverway and Estuary to the east, a City owned stormwater management facility to the north and Cliffe Avenue and the Anfield Centre commercial development to the west.

The properties were annexed into the City in 2007 and three of the four lots still retain the Regional District zoning designations of the day. There are currently three single family homes and a number of accessory buildings on the properties.

**DISCUSSION:*****Official Community Plan Review:***

According to Policy 4.4.3 (5) in the *Official Community Plan*, the multi residential designation is supported in a variety of locations with the priority being downtown, including along the riverfront. The lowest priority for multi residential is in peripheral areas. In the case of the subject properties both the *Official Community Plan (OCP)* and the *South Courtenay Local Area Plan* already designate them for multi-family development. Accordingly, the proposed zoning amendment is consistent with the vision set out in these plans.

Located within walking distance of many commercial and employment opportunities and on a walkway and transit corridor linking the project to the downtown core, the development is well situated to allow tenants to choose alternatives to cars for transportation. This will assist to reduce green house gas emissions that could otherwise be generated by such a development and meet many of the goals of the Planning for Climate Change chapter of the OCP.

The proposed development will also assist in achieving Policy 4.6.6.3 (8) of the OCP which seeks to add a new linkage from the Riverway to Millard Creek Park on the west side of Cliffe Avenue. To this end, the applicant will construct a 3m wide asphalt walkway within the Anfield Road right of way to connect Cliffe Avenue with the Riverway. This new connection will align with a signalised intersection and provide safe pedestrian access from the Riverway to the park. In addition, this connection will provide a pedestrian/cycling connection from the Riverway to the extensive shopping opportunities at the Anfield Commercial Centre. Construction of the walkway will form part of the development/amenity covenant to be registered prior to final zoning approval.

An environmental assessment was completed for the project by Current Environmental. The results of this assessment indicate there are no Environmentally Sensitive Areas within the subject property. However, the development is adjacent to a forested wetland and a small drainage that connects to the estuary (the Riverway trail separates the site from these features). The result of the assessment concludes setbacks of 10m to the watercourse and 15m to the wetland are warranted. The proposed site layout is consistent with these recommendations. Additionally, the report recommends methods for stormwater management, best management practices for construction, habitat enhancements within the watercourse and wetland area and the requirements for a construction and environmental management plan. These requirements/recommendations will be outlined in the development/amenity covenant to be registered prior to final zoning approval.

***Zoning Bylaw Review:***

The proposed development is designed to work within the R-4A zone which is the same zoning designation as the vacant properties at the corner of Cliffe Avenue and 31<sup>st</sup> Street and on Cliffe Avenue at the end of 29<sup>th</sup> Street.

The preliminary design concept meets all provisions of the zoning bylaw with the exception of the parking and open space requirements. With respect to parking, the proposal as shown in the attachment has 124

parking spaces for the 94 units proposed. The zoning bylaw requirement is 141 spaces (94 X 1.5). The final parking layout will be determined at the time of detailed site design at the development permit stage and will be influenced by such factors as intersection alignment, access/egress locations and final landscape design. A variance, however, will be required and will be considered with the development permit application.

Although not located in the downtown, the development is in close proximity to various commercial, employment and recreational opportunities. Additionally, the Anfield Centre across the street is serviced by Transit and the development includes an ancillary building for maintenance and bike storage. The parking variance is supported by OCP Policy 10.3(4) that states the City will consider a reduction in the parking ratio for new developments in the City.

With regard to open space requirements, the zoning bylaw requires 20 square metres of useable open space per dwelling unit. For a 94 unit project the requirement is 1880 square metres and the proposed plan includes approximately 1200 square metres (including outdoor deck space). Similar to the parking variance a variance to the open space requirement will be considered with the development permit application. Given the close proximity to the Riverway and the recreational opportunities it provides, in addition to the construction of a new pedestrian link from Cliffe to the Riverway, staff are in support of the required variance.

**FINANCIAL IMPLICATIONS:**

The applicant will contribute to the "Parks, Recreation, Cultural and Seniors Facilities Amenity Reserve Fund" for each unit constructed. The contribution will be collected at the time of building permit and will be based on the floor area of the units.

The applicant has also agreed to enter into a Housing Agreement with the City to ensure the units remain as rentals for a period of 10 years following occupancy approval. This agreement is being offered in lieu of the typical contribution to the "Affordable Housing Amenity Reserve Fund". Staff support this option as the development will create new rental accommodation that is anticipated to provide an affordable housing option.

**ADMINISTRATIVE IMPLICATIONS:**

The processing of development applications falls within the core administrative duties of the Planning Services Division.

**STRATEGIC PLAN REFERENCE:**

NA

**OFFICIAL COMMUNITY PLAN REFERENCE:**

As outlined above the proposal is consistent with the existing multi residential OCP and Local Area Plan land use designation for the properties. The proposal will achieve the goal of adding a Riverway connection to Millard Creek Park and the location on transit and walkway corridors near existing services provides opportunities to meet climate action goals.

**REGIONAL GROWTH STRATEGY REFERENCE:**

The proposed development is consistent with the RGS goals and objectives to ensure a diversity of housing options to meet evolving demographics and needs, and to locate housing in core settlement areas close to existing services.

**CITIZEN/PUBLIC ENGAGEMENT:**

The applicant held a public information meeting on September 26, 2013 at the Westerly Hotel. The meeting was attended by one adjacent land owner who expressed support for the project. The minutes of the meeting are attached for reference.


**OPTIONS:**

1. Give Bylaw 2768 First and Second Readings and proceed to Public Hearing. (Recommended)
2. Defer consideration of Bylaw 2768 pending receipt of further information.
3. Defeat Bylaw 2768.

Prepared by:



Ian Buck, MCIP, RPP  
Manager of Planning



Peter Crawford, MCIP, RPP  
Director of Development Services

## Applicant Submissions

**ACADIA ON THE WALK****3230, 3240, 3250 & 3280 CLIFFE AVENUE**Project Statement

Crowne Pacific Development Corp. proposes to build a 94 unit apartment project divided into two 47 unit buildings for its parent company Veyron Properties Group Ltd., a Campbell River based property management company. The building's will be located at the south end of Cliffe Avenue boarding the sought after Courtenay Riverway Heritage Walk offering a gateway to Courtney's recreational trail network.

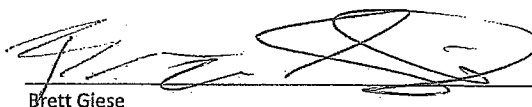
This property was strategically selected for its prime location. It offers breathtaking views of the Comox Harbor, captivating mountain ranges and is located across the street from the Walmart Shopping Centre, offering a full spectrum of retail services. The development will also be within walking distance of the Driftwood mall which offers more retail options, recreation, restaurant's and a movie theatre all within a 5 minute walking radius and is a hub for all of the major bus routes.

Each building will consist of 47 self-contained suites with a mix of two and three bedrooms floor plans available. Our marketing strategy is to offer affordable housing for the retirement community, units allowing accessibility for handicapped people, strategically mixed with the working class citizens of the Comox Valley ensuring that citizens are offered an affordable, clean, safe housing option complete with all of the modern construction details that they deserve.

The exterior façade of the building's are consistent with the City of Courtenay's official community plan. They lend themselves to the West Coast Heritage architecture complete with finely crafted wood and stone accent's, the building's will serve as a great asset to its high profile location.

Acadia On The Walk will be beneficial to residents in the Courtenay area. It will offer rental rates that are competitive within the local marketplace and raise the bar for other rental properties in the area. The setting of this building's will encompass what people come to expect when living in the coastal community of Courtenay, BC with outstanding views, coupled parks and recreation at their door step, yet within walking distance from all of the cities amenities.

CROWNE PACIFIC DEVELOPMENT CORP.

  
Brett Giese

**Crowne Pacific Developments  
Ltd.  
Sustainability Statement  
*for Acadia on the Walk***

June 10, 2013

MCSL FILE 2211-47290-0





The development site lies to the south of a City of Courtenay owned property [Lot 5, Plan 9900], which is currently utilized for managing stormwater from Cliffe Avenue and the Anfield retail center. The constructed wetlands on Lot 5 drain east to the Riverside walkway, into a small wetland. The wetland, in turn, flows south to the lower reach of Millard Creek. The southern limits of the development are coincident with the 10m wide Anfield Road dedication, between Cliffe Avenue and the Comox Logging ROW.

Development as proposed consists of two – 47 unit rental apartment complexes. Each building is expected to contain eight – three bedroom suites, and 39 – two bedroom suites. Both buildings have been oriented in an east/west direction, to take advantage of the natural gradient of the site, and to provide views of the Comox Harbour.

It is the applicant's hope that the semi mature cedar hedge along the Cliffe Avenue frontage of the site can be retained. The hedge, and the natural grading of the site relative to Cliffe Avenue, will decrease the prominence of the buildings for motorists and pedestrians traveling along Cliffe Avenue.

### Target Market

The developer has indicated the anticipated target demographic for his development to be families in need of affordable rental housing. It is expected that all units will rent for between \$900 and \$1,100 per month. This range was developed based on the Canada Mortgage and Housing Corporation's guidelines for establishing affordable housing. To reaffirm his commitment to providing affordable housing, the applicant has agreed to register a Section 219 covenant with Land Titles, restricting sale or stratification of individual units and to tie rental rates to CMHC guidelines for a period of 10 years.



Figure 2 – Riparian/development interface.

## Building Design

Buildings have been modeled on similar recent projects completed by the developer on Vancouver Island. The use of natural finishes and neutral color schemes create long lasting curb appeal, and fit within the context of the natural surroundings.



Key building design components include:

- timber and stone/masonry accents at all entrances;
- natural earth tone finishes on all exterior building faces;



Figure 3 - Timber Accents



Figure 4 - Secondary entrance detailing

- the use of gables and dormers to create interesting rooflines;
- stepped roof lines and building faces to break up building massing;
- a Construction Waste Management Plan will be used to minimize the environmental footprint of housing construction;
- the use of local materials and labour will also be encouraged;



Figure 5 - Emphasis on natural, local materials

- units will be arranged in two and three bedroom configurations;



- All units will be furnished with six appliances.



Figure 6 - Interior detailing



Figure 7 - Interior detailing

## Transportation

### Pedestrian Access

The site is located along the City's primary transportation corridor, Cliffe Avenue. The development benefits from a direct connection to an arterial roadway and pedestrian walkways (both conventional sidewalk, and separated, meandering, paved walkways) along Cliffe Avenue. The Riverside Walkway, arguably the City's best known and most utilized multi-modal path, runs the entire length of the eastern development boundary. This walkway links the site to family recreation areas in the Courtenay Air Park, as well as numerous passive recreation areas along the Courtenay waterfront. All major services are within walking distance of



Figure 8 - Pedestrian connections within the site

this infill development, at the Anfield Retail Center and Driftwood Mall.



**Public Transit**

The Comox Valley Transit System provides numerous public transportation routes adjacent to the development. The Anfield Retail Center serves as a hub for this service, with access to any of the Valley's 12 major public transit routes.

**Anticipated Road network Improvements**

It is expected that improvements to the intersection of Cliffe Avenue and Anfield Road will be required to facilitate development. A traffic impact analysis of this intersection is currently being completed by the consulting team, and will be provided to City staff prior to Public Hearing.

**Infrastructure**

**Low Impact Development**

The development lies within the downtown core of the City, with access to all major municipal services "at the property line". Large diameter City water mains are available on the Cliffe Avenue frontage, and a connection to the City's sanitary sewers system is available along Cliffe Avenue. Offsite stormwater drainage infrastructure required to service the development is required. Please refer to the attached site servicing report by MCSL and Environmental Impact Assessment by Current Environmental for further details.

**Sustainable Infrastructure**

Increased sustainability will need to be addressed through new, onsite construction. To this end, the developer proposes to:



Figure 9 - Local transit routes



- utilize low flow plumbing fixtures throughout;
- incorporate drought resistant landscaping to reduce non-potable water demand;
- encourage alternate modes of transportation by emphasizing the existing pedestrian trail connections within the project area;
- utilize Low Impact stormwater management strategies, including disconnection of roof leaders from the storm drainage system, construction of storm water infiltration and polishing facilities;
- explore the opportunity to re-use rain water collected onsite for irrigation of landscaped areas;
- install oil/water separators or biological treatment systems upstream of any point of stormwater discharge to maintain water quality;
- utilize 30 year asphalt shingle roofing and other locally sourced building materials, where available and cost effective;
- meet "Built Green", or equivalent rating system;
- implement a Construction Waste Management Programme.

## Environmental Stewardship

Comox Valley Regional District Habitat Atlas Mapping indicates confirmed fish presence in a number of nearby water courses, including Millard Creek.

An Environmental Impact Assessment was undertaken by Current Environmental, to provide an environmental inventory of the site, impact assessment, and impact mitigation / compensation plan for the development.



Figure 10 – Infiltration gallery



Key findings/recommendations include:

- no environmentally sensitive areas were found on site;
- the unnamed watercourse to the north east of the development contains marginal habitat for salmonids, but is considered fish-bearing;
- wetland contains a red alder/slough sedge community, but is likely not utilized by salmonids;
- no raptor nesting sites were noted within, or adjacent to the development;
- there is no productive amphibian breeding habitat on the site;
- stormwater runoff quality has the highest potential to impact the health of aquatic communities adjacent to the site;
- wetland setbacks of 15m and watercourse setbacks of 10m are recommended;
- all stormwater from the site must pass through a qualities treatment train prior to release into the environment;
- large woody debris should be placed in adjacent wetland areas to increase the biological productivity of these areas;
- all invasive species should be removed from the site.

## Additional environmental enhancements proposed by the developer include:

- construction of a two rail, post and rail fence along property lines adjacent to environmentally sensitive areas;

- construction of a non-hard surfaced trail system along the Anfield ROW, to encourage pedestrians to avoid sensitive ecosystems.

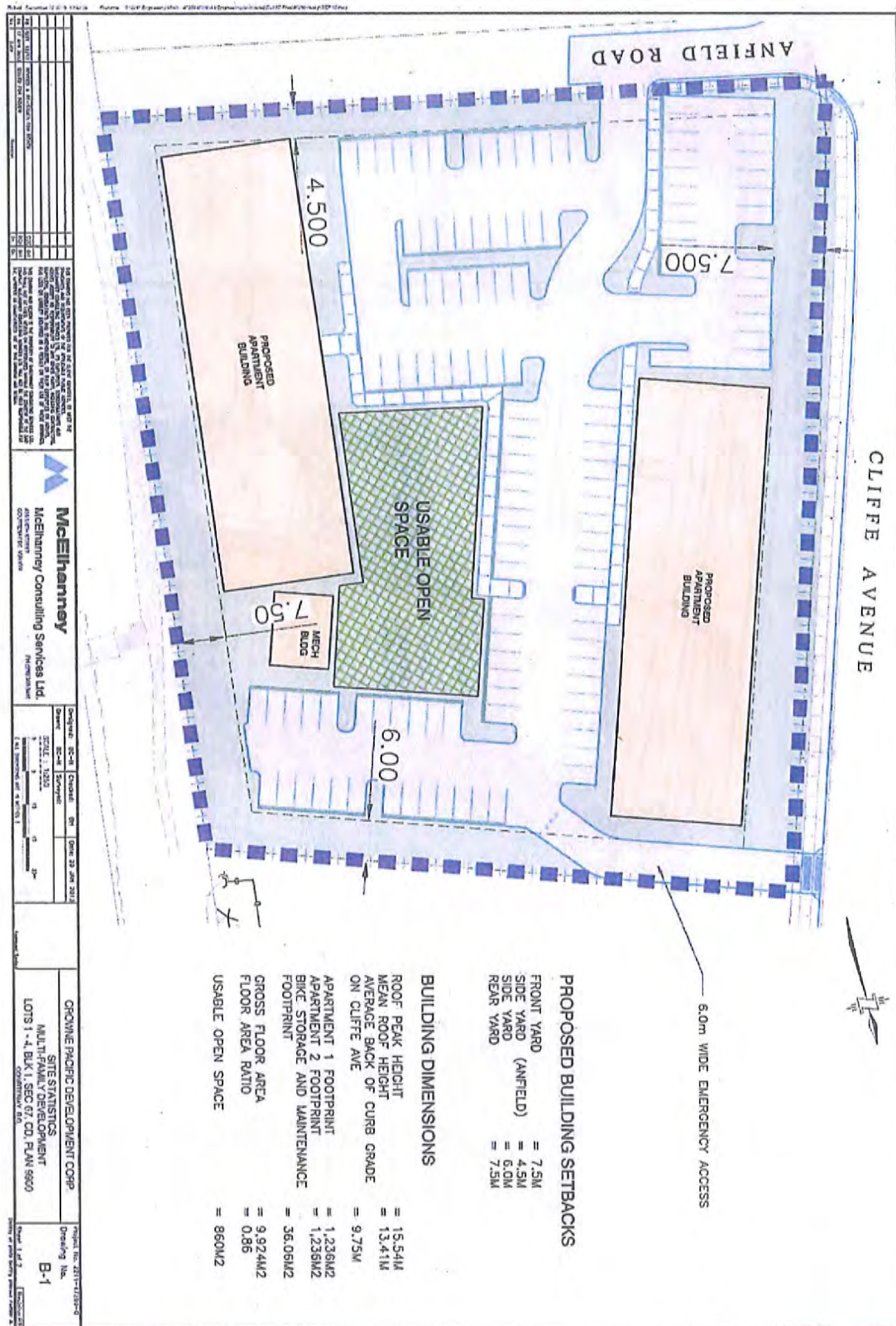
## Other Amenities

A select listing of additional amenities offered by the developer includes:

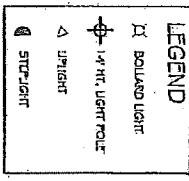
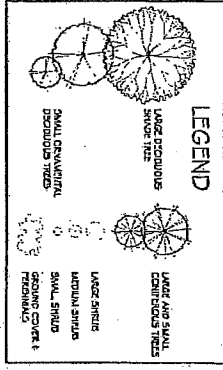
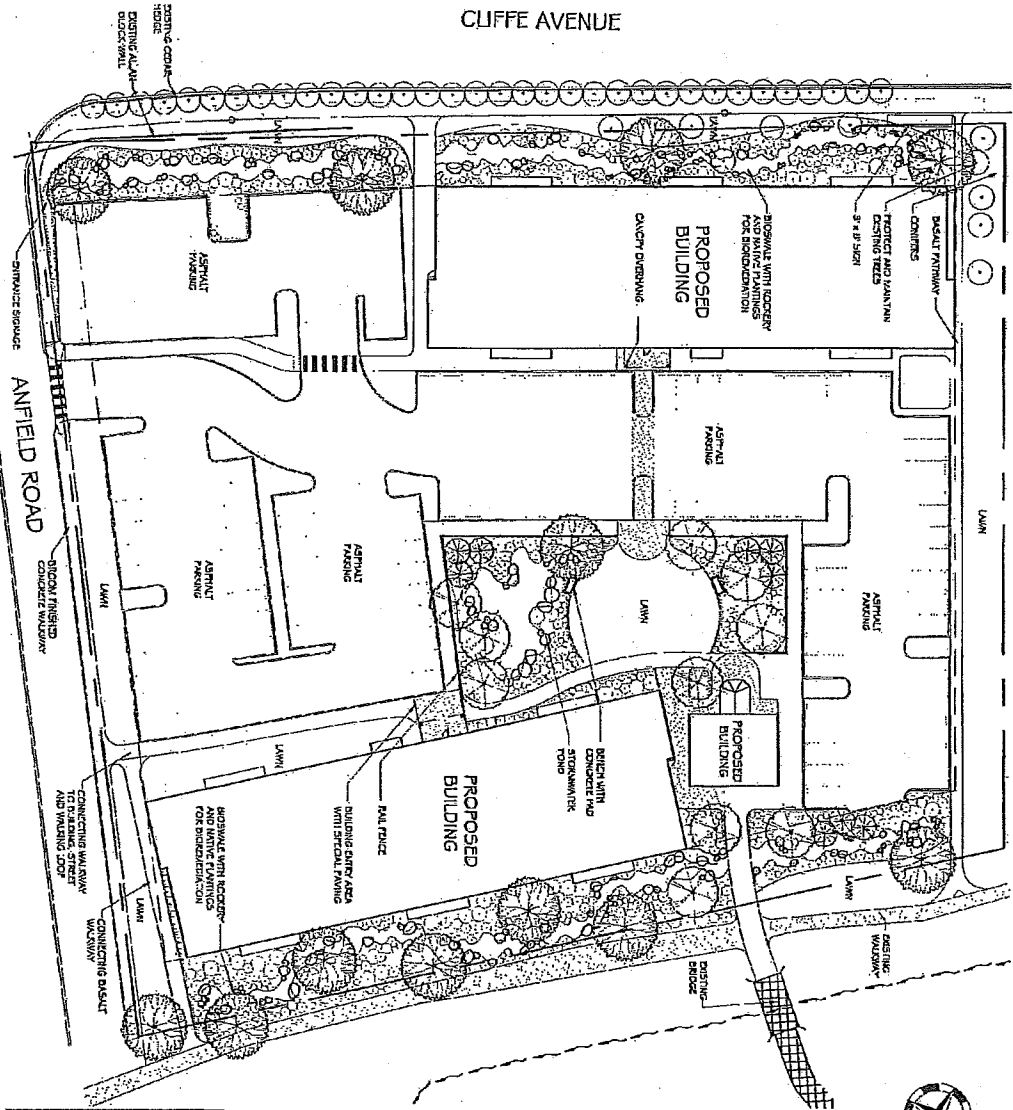
- construction of a pedestrian trail system along the Anfield ROW, from Cliffe Avenue to the Comox Logging Road;
- contribution to the City's affordable housing initiative by entering into a housing agreement which restricts sale of individual units for a period of 10 years and ties rental rates to CMHC guidelines for the same duration. As agreed with City staff, execution of this agreement fulfills the applicants requirements per section 7.7 of the Official Community Plan;
- contributions to the City's Parks, Recreation, Cultural and Seniors Facilities Amenity Reserve Fund, at the rates prescribed in section 7.7 of the Official Community Plan;
- provision of "Cash in lieu" of parkland dedication, for the construction of a large neighborhood park.



Conceptual Plans and Renderings



**ACADIA - 3230-3260 CLIFFE AVE. COURTYNEY, BC**  
**LANDSCAPE CONCEPT PLAN**  
 MAY 2013  
**SCALE 1:500**

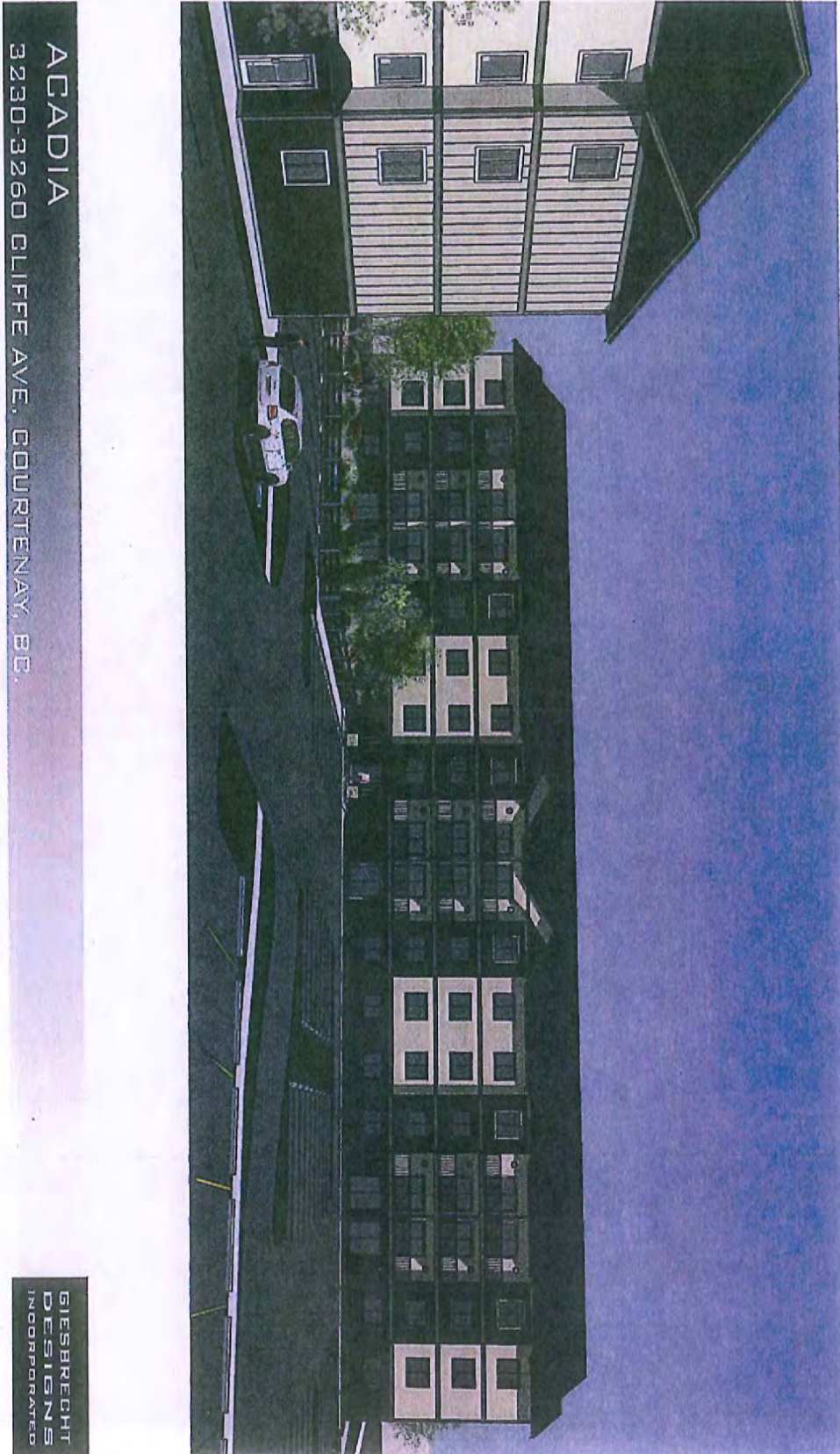


**SUGGESTED PLANT LIST**

NO.	SYMBOL	PLANT NAME	HEIGHT	SPREAD	SEASONAL INTEREST	COMMENTS
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ACADIA  
3230-3260 CLIFFE AVE. COURTENAY, BC.

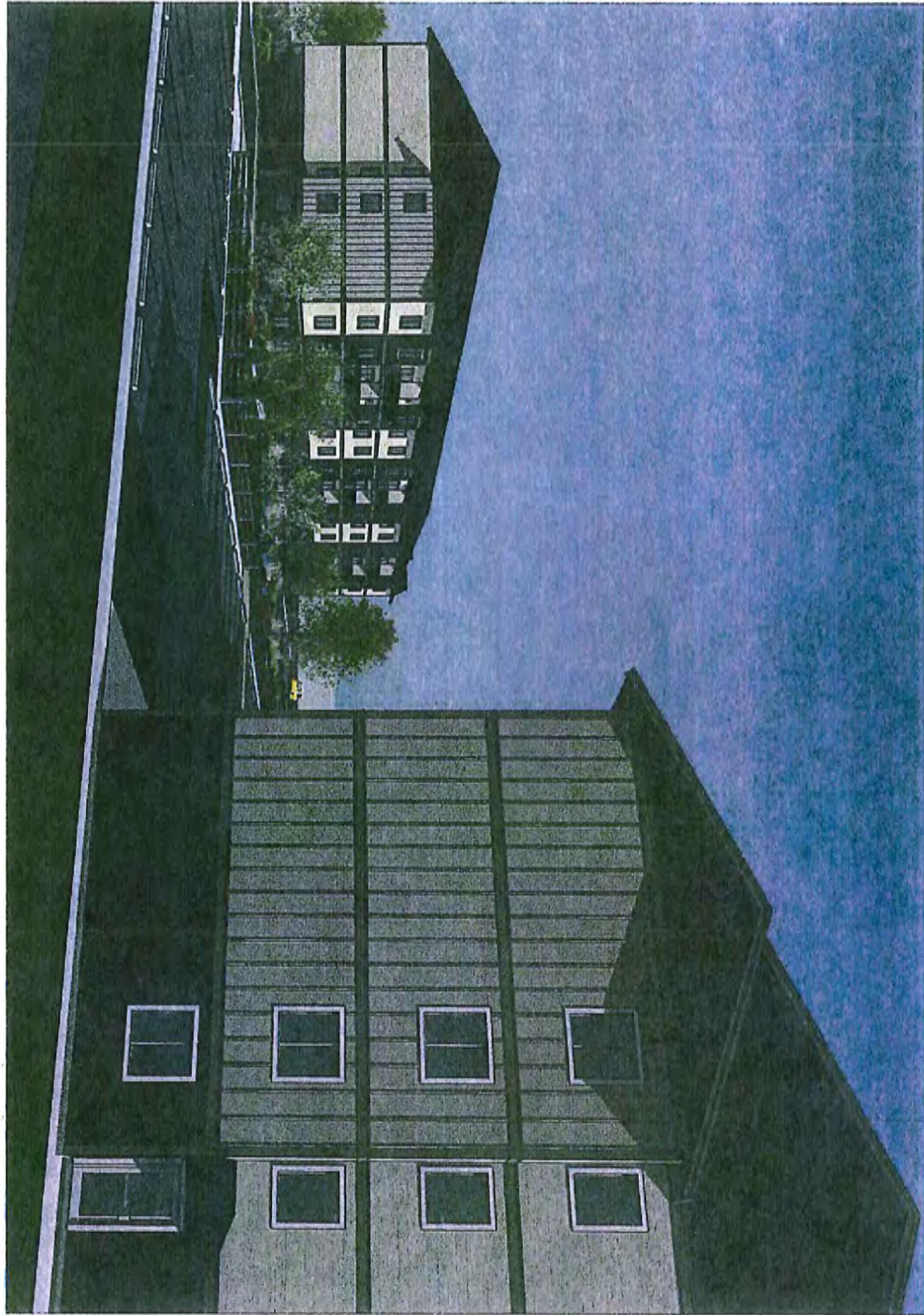
GIESBRECHT  
DESIGNS  
INCORPORATED

ACADIA  
3230-3260 CLIFFE AVE. COURTENAY, BC.



GIESBRECHT  
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INCORPORATED

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3230-3260 CLIFFE AVE., COURTENAY, BC



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GIESBRECHT  
DESIGNS  
INCORPORATED



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Public Information Meeting Minutes

NEIGHBOURHOOD MEETING

*ACADIA ON THE WALK*

Address of Project: 3230, 3240, 3250 and 3260 Cliffe Avenue  
Courtenay, B.C.

MINUTES (summary format) of the Neighbourhood Meeting held Thursday, September 26, 2013 at 6:30 p.m. in the Washington Room at the Westerly Hotel, 1590 Cliffe Avenue, Courtenay, B.C.

Present:       - Brett Giese (president, Crowne Pacific Development Corp.)  
                  - D'Arcy Frankland  
                  - Ralph Borschneck

Meeting convened at 6:30 p.m.

Brett Giese and D'Arcy Frankland attended the meeting on behalf of the applicant, Crowne Pacific Development Corporation to conduct a presentation relating to the proposed development.

A detailed explanation of the development was provided to the only other person in attendance at the meeting, Borschneck, being the developer of a neighbouring project, Crystal Shores.

Blueprints, landscaping plans and coloured renderings were available for viewing.

The individual present expressed no concern relating to the application and supported the project, indicating that it would be a great improvement to the area.

There was further discussion not related to the application but to the neighbourhood generally (i.e. site servicing, the public walkway, etc.)

The meeting adjourned at 7:35 p.m.

**PUBLIC INFORMATION MEETING**

September 26, 2013

**SIGN IN SHEET**

For

ACADIA ON THE WALK – 3230-3260 Cliff Avenue, Courtenay

NAME (Please Print)	ADDRESS
Ralph Borschneck	101 199 31st
D'Arcy Frankland	7120 Gold River Highway, Campbell River, BC
Brett Giese	2835 North Beach Drive Campbell River, BC





THE CORPORATION OF THE CITY OF COURTENAY  
**STAFF REPORT**

2

**To:** Mayor and Council

**File No.:** 5460-08

**From:** Chief Administrative Officer

**Date:** October 7, 2013

**Subject:** Request by DCBIA to close 5<sup>th</sup> Street Sunday, November 24<sup>th</sup> 2013

**CAO RECOMMENDATIONS:**

That based on the October 7<sup>th</sup> 2013 report, "Request by DCBIA to close 5<sup>th</sup> Street Sunday, November 24<sup>th</sup> 2013", Council approve the temporary closure of 5<sup>th</sup> Street, from Cliffe Avenue to McPhee Avenue, for the DCBIA's annual Comox Valley Christmas Parade from 11:30 a.m to 3:30 p.m on November 24<sup>th</sup>, 2013.

Respectfully submitted,

David Allen  
Chief Administrative Officer

**BACKGROUND:**

As described in the attached permit application package.

**DISCUSSION:**

The Downtown Courtenay Business Improvement Association will also be required to obtain a Special Event Permit to ensure the health and safety of the public during this large outdoor event. The DCBIA will also require the use of 54 barricades to be placed downtown according to their attached Traffic Plan.

**FINANCIAL IMPLICATIONS:**

The financial costs for this event will be covered by the General Roads budget for events. There is a minimal cost for post-event clean-up and the provision of barricades by the City's Operations Division.

**ADMINISTRATIVE IMPLICATIONS:**

Staff from the Operations Division will be directed to clean-up the parade route area and collect the barricades following the event, as has been coordinated in the past.

**STRATEGIC PLAN REFERENCE:**

No reference.

**OFFICIAL COMMUNITY PLAN REFERENCE:**

No reference.

**REGIONAL GROWTH STRATEGY REFERENCE:**

No reference.

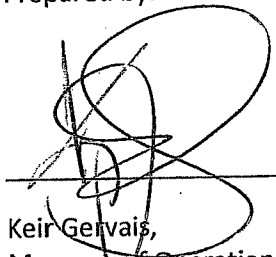
**CITIZEN/PUBLIC ENGAGEMENT:**

No engagement required.

**OPTIONS:**

- Option 1: That Council approves the closure of 5<sup>th</sup> Street temporarily on November 24<sup>th</sup> and grants the DCBIA an event permit based on the provision of the appropriate insurance, the procurement of a Special Events License and the notification of all emergency services prior to the commencement of the event.
- Option 2: That Council denies the DCBIA's application to temporarily close 5<sup>th</sup> Street on November 24<sup>th</sup>.

Prepared by:



---

Keir Gervais,  
Manager of Operations

**PRESIDENT**  
Mark Middleton  
CV Echo  
250-334-4722

**VICE-PRESIDENT**  
Deana Simkin  
Billy D's Pub & Bistro  
250-334-8811

**TREASURER**  
Keith Currie  
CV Echo  
250-334-4722

**RECORDING SECRETARY**  
Evelyn Gillespie  
Laughing Oyster Bookstore  
250-334-2511

**DIRECTORS**  
Christine Wilson  
The Butcher Block Meals  
250-332-1412

Danielle Duncan  
Union Street Grill & Groit  
250-897-0081

Jason McMahon  
Sock Solree  
250-334-1992

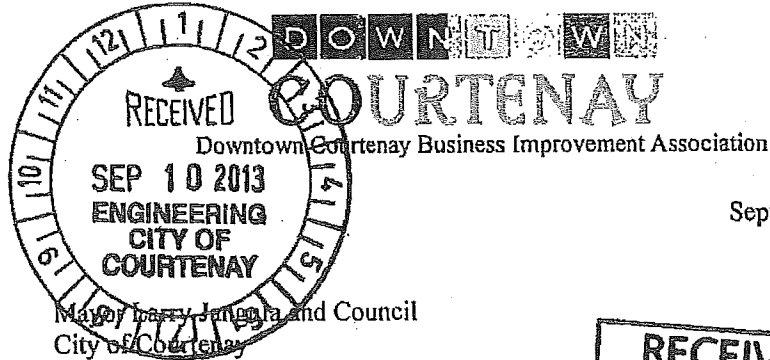
Jenny Deters  
Rattan Plus  
250-650-2338

Jordan Marshall  
Hot Chocolates and  
Bakery Bakery  
250-338-8211

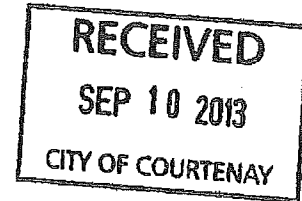
Tony McGloskey  
Red Living  
250-871-1325

Vicky Weber  
Velvet Underground Hair Group  
250-897-1800

**EXECUTIVE DIRECTOR**  
Kim Stubblefield  
250-703-3790  
[info@downtowncourtenay.com](mailto:info@downtowncourtenay.com)



September 5, 2013



Dear Mayor Jangula and Councillors:

**Re: Comox Valley Christmas Parade 2013**

On behalf of the Downtown Courtenay Business Improvement Association (DCBIA) we would like to request the support of the City of Courtenay for the Comox Valley Christmas Parade during the coming holiday season.

The parade will be held on Sunday, November 24 this year.

We would like to request the closure of Fifth Street for the parade during the following hours:

Sunday November 24 – Comox Valley Christmas Parade: 11:30 am – 3:30 pm; 5<sup>th</sup> St. from Cliffe Ave. to McPhee Ave. (the parade starts at 2:00 pm).

Application for Event/Parade Permit forms are attached as required.

Thank you for your support on this community event, and we look forward to your reply.

Best regards,

Kim Stubblefield  
DCBIA Executive Director

[www.downtowncourtenay.com](http://www.downtowncourtenay.com)

#203 – 580 Duncan Ave.  
Courtenay, BC  
V9N 2M7



CITY OF COURTENAY

APPLICATION FOR EVENT/PARADE PERMIT

(To be completed and returned, with insurance acceptable to the City, prior to issuance of permit and at least 7 working days prior to the event)

Name of Applicant (or contact person): KIM STUBBLEFIELD

Mailing Address: DCBIA #203-580 DUNCAN AVE., COURTENAY

Phone No: 250-703-3790 Fax No: 250-~~337-2096~~ Email: INFO@DOWNTOWNCOURTENAY.COM

Name of Event, Group etc: COMOX VALLEY <sup>337-2096</sup> CHRISTMAS PARADE

Date(s): NOV. 24, 2013 Time(s): 11:30 AM - 3:30 PM (PARADE IS 2-3 PM)

No. of Vehicles (if applicable) 30 APPROX. No. of Participants (if applicable) APPROX 40 groups

Proposed Route: (attach copy of map)  Closure of Street Required?  Yes  No  
(If Yes which Streets?)

5TH STREET FROM CLIFFE TO M'PHEE & CLIFFE FROM 3RD TO 5TH

If street closures are required a report must be submitted to Council for approval. Please allow adequate time for this to occur prior to the event.

Traffic Control Arrangements: (Name of Company/Group and Contact Person)  
(All traffic control persons to be certified)

Name: AUXILIARY RCMP Phone: \_\_\_\_\_

Are Signs and/or Barricades required?  Yes  No If yes how many 54 BARRICADES

Will any Pavement Marking Occur?  Yes  No  
(If Yes give details on marking and product used etc.)

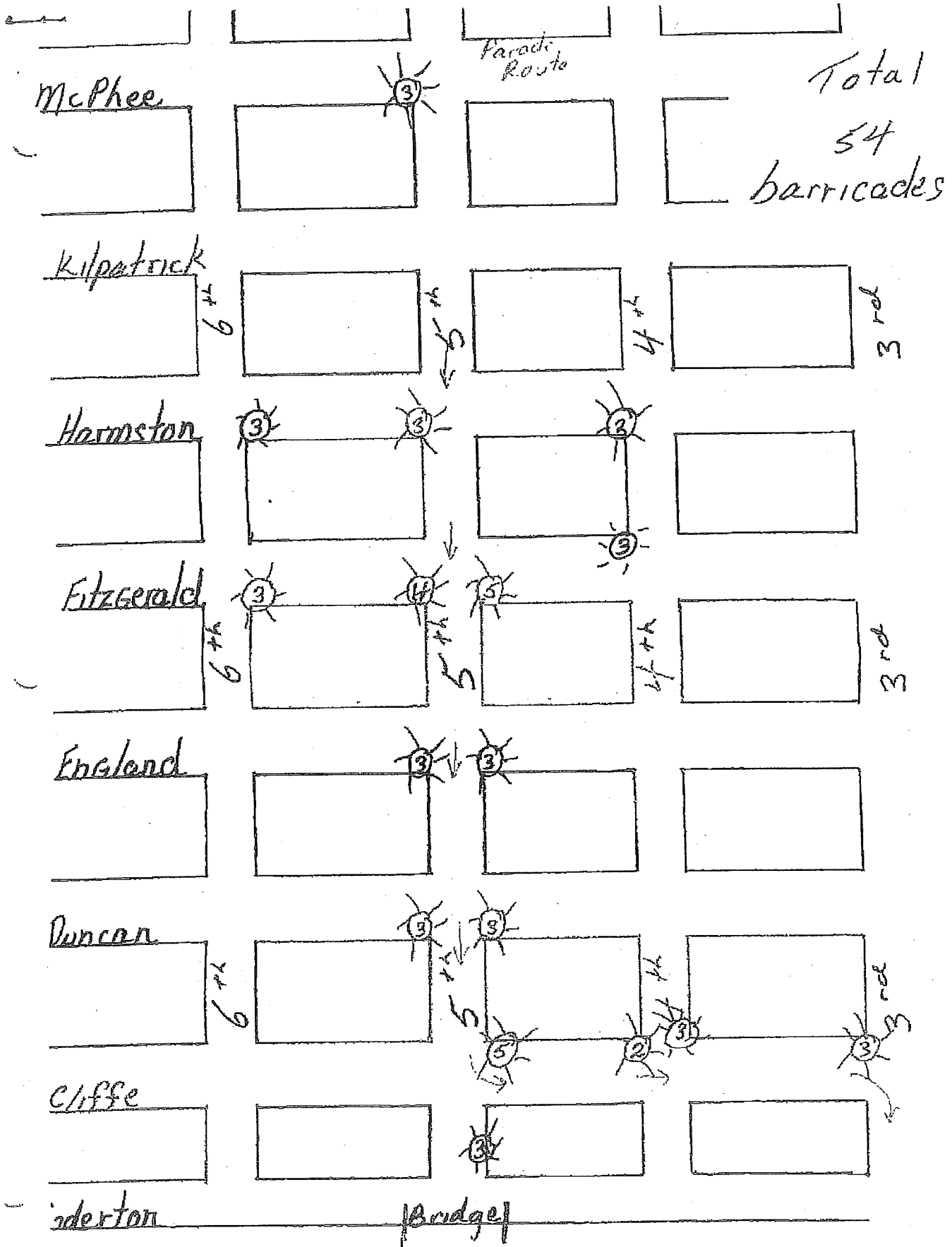
Is there any electrical wiring or installations required for the event?  Yes  No  
If Yes, complete and sign attached electrical permit application.

Office Use Only

- Insurance Accepted by Finance
- DCBIA notified
- Council Report
- Public Works Inspector Report
- Public Works notified
- Copied to Property Manager

Parade Permit letter Authorized \_\_\_\_\_

Parade Permit Letter issued date: \_\_\_\_\_



COMOX VALLEY CHRISTMAS PARADE





THE CORPORATION OF THE CITY OF COURTENAY  
**STAFF REPORT**

**To:** Mayor and Council  
**From:** Chief Administrative Officer  
**Subject:** WATER AND SEWER PARCEL TAXES

**File No.:** 1970-02  
**Date:** October 7, 2013

**PURPOSE:**

Further to Council's request of September 23, 2013, to provide additional information specific to the frontage tax recommendations for bare land strata developments.

**POLICY ANALYSIS:**

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.

**EXECUTIVE SUMMARY:**

The existing water and sewer frontage tax bylaws have become outdated. These bylaws should be updated to streamline the process of calculating frontage tax and to support a fairer approach for applying the tax to strata properties. Many of the frontage tax complaints received by City staff are in relation to strata properties, which are not specifically referred to in the existing bylaws.

On September 23<sup>rd</sup>, staff reported to Council on the results of a review of current frontage tax bylaws and procedures, and provided recommended changes to the procedure and parcel tax bylaws. The September 23<sup>rd</sup> report is attached for reference.

**C.A.O. RECOMMENDATIONS:**

That based on the September 23, 2013 report to Council, and further information provided in the October 7, 2013 report to Council, that Council endorses the Water Service Frontage Tax Bylaw, 2766, 2013 and the Sewer Service Frontage Tax Bylaw, 2767, 2013, and further, that Council authorizes staff to proceed with the conversion of the water and sewer parcel tax data.

Respectfully submitted,

David Allen  
Chief Administrative Officer

**BACKGROUND:**

On September 23, 2013 staff presented a detailed report on the results of a review of existing frontage tax procedures and provided recommended changes to the procedure and parcel tax bylaws.

Council deferred a decision on the matter, and requested further detail from staff in regards to bare land strata developments and the recommendation to apply a frontage tax of 9.15 metres (30 feet) on each unit within a bare land strata.

**DISCUSSION:**

For reference, 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 bare land 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 *it is important to note that, as with regular strata corporations, the bare land strata is responsible for delivering and maintaining the both the internal main distribution infrastructure as well as the dwelling service connections within the strata boundaries.* This adds a financial cost to owners within the strata that is not incurred by single family or duplex property owners.

While the bare land strata is responsible for the maintenance of the infrastructure within the subdivision, the City must maintain the main line infrastructure up to the subdivision property line. Therefore it is reasonable to charge a parcel tax on each parcel. However, staff feel that it is a fairer approach to apply the parcel tax at a lesser amount than that applied to single/duplex parcels.

In the September 23<sup>rd</sup> report, staff recommended that the parcel tax bylaw be rewritten to include the other types of strata title parcels that do not contain multi-family, or multi-level dwellings and are sharing a single connection to the City's services be taxed with a *deemed taxable frontage of 9.15 meters (approximately 30 feet) per parcel.*

In support of the above recommendation, and at Council's request, further analysis was undertaken specific to bare land strata developments within the City.

The Planning Department has confirmed that there are currently three bare land strata developments within the City boundaries. The average "actual" internal strata frontage per parcel was calculated to be between approximately 61 and 72 feet. Most of the parcels within the strata do not front on a City street, but front on the common property *within* the strata. In all cases, when the frontage of the entire side of the strata fronting a city street was measured and then divided by the number of parcels within the strata, the frontage per unit was calculated to be less than 30 feet.

Following is a summary of the calculation results for the three bare land strata developments:

Bare Land Strata	Number of Parcels within the Strata	Average Actual internal strata frontage per parcel (feet)	Strata Frontage adjacent to street, divided by number of parcels in the strata (in feet)
Arden Road	41	61	17
Robert Lang Drive	24	62	28
Crown Isle Drive	45	72	20



**FINANCIAL IMPLICATIONS:**

The suggested changes to the bare land strata developments produce an impact of approximately \$5,000 in reduced revenues generated by the frontage tax levies.

Provisions for the anticipated net revenue reduction of \$96,400, resulting from the implementation of all suggested bylaw revisions has already been factored into the 2013 budget, and will not have an impact on rates required for 2014. The budgeted *user fee* revenues were structured to incorporate the revenue offset required to ensure overall utility fund revenues were not impacted.

In addition, 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.

**ADMINISTRATIVE IMPLICATIONS:**

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.

**CITIZEN/PUBLIC ENGAGEMENT:**

Pursuant to Section 205 & 208 of the *Community Charter*, written notice of any increase to the taxable frontage would be given to those properties affected.

**OPTIONS:**

1. That Council endorses three readings of the following bylaws, and that Council authorizes staff to proceed with the conversion of the water and sewer parcel tax data base.

- 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.

While Option 2 provides latitude for further discussion, it also impacts on the time schedule required for implementation of the bylaws and data conversion of over 11,000 parcels of land in the tax system by 2014.

3. Make no changes to the existing bylaws.

Should Option 3 be selected, staff would continue to assess properties based on the language in the existing bylaws. Assessments for strata properties could continue to attract a level of

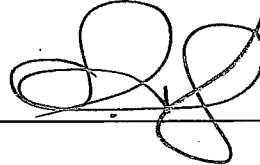
query and criticism based on fairness, and staff would continue to spend additional time converting today's metric measurement standard to frontage "feet".

Prepared by:



Jennifer Nelson, CGA  
Manager of Financial Planning

Concurrence:



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

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THE CORPORATION OF THE CITY OF COURTENAY

Handwritten initials: Alf Bus

COPY REPORT TO COUNCIL

FILE #: 197002

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:

Signature of David Allen  
David Allen

I support the recommendation.

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.

COPY FOR REFERENCE

COPY FOR REFERENCE

**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 unserviced 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.

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### 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

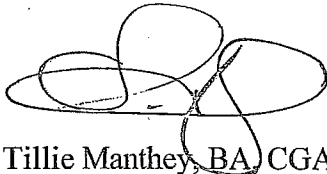
5. "The City supports the designation of multi residential housing in a variety of locations..."

**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

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FOR  
INFO

18 September, 2013

Mayor Larry Jangula  
City of Courtenay  
830 Cliffe Avenue  
Courtenay BC V9N 2J7

Dear Mayor Jangula:

Re: Development of Hospice Services for the Comox Valley

On behalf of St. Joseph General Hospital, I wish to reiterate St. Joseph's partnership with the Comox Valley Hospice Society and our joint desire to develop hospice services on the St. Joseph's site. The two organizations have a long history of working together to address the need for hospice care in our community. The Comox Valley Hospice Society and St. Joseph's General Hospital have had a formal Memorandum of Understanding (MOU) regarding the development of hospice care on the St. Joseph's site since 2011.

As you are aware, with the transition of acute care services to the new VIHA hospital in 2017 St. Joseph's is working to define its future role. With the support from Bishop Gagnon and the Diocese of Victoria, hospice care is a key service that St. Joseph's wishes to develop as part of its future role.

There has been significant planning by the Comox Valley Hospice Society and St. Joseph's over the past number of months to accommodate four hospice beds within our complex care facility – The Views. We see this as a first step toward the development of a full hospice unit. We have developed an excellent working relationship with the Comox Valley Hospice Society. In partnership, we have developed an understanding of what quality hospice services encompass; from philosophy around end of life to the multidisciplinary staffing model needed to support quality hospice services. We believe that the existing partnership between the Comox Valley Hospice Society and St. Joseph's, together with our shared commitment to develop hospice services on the St. Joseph's site, will result in the best possible hospice care for our community.

We look forward to working in partnership with the Comox Valley Hospice Society in the development of hospice services on the St. Joseph's site.

Sincerely

Jane Murphy President and CEO

Cc: *Hon. Don McRae, MLA & Minister of Social Development and Social Innovation*  
*Dave Allen, Chief Administrative Officer, City of Courtenay*  
*Audrey Craig, President, Comox Valley Hospice Society*  
*Maureen Swift, Past President, Comox Valley Hospice Society*  
*Lynn Brandon, Vice-President, Comox Valley Hospice Society*  
*Terri Odeneal, Executive Director, Comox Valley Hospice Society*



FOR info



September 30, 2013

Mayor Larry Jangula  
City of Courtenay  
830 Cliffe Avenue  
Courtenay, BC V9N 2J7

Dear Mayor Jangula,

On behalf of Comox Valley Economic Development (CVEDS), I am writing to thank you for the opportunity to have Richard Hardy, CVEDS Vice President, as well as members of our Executive Committee and staff present the recently completed five year Comox Valley Regional Economic Development Strategy at the August 19 Courtenay Council meeting. Involvement in the plan process was significant by the business and development community, the public, elected officials and, in many cases, local government staff departments.

Following the CVEDS October Board meeting, I would like to schedule a meeting with you, the City's Economic Development representative Bill Anglin, and your administrator, to review the plan and priorities that our Board will be setting over the fall for 2014. Specific year one priorities that we could work on directly with the City can be discussed, along with one of the priorities we are already proceeding with, which is the notion of increased assistance to and promotion of, the local development community.

Throughout the planning process we received significant feedback from the business and development community on the potential for development incentives and streamlined approaches to development applications, which lessen the variation in the experience at each local government. In order to continue this discussion, we are holding a series of meetings and outreach in advance of our 2014 plan and budget submission to local governments in December, and we would value your opinion in this regard.

Within the newly created Regional Economic Development Strategy, each of the plan programs has been aligned directly to local government OCP's strategies and the Regional Growth Strategy. Three of these programs speak specifically to the desire that the Comox Valley remain the development community's area of choice in an increasingly competitive investment and relocation environment; not only in an Island context, but a Western Canadian one as well. Given the qualities inherent in each of our local communities within the Valley, we believe there is value in continued growth that is properly planned and environmentally sustainable.

With a priority on industrial and new residential site specific incentives, and a goal towards greater uniformity scheduling and cost certainties, we would like to review the following program areas and specific suggested actions for a pilot project and partnership with the City of Courtenay:

1. Land and Economic Impact Analysis:
  - a. Site identification with increased promotion of development and investment opportunities within specific zones (new or existing) and potential for specific sites.
  - b. Development of an economic impact model for use by CVEDS in providing Development Permit and rezoning commentary to the City via the DP referral process. The model would allow for increased public discussion on the economic and financial benefits and costs of specific applications.

Toll Free 1.877.848.2427  
Tel 250.334.2427  
Fax 250.334.2414  
investcomoxvalley.com



- c. Encouragement of greater uniformity in approach to the development review process, including identification and communication of best practice tools and processes improvements, which may include support in monitoring application timing and accuracy of submission.
- 2. Specific Area Enhancement Program (Downtown / Waterfront/ Settlement nodes / Rural Settlement Areas)
  - a. In partnership with the City support the identification and ultimately the creation of a new and unique development incentive program.
- 3. Business Visitation Program
  - a. As an ongoing initiative, CVEDS utilizes information obtained through business/developer/investor interviews and surveys to identify common challenges issues and barriers that are either real or perceived, with a goal to support the development of effective responses in partnership with the appropriate agencies or government departments.

Creating an increased awareness on the positive investment and regulatory climate in the City of Courtenay, in partnership with both the local government and private sector stakeholders, is one of our highest priorities as we move through the new strategic plan.

I look forward to meeting with you to discuss this vision, obtain feedback, and layout the specific direction that would be most suitable for the City of Courtenay in regards to these three programs. Please do not hesitate to contact me directly or arrange meeting options with our Executive Director, John Watson.

While we are a regionally mandated economic development organization, we are well aware of the unique circumstances related to development that the Valley's individual municipalities, regional district and smaller settlement areas require.

Best regards,



Ian Whitehead, President  
Comox Valley Economic Development

CC: David Allen, CAO, City of Courtenay

THE CORPORATION OF THE CITY OF COURTENAY

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Bis

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 unserviced 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

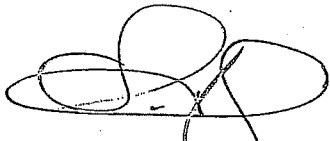
5. "The City supports the designation of multi residential housing in a variety of locations..."

**REGIONAL GROWTH STRATEGY REFERENCE:**

Goal 1: Housing:

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

Respectfully submitted,



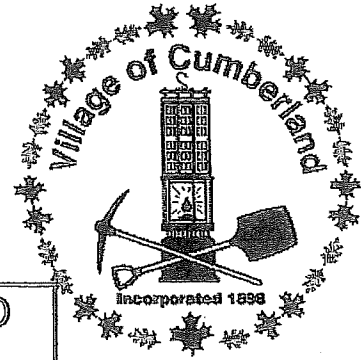
Tillie Manthey, BA, CGA  
Director of Financial Services/Deputy CAO



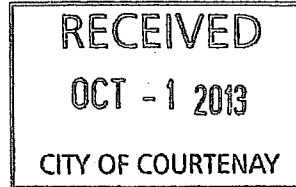
Jennifer Nelson, CGA  
Manager of Financial Planning



# OFFICE OF THE MAYOR



NDU  
P.S.



File No. 0360-20

September 26, 2013

Mayor and Council  
City of Courtenay  
830 Cliffe Avenue,  
Courtenay, BC V9N 2J7

Dear Mayor Jangula and Council,

Following this year's Comox Valley Airport Commission's nominating entities meeting on August 14, 2013, at which a discussion took place on the nominating process for new directors, I am writing to each of the nominating entities to suggest a change to this nominating process.

When a vacancy is expected on the Board, the bylaws currently require that the nominating entity, or the four local government nominating entities together, provide names of nominees to the secretary of the Commission. For the local government nominating entities, this requires some coordination to submit nominees on behalf of the four organizations, who may each advertize and, together, must provide at least two nominees for a vacancy.

In order to make this process more efficient, particularly for the local government nominating entities, Cumberland Council is proposing an alternate process when vacancies on the Board arise. The Commission would advertise for local government candidates, receive and screen applications, interview candidates and then refer its recommended candidates to the local governments for comment before the individual is appointed by the Board.

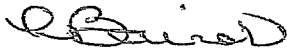
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Please consider this proposal and provide me with any comments, concerns, or an indication of support at your convenience. If the majority of responses are favourable, I expect that Cumberland Council will submit the proposal to the Commission for its consideration.

Please feel free to contact me if you would like to discuss this further.

Yours sincerely,



Leslie Baird  
Mayor

c. Board of Directors  
Comox Valley Airport Commission



THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2761

A bylaw to amend Zoning Bylaw No. 2500, 2007

WHEREAS the Council has given due regard to the consideration given in Section 903 of the *Local Government Act*;

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

1. This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2761, 2013".
2. That "Zoning Bylaw No. 2500, 2007" be hereby amended as follows:
  - (a) By rezoning Lot 5, District Lot 157, Comox District, Plan 46644, as shown in bold outline on Attachment A which is attached hereto and forms part of this bylaw, from Residential One Zone (R-1) to Residential One S Zone (R-1S);
  - (b) That Schedule No. 8 be amended accordingly.
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 7<sup>th</sup> day of October, 2013

Read a second time this 7<sup>th</sup> day of October, 2013

Considered at a Public Hearing this            day of            , 2013

Read a third time this            day of            , 2013

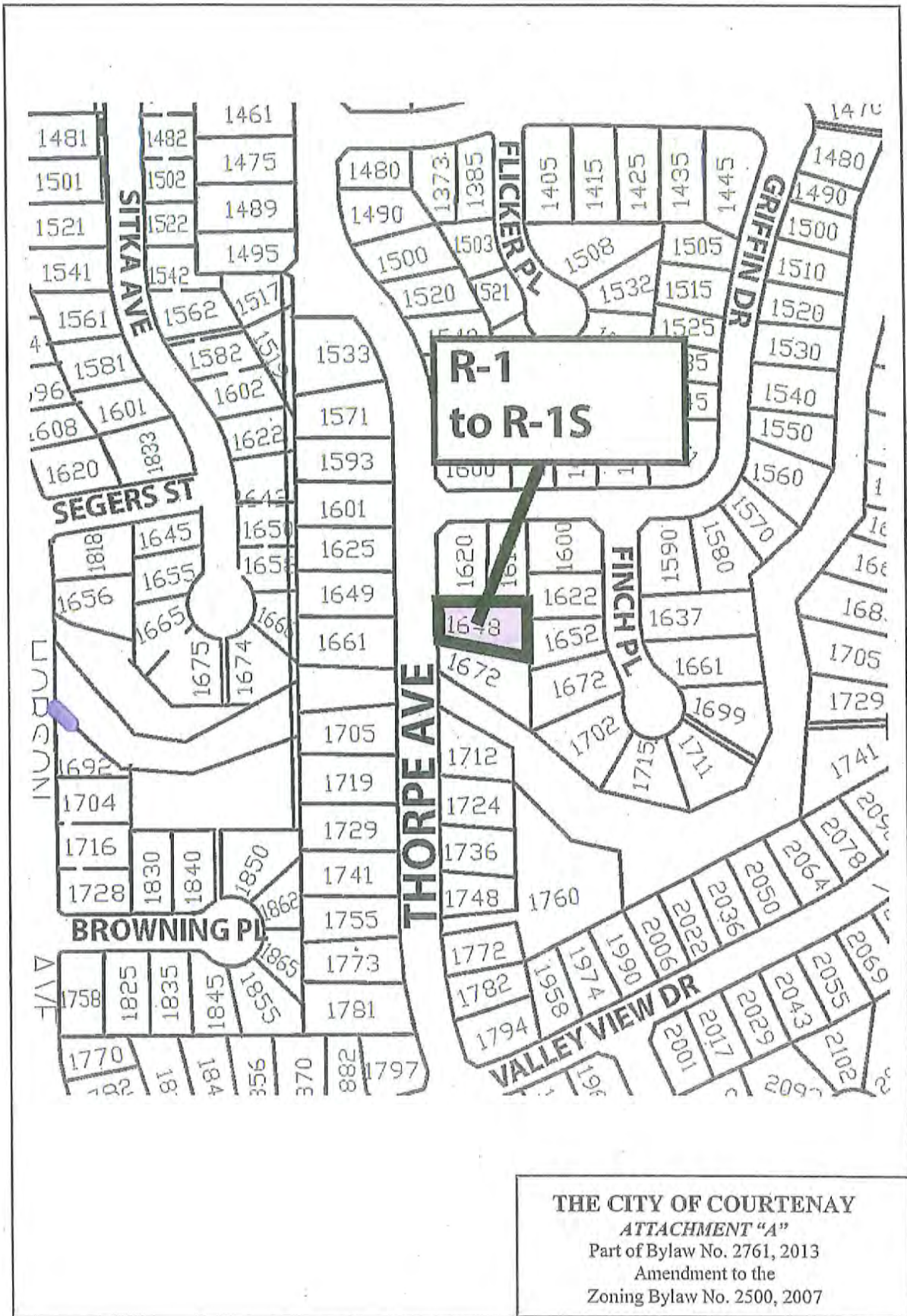
Finally passed and adopted this            day of            , 2013

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Director of Legislative Services









THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2768

A bylaw to amend Corporation of the City of Courtenay Zoning Bylaw No. 2500, 2007

WHEREAS the Council has given due regard to the consideration given in Section 903 of the *Local Government Act*;

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

1. This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2768, 2013".
2. That "Zoning Bylaw No. 2500, 2007" be hereby amended as follows:
  - a) by rezoning Lots 1 and 2, Block 1, Section 67, Comox District, Plan 9900 from Residential-Rural to Residential Four A (R-4A);
  - b) by rezoning Lot 3, Block 1, Section 67, Comox District from Residential One (R-1) to Residential Four A (R-4A); and
  - c) by rezoning Lot 4, Block 1, Section 67, Comox District, Plan 9900 from Country Residential One (CR-1) to Residential Four A (R-4A),

as shown on Attachment A which is attached hereto and forms part of this bylaw.

3. That Zoning Bylaw No. 2500, 2007, Schedule No. 8 be amended accordingly.
4. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 7<sup>th</sup> day of October, 2013

Read a second time this 7<sup>th</sup> day of October, 2013

Considered at a Public Hearing this            day of            , 2013

Read a third time this            day of            , 2013

Finally passed and adopted this            day of            , 2013

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Director of Legislative Services



Attachment A to "Zoning Amendment Bylaw No. 2768, 2013"





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 meters.
  - (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 meters.
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 7<sup>th</sup> day of October, 2013

Read a second time this 7<sup>th</sup> day of October, 2013

Read a third time this 7<sup>th</sup> day of October, 2013

Finally passed and adopted this      day of      , 2013

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Mayor

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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 meters.
  - (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 meters.
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 7<sup>th</sup> day of October, 2013

Read a second time this 7<sup>th</sup> day of October, 2013

Read a third time this 7<sup>th</sup> day of October, 2013

Finally passed and adopted this      day of      , 2013

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Mayor

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Director of Legislative Services



**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 m<sup>2</sup> (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 m<sup>2</sup> (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.

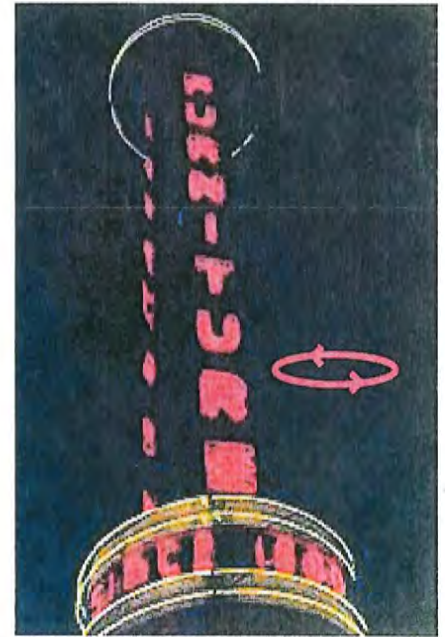
**Prohibited Signs** - The images below are examples of some of the signs which are not allowed. This is not an exhaustive list. Some of the signs featured below may be allowed with special permissions as stated elsewhere in this bylaw and these signs have been indicated with an asterix \*



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 m<sup>2</sup> (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 m<sup>2</sup> (21.5 sq.ft.) provided the maximum area allocated for each business premise is no greater than 0.2 m<sup>2</sup> (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 m<sup>2</sup> (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 m<sup>2</sup> (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 m<sup>2</sup> (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 m<sup>2</sup> (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 m<sup>2</sup> (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 m<sup>2</sup> (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 m<sup>2</sup> (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 m<sup>2</sup>(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 m<sup>2</sup> (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 m<sup>2</sup> (75.3 sq. ft.) or 14.0 m<sup>2</sup> (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 m<sup>2</sup> (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 m<sup>2</sup> (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 m<sup>2</sup> (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 m<sup>2</sup> when all 4 signs are added together.



Hanging Sign



Projecting Sign

### 5.1.3 Hanging Signs

- a. One 0.2 m<sup>2</sup> (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 m<sup>2</sup> (96.9 sq. ft.).
- b. The *sign area* of a *projecting sign* shall not exceed 2.5 m<sup>2</sup> (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 m<sup>2</sup> (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 m<sup>2</sup> (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 m<sup>2</sup> (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 m<sup>2</sup>



*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 m<sup>2</sup> (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 m<sup>2</sup> (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.

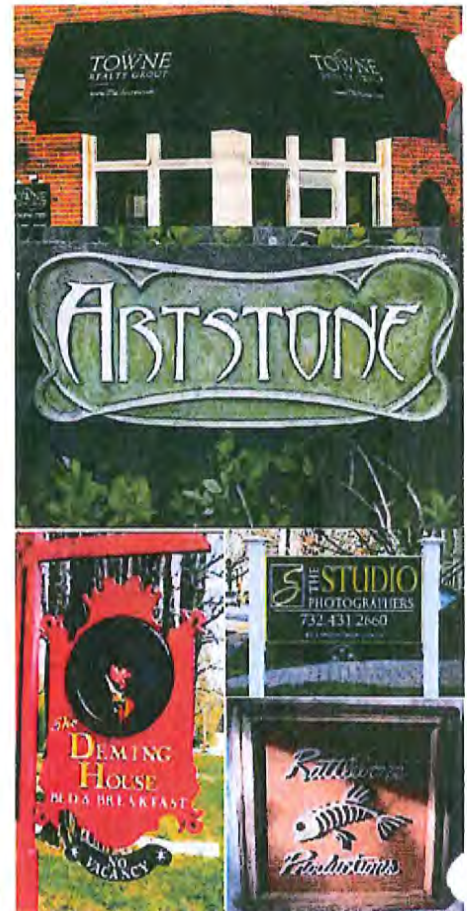
Within the Old Orchard Commercial Area, one *sign* is permitted per *parcel*. The *sign* may be either a *fascia sign*, *awning or canopy sign*, or *freestanding sign* provided it meets the following provisions:

### 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 m<sup>2</sup> (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 m<sup>2</sup> (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 m<sup>2</sup> (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 m<sup>2</sup> (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 m<sup>2</sup> (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 m<sup>2</sup> (322.9 sq. ft.).
- d. Illumination of *signs* with a *sign area* greater than 9.0 m<sup>2</sup> shall use *indirect lighting* techniques.
- e. For multi-residential buildings, one *fascia sign* with a *sign area* not exceeding 1.5 m<sup>2</sup> (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 m<sup>2</sup> (96.9 sq. ft.).

- b. For commercial buildings with a floor area greater than 1,858 m<sup>2</sup> (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 m<sup>2</sup> (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 m<sup>2</sup> (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 m<sup>2</sup> (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 m<sup>2</sup> (96.9 sq. ft.).
- f. For commercial buildings with a floor area greater than 1,858 m<sup>2</sup> (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 m<sup>2</sup> (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 m<sup>2</sup> (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 m<sup>2</sup> (0.74 acres):
- i. *Sign area* shall not exceed 3.0 m<sup>2</sup> (32 sq.ft.), or if the *sign* is more than one sided the *sign area* shall not exceed 6.0 m<sup>2</sup> (64.5 sq.ft.)
  - ii. The *sign* shall not exceed 2.5 m (8.2 ft) in *height*.
- b. For a *parcel* 3,000 m<sup>2</sup> or larger but less than 2.0 ha (4.94 acres):
- i. *Sign area* shall not exceed 4.0 m<sup>2</sup> (43.1 sq.ft), or if the *sign* is more than one sided the *sign area* shall not exceed 8.0 m<sup>2</sup> (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 7.0m<sup>2</sup> (75.3 sq. ft.), or 14.0m<sup>2</sup> (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 3.0m<sup>2</sup> (32.3 sq. ft.), or 6.0 m<sup>2</sup> (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 m<sup>2</sup> (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 m<sup>2</sup> (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 m<sup>2</sup> (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 m<sup>2</sup> (96.9 sq. ft.).

#### 5.4.2 *Freestanding*

- a. The *sign area* shall not exceed 3.0 m<sup>2</sup> (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 m<sup>2</sup> (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 offence 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

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Mayor

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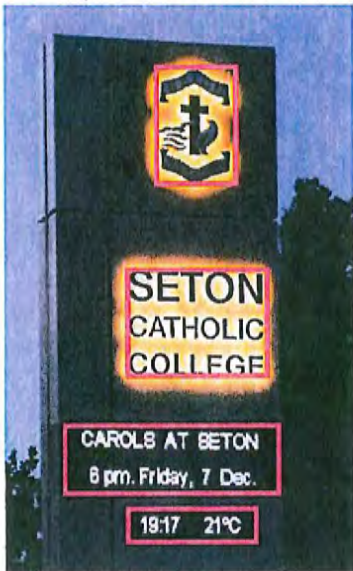
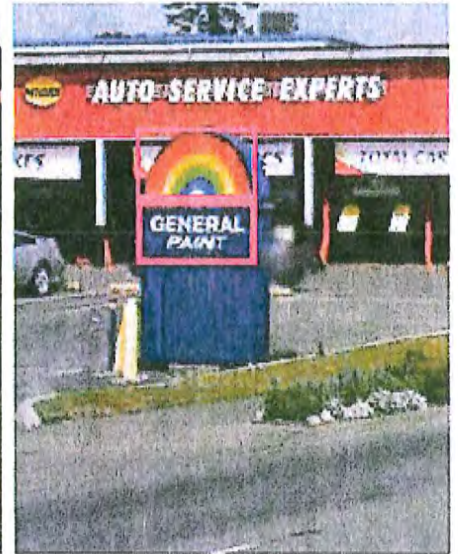
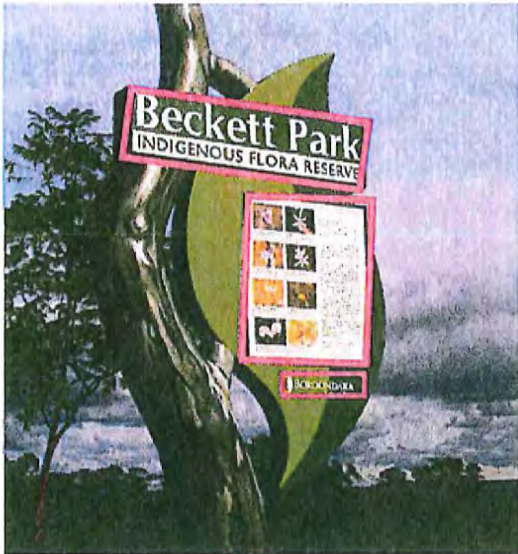
Director of Legislative Services

Schedule A  
Downtown Sandwich Board Areas

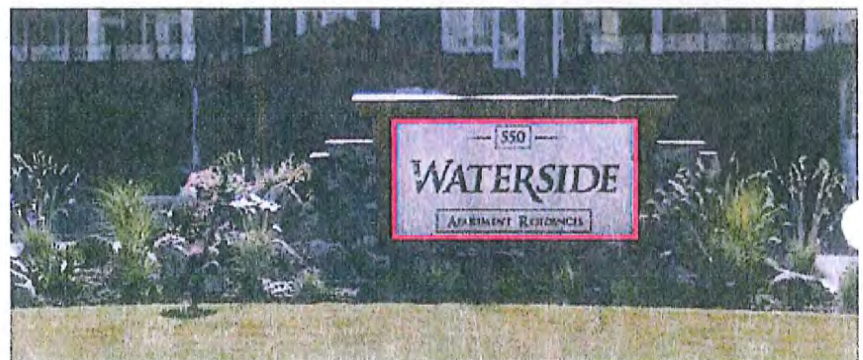
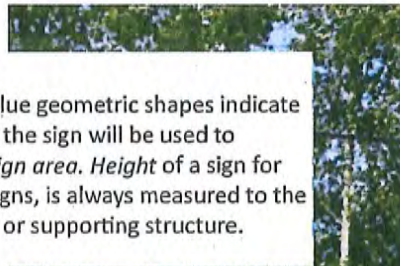


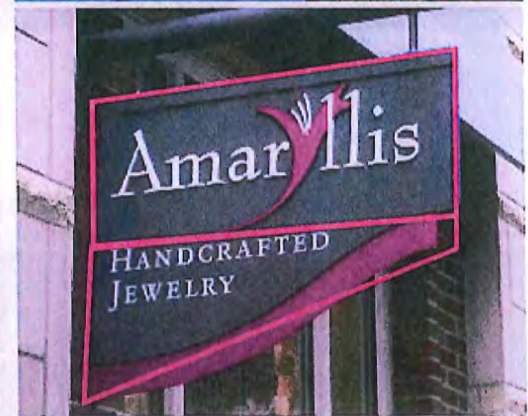
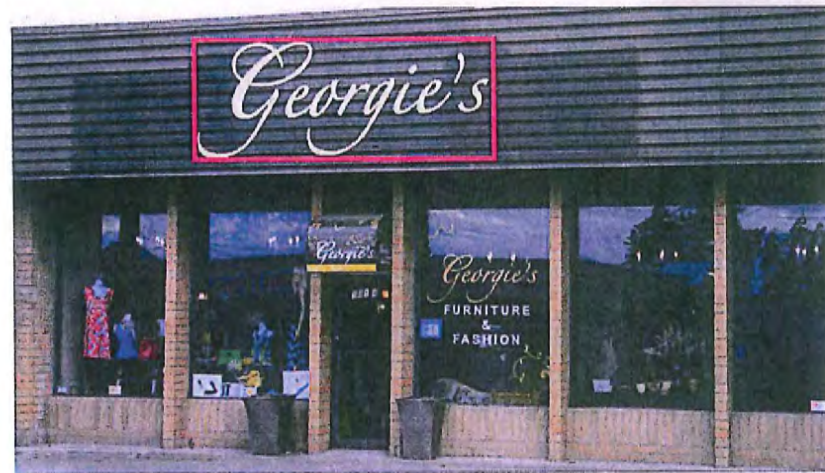
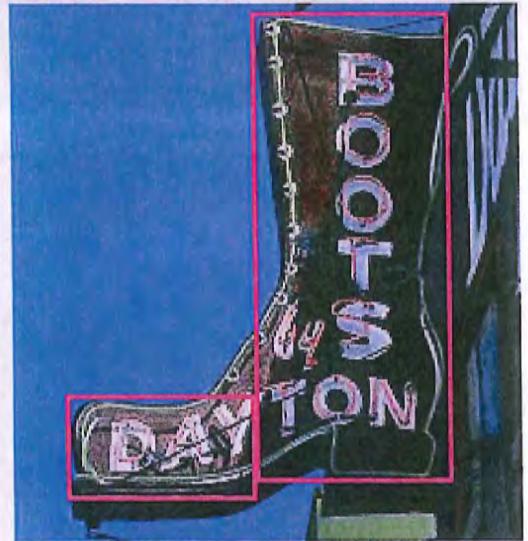
Business premises located within the shaded area are permitted to have one sandwich board on the City sidewalk provided they can meet the requirements of Section 5.1.6.

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



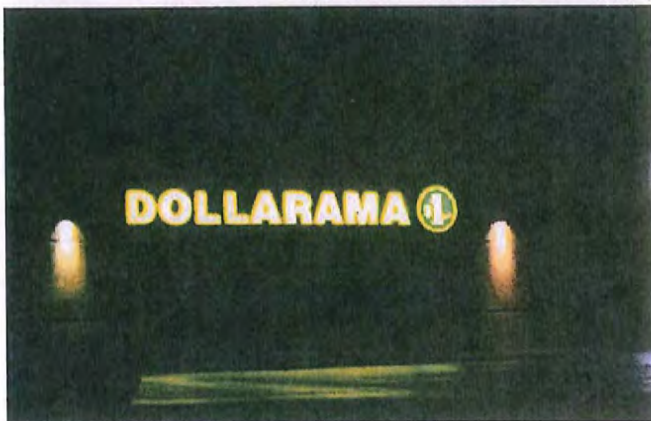
Neon



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)



