



DATE OF MEETING: February 9, 2017
TO: Gabriola Island Local Trust Committee
FROM: Teresa Rittemann, Planner 2
Northern Team
SUBJECT: Interim Staff Report – GB-6500-20 – Roadside Signage Project
Gabriola Island Amendment Bylaw No. 291 (Signage)

RECOMMENDATIONS

1. That Gabriola Island Local Trust Committee Bylaw No. 291, cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 2, 2016”, be amended as specified in Attachment 2 – “Appendix A” of the staff report received February 9, 2017.
2. That Gabriola Island Local Trust Committee Bylaw No. 291, cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 2, 2016”, be read a second time, as amended.
3. That the Gabriola Island Local Trust Committee request staff to schedule a Public Hearing to consider Gabriola Island Local Trust Committee Bylaw No. 291 cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 2, 2016”.

REPORT SUMMARY

The purpose of this interim staff report is to update the Local Trust Committee (LTC) on agency and First Nations’ referral responses to proposed Bylaw No. 291 to inform potential revisions to the proposed bylaw prior to Public Hearing; and request that a Public Hearing for Bylaw No. 291 be scheduled.

BACKGROUND

At the regular business meeting on November 10, 2016, the LTC discussed Bylaw No. 291, made minor amendments, confirmed by resolution that Bylaw No. 291 was not contrary to or at variance with the Islands Trust Policy Statement, and then gave the Bylaw No. 291 First Reading. The LTC also passed a resolution to request that Bylaw Enforcement staff enforce on signs that are clearly outside of the existing and proposed regulations. Further to these actions, the LTC passed the following resolutions:

GB-2016-126

It was MOVED and SECONDED

That the Gabriola Island Local Trust Committee refer Bylaw No. 291 cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 2, 2016” to the Advisory Planning Commission, the Ministry of Transportation and Infrastructure, the Islands Trust Bylaw Enforcement, the Gabriola Island Chamber of Commerce, the Snuneymuxw First Nation, and the Gabriola Arts Council.

GB-2016-127

It was MOVED and SECONDED

That the Gabriola Island Local Trust Committee direct staff to arrange a Public Hearing to consider Bylaw No. 291 cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 2, 2016”.

ANALYSIS

Consultation

The following table summarizes all referral responses received to date of writing this report. Staff will inform the LTC of any additional responses received by the next LTC meeting (February 7, 2017).

Referral Responses

Agency/First Nation	Date of Referral	Response Deadline	Date of Response	Comment Summary
Gabriola Island Advisory Planning Commission	Dec. 1, 2016	Jan. 20, 2017	Jan. 9, 2017 APC Meeting Minutes (Trustee O’Sullivan was present at meeting)	Main recommendation: That the LTC re-consider the number of real estate signs allowed per lot.
Ministry of Transportation and Infrastructure	Dec. 1, 2016	Jan. 20, 2017	Dec. 19, 2016	No objection to proposed Bylaw No. 291. Reminder from MOTI: “Please note that any signage within the right of way is subject to Ministry discretion and regulations, as outlined in the ‘Policy Manual for Supplemental Signs’ (https://www.th.gov.bc.ca/publications/eng_publications/pmss.pdf) and permit approval.”
Islands Trust Bylaw Enforcement Department	Dec. 1, 2016	Jan. 20, 2017	Jan. 19, 2017	Bylaw Enforcement Staff met and discussed with Planning Staff, and Planning Staff have summarized and incorporated the comments.
Gabriola Island Chamber of Commerce	Dec. 1, 2016	Jan. 20, 2017	<i>None received by deadline.</i>	<i>n/a</i>
Gabriola Arts Council	Dec. 1, 2016	Jan. 20, 2017	<i>None received by deadline.</i>	<i>n/a</i>
Snuneymuxw First Nation	Dec. 2, 2016	Jan. 27, 2017	No written response received by date of writing this report. Verbal comments via phone on Dec. 7 from Chris Good that “interests likely unaffected”	Staff sent an email reminder to Chris Good, Snuneymuxw Referrals Coordinator, on Jan. 23, requesting any further comments. Staff will update LTC at the meeting on Feb. 9, 2017 if any additional comments are received by that date.

Gabriola Advisory Planning Commission (APC) Comments

At their meeting, the APC discussed real estate signs and noted “It might not be advisable to restrict the number of real estate signs to one due to lot size, lot configuration, or on waterfront lots. Often there is one For Sale sign and a separate Sold sign particularly when different real estate companies list and sell the property. It is recommended that the LTC re-consider the number of real estate signs allowed per lot.”

In the opinion of staff, the number of temporary real estate signs could be increased to a maximum of two per lot, but the maximum sign area be left the same, meaning that if there were two signs (one for the listing realtor, and one for the selling realtor), they’d have to be smaller to continue to fit in with the maximum sign area of 12.0 square feet per lot (e.g. maximum 6.0 square feet per sign). Staff would recommend making this amendment (as described on page 1 of this report) and then having additional community feedback during the Public Hearing.

Bylaw Enforcement Comments

Members of the Bylaw Enforcement team carefully examined proposed Bylaw No. 291, and then met with Planning Staff to explain their concerns. Planning Staff have proposed changes in response to Bylaw Enforcement's concerns.

Other Public Comments/Feedback

Staff also received an email from Trustee O'Sullivan, dated January 10, 2017 to "Please note the feedback below in terms of a suggestion for clarification as to the term "date of sale" in the proposed signage bylaw" (proposed clause B.4.3.1.c); the feedback being sent to Trustee O'Sullivan on the same day by local Realtor Carly McMahon who stated, "I would like to see 2 weeks after reported as a sale as opposed to 2 weeks after title transfers."

Staff note that this is not a proposed change in Bylaw No. 291 – meaning both the current version of the bylaw and proposed Bylaw No. 291 include the same regulation: that real estate signs are removed "within two weeks of sale." Staff have considered the individual feedback above and see "2 weeks after reported as sale" and believe that retaining the "within two weeks of sale" is simpler. Furthermore, staff are not aware of any outstanding bylaw enforcement issues related to real estate signs being left for more than two weeks of sale.

Rationale for Recommendation

Given the agency referral feedback at the time of writing this report, Staff are recommending a number of minor amendments (see attachment 1), and that proposed Bylaw No. 291 be amended as per attachment 2 of this report. Staff are also recommending that the bylaw be read a second time and that a public hearing be scheduled. For convenience, the public hearing may coincide with the next LTC regular business meeting (Thursday, March 9). The staff recommendation is noted on page 1 of the report.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should be advised to describe the specific information needed and the rationale for this request.

2. Defer Second Reading of the Bylaw

The LTC is not required to give Second Reading to the bylaw prior to the public hearing.

NEXT STEPS

The next steps for this project would be to hold a Public Hearing to consider proposed Bylaw No. 291.

Submitted By:	Teresa Rittemann Planner 2	January 24, 2017
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	February 1, 2017

ATTACHMENTS

1. Tracked changes between proposed Bylaw No. 291 and suggested amendments
2. "Appendix A" with suggested amendments incorporated to proposed Bylaw No. 291

Gabriola Island Local Trust Committee

Proposed Bylaw No. 291

Schedule 1

NOTE: TRACKED CHANGES BELOW ARE FOR INFORMATIONAL PURPOSES ONLY. THIS IS NOT THE PROPOSED AMENDED VERSION OF THE BYLAW.

Schedule “A” of the Gabriola Island Land Use Bylaw No. 177 cited as the “Gabriola Island Land Use Bylaw No. 177, 1999” is amended as follows:

1. Section **B.4 SIGNS** is deleted in its entirety, and replaced with the following:

“B.4 SIGNS

B.4.1. Number and Total Sign Area

B.4.1.1 Every sign, excepting those exempted in Subsection B.4.2, must comply with the provisions in Table 1.

Table 1: Sign Regulations		
Column 1	Column 2	Column 3
Zone	Maximum Number of Signs Permitted	Maximum Total Sign Area Permitted
Residential Zones		
SRR, LRR	None No maximum number	1.5 sq.m (16.1 sq.ft) per lot
SSN	2 per lot	4.0 sq.m (43.0 sq.ft) per lot
Resource Zones		
AG, F, FWR1, GP, R, RC, RR1	None No maximum number	1.5 sq.m (16.1 sq.ft) per lot
GC	None No maximum number	4.0 sq.m (43.0 sq.ft) per lot
Commercial and Industrial Zones		
VC1, VC2, DC1	2 per business	4.0 sq.m (43.0 sq.ft) per business
LC1, LC2, LC3, FP	2 per business	4.0 sq.m (43.0 sq.ft) per business
TC1, TC2	2 per lot	4.0 sq.m (43.0 sq.ft) per lot
I	2 per business	4.0 sq.m (43.0 sq.ft) per business
Recreation and Institutional Zones		
IN1, IN2, IN3, IN4, YC	2 per lot	4.0 sq.m (43.0 sq.ft) per lot
P1, P2, P3	None No maximum number	None No maximum sign area
Water Zones		
WP1, WP2, WP3	None No maximum number	None No maximum sign area
WC1, WC2, WC3, WC4, WI1, WI2, WI3, WYC	2 per water lot or lease	4.0 sq.m (43.0 sq.ft) per water lot or lease
WG	None 1 per adjacent upland lot	1.5 sq.m (16.1 sq.ft) per sign

Information Note: All signs located on a public highway, access road, or road right-of-way are within the jurisdiction of the Ministry of Transportation and Infrastructure (MOTI), and therefore must first obtain the permission of MOTI. MOTI does not grant permission for signs if they, and must not interfere with other signs, pedestrians, cyclists, or motorists’ ability to see or navigate such roadways.

B.4.2 Exempted Signs

B.4.2.1 Signs exempted from the provisions of this section are:

- a. ~~Signs~~ signs sited and maintained by government agencies, including signs for public safety or traffic; and

- b. Commemorative, historical, and interpretive *signs* in the P1, P2, and P3 zones.

B.4.3 Temporary signs

B.4.3.1 Notwithstanding B.4.1.1, real estate *signs* may be temporarily displayed in any *zone* except water zones, subject to:

- a. A maximum of two ~~one~~ signs per lot, not exceeding a total of 1.1 square metres (12.0 square feet) in *sign area*;
- b. the *sign* being located on the same *lot* as where the sale is occurring; and
- c. the *sign* being removed within two weeks of sale.

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B.4.3.2 Notwithstanding B.4.1.1, *temporary signs* advertising a special community event that is open to the public, or an educational course may be ~~temporarily~~ displayed in any *zone*, subject to:

- a. the *sign* not exceeding 0.55 square metres (6.0 square feet) in *sign area*;
- b. despite clause a. above, banners must not exceed 4.0 square metres (43.0 square feet) in *sign area*;
- c. the *sign* being displayed for a maximum of three weeks prior to the event; and
- d. the *sign* being removed within 72 hours of the conclusion of the event.

B.4.3.3 Notwithstanding B.4.1.1, *temporary directional signs* for the purpose of directing traffic to a *home occupation* may be ~~temporarily~~ displayed only in a residential or resource *zone*, subject to:

- a. the *sign* not exceeding 0.55 square metres (6.0 square feet) in *sign area*; and
- b. the *sign* must not be displayed for more than 12 consecutive hours.

B.4.3.4 Notwithstanding B.4.1.1, *temporary directional signs* for the purpose of directing traffic to an institution or business (other than a home occupation) may be ~~temporarily~~ displayed in any *zone*, subject to:

- a. the *sign* not exceeding 0.55 square metres (6.0 square feet) in *sign area*;
- b. the *sign* must not be displayed for more than 12 consecutive hours; and
- c. the *sign* must be located, erected, or displayed on the same *lot* as where the business or institutional use is occurring.

B.4.4 Home Occupation signs

- B.4.4.1 Notwithstanding B.4.1.1, *home occupation signs* are permitted, subject to:
- a. a maximum of one *sign* per lot;
 - b. the *sign* not exceeding 0.55 square metres (6.0 square feet) in *sign area*; and
 - c. the *sign* must be located on the same lot in which the *home occupation* is occurring.

B.4.5 Obsolete Signs & Derelict Signs

- B.4.5.1 *Obsolete signs* and *derelict signs* must be removed within thirty days after the *sign* becomes *obsolete* or *derelict*.
- B.4.5.2 *Obsolete signs* and *derelict signs* may be removed at the discretion of the Gabriola Island Local Trust Committee.

B.4.6 Multi-Party Signs

- B.4.6.1 ~~Despite all other references in this Bylaw~~Notwithstanding B.4.1.1, *multi-party signs* which consolidate the direction of traffic to multiple businesses shall:
- a. be limited in *sign area* to 0.2 square metres (2.15 square feet) per business, to a maximum *sign area* of 2.0 square metres (21.5 square feet);
 - b. only be located in non-residential zones; and
 - c. not be *temporary signs*.

B.4.7 Third Party Signs

- B.4.7.1 Notwithstanding B.4.1.1, *third party signs* are permitted, subject to:
- a. a maximum of one *third party sign* per lot; and
 - b. the *third party sign* not exceeding 0.55 square metres (6.0 square feet) in *sign area*.

B.4.8 Illuminated Signs

- B.4.8.1 *Internally illuminated signs* are prohibited, except where they occur as *window signs* for the purpose of displaying business hours of operation and opening, or for fuel price *signs* where only the numbers and symbols are illuminated.
- B.4.8.2 *Externally illuminated signs* must have a light source which deflects light away from the sky and towards the surface of the *sign*, and which is completely shielded from view.

~~Information Note: For the purposes of this bylaw, signs illuminated with reflective material are considered to be externally illuminated.~~

2. **PART G – DEFINITIONS**, Section **G.1 DEFINITIONS** is amended by adding the following definitions in alphabetic order:

- i. “*sign* means any device or medium, including its supporting *structure* and lighting or electrical system, which is visible from any street or lot, and which is used to attract attention for advertising, direction, information, or identification purposes.”
- ii. “*sign area* means the entire area within a continuous perimeter, enclosing the extreme limits of a *sign* display, including any frame or border; and for these purposes, the area of a double-faced *sign* is considered to be the area of one face only.”
- iii. “*sign, derelict* means any *sign* which has been abandoned, discarded, or otherwise neglectfully maintained to such an extent that it has fallen into disrepair.”
- iv. “*sign, externally illuminated* means any *sign* lit by a separate light source that casts light directly on the face of the *sign*, and includes signs illuminated with reflective material.”
- v. “*sign, internally illuminated* means any *sign* lit directly or indirectly by a light source located within the *sign* itself, and includes illumination designed to project light against the surface behind the *sign* lettering or graphic, commonly referred to as back-lighting or halo-lighting.”
- vi. “*sign, multi-party* means any *sign* which consolidates the direction of ~~pedestrians, cyclists, vehicles, or other~~ traffic to multiple businesses, excluding *home occupations*.”
- vii. “*sign, obsolete* means any *sign* which is no longer relevant because of the discontinuance of the business, service, activity or event which it advertises or directs attention to.”
- viii. “*sign, temporary* means any *sign* which is portable in nature and is displayed for a specified time limit.”
- ix. “*sign, temporary directional* means any *sign* which is portable in nature, is displayed for a specified time limit, and which directs ~~pedestrians, cyclists, vehicles, or other~~ traffic to an institution or a business, including a *home occupation*.”
- x. “*sign, third party* means a *sign* that advertises or directs attention to an occupancy of land, a use, product, location, service, or other matter at a location other than where the *sign* is located, erected, or displayed. For the purposes of this bylaw, a *multi-party sign* is not considered a *third party sign*.”
- xi. “*sign, window* means a *sign* within a building, affixed on or located within 600mm of the inside of a window.”

“Appendix A” - PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 291

A BYLAW TO AMEND THE GABRIOLA ISLAND LAND USE BYLAW NO. 177, 1999

The Gabriola Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Gabriola Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation:

This bylaw may be cited for all purposes as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2016”.

2. Gabriola Island Local Trust Committee Bylaw No. 177, cited as “Gabriola Island Land Use Bylaw, 1999,” is amended as shown on Schedule 1 attached to and forming part of this bylaw.

READ A FIRST TIME THIS	10 TH	DAY OF	NOVEMBER	2016
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	201X
READ A SECOND TIME THIS	_____	DAY OF	_____	201X
READ A THIRD TIME THIS	_____	DAY OF	_____	201X
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	201X
ADOPTED THIS	_____	DAY OF	_____	201X

Chair

Secretary

Gabriola Island Local Trust Committee

Bylaw No. 291

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- B.4.3.2 Notwithstanding B.4.1.1, *temporary signs* advertising a community event that is open to the public, or an educational course may be displayed in any *zone*, subject to:
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- B.4.3.3 Notwithstanding B.4.1.1, *temporary directional signs* for the purpose of directing traffic to a *home occupation* may be displayed only in a residential or resource *zone*, subject to:
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- xi. “*sign, window* means a *sign* within a building, affixed on or located within 600mm of the inside of a window.”