

MINUTES OF THE PLANNING, ENVIRONMENT AND DEVELOPMENT  
STANDING COMMITTEE MEETING HELD IN CONFERENCE ROOM 1, CITY HALL ANNEX,  
ON THURSDAY, 2003-FEB-27, COMMENCING AT 4:04 P.M.

---

PRESENT: Councillor L. J. Sherry, Chair

Members: Councillor R. A. Cantelon  
Councillor W. J. Holdom

Staff:	B. N. Mehaffey	P. Murphy
	E. C. Swabey	C. Sholberg
	S. E. Fletcher	J. T. Bowden
	D. Lindsay	C. Hambley
	S. Hvozdzanski	

1. ADOPTION OF MINUTES:

- (a) Minutes of the 2003-FEB-13 Meeting of the Planning, Environment and Development Standing Committee held in Conference Room 1, City Hall Annex at 3:05 p.m.

Moved by Councillor Cantelon, seconded by Councillor Holdom that the Minutes be adopted as circulated. The motion carried.

2. RECEIVING OF DELEGATIONS:

- (a) Mr. Jerry Ellins, Architect, 67A Skinner Street, Nanaimo, BC regarding the Jolly Miner Beer and Wine Store at 120 Needham Street.

Mr. Jerry Ellins stated that Ms. Bodil Ellins would be speaking on his behalf.

Moved by Councillor Holdom, seconded by Councillor Cantelon that Ms. Ellins be permitted to address the Committee. The motion carried.

Ms. Ellins stated that:

- she requested that the zoning for 120 Needham Street be changed from Neighbourhood to Highway Commercial.
- at a later date, they will be amalgamating the properties and looking to rezone.
- they are planning to move the beer and wine store to the highway property and demolish the old beer and wine store to accommodate more parking.
- they have presented the scheme to the neighbourhood and have not heard any concerns.

3. CITY MANAGER'S REPORT:

(1) Official Community Plan Amendment - 120 Needham Street

At the Regular Meeting of Council held 2003-FEB-24, Council received a report outlining the nature and intent of an application to amend the Official Community Plan (OCP) by redesignating the property at 120 Needham Street from Neighbourhood to Highway Commercial. The application to amend the OCP was received 2002-NOV-01 as part of the biannual OCP amendment review process. Council directed Staff to refer the application back to the Planning, Environment and Development Standing Committee for further discussion.

The property owner currently owns five individual properties including 120 Needham Street. The two properties on Nicol Street have Highway Commercial designation. The two properties on Haliburton Street have Mainstreet designation. The subject property on Needham Street is sandwiched between the other four properties and is designated Neighbourhood. This property, however, has C4 – Commercial zoning to enable parking for the pub across the lane.

From the application, it was determined that the applicant is proposing to ultimately move the existing liquor store. This relocation would require a rezoning. While a rezoning is not part of the current amendment before Council, and existing liquor stores were not part of Council's recent decision not to consider rezoning for new liquor stores, enough concern was raised to have this application directed back to the Planning, Environment and Development Standing Committee.

Regardless of the decision about liquor stores, in Staff's opinion any redevelopment of the subject site will require an OCP amendment to a more appropriate designation given adjacent land uses.

Staff have identified the following options for consideration:

1. decline the proposed OCP amendment to redesignate the property Highway Commercial;
2. delay the proposed OCP amendment until the Provincial liquor policy is clear and Council has developed a liquor control strategy; or,
3. give first and second readings to the proposed OCP amendment and direct Staff to communicate to the owner that while Council is prepared to consider the proposed amendment, Council may not wish to consider a rezoning to relocate the existing liquor store.

Recommendation: That the Planning, Environment and Development Standing Committee recommend that Council give first and second readings to the proposed Official Community Plan (OCP) amendment at 120 Needham Street and direct Staff to communicate to the owner that while Council is prepared to consider the proposed OCP amendment, Council will still need to consider the merits of rezoning the property to allow for the relocation of the existing liquor store to the property.

Moved by Councillor Holdom, seconded by Councillor Cantelon that the report be received and the recommendation be adopted. The motion carried.

(2) Temporary Portable Signage Regulations

When the City's Sign Bylaw was originally introduced in 1987, provisions were included to allow for temporary portable signage. The intent was to regulate what could otherwise be an unruly form of signage by providing a balance between the need for special events signage and community aesthetic standards.

Recently full service signage rental companies have entered the Nanaimo market providing businesses with inexpensive monthly rentals of portable signage. As a result, the City has witnessed a dramatic increase in the number of temporary portable signs (both permitted and not permitted). In 1999, the number of portable sign permits issued totalled 16. In 2002, the City issued 250 sign permits for temporary portable signs. (There may well have been more signs erected without permits.) What was once an infrequent promotional tool has evolved into a permanent feature of our commercial landscape.

Council and Staff have been receiving an increasing number of complaints in recent months and the Planning, Environment and Development Standing Committee has recently requested a Staff report on the topic.

The current bylaw provides for promotional sign opportunities via temporary portable signs and/or banners for a maximum of three 30-day periods per business, per site, per year. However, each permit must be separated by a minimum of 30 days free of promotional signage. For example, a portable sign cannot be permitted for two consecutive 30-day periods. The bylaw contains no siting restrictions except that the signage must be located on private property and cannot restrict visibility. The bylaw also does not restrict third party usage. Therefore, the sign copy need not relate to the sponsor of the sign (i.e. the permit holder) or even be located on the same site as the business being advertised.

Staff note that the approach taken toward regulating temporary portable signage by other municipalities ranges from an absolute prohibition, to allowing the signage only for new store openings, to absolutely no regulation at all. Nanaimo's major shopping centres reflect the same range of tolerance in regulating on-site signage via their tenant leases. For example, Woodgrove and Longwood Station do not permit their tenants to erect temporary portable signage. Terminal Park and Rutherford Mall appear to have no such policy.

Anticipating the need for a bylaw review, Staff met with the three sign companies providing the signs in November and December of 2002. The companies agree that changes to the bylaw to address the proliferation of these signs are in order, however, they also stress the fact that the signage is popular because it provides retailers with positive results. A submission from Magnet Signs is attached which

proposes that the situation could be greatly improved if the bylaw is amended to prohibit third party signage and if siting restrictions are introduced to limit groupings of these signs. Magnet suggests that a 65 foot separation be required between signs. However, Staff does not believe this is restrictive enough, especially in cases of larger properties. For example, this would permit over 32 signs along the frontage of Rutherford Mall.

All the sign companies would like to see greater flexibility in the use of these signs. Staff has been asked whether consideration would be given to allow the signage to be erected for a 60-day period rather than the 30 days currently stipulated. Also, the signage companies would like to increase the number of permits granted a business in a year from three to four. In its proposal, Magnet has suggested the maximum size of signage be increased from 32 to 48 square feet.

There are countless approaches that could be taken to regulate temporary portable signs. In comparing the approaches taken by other municipalities toward temporary signage, Staff believes the following options are available if Council wishes to ensure these signs do not undermine the permitting process for other permanent signage and remains truly temporary in nature:

1. Abolish temporary signs – many municipalities have determined that these signs have an unacceptable visual impact in their cities and have prohibited them outright.
2. Limit temporary signs to new businesses only – some municipalities allow portable signage only during the initial operating stages of a new business.
3. Amend the Bylaw to eliminate the use of portable signs by third parties and apply current signage limits on the basis of site (not business).

If Council is prepared to accept portable signage, the following options are available:

1. Maintain status quo – should Council believe that the current level of signage is acceptable, staff would propose that no changes be made at this time.
2. Amend the Bylaw to eliminate Third Party signage.
3. Examine options to limit signage to a reasonable level either by granting the signage on a site by site basis (instead of by business), or by limiting the number of signs per frontage or per site at any particular time.
4. Amend the Bylaw to eliminate Third Party signage and examine further options to limit the signage to a reasonable level either by granting the signage on a site by site basis (instead of by business), or by limiting the number of signs per frontage or per site.

Staff believes it would be very difficult to support greater flexibility in the use of the signs and does not support the use of the signage for periods longer than 30 days, or an increase in the maximum size of the signs. Staff concurs with the elimination of the use of portable signs for third party purposes but seeks Council's direction with respect to an acceptable level of portable signage activity at any particular time.

Accordingly, Staff recommends that the bylaw be amended to prohibit the use of third party signage and that the number of portable signs be further limited. However, Staff seeks Council's direction as to what level of signage is acceptable. For example, the bylaw could be amended to:

- (a) permit signage on a 'per site' basis rather than on the basis of 'per business', such that one portable sign would be permitted per site, three times a year; or,
- (b) allow every business on a site to advertize three times a year but limit the distance between signs and the maximum number of the signs on a site (for example, allow a maximum of two or three signs on a site location at any one time with a minimum separation between the signs).

Recommendation: That the Planning, Environment and Development Standing Committee:

- 1. instruct Staff to amend the sign bylaw to eliminate the use of temporary portable signs for third party advertisers, and,
- 2. provide direction to Staff as to what level of portable signage is reasonable to stipulate in the bylaw.

Moved by Councillor Cantelon, seconded by Councillor Holdom that the report be received and that Council limit temporary signs to those businesses that are new or changing their use. The motion carried.

4. INFORMATION ONLY ITEMS:

- (a) Report from the Nanaimo Community Heritage Commission re: Heritage Commission Annual Workplan.

Moved by Councillor Cantelon, seconded by Councillor Holdom that the Information Only Item be received. The motion carried.

5. ADJOURNMENT:

Moved by Councillor Cantelon, seconded by Councillor Holdom at 5:00 p.m. that the meeting terminate. The motion carried.

\_\_\_\_\_  
C H A I R

CERTIFIED CORRECT:

\_\_\_\_\_  
SENIOR MANAGER,  
CORPORATE ADMINISTRATION