

# Report to Council



**Date:** July 30, 2018  
**File:** 1240-00  
**To:** City Manager  
**From:** Community Planning Department  
**Subject:** Sign Bylaw Update

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## **Recommendation:**

THAT Council receives, for information, the Report from the Community Planning Department dated January 29, 2018 pertaining to a new Sign Bylaw;

AND THAT Bylaw No. 11530, being the *Sign Bylaw* be forwarded for reading consideration;

AND THAT Bylaw No.11526 being Amendment No. 19 to Bylaw Notice Enforcement Bylaw No. 10475 be forwarded for reading consideration;

AND THAT Council directs Staff to amend Bylaw 10560, being the *Development Applications Fees Bylaw* with regard to sign fees.

AND THAT Council directs staff to bring forward a budget request for a Bylaw Officer position to support additional Sign Bylaw enforcement;

## **Purpose:**

To consider the proposed Sign Bylaw update and associated updates to the Bylaw Notice Enforcement Bylaw No.10475 .

## **Background:**

Staff have proposed revisions to the City of Kelowna's Sign Bylaw 8235 (Bylaw) in order to improve the urban environment aesthetics, to update regulations for consistency, and to address changes in sign technology.

The first phase of redrafting the Sign Bylaw focused on an in-depth public consultation to gain valuable insight about signage in our community from residents. Over the course of one month, 598 survey

responses were received. Results from open surveys such as this are a collection of opinions and perceptions from interested or potentially affected residents, and not a statistically valid random sample of all Kelowna residents. The complete results from the engagement can be found attached to this report in Appendix 1.

During this phase, Staff also conducted widespread best-practice research and held numerous meetings with local stakeholders. Staff researched other municipalities and researched private sector publications from the Sign Association of Canada, Tantara Associates, and the Signage Foundation Inc. Local stakeholder meetings were held with the Chamber of Commerce, the local chapter of the Sign Association of Canada, and several sign providers in the Okanagan. The outcomes of these exercises were then used to develop the updated regulations that are proposed in the Bylaw.

As there is no formal Public Hearing associated with Sign Bylaw amendments, Staff have presented early direction to Council in Monday morning open meetings for discussion. Staff's first introduction of the new proposed Bylaw direction was in March 2017 (Workshop 1) where Council was briefed on significant policy changes (particularly in regard to digital signs and free-standing sign height), and extensive administrative and procedural amendments. At that meeting, Council requested further review of regulations for temporary signs, portable signs, real estate signs, and other small scale non-permanent signs that significantly contribute to general sign clutter in the community.

Staff returned to Council in July 2017 (Workshop 2) and presented the requested changes. Council generally agreed with the proposed regulation amendments, however Council also requested further review of portable signs, enforcement and fees, and clarification of the intent and purpose of the new Bylaw.

Staff presented to Council in October 2017 (Workshop 3) and presented the requested changes, along with an overview of all changes made to the Bylaw to date. Council largely agreed with the latest version of the Bylaw, and that sign fees and fines should be increased in order to cover the costs associated with additional Bylaw Enforcement. A separate report outlining the required amendments to the *Development Applications Fees Bylaw* and the *Bylaw Notice Enforcement Bylaw* will be forwarded to Council as per the recommendations of this report.

Council also directed Staff to remove the proposed outright ban on temporary portable signs, and to consider a multi-year phase out program. Council asked that Staff complete a follow-up review of stakeholder engagement, and provide a clear intention statement for the Bylaw. The meeting resulted in Council directing Staff to bring the draft Sign Bylaw forward for consideration once those additional requests were complete.

The following sections in this report address those requests.

## **Community Planning:**

### Intention Statement

The intent of the Sign Bylaw is to:

- support local businesses through appropriate identification, advertising, and wayfinding;

- ensure that the design, size and type of a sign respects the design of the building and character of the neighbourhood where the sign is located;
- ensure signs are consistent with the planning, urban design and heritage objectives of the Official Community Plan.
- encourage signs that incorporate exceptional design, are innovative and enhance the public realm;
- prevent sign proliferation and visual clutter to ensure the effectiveness of signs.

### Temporary Portable Signs

The typical form and visual appeal of temporary portable signage is poor and not in keeping with the desired appearance of our City, particularly along major corridors and in town centers. Also, installation usually outlasts the allowed time stated on the permit. Many approaches to limiting temporary portable signs were discovered when Staff conducted best-practice research. These included:

- maximum 120-day time limit in Vernon;
- maximum 60-day time limit in Nelson;
- maximum of three time-limited events per year in Coquitlam; and
- prohibited in Kamloops and Richmond.

Council has raised concerns regarding the effects a full removal of temporary signage would have on small businesses and asked Staff whether there should be a phase-out approach. Upon further consultation with sign providers and local businesses, Staff are proposing that a proposed ban be further reviewed in three years, after the new regulations have been in effect long enough to judge their effectiveness at achieving the intent of the Bylaw.

Staff has proposed new rules for temporary portable signs which include containing the text and imagery within the copy area, prohibiting installation on approved landscaping areas on lots, requiring minimum distances between signs, and limiting the maximum sign copy area to 1.68m<sup>2</sup>.

### Full Bylaw Review

The following section outlines all of the major changes Staff have made to the draft Sign Bylaw.

#### *Agricultural Product Sign*

Due to the suggested regulation changes to portable signs, Staff are proposing to allow agricultural product signs in free-standing form. Free-standing signs would be limited to 1.0 m<sup>2</sup> or 3.0 m<sup>2</sup> in the agriculture zones, depending on the area of the parcel.

#### *Animated and Digital Signs*

The current Sign Bylaw is unclear on the regulations regarding digital and animated signs. For the past two years, the City has been considering Digital Animated signs through the Council Development Permit process. Generally, digital signs in commercial buildings have not been supported, while digital signs on public service buildings such as churches or schools have been supported. While new technologies allow sign lighting levels to be better controlled, there does not appear to be any benefit to residents of the city in expanding the deployment of these signs and it would not add to the visual

character of the community. Staff are proposing to allow Digital Signs on public and institutional properties only.

Based on City policy and public comment, there does not appear to be any compelling reason to expand digital animated signage to commercial zones with this iteration of the bylaw. If Council opts to restrict digital signage at this time, as per the draft bylaw, the regulations can be reconsidered in the future. Staff have concerns with expanding digital signage provisions now as grandfathering protections will mean that the signage will not easily be removed if the decision is later reversed.

#### *Marketing Signs*

This is a proposed new sign type for the Bylaw. The definition captures those temporary signs that are located on building facades, typically used to advertise new businesses or building tenants. The majority of these types of signs are eventually replaced with permanent fascia signs. The display time would be limited to 90 days per year, and maximum size limited to 4.0m<sup>2</sup>.

#### *Sandwich Board Signs and Menu Boxes*

The current Sign Bylaw completely prohibits all Sandwich Board signs in the city, on private and public property (with the exception of Bernard Avenue). This has been cited by a number of groups consulted as excessive regulation, and only 25 per cent of survey respondents indicated these types of signs as 'intrusive' or 'very intrusive'. It has also proven to be difficult to enforce. Staff propose that Sandwich board signs be permitted on private property during business hours only, and on Bernard Avenue sidewalks as per the Bernard Avenue Sidewalk Program. Bernard Street has been designed with wider sidewalks that allow signage at grade without impeding pedestrian traffic.

Staff is also proposing to increase the maximum size of sandwich board signs and menu boxes from 0.6 m<sup>2</sup> to 0.7 m<sup>2</sup> to align with the Bernard Avenue Sidewalk Program. Staff believes that the regulation should be the same in both policy documents.

#### *Real Estate Signs*

Staff is proposing to create two types of real estate signs in the Bylaw to help differentiate between the small, standard signs used on residential properties and the large-scale signs used in (primarily) commercial and industrial zones.

It is proposed that display time for residential type signs be limited to six months and be replaced when they begin to show evidence of wear, weathering or graffiti. Commercial type signs should require a permit and be replaced when they begin to show evidence of wear, weathering or graffiti. The permit would include a simple permit application and a site plan that shows the location of the sign on the parcel.

#### *Wall Signs*

Regulations have to be added to wall signs and murals. Staff proposes treating them similar to fascia signs as they serve a similar purpose.

#### *Sign Height*

A common comment regarding the Harvey Avenue corridor in Kelowna, and to a lesser extent other commercial corridors, relates to the number of free standing signs. Staff proposes to reduce the maximum size and height of free standing signs in commercial areas from 8.0 m in height to 5.0 m in height. The draft bylaw takes a strong stand on signage size, placing Kelowna firmly in the category of

leader in reducing signage size in the region. A 5.0m high sign is the size of a 1 ½ storey home and is easily visible from city streets. Free-standing signs are also limited to one per lot frontage. As a means of balancing the new height maximum, free-standing signs and fascia signs now allow larger sign areas in commercial, industrial, and public and institutional zones.

The OCP identifies a goal that Kelowna continue to develop a distinct style and feeling of its own. Traditionally, communities look at their neighbours to determine maximum sign sizes, leading to a fairly homogeneous level of signage across regions. By substantially reducing free standing sign sizes, Kelowna may set itself apart and begin to distinguish itself stylistically. Sign size may also be varied by Council where appropriate.

#### *Number of Signs per Zone*

The current Sign Bylaw allows as many as five signs per business in Commercial zones, and local site visits have revealed that these current regulations greatly contribute to sign clutter in the city. As a result, Staff have reduced the number of signs allowed in Commercial zones by one, to four signs total.

#### *Other Changes*

- All text in the Bylaw has been rewritten for internal consistency;
- Restructured Bylaw to read like the Zoning Bylaw;
- Increased flexibility through menu-type options;
- Increased allowances for Fascia signs, including allowing more per building.
- Clarified permit requirements for signage to improve usability;
- Allowance of signs above a canopy;
- Changed the way signs are measured to encourage channel letter signs over box signs;
- Clarified the relationship between sign permits and development permits;
- Increased use of imagery in Bylaw; and
- Worked closely with Building Permitting and Bylaw Enforcement to enhance enforceability of the Bylaw.

#### **Feedback:**

Throughout the Bylaw re-write process, Staff received numerous comments and suggestions from both the community and the sign industry with regard to policy direction and application process. Many of the suggestions aligned with Staff and Council direction; however, several have not been included in this draft Bylaw.

- Off-site advertising remains prohibited in this draft Bylaw as it is in the current Sign Bylaw. Off-site advertising contributes to sign clutter in the City by allowing business to display signs in addition to those approved on their properties and buildings
- Staff received several suggestions for implementing online sign permit applications. This would allow sign companies to apply and pay for permits on location, and avoid line-ups at City Hall. As the City is currently considering updating the development applications system, it was suggested that this could be looked into in the future.
- Wall signs are a new sign type in the draft Bylaw, and include murals. Staff are proposing a maximum area 1.0m<sup>2</sup> per lineal metre of building frontage to a maximum of 20% of the wall area. Staff have received concerns that these regulations prevent full wall murals; however, it is the intent of the Bylaw to ensure sign size and character respect the neighbourhood in which

they are located, as well as sound planning principles in the OCP. Staff's intent is to regulate wall signs in a similar fashion to fascia signs until demand for them grows in the city, and only permit them in commercial, industrial, and public and institutional zones. Staff has received numerous comments regarding digital signs and why the draft Bylaw does not allow for them in commercial zones. While some businesses are keen to use this type of signage, public opinion survey results did not reveal an inherent desire for digital signs to be allowed in commercial zones throughout the city. In keeping with the effort to control the proliferation of digital signs in the City, Staff are opposed to allowing them outside of the public and institutional zones until the resulting outcomes of new sign regulations can be evaluated. Further, as mentioned above, if Council opts to restrict digital signage at this time, as per the draft bylaw, the regulations can always be reconsidered if the OCP and public opinion evolve.

- Free-standing signs are proposed to be limited to one per parcel, and Staff has received numerous requests to increase that number. Based on the fact that most commercial centres in Kelowna sit on multiple parcels, Staff believe one per parcel is appropriate. For example, Orchard Plaza spans seven parcels, Orchard Park Mall spans three, Glenmore Village Centre spans four, and Guisachan Village spans three parcels.

### **Financial, Budgetary, and Personnel Considerations:**

While the proposed Bylaw includes new and robust rules for signs within the City, enforcement continues to be difficult for Staff due to the volume of signs in the community paired with the lack of a designated compliance Bylaw Officer. Up until approximately 2015, two Bylaw Officers were primarily tasked with sign enforcement, however, enforcement is now dealt with on a complaint basis and the process is no longer proactive. As a result, there has been a proliferation of non-compliant signage that is creating an unacceptable level of visual clutter in our community. This Report recommending hiring a dedicated Bylaw Officer to proactively enforce the Sign Bylaw.

Revenue to support this function could be generated by adjusting sign permit fees. They have not been reviewed since 2011 and are among the lowest in the province. The current sign fees in Kelowna are:

- Portable Signs:
  - 30 days or less = \$30.00
  - 31 to 60 days = \$40.00
  - 61 to 90 days = \$50.00
- All other signs:
  - \$30.00 + \$5.00 / m<sup>2</sup>

Current permit fees in other municipalities in British Columbia include:

- Abbotsford = up to \$105
- Coquitlam = up to \$1,536
- Kamloops = up to \$200
- Nanaimo = up to \$200
- Richmond = up to \$600
- Surrey = up to \$632
- Victoria = \$100

In 2016, the City issued 271 sign permits. For example, an average of \$40 per sign would have brought in \$10,840 in revenue. If sign permit fees had been \$200, revenue would have been \$54,200, or a \$250 fee equates to \$67,750 in revenue.

Revenue would also be generated by fines issued by enforcement action. Currently, fines related to the Sign Bylaw are approximately \$100 and could be reviewed along with sign permit fees if Council decides to direct Staff to do so.

#### **External Agency Comments:**

Since last meeting with Council in October 2017, Staff have connected with various stakeholders to discuss proposed regulation and Council feedback. It was important to close the loop on engagement that occurred at the beginning of the project as there have been several amendments to the draft document since its inception.

Since October, Staff has met with several sign companies in Kelowna, planning consultants, the Kelowna Chamber of Commerce, the BC Sign Association, and the Sign Association of Canada. General consensus from these groups is that the Sign Bylaw must be fair for all sign types, that the Bylaw must be clear, easy to use and enforce, and that the current state of the draft Bylaw is one that demonstrates concessions and compromises.

<b>Reviewed by:</b>	Ryan Smith, Community Planning Department Manager
<b>Approved for Inclusion:</b>	Doug Gilchrist, Divisional Director, Community Planning & Strategic Investments

#### **Attachments:**

1. Public Engagement Survey Results dated December 2016 (Appendix 1)
2. Chamber of Commerce Letter dated January 8, 2018