

# Report to Council



**Date:** October 16, 2017  
**File:** 1250-04  
**To:** City Manager  
**From:** Lindsey Ganczar, Community Planning Supervisor  
**Subject:** Sign Bylaw Workshop 3 - TA15-0013

---

## **Recommendation:**

THAT the Sign Bylaw Workshop 3 report prepared by the Community Planning Department dated October 16, 2017 be received for information;

AND THAT Council directs Staff to bring the new Sign Bylaw to an afternoon City Council meeting for initial consideration.

## **Purpose:**

To provide City Council with additional information with respect to the philosophy behind changes to the Sign Bylaw.

## **Background:**

Staff have been working on rewriting the City of Kelowna's Sign Bylaw 8235 (Bylaw) in order to improve the visual urban environment in Kelowna, update regulations, and address changes in sign technology. The first phase of redrafting the Bylaw included completing in-depth public consultation to gain valuable insight and opinion 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. Staff also completed widespread best-practice research and held numerous meetings with local stakeholders. The outcomes of these exercises, combined with staff's professional opinion, 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:

- clarification on the intent and purpose of the new Bylaw;
- further regulations on the movement of portable signs (time and location);
- options for a complete phase-out period for portable signs;
- consideration for increasing fees to support enforcement; and
- a review of all the regulation changes to the Bylaw.

The following sections in this report address those requests.

### Intent and Purpose

Council informally recommended that Staff consider updating the Sign Bylaw in order to address changing trends in the community, changes in sign technology, inconsistent and confusing language and layout, as well as to address an increase in the amount of variances being applied to the Bylaw. The existing Bylaw was adopted in 1998 and has been amended several times since then. With regard to the public engagement exercise, 22 per cent of survey respondents said that it isn't restrictive enough, while 16 per cent believe it's too restrictive. More than 40 per cent said they either didn't know or had no opinion and the remaining 20 per cent said the current regulations are appropriate. Staff is proposing a modernized Sign Bylaw that:

- has new definitions and types;
- removes cross-references for easier implementation;
- includes more visual examples of sign types;
- removes confusing and incomplete charts; and
- updates regulation.

### Real Estate Sign Replacement

Staff previously proposed adding a new regulation to commercial real estate signs that required them be relocated within the parcel every 90 days. The intent of creating this regulation was to ensure these signs remain in a good state of repair, and to ensure that they did not become semi-permanent fixtures on lots where no real estate activity was occurring.

Upon further review and input from stakeholders, Staff agree that requiring signs to be replaced every 90 days creates unnecessary waste when signs are not damaged, and damages existing landscaping areas on site where the signs are typically installed. Instead, Staff are proposing a new regulation where commercial real estate signs must remain in like-new condition for the length of their installation, and must be replaced when they begin to show evidence of wear, weathering or graffiti. A 180-day display limit for residential signs remains, and a sign permit is required for commercial real estate signs, good for 180 days.

## Portable Signs

Staff has previously recommended that portable signs be limited to government properties, for public information only. These types of signs largely contribute to the significant sign clutter in the City and detract from the high quality building facades and landscaping that staff and Council work hard to achieve through the development process. The current installation of portable signs typically outlasts the allowed time stated on the permit. There are rules in place for regulating portable signs in today's Bylaw, however they are difficult to enforce due to staffing levels and work volume. Further, the typical form and visual appeal of temporary signage is poor and not in keeping with the desired appearance of our City, particularly along major corridors and in town centers. Council has raised concerns regarding the effects a full removal of temporary signage might have on some businesses and asked Staff whether there should be a phase-out approach.

Should Council consider eliminating portable signs, as supported by staff, a one or two year phase out program could be implemented by:

- Announcing ban on portable signs effective January 1, 2019;
- Limiting them to Commercial and Public & Institutional zones effective January 1, 2018;
- Limiting them to major corridors effective June 1, 2018;
- Capping the number of portable sign permits issued by the City in 2018.

Staff has also proposed new rules for these type of signs which include limiting colour to white and black text only, and limiting maximum size to 1.68m<sup>2</sup> for trailer type portable signs, and 0.7 m<sup>2</sup> per side for other freestanding portable signs.

While Staff maintains its strong support for limiting portable signs to government properties only, an enforcement solution has been drafted for Council to consider. That option is to consider hiring a Bylaw Officer dedicated to Sign Bylaw enforcement to implement the phase-out approach to limiting portable signage. The logistics of this option are laid out in the following section of this report which includes reviewing the fees and fines for sign permits.

## Enforcement and Fees

While the proposed Bylaw includes new and robust rules for signs within the City, enforcement continues to be difficult for Staff due to; the lack of voluntary compliance, 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 portable, non-compliant signage that is creating an unacceptable level of visual clutter in our community.

The estimated cost of hiring a dedicated Bylaw Officer is approximately \$86,000, inclusive of a vehicle and associated compliance related equipment.

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, 114 of which were for portable signs. 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.

### 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 is 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.

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 always be reconsidered if the OCP and public opinion evolve. However, if Council opts to expand digital signage now, 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.

### *Sandwich Board Signs and Menu Boxes*

The current Sign Bylaw completely prohibits all Sandwich Board signs in the city, on private and public property. This has been cited by a number of groups consulted as excessive, 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 Street sidewalks as per the Bernard Street 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 Street 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.

Display time for residential type signs should 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. 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 property.

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. As always, sign size may also be varied by Council where appropriate.

### *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;
- 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.

**Report prepared by:** Lindsey Ganczar, Community Planning Supervisor  
**Reviewed by:** Ryan Smith, Community Planning Department Manager  
**Approved for Inclusion:** Doug Gilchrist, Divisional Director, Community Planning & Real Estate

### Attachments:

Appendix 1 – Draft Sign Bylaw (October 2017 updates)  
Appendix 2 – Sign Bylaw Engagement Report