

AMENDED

AGENDA FOR THE REGULAR FINANCE / POLICY COMMITTEE OF THE WHOLE MEETING TO BE HELD IN THE BOARD ROOM, CITY HALL, ON MONDAY, 2010-JUL-19, COMMENCING AT 4:30 P.M.

1. **CALL THE REGULAR FINANCE / POLICY COMMITTEE OF THE WHOLE MEETING TO ORDER:**

2. **INTRODUCTION OF LATE ITEMS:**

- Add Items 11 (a) and 11 (b) – Correspondence – Emails from Mr. Jim Galloway dated 2010-JUL-07 and 2010-JUL-17 regarding Staff Report - Real Estate/Construction Signs.

3. **ADOPTION OF AGENDA:**

4. **ADOPTION OF MINUTES:**

- (a) Minutes of the Regular Finance / Policy Committee of the Whole Meeting held in the Board Room, City Hall, on Monday, 2010-JUN-28 at 4:30 p.m.

Pg. 3-8

5. **PRESENTATIONS:**

- (a) Mr. A. J. Tucker, Director of Planning, to provide a PowerPoint presentation regarding Real Estate / Construction Signs.

6. **DELEGATIONS PERTAINING TO AGENDA ITEMS: (10 MINUTES)**

7. **COMMISSION REPORTS:**

8. **COMMITTEE REPORTS:**

9. **STAFF REPORTS: (blue)**

COMMUNITY SAFETY AND DEVELOPMENT:

(a) **Real Estate / Construction Signs**

Pg. 9-10

Staff's Recommendations: That Council:

1. *continue the current practice of not requiring removal of temporary real estate or construction signs in excess of 3m² (32 ft²) while that section of the Sign Bylaw is under review;*

AND:

2. *seek public input on any proposed changes to the Sign Bylaw for real estate / construction signage, specifically including input from the Vancouver Island Real Estate Board (VIREB) and the Canadian Home Builders' Association of BC – Central Vancouver Island (CHBA);*

AND:

3. *bring forward a report for Council consideration on possible amendments to the Sign Bylaw upon completion of public consultation.*

10. **INFORMATION ONLY ITEMS:**

- (a) Report from Mr. A. J. Tucker, Director of Planning, Community Safety and Development, re: Sign Bylaw. Pg. 11-38

11. **CORRESPONDENCE:**

- (a) Email dated 2010-JUL-07 from Mr. Jim Galloway, 6558 Groveland Drive, Nanaimo, regarding Staff Report – Real Estate / Construction Signs. Pg. 38.1
- (b) Email dated 2010-JUL-17 from Mr. Jim Galloway, 6558 Groveland Drive, Nanaimo, regarding management of signage in Nanaimo. Pg. 38.2-38.4

12. **NOTICE OF MOTION:**

13. **OTHER BUSINESS:**

14. **DELEGATIONS PERTAINING TO ITEMS NOT ON THE AGENDA:
(10 MINUTES)**

- (a) None

15. **QUESTION PERIOD:** *(Agenda Items Only)*

16. **PROCEDURAL MOTION:**

It is moved and seconded that the following meeting be closed in order to deal with the following matters under the *Community Charter* Section 90(1):

- (c) labour relations or employee negotiations;
- (e) the acquisition, disposition or expropriation of land or improvements, if the Council
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

- (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*.
- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public.

17. **ADJOURNMENT:**

MINUTES OF THE REGULAR FINANCE / POLICY COMMITTEE OF THE WHOLE MEETING
HELD IN THE BOARD ROOM, CITY HALL,
ON MONDAY, 2010-JUN-28 COMMENCING AT 4:30 P.M.

PRESENT: Mayor J. R. Ruttan, Chair

Members: Councillor W. J. Holdom
Councillor D. K. Johnstone
Councillor L. D. McNabb
Councillor J. F. K. Pattje
Councillor L. J. Sherry
Councillor M. W. Unger

Absent: Councillor W. L. Bestwick
Councillor J. A. Kipp

Staff: A. C. Kenning, City Manager
D. W. Holmes, Assistant City Manager and General Manager of
Corporate Services
E. C. Swabey, General Manager of Community Safety and Development
B. E. Clemens, Director of Finance
A. J. Tucker, Director of Planning
R. J. Harding, Director of Parks, Recreation and Culture
J. E. Harrison, Manager of Legislative Services
T. Wilkinson, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

The Regular Finance / Policy Committee of the Whole Meeting was called to order at 4:30 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Amend Agenda Item 7 (e) – Parks, Recreation and Culture Commission – VIEx Annual Operating Funding by removing the word "maximum" from the recommendation.

(b) Add Agenda Item 15-1 – Procedural Motion.

3. ADOPTION OF AGENDA:

It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

4. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the Regular Finance / Policy Committee of the Whole Meeting held in the Board Room, City Hall on Monday, 2010-JUN-14 at 4:30 p.m. be adopted as circulated. The motion carried unanimously.

5. COMMISSION REPORTS:

(a) Parks, Recreation and Culture Commission – 2010 Sport Tournament Grant Requests

It was moved and seconded that Council approve the 2010 Sport Tournament Grant allocations as follows:

Organization	2010 Requested	2010 Approved
Nanaimo BMX Association	\$1,375	\$1,200
Wheatsheaf Fastball Club	500	400
Nanaimo Sr. Men's Fastball League	2,000	1,200
Nanaimo Islanders Female Hockey Association	1,500	1,400
Vancouver Island Exhibition	4,950	2,600
Nanaimo White Rapids Swim Club	1,500	1,000
Nanaimo Dragon Boat Festival Society	5,000	3,400
Nanaimo Riptides Swim Club	1,500	900
Nanaimo United Football Club	1,000	1,000
TOTALS:	\$19,325	\$13,100

The motion carried unanimously.

6. PRESENTATIONS:

- (a) Mr. Rick Jeffery, President and CEO of Coast Forest Products Association, #1200 - 1090 West Pender Street, Vancouver, provided a presentation regarding the coastal forest industry.

7. COMMISSION REPORTS:

(b) Parks, Recreation and Culture Commission – Cultural Committee Mandate and Structure Review

It was moved and seconded that Council make the following changes to the Terms of Reference for the Cultural Committee:

1. Staff develop clear criteria and process for appointment to the Cultural Committee;

2. existing Terms of Reference for the Cultural Committee be changed to reflect the actual mandate and remove those tasks that are done by Staff by including the following initiatives:
 - advising the Commission and Council on cultural issues;
 - reviewing all applications for funding and making recommendations to the PRCC, based on criteria and guidelines established regarding the distribution of cultural operating grants and arts and cultural event grants;
 - promoting public awareness of cultural organizations and cultural activities in our community, and maintaining an annual cultural awards program;
 - coordinating the selection process for works of art for display in municipal public spaces and buildings; and,
 - sponsoring annual educational opportunities for arts and cultural organizations.
3. a maximum term of appointment to the Cultural Committee be set at six (6) years [two terms of three (3) years each] with the provision that members can be re-appointed after an absence of three (3) years;
4. Cultural Committee appointments be staggered to maintain continuity. Of the six (6) "At-Large" members, three (3) would be renewed and three (3) new members would be appointed each three (3) years. Interim vacancies would be appointed only for the remaining term of the vacant appointment; and,
5. the Cultural Committee membership be increased by one (1) additional member from the membership of the Parks, Recreation and Culture Commission – increasing this representation from three (3) to four (4).

The motion carried unanimously.

- (c) Parks, Recreation and Culture Commission – Facilities Capital Improvements Reserve Fund Bylaw 1993 No. 4628
-

It was moved and seconded that Council direct Staff to amend the "PARKS, RECREATION AND CULTURE FACILITIES CAPITAL IMPROVEMENTS RESERVE FUND BYLAW 1993 NO. 4628", to allow up to 25 percent of the revenues collected to be allocated for ongoing recreation and culture facility lifecycle maintenance and repair projects. The motion carried unanimously.

- (d) Parks, Recreation and Culture Commission – Licence of Use Agreements to Non-Profit Societies
-

It was moved and seconded that Council approve the following Licence of Use Agreements for a five year (5) period at an annual rent of \$1, given that the services provided in these licences meet well with the stated guidelines:

Licensee	License Period	Admin Fee	Rent
Vancouver Island (VI) Raiders Football Club	2010-JUN-01 to 2015-MAY-31	\$125	\$1 / year
Vancouver Island Exhibition (VIEEx) Community Garden	2010-JUN-01 to 2015-MAY-31	\$125	\$1 / year

The motion carried unanimously.

(e) Parks, Recreation and Culture Commission – VIEEx Annual Operating Funding

It was moved and seconded that Council approve a \$12,000 annual operating line item to support the Vancouver Island Exhibition (VIEEx) organization starting in 2011, for a three-year term, and that the VIEEx provide all materials documentation and surveys as requested by Staff. The motion carried.

Opposed: Councillor Holdom

8. STAFF REPORTS:

COMMUNITY SAFETY AND DEVELOPMENT:

(a) Real Estate / Construction Signs

It was moved and seconded that Council direct Staff to:

1. continue the current practice of not requiring removal of real estate or construction signs while that section of the Sign Bylaw is under review;
2. seek public input on any proposed changes to the Sign Bylaw for real estate / construction signage, specifically including input from the Vancouver Island Real Estate Board (VIREB) and the Canadian Home Builders' Association of BC – Central Vancouver Island (CHBA); and,
3. bring forward a report for Council consideration on possible amendments to the Sign Bylaw upon completion of the public consultation.

It was moved and seconded that Council refer this issue to the next Regular Finance / Policy Committee of the Whole Meeting to be held on Monday, 2010-JUL-19, and that Staff provide Council with a copy of the Sign Bylaw and a report clarifying its content. The motion carried.

Opposed: Councillors Holdom and Pattje

CORPORATE SERVICES:

(b) 2011 – 2015 Financial Plan Priorities

It was moved and seconded that Council refer this issue to a future Budget Seminar Session. The motion carried unanimously.

(c) City Collector

It was moved and seconded that Council:

1. assign the duties and responsibilities of Collector for the City of Nanaimo to Erin Anderson and that Brian Clemens be the deputy; and,
2. rescind all previous assignments.

The motion carried unanimously.

(d) 2010 UBCM Resolutions

No resolutions were put forward by Council for the 2010 Union of British Columbia Municipalities Convention.

9. INFORMATION ONLY ITEMS:

- (a) Report from Mr. P. Rosen, Design Engineer, re: Design for Lenwood and Centenary Watermain Project, and Dufferin Crescent Watermain Project.

10. QUESTION PERIOD:

- Mr. Fred Taylor, re: educating the public through the City's Website and *City Page* newspaper ad.

11. PROCEDURAL MOTION:

It was moved and seconded that Council move "In Camera" in order to deal with the following matters under the *Community Charter* Section 90(1):

- (b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity.

The motion carried unanimously.

Council moved into "In Camera" at 6:04 p.m.

Council moved out of "In Camera" at 6:10 p.m.

12. ADJOURNMENT:

It was moved and seconded at 6:10 p.m. that the meeting terminate. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

MANAGER,
LEGISLATIVE SERVICES

STAFF REPORT

REPORT TO: A. TUCKER, DIRECTOR OF PLANNING,
COMMUNITY SAFETY & DEVELOPMENT

FROM: J. HOLM, MANAGER, PLANNING, COMMUNITY SAFETY & DEVELOPMENT

RE: REAL ESTATE / CONSTRUCTION SIGNS

☐ Council
☒ Committee F/Plow
☒ Open Meeting
☐ In-Camera Meeting
 Meeting Date: 2010-JUL-19

STAFF'S RECOMMENDATION:

That Council direct Staff to:

1. continue the current practice of not requiring removal of temporary real estate or construction signs in excess of 3m² (32 ft²) while that section of the Sign Bylaw is under review;
2. seek public input on any proposed changes to the Sign Bylaw for real estate / construction signage, specifically including input from the Vancouver Island Real Estate Board (VIREB) and the Canadian Home Builders' Association of BC – Central Vancouver Island (CHBA); and
3. bring forward a report for Council consideration on possible amendments to the Sign Bylaw upon completion of the public consultation.

EXECUTIVE SUMMARY:

When the Sign Bylaw was written in 1987, the bylaw included a provision that a permit was not required for temporary signage (up to a certain size) advertising real estate sales or for construction site signs. In the case of construction site signs, one sign is permitted per site, with each sign restricted to a maximum size of 32 ft², and could only be erected for the duration of the construction project. A similar provision is in place for real estate signage.

During the past number of years, it has become common practice to erect large signs (exceeding 32 ft²) during the construction and marketing phases of large scale, multiple family projects. The signs often incorporate the same logos, graphics and imagery that are used for the project's print advertising and marketing brochures.

Also, during the construction phase of large projects it has become common practice that each company providing a trade, materials or financing, to the project post their signs on site. This practice does not meet the Sign Bylaw regulation of one construction sign per site.

With the downturn in the economy some projects are taking longer to sell than originally planned. The purpose of this report is to confirm Council's existing direction not to pursue removal of real estate / construction signs while those provisions are under review and to direct Staff to consult with the real estate, development and construction industries and the public, prior to amending the Sign Bylaw regulations for real estate / construction signs.

This matter was tabled at the Finance / Policy Committee of the Whole meeting of 2010-JUN-28 and is being returned for Council consideration. A separate report on today's agenda briefly describes the Sign Bylaw, and provides a copy of the Sign Bylaw for Council reference.

BACKGROUND:

At the "In Camera" meeting of 2008-JAN-28, Council considered a report regarding real estate / construction signage. As part of the Council direction at that time was to not pursue removal of temporary real estate / construction signage that was not in compliance with the Sign Bylaw (signs in excess of 3m² (32 ft²)) until an alternate method to address this type of signage is in place.

Council, at its meeting of 2008-SEP-29, made a motion to establish a Sign Committee to initially review LED signs and make recommendations to Council, and thereafter review real estate / construction signs and determine if a partial or full rewrite of the Sign Bylaw was needed.

In April of 2009, the first meeting of the Sign Committee was held. One of the first items of business was to establish a Workplan for the Committee. The Committee's Workplan set out to deal with the issue of LED signs first, real estate / construction signs second, and a rewrite of the Sign Bylaw, if required, third.

During the past year, the Sign Committee has met a number of times to address LED signage, which has led to drafting of proposed changes to the Sign Bylaw for this form of signage. That bylaw amendment was scheduled to be considered by Council on 2010-JUN-21. Council has directed that the matter of LED signs be referred to the Chamber of Commerce and the DNBIA for further review to ensure that the proposed bylaw has a suitable level of business sector input. It is expected that the bylaw will be brought back for Council consideration in September. As that review process draws to a close, Staff recommends that Council authorize the review of real estate / construction signs. The types of real estate / construction signs to be considered as part of this review will include:

1. marketing signage for large-scale and multiple family projects;
2. real estate signage that advertises homes for sale, homes sold and open houses;
3. signage advertising construction trades, materials and financing; and
4. bus benches.

The review phase should seek input from the development industry, VIREB, CHBA and the public. Recommendations will be brought back for Council consideration in the fall of 2010.

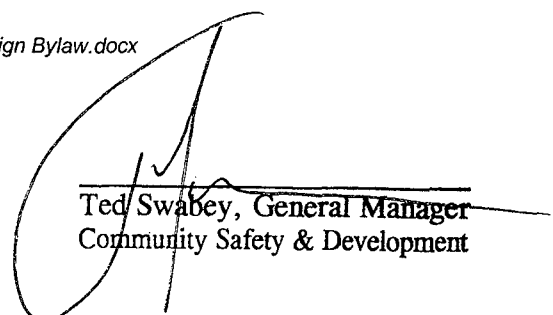
Respectfully submitted,



J. Holm
Manager, Planning Section
Community Safety & Development

A. Tucker
Director of Planning
Community Safety & Development

AT/pm
F/PCOW: 2010-JUL-19
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Ted Swabey, General Manager
Community Safety & Development

FOR INFORMATION ONLY

REPORT TO: E.C. SWABEY, GENERAL MANAGER,
COMMUNITY SAFETY & DEVELOPMENT

FROM: A. TUCKER, DIRECTOR OF PLANNING, COMMUNITY SAFETY & DEVELOPMENT

RE: SIGN BYLAW

STAFF'S RECOMMENDATION:

That Council receive this report for information.

☐ Council
☒ Committee Flow
☒ Open Meeting
☐ In-Camera Meeting
 Meeting Date: 2010-JUL-19

EXECUTIVE SUMMARY:

At the Finance / Policy Committee of the Whole meeting of 2010-JUN-28 Council requested that Staff provide Council with a copy of the Sign Bylaw and a report clarifying its content.

BACKGROUND:

The authority to regulate signs comes from Section 8(4) and Section 65 of the *Community Charter*. Section 65 states:

"The authority of a council under Section 8(4) may be exercised in relation to the erection, placing, alteration, maintenance, demolition, and removal of signs, sign boards, advertisements, advertising devices and structures."

In addition, Section 908(1) of the *Local Government Act* allows a local government, by bylaw, to regulate the number, size, type, form, appearance and location of any signs.

The "SIGN BYLAW 1987 NO. 2850" was originally adopted in 1987 and has been amended on 18 occasions since then. A copy of the bylaw is attached (Attachment A) for Council's reference.

Because of the age of the bylaw and the number of amendments made to it over the years, the bylaw is difficult to read and interpret, contains a number of inconsistencies and has not kept pace with changes in the retail and land development markets. It is for these reasons that Staff recommended an overall review and rewrite of the Sign Bylaw when the workplan for the Sign Committee was established in 2009.

The purpose of the bylaw is to regulate the size, number, location and type of signs permitted in the city and to establish a system through which businesses obtain permits for signs. The bylaw also includes a number of sign types that may be erected without requiring a Sign Permit.

The first major section of the bylaw is the definitions section which defines 52 terms that are used in the bylaw. This section is to provide assistance in the interpretation of the bylaw. For example "Sign means any structure, painting, or device that identifies, describes, promotes, advertises or directs."

The first major section of the bylaw (Section 2) is the "Definitions" section, which defines 52 terms that are used in the bylaw. This section is to provide assistance in the interpretation of the bylaw. For example "Sign means any structure, painting, or device that identifies, describes, promotes, advertises or directs."

The second major section of the bylaw (Section 3) is the "General Provisions". This section outlines all conditions pertaining to signs that are prohibited in the city. The section begins with the words "Except as otherwise provided for in this bylaw, no person shall erect, construct, or maintain..." and then goes on to list 26 conditions under which signs are prohibited. Examples of prohibited signs are signs that interfere with the safe movement of traffic, signs in an unsafe condition, rooftop signs and signs that face the Nanaimo Parkway.

The third and largest section of the bylaw (Section 5) is the section pertaining to permitted signs. This section lists 10 types of permitted signs:

- Awning signs;
- Billboards;
- Canopy signs;
- Fascia signs;
- Free standing signs;
- Painted wall signs;
- Portable signs;
- Projecting signs;
- Under canopy signs; and
- Banner signs.

Each of these sections follows a similar format. They start by listing the zones in which each type of sign is permitted. Each section then provides regulations for the size (expressed as a specific area or as a percentage of the wall surface of the building on which the sign is located), location and number of signs permitted. Sections may also include regulations pertaining to whether the sign may be illuminated or not; the means by which it may be mounted on the building or site; and time limits in the case of portable signs.

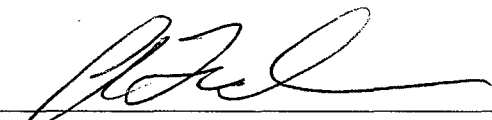
The fourth section of the bylaw (Section 6) lists the various circumstances under which a sign may be constructed, erected, placed or located on a site that does not require a permit. There are 20 "exemptions" listed in this section. This is the section of the bylaw that addresses realtor signs, construction signs and bus benches.

The next section of the bylaw (Section 7) describes the sign permit process and the information requirements when making a Sign Permit application.

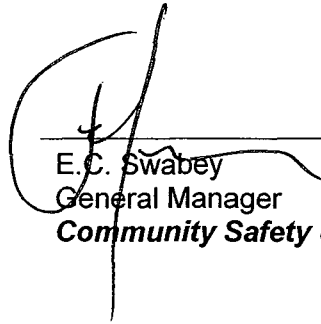
The remaining four sections of the bylaw (Sections 8 to 11) deal with enforcement provisions of the bylaw. The bylaw is enforced on a complaint basis. In the first six months of 2010 there were 30 complaints regarding signs. Those complaints cover a variety of topics including signs blocking views of traffic, signs in city parks, banners hung on a pedestrian overpass and private sector events advertising on the highway boulevard in the same manner as charitable / philanthropic fund raising events. Only 5 of the complaints relate to realtor signs and 4 of those complaints were made by the same individual.

There has been the suggestion that City Staff should be proactive in their enforcement of signs, particularly temporary sandwich board signs. This would be a radical departure from the way that the bylaw has been enforced in the past and would have an impact on local businesses that use temporary signs to promote business. Staff is not in support of this recommendation.

Respectfully submitted,



A. Tucker
Director of Planning
Community Safety & Development



E.C. Swabey
General Manager
Community Safety & Development

AT/pm

FPCOTW: 2010-JUL-19

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ATTACHMENT A

"SIGN BYLAW 1987 NO. 2850"

Consolidated Version

2003-JUL-10

Includes Amendments: 3227, 3234, 3309, 3499, 3758, 3932, 4520, 4534, 4690, 4767, 4891, 5219,
5241, 5329, 5357, 5398, 5450, 5614

CITY OF NANAIMO

BYLAW NO. 2850

A BYLAW TO REGULATE SIGNS

WHEREAS Sections 579 and 967 of the *Municipal Act* and Section 120 of the *Motor Vehicle Act* authorize the Council to regulate signs.

THEREFORE BE IT RESOLVED that the Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

INTERPRETATION

1. Title

This bylaw may be cited for all purposes as the City of Nanaimo "SIGN BYLAW 1987 NO. 2850".

2. Definitions

"ANIMATION"	means the direction of attention to a sign through the movement of one or more parts or through the impression of movement including colour changes, flashing lights and illumination which exhibits noticeable changes in light intensity, but excludes digital time and/or temperature information, flags, banners or pennants.
"ARCHITECTURAL FEATURE"	means a vertical projection of the building façade that extends above the roof line of the building and is an integral part of the building façade and may include an entrance canopy. (Bylaw 5450)
"AREA OF A SIGN"	means the area of the rectangle or square within which the face of a sign can be completely contained, exclusive of any supporting structure or, where a sign has more than one face or the face of the sign is not flat, the rectangle within which the largest area of the face of the sign in profile can be completely contained exclusive of any supporting structure.
"AWNING"	means a hood or shelter constructed of fabric on a frame which projects from the exterior wall of a building.
"AWNING SIGN"	means a non-illuminated sign affixed flat to or painted onto the surface of an awning.
"BACK-LIT SIGN"	means a sign illuminated by artificial light source located behind the front face of the sign. (Bylaw 5241)

"BANNER SIGN"	means a sign made up of fabric or other flexible material, of which the attachment to a building or other support structure does not require specialized structural members or alteration to support the sign. (Bylaw 4520)
"BILLBOARD"	means an exterior structure displaying third party advertising material, pasted or otherwise affixed flat to the face of the structure to permit its periodic replacement. (Bylaw 3227)
"BUILDING BYLAW"	means the City of Nanaimo "BUILDING BYLAW 1988 NO. 3220" and amendments thereto, and any subsequent bylaws which may be enacted in substitution therefore.
"BUILDING INSPECTOR"	means the person or persons duly appointed as such from time to time, and includes the Manager of the Building Inspection Division and any person designed by the Manager to act on his behalf.
"BYLAW ENFORCEMENT OFFICER"	means a person or persons duly appointed from time to time by resolution of City Council pursuant to Section 29 of the <i>Police Act</i> to enforce regulatory bylaws of the Municipality.
"CANOPY"	means a non-retractable, solid projection which extends from the wall of a building and includes a structure commonly known as the theatre marquee but does not include normal architectural features such as lintels, sills, mouldings, architraves and pediments.
"CANOPY, FREESTANDING"	means a non-retractable structure completely enclosed overhead, intended to be used for protection against the weather and supported independently of any other building or structure.
"CANOPY SIGN"	means a sign attached to or constructed in or on a face of a canopy but does not include an under-canopy sign.
"CLEARANCE"	means the shortest vertical distance between the underside of a sign and grade.
"CONSTRUCTION SITE SIGN"	means a temporary sign erected by an individual or a firm on the premises undergoing construction or a property undergoing subdivision, for which the sign user is advertising or furnishing such items as labour, services, materials or financing.
"COPY"	means the wording on a sign surface either in permanent or removable letter form.
"FACE OF A SIGN"	means the entire area of a sign upon which copy could be placed.

"FACE/FACES"	<p>a sign shall be determined to "face" the Nanaimo Parkway when a straight line 200 metres (656.16 feet) or less can be drawn from the sign to any point on the Nanaimo Parkway right-of-way. A sign is not considered to face the Nanaimo Parkway where:</p> <ul style="list-style-type: none">i) the line crosses a public road or highway other than the Nanaimo Parkwayii) the line crosses a building to which the sign is affixed, oriii) in the Aulds Road Node, the sign is greater than 30 metres from the Nanaimo Parkway. (Bylaw 5398)
"FACIA SIGN"	<p>means a sign attached to and supported by the wall of a building with its face parallel to the building wall which does not project more than 0.4m (1.3 ft) from the wall to which it is attached.</p>
"FREESTANDING SIGN"	<p>means a sign, except a billboard, independently supported and visibly separated from a building or other structure and permanently fixed to the ground.</p>
"GRADE"	<p>means the elevation of the nearest surface of sidewalk or highway, and for a sign completely within private property, grade means the average of the finished ground surface within 3m (10ft) of the sign.</p>
"HEIGHT OF THE SIGN"	<p>means the vertical distance measured from the highest point of the sign to grade.</p>
"HIGHWAY LINE" (or "LOT LINE")	<p>means the boundary between a highway and a lot, or between two lots.</p>
"HIGHWAY FRONTAGE"	<p>means the length of the property line of any site parallel to and along each legally accessible highway, excluding a lane or walkway, that it borders.</p>
"HOME OCCUPATION SIGN"	<p>means a sign identifying a home occupation as defined in the Zoning Bylaw.</p>
"IDENTIFICATION SIGN"	<p>means a sign, other than a Third Party Sign, which contains a "no advertising" message and is limited to the name, logo, address and number of a building, institution or person, and to the activity carried on, or the occupation of the person in the building or institution. (Bylaw 3309)</p>
"ILLUMINATION"	<p>means a method of giving forth artificial light, either directly from a source of light incorporated in or connected with a sign, or indirectly from an artificial source, so shielded that no direct illumination from it is visible elsewhere than on the sign and in the immediate proximity thereof.</p>

"PAINTED WALL SIGN"	means a sign which is painted directly upon any outside surface of a building or other integral part of the building except when painted above a roof line. (Bylaw 3309)
"PARAPET"	means a wall or sloped overhang located at the edge of a roof which projects above the roof membrane. (Bylaw 5450)
"PARCEL LINE"	means a boundary line between two parcels or between a parcel and a highway.
"PARKWAY BUFFER"	means all property within 200 metres (656.2 feet) of the Nanaimo Parkway right-of-way or 500 metres (1640.4 feet) of the intersection of the centre-line of the Nanaimo Parkway and the centre-line of the connector roads as shown on Schedule 'F' is identified for the purposes of this bylaw as the "Parkway Buffer". (Bylaw 5241)
"PORTABLE SIGN"	means a sign not permanently affixed to the ground, a building or other structure which may be moved from place to place and includes a sandwich board sign.
"PROJECTING SIGN"	means a sign which projects from the face or wall of a building, but does not include an awning sign, canopy sign or fascia sign.
"PROMOTIONAL SIGN"	means a temporary sign made of cloth, cardboard or like material, the purpose of which is to promote sales campaigns for a period not exceeding 30 days.
"REVOLVING"	means revolution or rotation of all or a portion of a sign, but does not include animation.
"ROOF LINE"	means the intersection of the plane of the outside face of the exterior wall of the building and the plane of the roof of the building except that in the case of a pitched roof with projecting eaves the roof line shall be at the eaves level, and where the building has a parapet or canopy the roof line shall be the line of the top of the parapet or canopy, where such parapet or canopy is continuous at its full height for a minimum of 50 percent of the length of the building perimeter. (Bylaw 5450)
"ROOF SIGN"	means a sign erected upon the roof or on top of the parapet of a building, the entire face of which is situated above the roof line of the building to which it is attached. (Bylaw 5450)
"SANDWICH BOARD SIGN"	means non-illuminated signs having an "A" shape which is set upon the ground and has no external support structure.
"SIGN"	means any structure, painting or device that identifies, describes, promotes, advertises or directs. (Bylaw 3758)
"SIGN PERMIT"	means permission or authorization required by this Bylaw and issued by the Building Inspector to perform work regulated by this Bylaw.

"SITE"	means one or more parcels containing a building or group of buildings, separate from one another or joined by party walls, which are devoted to a common use, for example, but not limited to, a shopping mall or an industrial park.
"SHOPPING CENTRE"	means a group of retail stores in one or more buildings designed as an integral unit and having a common parking area.
"TEMPORARY SIGN"	means a sign which is not in a permanently installed or affixed position, advertising a product or an activity on a limited basis.
"THIRD PARTY SIGN"	means a sign which directs attention to a business, profession, activity, commodity, service or entertainment other than one conducted, sold or offered upon the premises where such sign is located or within the building to which such sign is affixed.
"TRAFFIC CONTROL DEVICE"	means a sign, signal, marking or other device placed or erected by the City or Ministry of Transportation and Highways to control pedestrian or vehicular traffic.
"UNDER CANOPY SIGN"	means a sign which is suspended beneath and attached to a canopy or awning and includes an under-awning sign.
"WALL SURFACE AREA OF A BUILDING"	means that portion of any exterior elevation of a building extending from grade to the top of a parapet wall or roof line and the entire width of the building.
"WINDOW SIGN"	means a non-animated sign which is located in or affixed to a window and which does not cover more than 50 percent of the area of the window. (Bylaw 3309)
"YARD"	means a yard required by the Zoning Bylaw for the zone in which the sign is located.
"ZONES"	means the area into which the City is divided in accordance with the Zoning Bylaw.
"ZONING BYLAW"	means the City of Nanaimo "ZONING BYLAW 1987 NO. 3000" and amendments thereto and any subsequent bylaws which may be enacted in substitution therefore.

[NOTE: FOR THE CONVENIENCE OF PERSONS UNFAMILIAR WITH S.I. (SYSTEM INTERNATIONAL) UNITS OF MEASUREMENT, SOFT CONVERSIONS TO IMPERIAL UNITS HAVE BEEN INCLUDED IN THE TEXT OF THIS BYLAW. IMPERIAL EQUIVALENTS FOLLOW THE METRIC MEASUREMENTS AND ARE ENCLOSED IN BRACKETS. ALL AREA MEASUREMENTS EXPRESSED IN SQUARE FEET ARE DENOTED BY THE ABBREVIATIONS ft². IN THE CASE OF ANY DISCREPANCIES BETWEEN METRIC AND IMPERIAL MEASUREMENTS, THE METRIC MEASUREMENT SHALL BE TAKEN AS CORRECT.]

3. General Provisions

Except as otherwise provided for in this Bylaw;

No person shall erect, construct or maintain:

Interference with Traffic

- (1) a sign that interferes with the movement of vehicular or pedestrian traffic or a traffic control device;

Ventilation Devices

- (2) a sign that interferes with any ventilation device;

Utilities

- (3) a sign, guy, stay or attachment thereto that is attached to or interferes with any utility wires, poles or supports thereof;
- (4) a sign that obstructs any fire escape, required exit, window, door opening, or any wall opening intended as a means of ingress or egress;
- (5) a sign that is not in a safe condition;
- (6) a sign or portion thereof (including support structures) that extends or projects above the roof line of a building; (Bylaw 5450)
- (7) a sign that interferes with any surface or underground facilities, conduits or lines for water, sewage, gas, electricity, or communications equipment;
- (8) a sign attached to a tree or other living vegetation;
- (9) a sign that interferes with any existing warning or instructional sign;
- (10) a sign contrary to the Building Bylaw and accepted good engineering practice;
- (11) an illuminated sign that does not have CSA approval, the approval of the Provincial Electrical Inspector or incorporates a strobe light;
- (12) a sign that does not have an identification label affixed to it as supplied by the City at the time of permit issuance;
- (13) an illuminated sign that does not have the light source concealed in order to prevent glare;
- (14) a sign that does not have the maker's name and the weight of the sign permanently attached to or painted on the exterior of the sign, so that it may be readily seen after the sign is erected;
- (15) a sign that does not have the framework and other rigid devices required for the lateral support of the sign integrated in appearance with the sign, provided that guy wires may be used for stabilizing freestanding and/or projecting signs subject to the conditions contained in this Bylaw;

- (16) a sign on, above or in a highway without first applying for and obtaining a "sign encroachment agreement" with the City of Nanaimo;
- (17) a sign located adjacent to a major highway as defined in the Zoning Bylaw unless it is located in accordance with the setbacks contained therein;

a property owner wishing to erect a sign other than in conformance with the required setback as contained in the Zoning Bylaw, may do so only after entering into an agreement with the City of Nanaimo which would guarantee that in the event that the subject sign had to be removed to facilitate work on municipal property, the cost of doing so would be borne solely by the property owner;
- (18) a sign which projects over vehicular traffic areas with a minimum clearance of less than 4.2m (13.7ft);
- (19) a sign which projects over pedestrian areas with a minimum clearance of less than 2.4m (7.8ft);
- (20) a sign or signs the aggregate area of which exceeds 25 percent of the wall surface area of the wall to which the sign or signs are affixed;
- (21) an illuminated sign in a residential (R) and residential multiple (RM) zones;
- (22) a sign which is animated or revolving in an area other than as specified in Schedule 'A' of this Bylaw;
- (23) a sign, other than a billboard, which includes a third party advertising message for a business, profession, activity, service, entertainment or commodity for sale not located, offered or carried on within the boundaries of the City of Nanaimo. (Bylaw 3227)

Parkway Signage (Bylaw 5241)

- (24) A third-party sign within the Parkway Buffer.
- (25) A sign, within the Parkway Buffer, which faces the Nanaimo Parkway.
- (26) A back-lit sign within 30 metres (98.4 feet) of the Nanaimo Parkway on those lands designated Urban Parkway as shown on Schedule 'F'."

5. Permitted Signs

No person shall construct, erect or maintain a sign, except those permitted by this Section or Section 6 and in accordance with the regulations of this Bylaw.

- (1) In cases where the use of the land is lawful non-conforming or permitted by a land use contract, signage is permitted in accordance with the lawful use of the land;

(2) Awning Signs

Awning signs are permitted as follows:

- (A) Awning signs are permitted in the C (COMMERCIAL) Zones except 'C-14', I (INDUSTRIAL) Zones, MA (MARINE) Zones, and P (PUBLIC) Zones, except 'P-1', 'P-4', and 'P-5'. (Bylaw 5450)
- (B) The maximum sign area is limited to 25 percent of the wall area to which the awning is affixed.
- (C) Signs suspended from or below an awning are subject to the regulations of under-canopy signs.
- (D) Awnings on which signage is located may project up to 1.5m (5ft) above a building roofline. (Bylaw 3499)
- (E) Where a part of an awning projects above a building roofline, no signage shall be located on that portion of the awning above the roofline. (Bylaw 3499)
- (F) Where an awning projects above a building roofline, no structural support or element shall be attached to or be reliant for support upon any portion of the building above the roofline. (Bylaw 3499)

(2.1) Billboards

Billboard signs are permitted as follows:

- (A) Billboards are permitted only in downtown C-11 Zoned areas, as shown on Schedule 'D'. Only one billboard sign per parcel of land shall be allowed. (Bylaw 4767)
- (B) The maximum area of a billboard shall not exceed 19m² (204.5ft²).
- (C) No billboard shall be located within a 91.5m (300ft) distance from another.
- (D) No part of a billboard shall be closer to the highway line than the front of the nearest building or a line drawn between building fronts when located between two buildings.
- (E) The maximum height of a freestanding billboard shall be 7m or the height of the roofline of the nearest building whichever is the lesser.

(3) Canopy Signs

Canopy signs are permitted as follows:

- (A) Canopy signs are permitted in the C (COMMERCIAL) Zones except 'C-9' and 'C-14', I (INDUSTRIAL) 'I-1', 'I-2', 'I-3', 'I-4', MA (MARINE) Zones, and P (PUBLIC) Zones except 'P-1', 'P-2', and 'P-5'. (Bylaw 5450)
- (B) The maximum canopy sign area shall be 0.6m² per lineal metre (2ft² per lineal foot) of the canopy frontage to which it is affixed or 25 percent of the building face of the same building elevation, whichever is the greater. (Bylaw 4690)
- (C) No canopy sign shall extend or project above the upper edge of a canopy or marquee by more than 0.6m (2ft) and in no case may project above the roof line of a building.
- (D) The length of the canopy sign shall not be greater than the length of the canopy.
- (E) Notwithstanding (B) and (C), freestanding canopies are permitted to have signage on all sides except that no sign shall project above the upper edge or be greater in length than the length of the canopy and the vertical dimension shall not exceed 1.5m (5ft). (Bylaw 3309)

(4) Facia Signs

(A) Facia signs are permitted as follows:

- (i) Non-illuminated facia sign only as a home occupation sign in the (RESIDENTIAL) 'RS-1' to 'RS-5' inclusive, and 'C-14', 'RM-1' and shall not exceed 0.2m² in area (2.2ft²). (Bylaw 4767)
- (ii) Facia sign only for the purpose of identification in the (RESIDENTIAL MULTIPLE) 'RM' Zones 'RM-2' to 'RM-11' inclusive, and shall not exceed 1.5m² in area (16.1ft²). (Bylaw 4767)
- (iii) In the C (Commercial) Zones except C-14, I (INDUSTRIAL) Zones, MA (MARINE) Zones, and P (PUBLIC) Zones except 'P-1', 'P-4', and 'P-5', facia signage shall be permitted per business for every wall facing a highway or yard as follows:

one facia sign with a total area of signage not exceeding 25 percent, or two facia signs whose total area of signage does not exceed 20 percent, or where there is more than two facia signs the total area of signage does not exceed 10 percent of the wall surface of building to which they are affixed. (Bylaw 5450)
- (iv) No part of a facia sign shall project beyond a corner of the wall to which it is attached except in the case of a mitred corner which makes up an integral part of the sign.

- (B) No fascia sign located within the Parkway Buffer on those lands designated Rural Parkway (open and wooded), as shown on Schedule 'F' shall be backlit. The sign shall not exceed 5 square metres (53.8 square feet) in area or 15 percent of the wall surface to which it is affixed, whichever is less. (Bylaw 5398)
 - (C) No fascia sign located within the Parkway Buffer on those lands designated Urban Parkway as shown on Schedule 'F' shall be backlit within 30 metres (98.4 feet) of the Nanaimo Parkway. The signs shall not exceed 15 square metres (161.4 square feet) in the area or 15 percent of the wall surface to which it is affixed, whichever is less. (Bylaw 5450)
 - (D) Fascia signage located on an architectural feature on the façade of the building may project a maximum of 1.2 metres (3.94 feet) above the roof line of the building. (Bylaw 5450)
- (5) Freestanding Signs
- (A) Freestanding signs are permitted as follows: (Bylaw 4767)
 - (i) In the Residential Multiple Zones 'RM' (Excepting 'RM-8') freestanding signs are permitted only as identification signs and the maximum sign area shall be 1.5 sq. m. (16.1 ft. sq.) and the maximum height shall not exceed 2.0 m (6.5 ft.)
 - (ii) In the A (AGRICULTURAL) and 'RM-8' (MOBILE HOME PARK) Zone, the maximum area shall be 3.0 square metres (32.3 square feet) and the maximum height shall be 4 metres. (13.1 feet). (Bylaw 5450)
 - (iii)
 - (a) In the C (COMMERCIAL) Zones except 'C-3' and 'C-14', I (INDUSTRIAL) Zones, MA (MARINE) Zones, and P (PUBLIC) Zones except 'P-4' and 'P-5', the maximum sign area shall be 10 sq. metres inclusive of the area of any promotional and gas price signs permitted in subsections 6(12) and 6(13), (107.6 square feet) and the maximum height 9.0 metres (29.5 feet). (Bylaw 5450)
 - (b) Notwithstanding (iii)(a), freestanding signs for shopping centres having a gross floor area exceeding 2,000 square metres (21,500 square feet) are permitted to a maximum height of 13.7 metres (45 feet) and an area not to exceed 0.1 square metres (1.1 square feet) of sign area for each 0.3 metres of highway frontage to a maximum of 30 square metres (323 square feet).
 - (B)
 - (i) Not more than one freestanding sign shall be permitted adjacent to each highway frontage of a site, and in no case shall more than three freestanding signs be permitted per site or shopping centre. Each sign shall be located adjacent to the allowing highway frontage.
 - (ii) Where two or more signs are permitted on a site, such signs must be separated by a distance of not less than 10m.

- (C) A freestanding sign may be located in a required yard but no part of the sign shall extend over any parcel line and shall not be in conflict with the regulations of the Zoning Bylaw related to visibility at intersections.
- (D) Except where nose guys are necessary for safety, guy wires shall not be used for a freestanding sign.
- (E) Free-standing signs are not permitted within the Parkway Buffer on those lands designated Rural Parkway as shown on Schedule 'F'. (Bylaw 5241)
- (F) Free-standing signs are not permitted within 100 metres (328 feet) of the Nanaimo Parkway on those lands designated Urban Parkway as shown on Schedule 'F'. Those free-standing signs outside of 100 metres (328 feet) shall not face the Nanaimo Parkway." (Bylaw 5241)

(6) Painted Wall Signs

Painted wall signs are permitted as follows:

- (A) Painted wall signs are permitted in the C (COMMERCIAL) Zones except 'C-14', I (INDUSTRIAL) Zones, MA (MARINE) Zones, and the P (PUBLIC) Zones except 'P-1', 'P-4', and 'P-5'. (Bylaw 5450)
- (B) One painted wall sign shall be permitted per business for every wall facing a highway or yard. For each wall the maximum area permitted for painted signs shall not exceed 25 percent of the wall surface upon which the sign or signs have been painted. (Bylaw 3309)

(7) Portable Signs (Bylaw 5614)

- (A) Portable signs shall be permitted in all zones except Residential, Residential-Multiple and Mobile Home Park Zones.
- (B) Portable signs are permitted subject to the following:
 - (i) Only new businesses are eligible for a portable sign permit. For the purposes of this section, a new business shall be defined as a business that has had a business license with the City of Nanaimo for 90 days or less.
 - (ii) Only one portable sign shall be permitted per new business and must be located entirely on the property to which it pertains.
 - (iii) No permit shall be issued for a period exceeding 30 days in duration and in no case shall the date of expiry of the permit exceed the date 120 days from the issuance of the new business's business license.
 - (iv) No portable sign shall be illuminated or electrified.
 - (v) The sign shall not exceed 3m² (32 ft²) in area per side.

- (vi) When installed on a site, the maximum height of a portable sign measured from grade shall not exceed 2.5 m (8.2 ft.)
- (vii) Portable signs are subject to bonding requirements as contained in the City of Nanaimo "BUILDING BYLAW 1988 NO. 3220" and amendments thereto.

(8) Projecting Signs

Projecting signs are permitted as follows:

- (A) Projecting Signs are permitted in the C (COMMERCIAL) Zones except C-14, I (INDUSTRIAL) Zones, MA (MARINE) Zones, and P (PUBLIC) Zones except 'P-1', 'P-4', and 'P-5'. (Bylaw 5450)
- (B) One projecting sign shall be permitted for each business within a building.
- (C) The maximum area of a projecting sign shall not exceed 6m² (64.6ft²).
- (D) A sign and support structure may project 0.3m from the building face for each metre (1ft for every 3.3ft) that the sign is located from the nearest edge or corner of the business premises to a maximum of 2m (6.5ft) from the building face.
- (E) A sign shall not project closer than 0.6m (2ft) to the curbline of a highway.
- (F) *Deleted by Bylaw 5450.*
- (G) Guy wires are permitted to be installed only when solid cantilever support is not possible to provide wind bracing. The number of guy wires shall not exceed two per face of the sign or four in total.

(9) Under Canopy Signs

Under canopy signs are permitted as follows:

- (A) Under canopy signs are permitted in the C (COMMERCIAL) Zones except C-14, I (INDUSTRIAL) Zones, MA (MARINE) Zones, and P (PUBLIC) Zones except 'P-2', 'P-4', and 'P-5'. (Bylaw 5450)
- (B) The maximum vertical dimension of an under canopy sign shall be 0.3m.
- (C) No under canopy sign shall exceed the width of the canopy under which the sign is affixed.

(10) Banner Signs (Bylaw 4520)

Banner signs are permitted as follows:

- (a) Banner signs are permitted in the C (COMMERCIAL) Zones except 'C-14' and 'C-15', I (INDUSTRIAL) Zones, MA (MARINE) Zones, and P (PUBLIC) Zones except 'P-4' and 'P-5'. (Bylaw 5450)
- (b) A Sign Permit shall not be required if the sign area does not exceed 10m² (107.6ft²), the maximum height is 9m (29.5ft) is installed for a maximum 30 day period and conforms to all specifications set out in "SIGN BYLAW 1987 NO. 2850" and amendments.
- (c) Banner signs described in Section 5(10)(b) are permitted to be located on a site for a maximum of 90 days per business year. No banner sign shall be installed for a period exceeding 30 consecutive days.
- (d) No banner sign shall be installed until a period of 30 days has elapsed from the installation of any previous banner sign.
- (e) Banner signs which exceed 10m² (107.6ft²) or which will be installed for a period exceeding a 30 day period require a Sign Permit and shall meet the specifications and fees set out in the appropriate section of "SIGN BYLAW 1987 NO. 2850", "BUILDING BYLAW 1988 NO. 3220" and their amendments.

6. Permit Exemptions

Subject to all other provisions of this Bylaw and notwithstanding Sections 5 and 7, the following signs may be erected or placed without a permit:

- (1) One sign pertaining to a sale or rental of a parcel or property on which the sign is displayed, provided the sign shall not exceed 3m² (32.3ft²) in area, is located on the property to which the sign applies and is removed within 14 days after the sale, rental or lease has been accomplished.
- (2) One construction site sign per construction project not to exceed 3m² (32.3ft²) in sign area provided that such signs shall be erected no more than 5 days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed 5 days after completion of construction and prior to occupancy.
- (3) One sign with an area of less than 0.1m² (1.1ft²) per parcel.
- (4) Signs located within the interior of any building or within an enclosed lobby or court of any building, and signs for and located within the inner or outer lobby, court or entrance of any theatre, that are not visible from the public right-of-way. This does not, however, exempt such signs from the structural, electrical or material specifications as set out in this Bylaw.

- (5) Advertising signs displayed on bus shelters and seats, and on garbage/recycling containers, located pursuant to an agreement with the City. (Bylaw 3309)
- (6) Political or campaign signs erected on private property on behalf of candidates for public office or measures on election ballots provided that such signs are removed within 7 days after the election or referendum. Similar signs erected on public property must be erected in conformance with City of Nanaimo "TRAFFIC AND HIGHWAYS BYLAW 1983 NO. 2600" and all amendments thereto.
- (7) Signs which provide direction or instruction and are located entirely on the property to which they pertain and do not in any way advertise a business, signs identifying restrooms, public telephones, walkways, or signs providing direction such as parking lot entrance and exit signs and those of similar nature. Such signs shall not exceed 1.5m² (16.1ft²) in area or 1.5m (5ft) in height. Directional signs may include the name and/or logo of a company but such information shall be limited to a maximum area of 25 percent of the sign. Only one directional sign is permitted for each entrance/exit to or from a parcel and must be located adjacent to the entrance/exit.
- (8) Signs, masonry walls, landscaping and other similar materials or features may be combined to form a display for neighbourhood or tract identification, provided that the legend of such sign or display shall consist only of the neighbourhood or tract name.
- (9) One non-illuminated freestanding or one non-illuminated fascia sign for each parcel not exceeding 0.2 square metres (2.2 square feet) indicating the name and nature of a home occupation. (Bylaw 5329)
- (10) One portable sign per business per site to be located entirely on the property to which it pertains and not to exceed 0.55m² (6ft²) in area.
- (11) Temporary signs not exceeding 0.6m² (6.5ft²) area pertaining to drives or events of civic, philanthropic, educational or religious organizations, provided that said signs are posted only during said drive or no more than 30 days before said event and area removed no more than 7 days after an event. Signs located on or adjacent to any highway are subject to the provisions of City of Nanaimo "TRAFFIC AND HIGHWAYS BYLAW 1983 NO. 2600" and all amendments thereto.
- (12) Gasoline price signs, not already incorporated in permitted freestanding signs, provided such signs are non-illuminated and that the total area of all such signs on a site is less than 2m² (21.5ft²). The area of such gasoline price signs shall be included in the calculation of the maximum allowable area of freestanding signage on a site.
- (13) Gasoline stations are permitted to erect up to 2 promotional signs relating solely to automotive products purchases, not exceeding 1.5m² (16.2ft²) each in area. The area of such promotional signs shall be included in the calculation of the maximum allowable area of freestanding signage on a site.
- (14) Non-illuminated under canopy signs less than 0.6m² (6.5ft²) in area.
- (15) Any sign erected as a requirement of any City of Nanaimo Bylaw. (Bylaw 3932)

- (16) Window signs. (Bylaw 3309)
- (17) Banner signs up to a maximum of 3m² (32.3ft²) and a maximum height of 9m (29.5ft) provided that such signs conform to all other specifications set out in "SIGN BYLAW 1987 NO. 2850" and all amendments thereto. (Bylaw 4520)
- (18) Notwithstanding Subsections 6 (1-17), all signs within the Parkway Buffer must not face the Nanaimo Parkway.
- (19) Gasoline stations and gas bars are permitted to erect 2 signs above their gas pumps, relating solely to their business name or logo, not exceeding 1.5 square metres (16.2 square feet) each in area. (Bylaw 5450)
- (20) Menu board signs, provided the sign shall not exceed 4.5 square metres (48.3 square feet) in area, contain lettering that is a maximum 100 mm (4 inches) in height, and be directed only to persons using drive-throughs associated with that menu board. (Bylaw 5450)

7. Permits and Approvals

Except as provided in Section 6:

- (1) No person shall commence or carry out the erection, construction, placing, structural alteration or relocation of a sign without first obtaining and holding a valid Sign Permit pursuant to this Bylaw. Applications for Sign Permits shall be submitted to the Building Inspector and shall contain or have attached thereto the following information:
 - (A) The names, addresses and telephone numbers of the applicant, the owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the person to be erecting or affixing the sign.
 - (B) The address and legal description of the building, structure or lot on which the sign is to be erected or affixed.
 - (C) A site plan of the property involved, showing accurate placement thereon of the proposed sign.
 - (D) Two blueprints or ink drawings of the plans and specifications of the sign to be erected or affixed and method of construction and attachment to the building or in the ground. Such plans and specifications shall include details of dimensions, materials, colour and weight.
 - (E) Notwithstanding (D) above, where a sign has a value of less than \$250.00, the Building Inspector may accept a photograph and plot plan in place of the aforementioned plans.
 - (F) If required by the Building Inspector, a copy of stress sheets and calculations prepared by or approved by a registered structural engineer licensed to practice in the Province of British Columbia showing that the sign is designed for dead load and wind pressure in any direction in the amount required by this and all other applicable bylaws.

- (G) If required by the Building Inspector, the written consent of the owner of the building, structure or property on which the sign is to be erected or affixed.
 - (H) Such other information as the Building Inspector may require to determine full compliance with this and other applicable bylaws of the City.
- (2) Upon the filing of an application for a Sign Permit, the Building Inspector shall examine the plans, specifications and other submitted data and the premises upon which the sign is proposed to be erected or affixed. If it appears that the proposed sign is in compliance with all the requirements of this Bylaw and other applicable bylaws and if the appropriate permit fee has been paid, the Building Inspector shall issue a permit for the proposed sign. If the work authorized under a Sign Permit has not been completed within 90 days after the date of issuance, the permit shall become null and void unless otherwise extended by the Building Inspector for a single additional 90 day period.
 - (3) At the time of issuance, every applicant for a Sign Permit shall pay to the City of Nanaimo a fee as set out in Schedule 'A' of the City of Nanaimo "DEVELOPMENT SERVICES DEPARTMENT FEES AND CHARGES BYLAW 1999 NO. 5357" and amendments thereto. (Bylaw 5357)
 - (4) Where the erection of signage for which a permit is required by this Bylaw is commenced prior to the issuance of a Sign Permit, the applicant shall pay to the Municipality double the fee prescribed in Schedule 'B' of the City of Nanaimo "BUILDING BYLAW 1988 NO. 3220" and all amendments thereto. (Bylaws 3758 and 4767)

8. Abandoned Signs (Bylaw 3758)

- (A) Except as otherwise provided in this Bylaw, any sign which pertains to a time, event or purpose which no longer applies or no longer fulfills its function under the terms of a Sign Permit shall be deemed to have been abandoned.

The Building Inspector may order the removal of an abandoned sign by giving written notice to the property owner who shall remove the sign and related structural components within 30 days of the date of the notice of removal. The property owner shall bear all costs related to such removal.

9. Offences

- (A) No person shall erect, construct, place, display, rebuild, reconstruct, alter, maintain or move or cause, suffer or permit the erecting, placing, construction, displaying, rebuilding, reconstructing, altering, maintaining or moving of any sign contrary to the provisions of this Bylaw.

10. Penalties

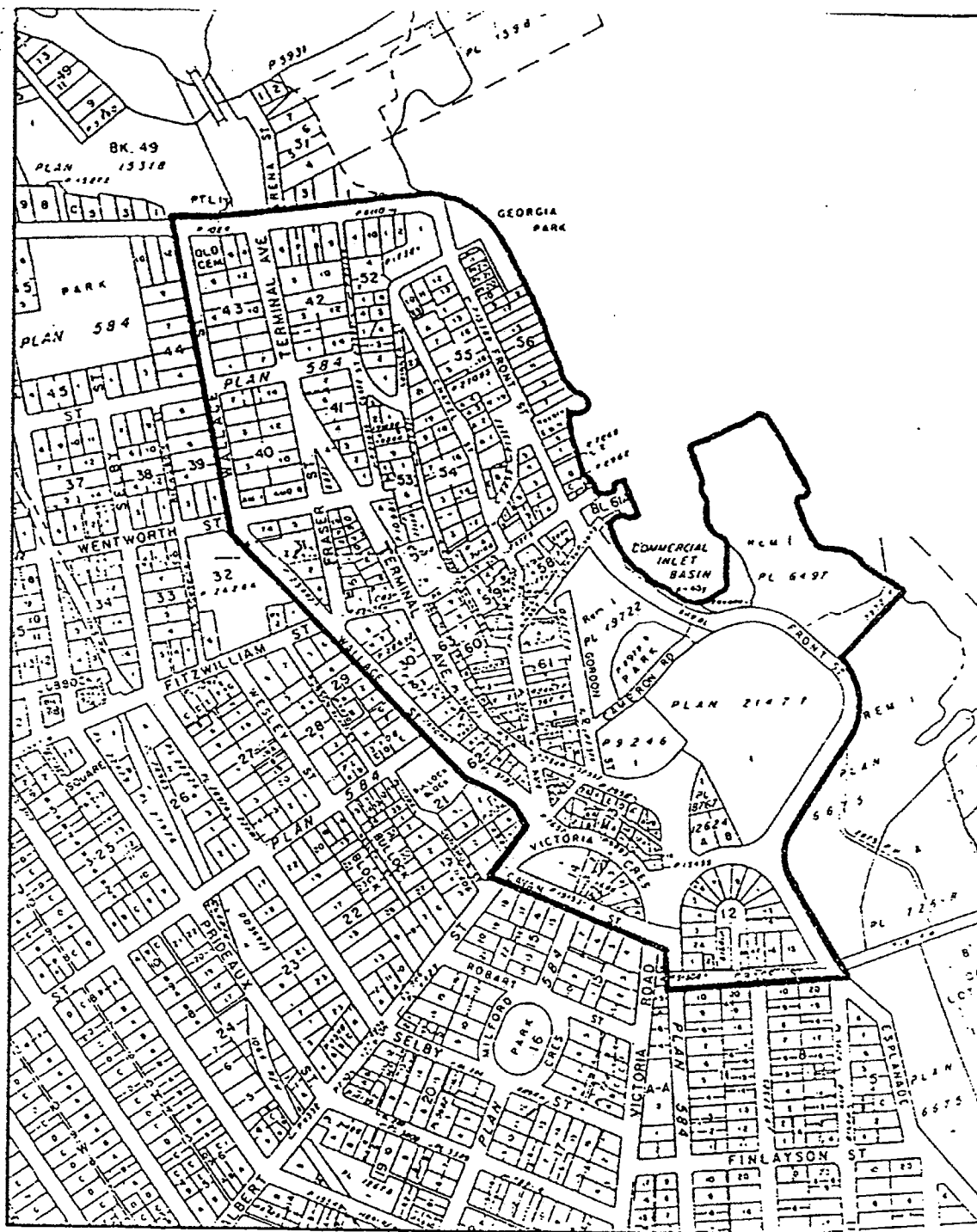
- (A) Every person who violates any of the provisions of this Bylaw, or who causes, suffers, or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who carries out or who suffers, causes or permits to be carried out any development in a manner prohibited by or contrary to any of the provisions of this Bylaw, or who fails to comply with any order, direction or notice given under this Bylaw, shall be liable on summary conviction to a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00); or, if an information is laid by means of a ticket, in accordance with the procedure set out in the *Offence Act*, a fine as stipulated in Schedule 'E' of this Bylaw. (Bylaw 4891)

11. Inspection

- (A) The Bylaw Enforcement Officer or Building Inspector is hereby authorized to enter, at all reasonable times upon any property or premises subject to this Bylaw to ascertain whether the regulations of this Bylaw are being or have been complied with.

12. Repeal of Previous Bylaws

- (A) The Corporation of the City of Nanaimo "SIGN BYLAW 1982 NO. 2200", and all amendments thereto, are hereby repealed.



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SCHEDULE 'B'

PART 4: SCALE OF FEES - SIGN PERMITS

DELETED BY:

*"DEVELOPMENT SERVICES DEPARTMENT FEES AND CHARGES
BYLAW 1999 NO. 5357"*

SCHEDULE 'C'

DEVELOPMENT VARIANCE PERMIT GUIDELINES

At the time of the preparation of this Bylaw, work is under way on the drafting and adoption of Development Variance procedures.

It is expected that in some cases, business persons may feel that due to problems encountered on a specific site, the provisions of the Sign Bylaw do not allow for the location and erection of adequate signage. In such cases, Council may be approached to allow a variance from the provisions of the Sign Bylaw.

It is recognized that such variances may be requested for a number of reasons (site topography, building location and height, signs on adjacent property, etc.). Council will have to deal with the merits of each request on an individual basis. However, during the course of the review of the Sign Bylaw, a number of discussions have taken place regarding the philosophy of the Sign Bylaw and how it should be related to Development Variance Permits.

The use of Development Variance Permits is a relatively new option which, if not dealt with in a consistent manner, could lead to a total disregard of the intent of the sign regulations. In an attempt to assist Council members in avoiding this situation, the Committee has prepared a series of guidelines for Council's consideration. These guidelines are based on the discussions which took place during the Committee meetings. During these meetings, it became evident that most Committee members felt that some types of variances would be acceptable in given situations, i.e. revolving signs outside the Downtown Core, while others, such as rooftop signs, should not be dealt with by way of Development Variance Permit under any circumstances.

Therefore, the following guidelines are presented for consideration:

- (1) Animated or revolving signs should be permitted outside the Downtown Core only in situations where no traffic hazard will be created and no conflict will occur with any adjacent residential development.
- (2) Awning and canopy signs are not categories which are likely to require a development variance, however, if one is requested it should be viewed on its relative merits.
- (3) Facia signs - the size limitations contained within the Bylaw are relatively generous and it is not felt that a variance should be considered for this category.
- (4) Freestanding signs - it is anticipated that Council would receive requests for variances of the size and/or height requirements for this category. Each application should be reviewed on its own merits.
- (5) Projecting signs - it is not envisioned that this category would require variances. Each application should be reviewed on its own merits.

- (6) Painted wall signs - in cases where Council feels the request is justified and the sign would not be aesthetically displeasing. Each application should be reviewed on its own merits.
- (7) Roof signs - roof signs generated more discussion at Committee meetings than any other form of sign. The end result of the discussions was that variances for this type of signage should not be permitted except in exceptional circumstances related to unique architectural configurations. This would also include the installation of any of the aforementioned signs in such a fashion so as to allow them to project above the roof line of the building.
- (8) Portable signs - Development Variance Permits should not be considered in the case of portable signs.



BYLAW NO. 4767

SCHEDULE 'E'

FINE SCHEDULE

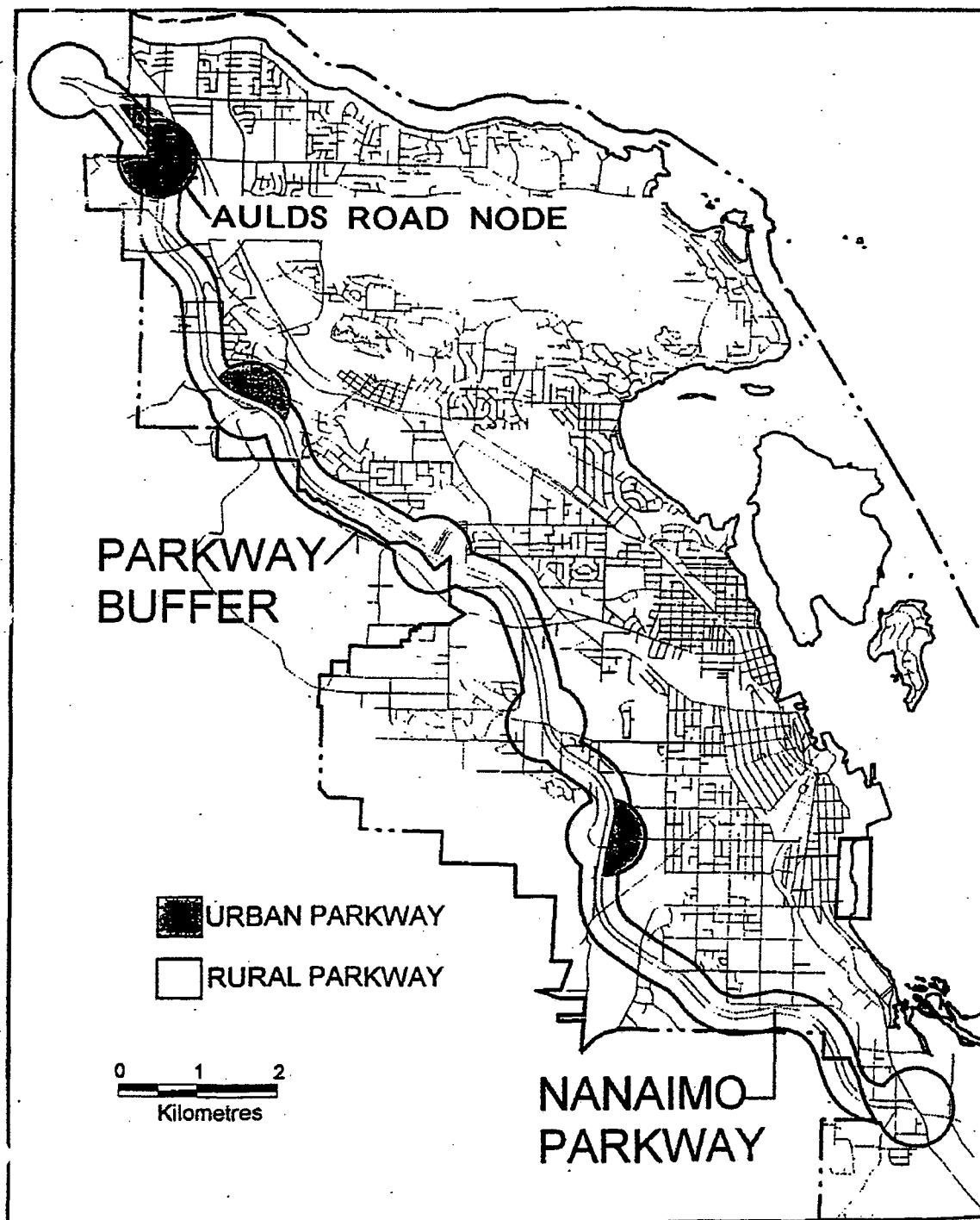
Fines for tickets issued pursuant to this Bylaw, shall be as follows:

<u>Description of Offence</u>	<u>Section #</u>	<u>Amount of Fine</u>
Erect sign without permit	7(1)	\$100.00
Fail to remove abandoned sign	8(a)	\$ 50.00
Erect sign contrary to provisions	9(a)	\$ 50.00

SCHEDULE 'F'

Schedule F

BYLAW 5398



Marilyn Smith

From: Jim Galloway [jgalloway@telus.net]
Sent: Wednesday, July 07, 2010 1:18 PM
To: Mayor&Council
Subject: Management of Signage, City of Nanaimo

Mayor John Ruttan and Members of Council,

Subject: Staff Report and recommendations re 'Real Estate / Construction Signs'

It has come to my attention that some people may look upon my interventions, concerning signage and the Sign Bylaw of Nanaimo, as the ravings of a bored retired person with nothing better to do than fuss over rules and regulations. Let me assure you that nothing could be further from the truth.

I am a proud citizen of Nanaimo, and I want to continue to be proud of it and to have other people, investors and businesses attracted to it as a place to live and work. I truly believe that a clutter of signage around the City, contravening our Bylaw, damages our image and our civic pride. We look immature and shoddy when we have every right to look mature, prosperous and well managed.

In this context, putting a significant category of a Bylaw on hold while it is being "reviewed" makes little sense to me. To give an analogy – if the rules of hockey were being reviewed, would you tell the referees to stay home until the review was completed, and still let the Clippers take to the ice for a series of games? Of course you wouldn't. That would do damage to the Clippers and to the game of hockey, just as keeping signage bylaw enforcement out of action while the bylaw is being reviewed is hurting our city. The game must go on; the rules, whether under review or not, must be enforced.

Is Council aware City staff have interpreted the the January, 2008 moratorium decision as being applicable to all realtor, developer and construction signage, whether for new construction or otherwise? Does Council seriously believe the City can leave it to the realtors, developers and contractors to 'self regulate' signage? Is this what the citizens and businesses of Nanaimo should expect? I think we deserve better.

Is Council aware Bylaw Services manages signage enforcement only through a 'reactive' process - meaning until a complaint is received from the public, a blind eye is given to infractions? Surely Nanaimo is now of a size and a level of maturity that it should not have to rely on citizens' complaints before an investigation is initiated. The citizens of Nanaimo *deserve a proactive policy* and Bylaw Services should be authorized to function without restrictions.

In summary, review and make appropriate revisions to the Bylaw, but in the meantime our City still needs to be managed. Rejection of item 1 of the Staff Report will be one step in the right direction.

Respectfully submitted,
Jim Galloway
6558 Groveland Drive,
City of Nanaimo.
250 390 1906

Marilyn Smith

From: Jim Galloway [jgalloway@telus.net]
Sent: Saturday, July 17, 2010 3:52 PM
To: Mayor&Council
Subject: COH meeting 19/07/10
Attachments: You have received photos from Adobe Photoshop Album Starter Edition 3_2.eml

Subject: Management of Signage in Nanaimo

Mayor John Ruttan,
cc. Councillors of City Council, City of Nanaimo

I appreciated our positive discussion on this topic. I am now more encouraged that appropriate action will be taken regarding Bylaw No. 2850, ironically titled "A Bylaw to Regulate Signs" and, more specifically, Staff Report 08/07/10 (a) Real Estate / Construction Signs, item #1. *Acceptance of this recommendation would only perpetuate errors in judgment of the past. i.e. January 28, 2008.* Clearly, enough is enough!

Some time ago a friend sent me an email satirizing the process of Bylaw review, and frankly I was starting to think he might be right. He put his thoughts in the form of a letter from City Hall to me. It went like this....

Dear Mr. Galloway

Thank you for your letter concerning signage. The points you make are excellent, and we intend to deal with them on an urgent basis.

First, we intend to engage a consultant to review your comments and the appropriate by-laws as they exist today. Engaging consultants is normally a 12 month process, but in light of your concern we intend to accelerate the process to 10 months.

The consultant will have one year to carry out the assignment and present the report.

This report will go to our By-law Review Committee (BRC), which meets twice a year, in March and October. We are optimistically targeting the meeting of March 2013.

The BRC will as usual order a due diligence analysis (DDA), which will involve a further consultant process. That consultant will present findings to the BRC meeting of March 2015.

The BRC will then issue its report, and send it to City Council for approval. Thus we hope that by October 2015 we will have the situation clearly in hand.

The Council Decision (CD) will then be sent to the Bylaw Regulations Group (BRG) in our office, who will translate it into action regulations (BARs). These will be ready by around June 2016.

Then we will be in a position to take real action.

We trust this meets with your approval and support.

If it doesn't, why don't you take your BRC, your DDA, your CC, your CD, your BRG and your BARS, put them all in a large plastic container andoops.

Signed

CEO, Public Relations

City of Nanaimo

(CEO.PR.CN)

In closing, this important matter requires much more input, thought and serious consideration, as for the citizens of Nanaimo it is a critical determinate of our image and civic pride. Or, do we truly believe the existing 'banner sign' on the side of the building facing Terminal Avenue, of the former A & B Sound Store, is in keeping with the image we wish to convey? The store closed more than two years ago and ironically it is kitty corner to our rather important Conference Center. Do tourists from a cruise ship want to view this type of garbage? Is this the way we intend to continue managing signage in Nanaimo? I'm confident you agree we deserve better. Clearly, there is some hard work to be done and it's more than time enough that we got on with it!

Sincerely,

Jim Galloway
6558 Groveland Drive,
Nanaimo, BC

38.2

CD/DVD BLOWOUT
50% OFF ALL WHITE TAG CD'S/DVD'S



38.4