



MEMORANDUM

TO: ADVISORY PLANNING COMMISSION
FROM: JAMES VAN HEMERT, CONSULTING TOWN PLANNER
SUBJECT: UPDATING SIGN BYLAW AND OTHER MATTERS
DATE: 6/22/2021

I have prepared an amending bylaw to the Sign Bylaw for your review which addresses the following matters discussed in the May APC meeting:

1. defined 'political sign',
2. defined 'temporary sign',
3. crafted provisions for when political signs may be placed and removed, and
4. added a provision for the length of time a temporary sign may be in place.

The current Sign Bylaw is included in the agenda package.

I have investigated regulating 'little libraries.' The phenomenon began in Wisconsin in the USA and has spread to 70 countries. Communities that have tried to regulate them have been met with significant public backlash, and ultimately resorting to simply permitting them as an accessory use in the Zoning Bylaw. It is difficult, however, to justify local government expense to regulate such a benign use that promotes neighbourliness. A study in Toronto revealed that mostly they show up in wealthier, white neighborhoods. Some bloggers on Planetizen (a prominent urban planning website and discussion forum) suggest little libraries represent 'virtue signaling' more than any significant public benefit. Public libraries are free too and serve everyone! My recommendation: leave it alone, just like we leave the garden gnomes alone.

**TOWN OF LAKE COWICHAN
BYLAW NO. 10xx-2021**

A BYLAW TO AMEND SIGN REGULATION BYLAW 945-2014

WHEREAS pursuant to the Community Charter, a municipality may by bylaw regulate and impose requirements applicable to signs and advertising;

AND WHEREAS by authority of the Local Government Act and subject to the Transportation Act and the Motor Vehicle Act a municipality may regulate the number, size, type, form, appearance and location of any sign;

AND WHEREAS the Council of the Town of Lake Cowichan deems it expedient to amend the Sign Regulation Bylaw;

AND WHEREAS the passage of this bylaw has met all of the requirements pursuant to the Local Government Act;

NOW THEREFORE the Council of the Town of Lake Cowichan in open meeting assembled enacts the following:

1. TITLE

This bylaw may be cited for all purposes as the "Town of Lake Cowichan Sign Regulation Amendment Bylaw No. 10xx-2021".

2. AMENDMENTS

1) Section 2 Definitions is amended by adding the following terms:

POLITICAL SIGN

means a temporary display structure bearing lettering, symbols or pictures used to:

- a) promote or oppose the election of a candidate;
- b) approve or disapprove of a course of action advocated by a candidate;
- c) promote or oppose a political organization or its program;
- d) approve or disapprove of a course of action advocated by a political organization;
- e) promote or oppose an issue that is the subject of a referendum or plebiscite; or
- f) promote or oppose a recall or initiative campaign.

TEMPORARY SIGN

includes a notice, structure or device which is displayed or used, or intended to be displayed or used for fewer than sixty days;

2) Section 3 Applications and Permits is amended by deleting the existing provision (2) and replacing it with:

- (2) Unless otherwise exempted, this bylaw applies to all owners, tenants and lessees of a premise or parcel within the boundaries of the town.

3) Section 6 General Provisions is amended by deleting the existing provision (1) and replacing it with:

- (1) The maximum number of temporary signs in all zone districts shall be two (2) per commercial business frontage or residential dwelling.

4) Section 7 General Provisions for Signs Permitted Without a Permit is amended with the addition of the following provisions:

(xiii) political signs shall not be displayed prior to the date on which an election or referendum is called by the election officer; shall be removed within seven (7) days of the date of the election in respect of which they were displayed; and shall not be erected on non-designated public property or so as to interfere with pedestrian or traffic safety.

(xiv) temporary signs, except for political signs, shall be removed within sixty days of their placement.

5) Section 9 is amended by deleting the Section title 'Posters, Placards and Handbills' and replacing it with 'Election and Political Signs, Posters and Handbills'.

- 6) Section 9 is amended by adding the word 'signs' following the word 'election' in Subsection 9 (1) and adding the word 'signs' following the word 'posters' in Subsection 9 (2).
- 7) Section 9 (2) is amended by replacing the reference to Section 8 (1) with a reference to Section 9 (1).

3. FORCE AND EFFECT

That upon adoption of this bylaw Sign Regulation Bylaw No. 945-2014 shall hereby be amended and take effect.

READ A FIRST TIME on the xxx day of xxx, 2021.

READ A SECOND TIME on the xxx day of xxx, 2021.

PUBLIC HEARING held on the xxx day of xxx, 2021.

READ A THIRD TIME on the xxx day of xxx, 2021.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Lake Cowichan on the xxx day of xxx, 2021.

Bob K. Day
Mayor

Joseph A. Fernandez
Corporate Office

TOWN OF LAKE COWICHAN

A Bylaw to Regulate the Installation and Maintenance of Signs

BYLAW NO. 945-2014

WHEREAS pursuant to the Community Charter, a municipality may by bylaw regulate and impose requirements applicable to signs and advertising;

AND WHEREAS by authority of Section 908 of the *Local Government Act* and subject to the Transportation Act and the Motor Vehicle Act a municipality may regulate the number, size, type, form, appearance and location of any sign;

AND WHEREAS it is deemed desirable for local commercial, business, institutional and industrial establishments to identify the nature of their business while preventing the public display of signs which may be inappropriate as to size, design or hazards arising from improperly constructed or sited signs;

NOW THEREFORE, the Municipal Council of the Town of Lake Cowichan, in open meeting assembled, ENACTS as follows:

1. TITLE

This bylaw may be cited as the *Town of Lake Cowichan Sign Regulation Bylaw No. 945-2014*.

2. DEFINITIONS

ANIMATED SIGN means any sign which exhibits changing or moving effects at a constant intensity of illumination or has moving letters, symbols or messages and includes rotating and revolving signs;

BILLBOARD means an exterior structure panel, board, or object designed exclusively to support text or advertising material that is posted, fastened, painted or otherwise affixed thereto by means permitting its ready removal or replacement, which customarily does not directly apply to the premises or uses where it is displayed;;

BUILDING INSPECTOR means the person appointed to administer the building regulations of the Town;

BUSINESS FRONTAGE means the portion of a building frontage occupied by a single tenant space having a public entrance within the building frontage. If a tenant has frontage facing two or more highways or public areas, only the two largest frontages may be used in calculating allowable sign area or number limitations;

CANOPY SIGN means any sign directly applied to a fixed structure projecting from any wall of a building for the purpose of affording protection to the public from the weather;

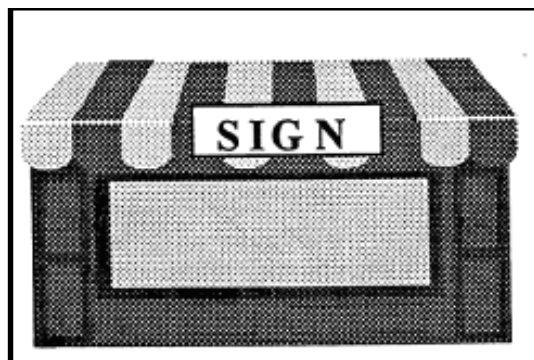
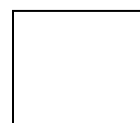


Figure 1 Canopy Sign



CHANGEABLE COPY SIGN means a sign or portion of a sign that allow for changes to be made to the sign copy, either electronically by means of electronic switching of lamps or illuminated tubes, or manually through the use of attachable letters, numbers or graphics;

CLEARANCE, CURB means the distance between any sign or canopy and the elevation of the nearest curb line vertically to coincide with the horizontal axis of the lowest part of the sign;

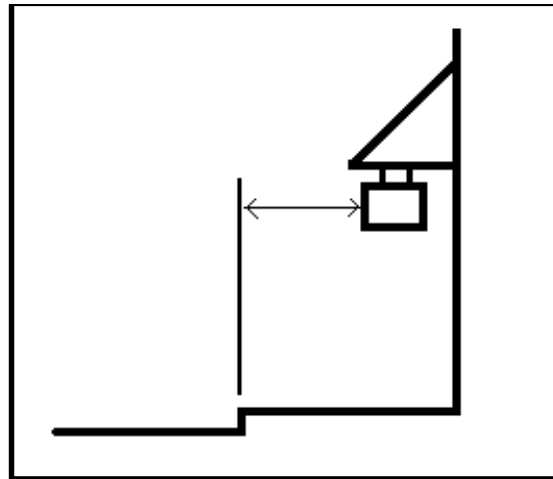


Figure 2 Curb, Clearance

CLEARANCE, HEIGHT means the distance between the lowest part of any sign or canopy and the grade below it;

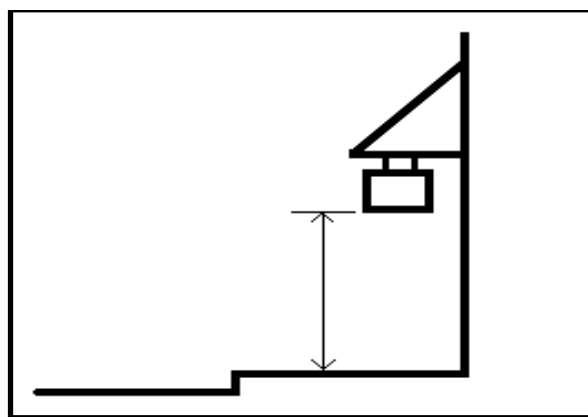


Figure 3 Height, Clearance

COUNCIL means the Municipal Council of the Town of Lake Cowichan;

CORPORATE OFFICER means the municipal official appointed by Council to administer the corporate services of the Town;

DIRECTORY SIGN means a sign listing four (4) or more businesses located on the same parcel or at four (4) or more adjoining parcels;

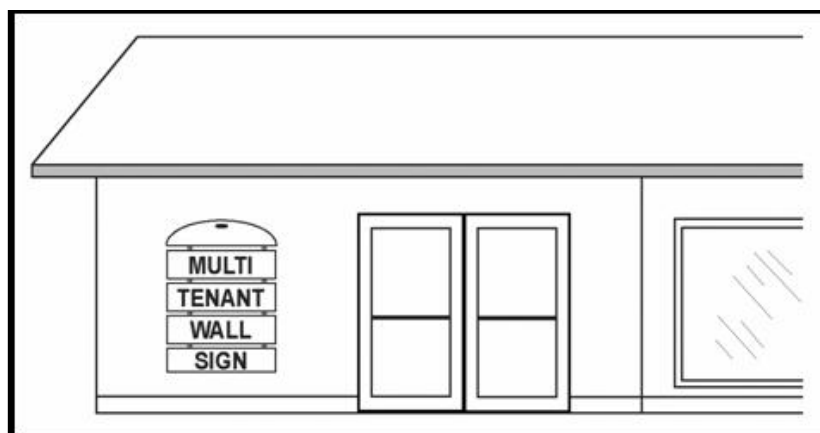
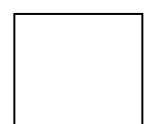


Figure 4 Directory Sign



DIRECTIONAL SIGN means a sign designed to direct pedestrian and vehicular traffic, or indicate the direction or route from the sign to a business or businesses, place or event;

FACIA SIGN means any flat sign which does not project more than 0.3 m from any wall of any building to which it is attached, and runs for its whole length parallel to the face of the wall of the building or structure;

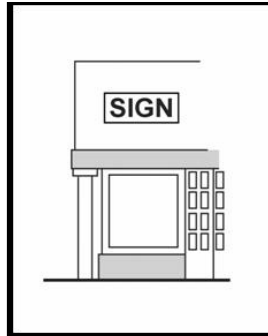


Figure 5 Facia Sign

FLAG MOUNTED POLE SIGN means any sign located on either side of a single support post, which is supported independent of a building or other structure, and permanently fixed to the ground;

FLASHING SIGN means any directly or indirectly illuminated sign on or in which artificial light intensity and colour is not maintained stationary and constantly maintained;

FREE-STANDING SIGN means any sign supported on a structure, which is independent of any building;

HANGING SIGN means a sign suspended entirely underneath an awning, canopy or other similar structure;



Figure 6 Hanging Sign

IDENTIFICATION SIGN means a sign, other than a Third Party Sign, which contains 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 occupation;

MONUMENT SIGN means a sign that is supported by a solid base, rather than by poles, posts, or other such supports;



Figure 7 Monument Sign



MUNICIPALITY means the Town of Lake Cowichan;

PARAPET SIGN means a sign erected on the portion of a building facia or wall that rises above the roof level of the structure;



Figure 8 Parapet Sign

PARCEL means any lot, block or other area in which land is held or subdivided and shall be deemed to include the area within a strata plan;

POLE SIGN means a free-standing sign with a visible support structure;

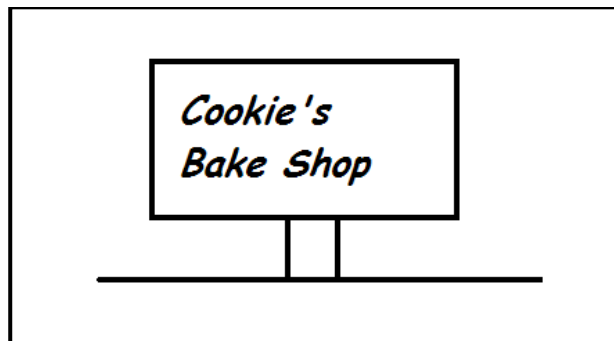


Figure 9 Pole Sign

PORTABLE SIGN means any sign not permanently anchored to the ground or to a building, including "A" frame sandwich board or curb signs and any sign capable of being wheeled, lifted, or otherwise moved from one location to another;

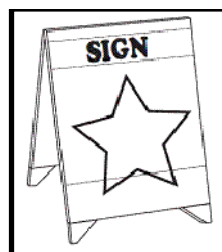


Figure 10 Portable Sign

PROJECTING SIGN means any sign which projects more than 0.3m from the face or wall of any building or structure to which it is attached;



Figure 11 Projecting Sign

ROOF SIGN means any sign erected upon or above a roof or parapet of any building;



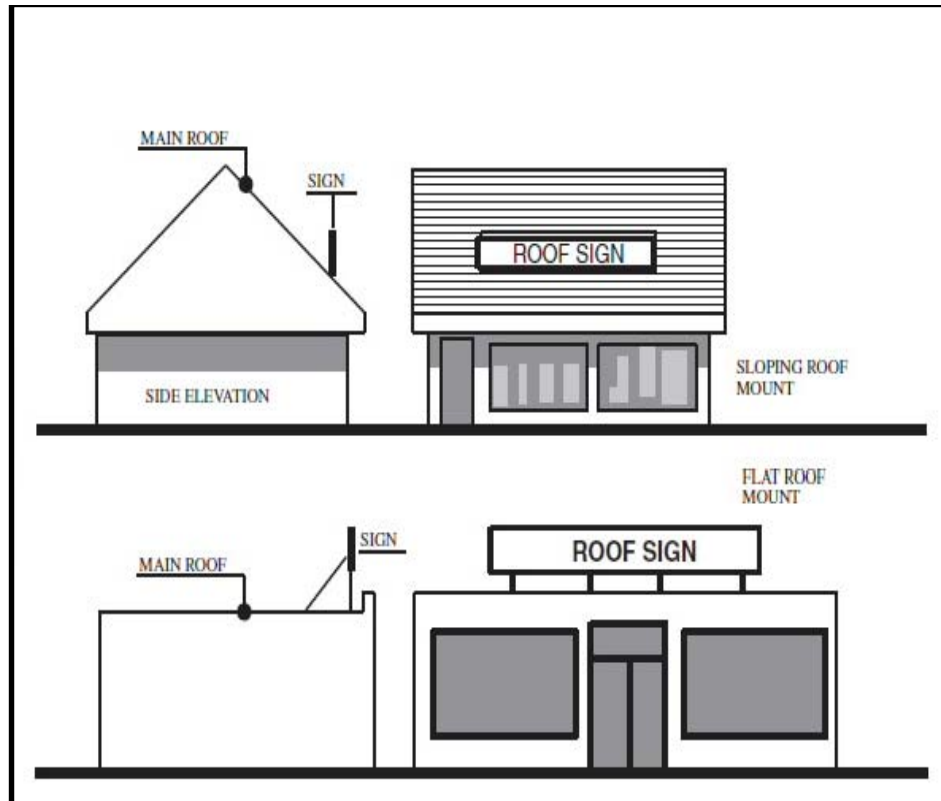


Figure 12 Roof Sign

SIGN means any structure or device attached or painted or represented thereon which is used as, or which is in the nature of, an announcement, direction or advertisement of which is used to attract the attention of the public to any object, product, place, activity, person, institution, organization, or business and which is placed so as to be seen by the general public;

SIGN AREA means the area within a single continuous perimeter enclosing the extreme limits of the sign; and

THIRD PARTY SIGN means off-premises sign that advertises goods, products, services, or facilities.



Figure 13 Third Party Sign –Billboard Type (not permitted)



Figure 14 Third Party Sign – Portable Sign Type



3. APPLICATIONS AND PERMITS

- (1) No sign shall be erected, altered or relocated within the Municipality except in conformity with the provisions of this bylaw.
- (2) This bylaw only applies to commercial, business, institutional or industrial entities located within the boundaries of the Town.
- (3) The application for a sign permit shall be made in writing, in the form approved by the Town, and shall be accompanied by plans and specifications showing:
 - (i) the proposed location of the sign in relation to the boundaries of the parcel upon which it is to be situated;
 - (ii) the proposed location of the sign in relation to any wall of the building;
 - (iii) the overall height of the sign and the amount of clearance beneath it measured from finished grade;
 - (iv) the type of illumination and the colours to be used;
 - (v) the type of construction of the sign and the materials to be used; and
 - (vi) other information as the Municipality may require.
- (4) A permit application may require submission of a plan certified by a BC Professional Engineer or Architect that the structure of the sign and its supports and fastenings are so designed as to be safe and secure.
- (5) The Building Official shall issue a sign permit upon compliance of all the requirements of this bylaw.
- (6) A sign permit expires if the authorized work is not commenced within six months of the issuance.

4. FEES

- (1) All fees must be paid in full prior to permit being issued.
- (2) No portion of the permit fees is refundable.

5. MAINTENANCE

- (1) The owner of any sign shall keep such sign, together with its supports, braces, guys and anchors, in good repair as to safety and appearance.
- (2) Normal sign maintenance, including replacement of lighting or refurbishing shall not require a sign permit as long as all other requirements of this bylaw are met.
- (3) All signs shall be maintained to ensure that they are free of hazards caused by decay or structural damage or failure.
- (4) Failure to comply with any of the provisions in this section will result in enforcement action with the owner responsible for all costs.

6. GENERAL PROVISIONS

- (1) The maximum number of temporary signs in commercial zone districts shall be as follows:
 - (i) two (2) per business frontage.



- (2) Maximum number of permanent signs in commercial zone districts shall be as follows:
- (i) up to two (2) signs per business frontage, from the following options:
 - (a) one (1) awning, canopy, roof or fascia sign;
 - (b) one (1) projecting sign or hanging sign; and
 - (c) one (1) window sign.
- PLUS
- (d) one (1) free standing sign which may be a flag mounted pole sign, monument sign, or pole sign per frontage of any parcel;
- PLUS
- (e) two (2) directional signs per parcel; and
 - (f) one (1) identification sign per business.
- (3) The area of each sign shall conform to the regulations of this Bylaw for that particular type of sign, provided that the total sign area on any one façade of a building does not exceed 10% of the area or 80% of the length of the façade.
- (4) The maximum number of temporary signs in residential zone districts is two (2) per dwelling.
- (5) The maximum number of permanent signs in residential zone districts is as follows:
- (i) up to one (1) signs per dwelling, from the following options:
 - (a) one (1) directional sign;
 - (b) one (1) home occupation sign, as applicable; and
 - (c) one (1) identification sign per dwelling.
- (6) Unless permitted or exempted under this Bylaw, or any Provincial or Federal statute, no person, nor any owner, tenant, lessee of a premises or parcel, nor contractor shall erect, alter or relocate a sign within the town until a valid sign permit to do so has been issued under the Bylaw.
- (7) Any sign that is in existence at the time of adoption of this bylaw, and which was approved by Permit at the time of previous bylaws, is deemed to be legal non-conforming subject to the provisions of Section 911 of the Local Government Act so long as the principal business so advertised continues, and no façade improvement occurs.
- (8) When a business or institutional establishment vacates a parcel, all signs and accompanying support structures on the parcel which relate to that business or institution shall be removed by the owner of the sign or the owner of the parcel within 30 days from the day the parcel was vacated.
- (9) Any sign alteration that is not in compliance with the provisions of this bylaw shall cause the entire sign to be non-compliant.

7. GENERAL PROVISIONS FOR SIGNS PERMITTED WITHOUT A PERMIT

- (1) Subject to the provisions of the Bylaw, the following may be erected or placed without a permit:



- (i) subject to the approval of the Council as to the design, size, location and period of time to be posted, signs upon or over private or public property announcing the date of an event or function of a charitable nature or signs promoting Community health, safety or welfare campaigns;
- (ii) one temporary unlighted sign pertaining to the sale, lease or rental of the property on which the sign is displayed shall not exceed 0.75 m² on residential lots and not more than 2.3 m² in residential developments;
- (iii) signs erected by the Municipality for any Municipal purpose;
- (iv) one sign of not more than 0.56 m² containing only the words "entrance" or "exit" at each entrance or exit from an off street parking lot;
- (v) one temporary sign of not more than 3.0 m² in area giving the name of the Contractors, Engineers, and Architects engaged with construction, alterations, or demolition of a building or structure providing such sign is removed prior to the final inspection of the structure under the Building Bylaw of the Municipality;
- (vi) any sign displayed pursuant to the Highways Act, Motor Vehicle Act, or to any other statute;
- (vii) any window sign of less than fifty percent (50%) of the window area;
- (viii) any sign displayed for the purpose only of preventing trespass provided the area of the sign does not exceed 0.56 m²;
- (ix) any sign displayed attached to a dwelling house and bearing only the name and occupation of the occupant provided that the area of the sign does not exceed 0.56 m²;
- (x) one bulletin board, not exceeding 2.23 m² in area, on any school, library, church site, post office, or any other prominent public building;
- (xi) subject to the approval of Council, one sign for the purpose of indicating the name of a subdivision; and
- (xii) subject to the approval of Council, any one church directional sign.

8. PROHIBITED SIGNS

The following types of signs shall not be permitted:

- (1) permanent window signs larger than fifty percent (50%) of the window area;
- (2) animated signs;
- (3) balloon signs;
- (4) billboards;
- (5) flashing signs;
- (6) third party signs, except for approved portable signs and other Council approved directory signs; and
- (7) rotating signs.



9. POSTERS, PLACARDS AND HANDBILLS

- (1) It shall be unlawful for any person to post election posters or handbills without first having obtained the written authorization of the Corporate Officer.
- (2) The Corporate Officer before issuing the authorization mentioned in Section 8 (1) shall require the applicants to pay a deposit of one hundred dollars (\$100.00) to ensure the removal of the posters or handbills within seven days after Election Day, which sum shall be forfeited in the event that removal is not completed.
- (3) No person shall scatter or drop from any aeroplane, motor vehicle or by hand any advertisement, poster notice, placard or handbill.

10. PERMITTED SIGNS

- (1) The following signs to advertise the business or activity in lands and premises are permitted in all Zones as designed by the Zoning Bylaw of the Town of Lake Cowichan, subject to any required approval of the Ministry of Transportation and Highways, and subject to the following regulations.
 - (i) Free standing signs:
 - (a) one sign per parcel;
 - (b) shall not be located closer than 1.5 m to any adjoining parcel;
 - (c) pole signs shall not exceed a height of 2.3 m (or exceed a total sign area of 0.15 m² per one (1) metre of business frontage;
 - (d) flag pole signs shall not exceed a height of 2.3 m or exceed a total sign area of 0.5 m²;
 - (e) shall not project over any public right-of-way; and
 - (f) shall have a minimum clearance of 4.3 m from grade over vehicular traffic areas.
 - (ii) Facia, roof and canopy signs:
 - (a) shall not exceed a sign area of 0.3 m² for every lineal metre of the occupant's building frontage or 20% of the building face, whichever is less; and
 - (b) shall have a minimum height clearance of 2.7 m and a curb clearance of 0.6 m.
 - (iii) Projecting sign:
 - (a) one sign per parcel;
 - (b) shall not exceed a sign area of 0.7 m² per side for any parcel; and
 - (c) shall have a height clearance of 2.7 m and curb clearance of 0.6 m.
 - (iv) Portable signs are permitted subject to the following limitations:
 - (a) one sign per business frontage together with a maximum of two other types of permitted signs;



- (b) portable signs may be double sided and on a single pedestal support but may not be permanently anchored to the ground;
 - (c) portable signs shall be a maximum height above the sidewalk of one metre (1.0 m) and a maximum width of twenty-five percent (25%) of the sidewalk at that location and shall not impede pedestrian and wheelchair traffic or visibility for vehicles;
 - (d) maximum area to be point four square metre (0.4 m²) per side;
 - (e) portable signs shall be located within the first twenty percent (20%) of the sidewalk width in from the back of the curb;
 - (f) where parallel parking occurs, the portable sign shall be located along the sidewalk at least point nine metre (0.9 m) and not greater than one point eight metres (1.8 m) from the parking stall separator line painted on the roadway in front of the business advertising on the sign;
 - (g) where bus zones are located, portable signs are prohibited; and
 - (h) the business displaying a portable sign will arrange for public liability insurance to cover the liability from any damages arising on the property owned by the Town and will provide same to the Municipal Office.
- (v) A portable sign permit issued under authority of this section must meet the following terms:
- (a) a business must hold a valid business license;
 - (b) a business may not hold more than one portable sign permit for the business; and
 - (c) the location and form of the sign must be approved by the Municipality.
- (vi) Changeable copy sign:
- (a) for a business may be included on monument signs or facia signs only, provided that only one sign per business contains changeable copy; that the message area is limited to no more than 30% of the sign area, and that the light required to display an electronic message is emitted at a consistent level (no flashing, scrolling or otherwise moving messages); and
 - (b) for an institution messaging may be included on monument signs or facia signs only by permit approved by the Municipality.
2. Notwithstanding Section 10(1) (iv) of this bylaw, a holder of valid business from the Town which does not front a public street may make application to allow the display of one portable sign on a street or on a sidewalk, or in another location approved by the Municipality.
 3. A portable sign shall only be displayed during the operating hours of the business or activity to which it pertains but in no instance are signs to be displayed beyond 10 p.m. of each day.
 4. Portable signs not complying with the requirements of this bylaw shall be impounded.



PENALTIES

Any persons who violates any of the provisions of this bylaw or suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses or omits or neglects to fulfil, observe, carry out or perform any duty imposed by 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 "A" of this bylaw

12. REPEAL

That upon adoption of the bylaw, Bylaw No. 879-2010, being the "Town of Lake Cowichan Sign Regulation Bylaw No. 879-2010," and all amendments thereto is hereby repealed.

READ A FIRST TIME on the 23rd day of December, 2014.

READ A SECOND TIME on the 23rd day of December, 2014.

READ A THIRD TIME on the 27th day of January, 2015.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Lake Cowichan on the 24th day of February, 2015.

Ross Forrest
Mayor

Joseph A. Fernandez
Corporate Officer



BYLAW NO. 945-2014***Schedule "A"****(Attached to and forming part of Bylaw No. 945-2014)***F I N E S**

| Description of Offence | Bylaw Section | Amount of Fine |
|--|----------------------|-----------------------|
| No sign permit | 3 | \$100 |
| Prohibited signage | 8 | \$100 |
| Posting of political poster or sign without approval | 9 | \$100 |
| More than 1 sandwich sign | 10(1) | \$100 |
| Unapproved form or location of sandwich sign | 10(1) | \$200 |
| Sandwich sign displayed beyond permitted time | 10(3) | \$100 |

