

"SIGN BYLAW 1987 NO. 2850"

Consolidated Version

2020-FEB-03

Includes Amendments: 3227, 3234, 3309, 3499, 3758, 3932, 4520, 4534, 4690, 4767, 4891, 5219, 5241, 5329, 5398, 5450, 5614, 5357, 7118, 7120, 7149, 2850.22

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"
(Bylaw 5450) | 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. |
| "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. |
| "AUTOMATED CHANGEABLE COPY SIGN" | means a sign on which images and copy can be changed electronically, using Light Emitting Diodes (LED) or similar technology and includes electronic message centres, digital billboards, and commercial electronic variable message signs and like signs. (Bylaw 7120) |
| "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" (Bylaw 5241)	means a sign illuminated by artificial light source located behind the front face of the sign.
"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" (Bylaw7118)	means a temporary sign made of wood, coroplast or like material 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" (Bylaw 5241, 5398)	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:
	i) the line crosses a public road or highway other than the Nanaimo Parkway ii) the line crosses a building to which the sign is affixed, or iii) in the Aulds Road Node, the sign is greater than 30 metres from the Nanaimo Parkway.
"FACIA SIGN"	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.
"FREESTANDING SIGN"	means a sign, except a billboard, independently supported and visibly separated from a building or other structure and permanently fixed to the ground.
"GRADE"	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.
"HEIGHT OF THE SIGN"	means the vertical distance measured from the highest point of the sign to grade.
"HIGHWAY LINE" (or "LOT LINE")	means the boundary between a highway and a lot, or between two lots.
"HIGHWAY FRONTAGE"	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.
"HOME OCCUPATION SIGN"	means a sign identifying a home occupation as defined in the Zoning Bylaw.
"IDENTIFICATION SIGN"	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)
"ILLUMINATION"	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.

"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" (Bylaw 5450)	means a wall or sloped overhang located at the edge of a roof which projects above the roof membrane.
"PARCEL LINE"	means a boundary line between two parcels or between a parcel and a highway.
"PARKWAY BUFFER" (Bylaw 5241)	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".
"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.
"REAL ESTATE SIGN" (Bylaw 7118)	means a temporary sign made of wood, coroplast or like material, the purpose of which is to advertise the sale, rental or lease of real property and may include advertising of entities involved in furnishing such items as labour, services, materials, or financing in relation to development of a property.
"REVOLVING"	means revolution or rotation of all or a portion of a sign, but does not include animation.
"ROOF LINE" (Bylaw 5450)	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.
"ROOF SIGN" (Bylaw 5450)	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.
"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 3309, 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" (Bylaw 7149)	means the City of Nanaimo "ZONING BYLAW 2011 NO. 4500" 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 includes automated changeable copy, other than the portion of a sign used exclusively to display digital time, temperature and/or gas price information (Bylaw 7120);
- (23) a revolving sign other than within the area specified in "Schedule A" of this Bylaw (Bylaw 7120);
- (24) 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)

- (25) A third-party sign within the Parkway Buffer.
- (26) A sign, within the Parkway Buffer, which faces the Nanaimo Parkway.
- (27) 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 Corridor Two and Three (COR), Commercial Centre (CC), Downtown (DT), Industrial (I), Community Service (CS), and Waterfront (W) zones. (Bylaw 4767, 5450, 7149)

(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 (Bylaw 3227)

Billboard signs are permitted as follows:

(A) Billboards are permitted only in the downtown areas, as shown on Schedule 'D'. Only one billboard sign per parcel of land shall be allowed. (Bylaw 4767, 7149)

(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 Corridor Two and Three (COR), Commercial Centre (CC), Downtown (DT), Industrial (I), Community Service (CS), and Waterfront (W) zones. (Bylaw 4767, 5450, 7149)
- (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

5 (4) (A) Facia signs are permitted as follows: (Bylaw 7149)

- (i) Non-illuminated facia sign only as a home occupation sign and shall not exceed 0.2m² in area (2.2ft²). (Bylaw 4534, 4767)
- (ii) Facia sign only for the purpose of identification of a multiple family dwelling shall not exceed 1.5m² in area (16.1ft²). (Bylaw 4767)
- (iii) In the Corridor Two and Three (COR), Commercial Centre (CC), Downtown (DT), Industrial (I), Community Service (CS), and Waterfront (W) zones 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 the building to which they are affixed. (Bylaw 3234, 4690, 4767, 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 5241, 5398, 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 5241, 5398, 5450)
- (D) Facia 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

- 5 (5) (A) Freestanding signs are permitted as follows: (Bylaw 7149)
- (i) In the COR1, R6, R7, R8, R9, R11 and R15 Zones 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.) (Bylaw 4767)
 - (ii) In the Agriculture Rural Residential (AR) and R12 (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 4767, 5219, 5450)
 - (iii) (a) In the Corridor Two and Three (COR), Commercial Centre (CC), Downtown (DT), Industrial (I), Waterfront (W) and Community Service (CS) zones, 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 4767, 5219, 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 Corridor Two and Three (COR), Commercial Centre (CC), Downtown (DT), Industrial (I), Community Service (CS), and Waterfront (W) zones. (Bylaw 4767, 5450, 7149)
- (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 and Mobile Home Park zones. (Bylaw 7149)
- (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 Corridor Two and Three (COR), Commercial Centre (CC), Downtown (DT), Industrial (I), Community Service (CS), and Waterfront (W) zones. (Bylaw 4767, 5450, 7149)
- (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 curblines 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 Corridor Two and Three (COR), Commercial Centre (CC), Downtown (DT), Industrial (I), Community Service (CS), and Waterfront (W) zones. (Bylaw 4767, 5450, 7149)
- (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 Corridor Two and Three (COR), Commercial Centre (CC), Downtown (DT), Industrial (I), Community Service (CS), and Waterfront (W) zones. (Bylaw 4767, 5450, 7149)
- (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 2003 NO. 5693" and their amendments. (Bylaw 7149)

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:

(Bylaw 7118)

(1) Real estate signs may be erected or placed without a permit as follows:

- (A) Real estate signs shall be located on the property to which the sign applies and not more than one real estate sign shall be permitted adjacent to each highway frontage of a site. However, in no case shall more than three real estate signs be permitted per site nor shall they exceed a size of:
 - (i) 1.5m² (16.1 ft²) for a sign advertising the sale or rental of single family, duplex, triplex or fourplex units.
 - (ii) 3m² (32.3ft²) for a sign advertising:
 - (a) the sale or rental of units in multiple family projects having 5 or more dwelling units but less than 10 units
 - (b) the sale of not more than 5 lots in the case of a property being subdivided
 - (c) the sale or rental of property not less than 0.4 hectares (0.99 acres) in area
 - (d) the sale or rental of commercial floor area of not more than 465m² (5005ft²).

- (iii) 6m² (64.5ft²) for a sign advertising:
 - (a) the sale or rental of units in multiple family projects having 10 or more units
 - (b) the sale of more than 5 lots but not more than 10 lots in the case of a property being subdivided
 - (c) the sale or rental of property not less than 0.8 hectares (1.98 acres) in area
 - (d) the sale or rental of commercial floor area of more than 465m² (5005ft²).
- (iv) 9m² (96.9ft²) for a sign advertising the sale or rental of units in multiple family projects having 30 or more units or advertising the sale of more than 10 lots in the case of a property being subdivided.
- (v) 12m² (129.2ft²) for a sign advertising the sale or rental of units in multiple family projects having more than 60 units.
- (B) Real estate signs having two sign faces set at 90 degrees to each other shall be counted as one sign face for purposes of size under section 6(1) (A) (iv) and (v).
- (C) Real estate signs shall be removed from the property within 14 days after the final sale, rental or lease of the dwelling units or property has been achieved, or 2 years from the date the sign is erected, whichever should occur first or in the case of a property under active building permit for a period of 2 years following issuance of an occupancy permit.
- (D) Notwithstanding Subsection 6(1) (A) (i), one additional real estate sign shall be permitted pertaining to the completed sale of single family, duplex, triplex or fourplex units provided the sign is removed within 60 days from the date the sign is erected.

(Bylaw 7118)

- (2) Construction site signs may be erected or placed without a permit, as follows:
 - (A) Construction site signs for contractors who provide labour, services, material or financing may be erected provided that:
 - (i) not more than two construction site signs per contractor or subcontractor are erected on a property, and
 - (ii) each individual subcontractor sign does not exceed 1.5m² (16.1ft²) in sign area, and
 - (iii) the combined area of all signs does not exceed 9.2m² (100ft²).
 - (B) Construction site signs shall be erected no more than 5 days prior to the start 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 or the issuance of an occupancy permit whichever should occur first.
- (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 1993 NO. 5000" and all amendments thereto. (Bylaw 7149)
- (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 per single residential dwelling for the purpose of advertising a home-based business or businesses provided the area of a sign does not exceed 0.2 m². (Bylaw 4534, 5329, 2850.22)
- (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 1993 NO. 5000" and all amendments thereto. (Bylaw 7149)
- (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 3758, 4767, 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 the municipality double the as required by the City of Nanaimo "BUILDING BYLAW 2003 NO. 5693" and all amendments thereto. (Bylaw 3758, 4767, 7149)

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.

SCHEDULE 'A' (Bylaw 7120)



Schedule A - Revolving Signs



BYLAW NO. 7120

SCHEDULE 'B'

DEVELOPMENT SERVICES FEE SCHEDULE

(Excerpt from "Development Services Department Fees and Charges Bylaw 1999 No. 5357")

The following fees shall be paid to the City of Nanaimo at the time of application:

Effective May 1, 1999

<i>Building Inspection</i>	
Sign Permits (fee calculated to the next higher whole metre)	
Billboard Signs	\$20 + \$5 per m ²
Canopy Signs	\$20 + \$5 per m ²
Facia Signs	\$20 + \$5 per m ²
Freestanding Signs	\$20 + \$5 per m ²
Painted Wall Signs	\$20 + \$5 per m ²
Projecting Signs	\$20 + \$5 per m ²
Under-Canopy Signs	\$20 + \$5 per m ²
Awning Signs	\$20 + \$5 per m ²
Special Event Signage (max fee)	\$200
Temporary Portable Signs	\$25
Minimum Performance Bond	\$200
Sign Permit Renewal	\$20
Other Signs	\$20 + \$5 per m ²

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.

Bylaw 2850 - Consolidated
Schedule 'C'

- (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.

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

BYLAW 5398

