

CITY OF WEST KELOWNA

SIGN BYLAW NO. 0183

A BYLAW TO REGULATE THE NUMBER, SIZE, TYPE, FORM, APPEARANCE  
AND LOCATION OF SIGNAGE

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WHEREAS the Council of the City of West Kelowna may by bylaw, as provided by Section 526 of the *Local Government Act*, adopt a Sign Bylaw;

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna, in open meeting assembled, hereby enacts as follows:

1. Title

- 1.1. This Bylaw may be cited as the “CITY OF WEST KELOWNA SIGN BYLAW NO. 0183, 2016.”

2. Interpretation

- 2.1. Metric units are used for all measurements in this bylaw. The approximate imperial measurement equivalents are shown in brackets for convenience only and do not form part of this bylaw.
- 2.2. For the purpose of this bylaw, the following units of measurement are abbreviated as follows:
  - a. Centimetres – cm
  - b. Meters – m
  - c. Square metres – m<sup>2</sup>

2.3. **Definitions**

In this Bylaw all words or phrases shall have their ordinary or common meaning except where the meaning is changed, modified or expanded by the definitions below:

**Animated Sign** – means any sign which revolves, moves, or utilizes action or motion of light or colour changes on all or any part of the sign.

**Balloon Sign** – means an inflated sign that is attached to the ground or a structure and that incorporates any type of sign or is intended to attract the attention of the public. Balloon signs are portable signs.

**Changeable Copy Sign** – means a sign on which text, illustrations or symbols can be changed electronically or manually through the use of attachable letters, numbers or pictorial panels or electronic activation of lamps, diodes, tubes or similar devices.

**Clearance** – means the vertical distance between the lowest point of a sign and the average finished grade directly below the sign.

**Directional Sign** – means a sign directing pedestrian or vehicle movements on the premises on which the sign is located.

**Fascia Sign** – means a sign permitted to be mounted to a commercial, industrial, multiple residential, or institutional building face, fence or other surface. Banners and signs affixed to or painted on buildings or structures, except windows, are fascia signs.

**Freestanding Sign** – means a sign that is structurally self-supporting and is not attached to a building or structure.

**Frontage** – means any portion of a parcel boundary which abuts a highway, excluding a lane.

**Grade** – means the elevation of the surface of the sidewalk or boulevard below any sign or, where no sidewalk or boulevard exists, the average elevation of the finished ground surface directly below a sign.

**Ground-oriented Freestanding Sign** – means a sign that is structurally self-supporting and is not attached to a building or structure and does not contain a column to increase its height.

**Height** – means the vertical distance between the highest point of a sign and the average finished grade directly below the sign.

**Menu Sign** – means a sign in the form of a freestanding or fascia sign erected as part of a drive-through business or drive-through restaurant that is used to display and order products available in association with the business.

**Off-site Sign** – means a sign that directs attention to goods, products, services and/or events that are provided or occur at different premises from those on which the sign is located.

**Portable Sign** – means any sign not permanently attached to the ground, or a building, structure, or motor vehicle.

**Projecting Sign** - means a sign that is wholly dependent upon a building or structure for support and that projects more than 33.0 cm (13.0 in) from the building or structure. Canopies and awnings incorporating any type of sign, and signs perpendicular to buildings or structures, are projecting signs.

**Sandwich Board Sign** – means a portable sign that rests on the ground and consists of two flat surfaces joined at the upper end.

**Sign** – means a visual display, including all supporting structures, intended to advertise, communicate information, or attract the attention of the public for any purpose.

**Sign Area** – means the area within the outer edge of the frame or border of a sign. Where a sign has two sides, the maximum sign area regulation applies to each side independently. Where a sign has three or more sides, the sign area is the total area of all sides of the sign.

**Wayfinding Sign** – means a sign owned, installed and maintained by the City or other governmental body, or installed with the approval of the City, to convey the location of key destinations within the community to residents and visitors.

### 3. Approvals Required

- 3.1. No person shall erect, alter, move or otherwise install a sign without first ensuring that the proposed works comply with this Bylaw, including any requirement to obtain a sign permit, unless exempted by Section 4 (*Exemptions*) of this Bylaw.
- 3.2. A sign permit shall be obtained from the City prior to the installation, alteration or relocation of any fascia, projecting, freestanding, or ground-oriented freestanding sign, as described in Sections 7, 8 and 10.
- 3.3. Any person wishing to install a sign entirely on or partially over City property, which is otherwise permitted by this Bylaw, shall make a written request to the City to enter into an Encroachment Agreement with the City in respect of the sign.
- 3.4. If the work for which a permit has been issued is not carried out within one year of the date of issuance of the permit, the permit shall be deemed to have expired.

### 4. Exemptions

- 4.1. The following signs are exempt from the provisions of this Bylaw, excluding Sections 5 (*Prohibitions*) and 6 (*General Regulations*):
  - a. Signs displayed by the federal, provincial, and/or local governments for advising or directing the public (signs located on a City right of way require approval).
  - b. Traffic control signs.
  - c. Wayfinding signs.
  - d. Local government banners.
  - e. Signs directly related to construction located on the parcel on which the construction is being carried out.
  - f. Memorial plaques, cornerstones and historical tablets.
  - g. On-site directional signs with a maximum sign area of 1.2 m<sup>2</sup> (12.9 ft<sup>2</sup>).
  - h. House numbers and nameplates.
  - i. Neighbourhood, community, and residential development name signs that do not exceed 3.0 m<sup>2</sup> (32.3 ft<sup>2</sup>) in sign area and 2.0 m (6.6 ft) in height.

- j. Development proposal (i.e. notice of application) signs required by City bylaw.
- k. Fascia signs painted directly on a building.
- l. Menu signs that do not exceed 6.0 m<sup>2</sup> (64.6 ft<sup>2</sup>) in sign area.

## 5. Prohibitions

- 5.1. Signs not expressly permitted in this Bylaw are prohibited.
- 5.2. The following signs are specifically prohibited everywhere in the City:
  - a. Off-site signs, excluding those permitted in Sections 6.11 (*off-site signs advertising community events*), 6.15 (*temporary election signs*), 6.16 (*temporary special purpose signs*), and sandwich board signs (permitted under Section 9).
  - b. Signs erected or installed on the roof of a building.
  - c. Satellite receivers incorporating a sign.
  - d. Signs posted on or attached to utility poles.

## 6. General Regulations

### **Placement of Signs**

- 6.1. Signs shall be located or displayed in a manner to avoid physically obstructing any door opening or passageway, ventilator, fire escape, sidewalk, street, lane or similar feature. Sign placement must not obscure the line of vision from a street, access road, or sidewalk to oncoming traffic.
- 6.2. The placement of temporary off-site signs, in accordance with Sections 6.11 (*off-site signs advertising community events*), 6.15 (*temporary election signs*), and 6.16 (*temporary special purpose signs*), must not impede the movement of pedestrians and/or vehicle traffic.

### **Responsibility to Ensure Safe Conditions**

- 6.3. It is the responsibility of the owner of property, business and/or sign, and the person constructing, erecting, enlarging, converting, altering or relocating any sign, to ensure that the sign is maintained in a safe condition.

### **Illumination of Signs**

- 6.4. Illumination for any permanent signs shall not create a direct glare upon the surrounding area or highway.
- 6.5. Signs located at the rear or side of any building shall not be illuminated if the parcel on which the building is located is adjacent to a residential zone.
- 6.6. Internal lighting of signs is not permitted in agricultural, rural residential or residential zones.

- 6.7. Searchlights, strobe lights, and other similar effects used to illuminate signs are prohibited.

### **Animated, Electronic, and Changeable Copy Signs**

- 6.8. Animated signs may be installed only on parcels used for community facilities such as recreation centres, schools, and community halls.
- 6.9. Excluding messages as described in Section 6.11 (*off-site signs advertising community events*), all forms of electronic and changeable copy signs shall be restricted to messages and displays related to those products and services that are available on the premises on which the sign is located, except for time and temperature displays.
- 6.10. Where copy on a changeable copy sign is changed electronically, changes in copy shall not occur more frequently than once per 30 seconds.

### **Off-site Signs**

- 6.11. Off-site signs that advertise community events are permitted provided that:
- a. They are generated by the following public and private organizations:
    - I. Private organizations, including charitable organizations, religious organizations, service clubs, publicly supported arts organizations, and amateur sports teams, such as the West Kelowna Warriors, etc.; and
    - II. Public organizations, including departments or agencies of all levels of government in Canada dealing with health and safety, energy conservation, recreational and cultural activities, election information, etc.
  - b. All messages shall be intended to serve the interests of the community as a whole or a significant portion of it.
  - c. Message mediums are limited to portable signs and existing electronic and/or changeable copy signs that shall be used the majority of the time to promote the on-site organization or institution.
  - d. Messages shall not:
    - I. Be strictly intended to serve the private interests of an organization or individual;
    - II. Include religious doctrines or ideologies; and/or
    - III. Name specific persons holding public office or senior government officials.
  - e. Messages may only be displayed for a maximum duration of 14 days.
- 6.12. An off-site sign permitted in Section 6.11 shall not be included in the total sign area for the parcel on which the sign is placed for the purpose of applying sign area limits contained in this Bylaw.

### **Special Purpose Signs**

- 6.13. Temporary signs advertising the sale or lease of multiple parcels within a development are permitted provided that:
- a. Not more than one sign is erected or installed per 100 m (328.1 ft) of parcel frontage for the development;
  - b. Each sign has a maximum area of 6.0 m<sup>2</sup> (64.6 ft<sup>2</sup>); and
  - c. All signs are removed within 20 days following the completion of the sale or lease of the parcels within the development.
- 6.14. One temporary sign, which advertises the sale or lease of an individual parcel, is permitted per parcel boundary on a parcel that is for sale or lease. Each temporary sign shall have a maximum sign area of 1.0 m<sup>2</sup> (10.8 ft<sup>2</sup>).
- 6.15. Temporary election signs are permitted for the purpose of:
- a. A local government or school district election during the election period, beginning with the start of the nomination period and ending on the day following general voting day.
  - b. A federal or provincial election during the relevant election period, beginning with the issuance of the writ of election and ending on the day following general voting day.
  - c. A federal, provincial, local government or school district referendum during the period beginning 30 days before the date of the vote and ending on the day following the date of the vote.
- 6.16. Temporary signs advertising single, irregular events occurring on specific dates, including but not limited to garage sales, club fundraisers and similar events, are permitted provided that they are posted no earlier than four days prior to the first date of the event and removed within 48 hours of the completion of the event.
- 6.17. Section 6.16 does not apply to businesses licensed under a City Bylaw.

### **The regulations in Sections 7 to 10 apply to specific types of sign structures**

#### **7. Fascia Signs**

- 7.1. The maximum area of a fascia sign is 1.0 m<sup>2</sup> per lineal metre of building or unit side up to a maximum sign area of 14.0 m<sup>2</sup>.
- 7.2. Fascia signs shall be installed with a minimum vertical clearance of 2.5 m (8.2 ft) and shall not project more than 33.0 cm (13.0 in) from the surface to which it is mounted.
- 7.3. Fascia signs shall be located on the first storey of a building above the entrance for the unit for which the sign is intended. Where a unit is located on an upper floor, fascia signage shall be placed directly corresponding with the location of the unit within the building.

- 7.4. Text affixed to a building side that is intended to provide directional or safety information, such as the identification of loading bays, service areas, clearance heights, or points of entry or exit for users of the parcel or business premises, is not considered a fascia sign and is not included in sign area calculations provided that:
- a. The text colour is consistent with the general colour scheme and the text does not contain borders, colour variation, symbols or pictorial panels; and
  - b. The area of the text does not exceed 1.2 m<sup>2</sup> (12.9 ft<sup>2</sup>) per sign.

## 8. Projecting Signs

- 8.1. The maximum sign area of a projecting sign is 3.5 m<sup>2</sup> (37.7 ft<sup>2</sup>).
- 8.2. The minimum clearance of a projecting sign is 2.5 m (8.2 ft).
- 8.3. No projecting sign shall be installed on a wall that is not a business frontage.

## 9. Portable Signs

- 9.1. One portable sign is permitted on each parcel, except as permitted in Section 9.6.
- 9.2. The maximum sign area of a portable sign is 3.5 m<sup>2</sup> (37.7 ft<sup>2</sup>).
- 9.3. Except as permitted in Sections 6.13 and 6.14 (*temporary real estate signs*) and 6.15 (*temporary election signs*) of this Bylaw, portable signs shall not be displayed or erected on parcels zoned for single detached, duplex or multiple residential developments, except for a commercial use within a multiple residential building.
- 9.4. Every portion of a portable sign shall be sited at least 1.5 m (4.9 ft) from any parcel boundary. A sign shall be sited at least 3.0 m (9.8 ft) from the parcel boundary of a residential zone.
- 9.5. No portable sign shall be placed within a landscaped area that is required by City Bylaws to be landscaped, including planting beds for flowers, shrubs, and trees.

### **Sandwich Board Signs**

- 9.6. One sandwich board sign is permitted per unit in a multi-tenant commercial, industrial or institutional building.
- 9.7. Sandwich board signs shall be located directly in front of the business to which the sign pertains, at the edge of the travelled portion of the roadway if a curb is not in place and at the edge of the curb if a curb is in place.
- 9.8. Sandwich board signs shall only be permitted if an unobstructed sidewalk or other pedestrian access width of at least 1.5 m (4.9 ft) remains between the sign and the building.

- 9.9. Despite Section 9.2 (*maximum sign area of portable sign*), the maximum sign area of a sandwich board sign is 1.0 m<sup>2</sup> (10.8 ft<sup>2</sup>).
- 9.10. Sandwich board signs shall only be used during business hours.
- 9.11. Illumination of a sandwich board sign is prohibited.

### **Balloon Signs**

- 9.12. Balloon signs are permitted to advertise a specific event of limited duration, such as the opening of a new business or change of ownership. The balloons or other gas-filled figures are permitted provided that:
  - a. The balloon sign is used no more than three times per year; and
  - b. For a maximum period of 21 days each time.

## **10. Freestanding Signs**

- 10.1. One freestanding sign is permitted per parcel boundary consisting of 30 m (98.4 ft) of frontage or greater.
- 10.2. The minimum clearance of a freestanding sign is 2.5 m (8.2 ft).
- 10.3. Except as permitted in Sections 6.13 and 6.14 (*temporary real estate signs*) and 6.15 (*temporary election signs*) of this Bylaw, freestanding signs shall not be displayed or erected on parcels zoned for agricultural use, or for single detached, duplex or multiple residential developments, except for a commercial use within a multiple residential building.
- 10.4. Except as permitted in Sections 6.13 and 6.14 (*temporary real estate signs*) and 6.15 (*temporary election signs*) of this Bylaw, on parcels zoned for commercial, industrial and institutional uses, each freestanding sign is limited to the sign area, height, and setback specified in the following table:



| Sign Use   | Maximum Sign Area  | Maximum Height     | Minimum Setback   |
|--|--|--------------------|-------------------|
| Neighbourhood Commercial   | 6.0 m <sup>2</sup><br>(64.6 ft <sup>2</sup> )  | 4.0 m<br>(13.1 ft) | 1.5 m<br>(4.9 ft) |
| Commercial, Industrial & Institutional parcels up to 1000 m <sup>2</sup>                 | 3.0 m <sup>2</sup> per lineal metre of frontage to a maximum of 12.0 m <sup>2</sup> (129.2 ft <sup>2</sup> ) | 9.0 m<br>(29.5 ft) |                   |
| Commercial, Industrial & Institutional parcels 1001 m <sup>2</sup> – 4000 m <sup>2</sup> | 3.0 m <sup>2</sup> per lineal metre of frontage to a maximum of 15.0 m <sup>2</sup> (161.5 ft <sup>2</sup> ) | 9.0 m<br>(29.5 ft) |                   |
| Commercial, Industrial & Institutional parcels 4001 m <sup>2</sup> or greater            | 3.0 m <sup>2</sup> per lineal metre of frontage to a maximum of 18.0 m <sup>2</sup> (193.8 ft <sup>2</sup> ) | 9.0 m<br>(29.5 ft) |                   |

### Ground-oriented Freestanding Signs

- 10.5. Despite Section 10.2, a ground-oriented freestanding sign, which may have clearance less than 2.5 m (8.2 ft), is permitted on a parcel zoned for agricultural, commercial, industrial, institutional, or multiple residential use provided that:
- a. Not more than one freestanding sign is located on a parcel, except as specifically permitted in this Bylaw;
  - b. Where a parcel has frontage on more than one parcel boundary (such as a corner parcel or parcel with multiple frontages) one additional ground-oriented freestanding sign is permitted provided that the total combined sign area does not exceed the maximum permitted in this Bylaw;
  - c. The maximum sign area of a ground-oriented freestanding sign is 6.0 m<sup>2</sup> (64.6 ft<sup>2</sup>);
  - d. The maximum height of a ground-oriented freestanding sign is 3.0 m (9.8 ft);
  - e. The minimum setback from a parcel boundary is 1.5 m (4.9 ft);
  - f. The sign is located in an area that includes a minimum of 1.5 m (4.9 ft) of landscaping on all sides;
  - g. The sign does not contain internal lighting; and
  - h. The sign does not obstruct vehicle sightlines.

## 11. Removal of Signs

- 11.1. The City may remove and impound any sign found to be on City property in contravention of this Bylaw. Such signs may be claimed within 30 days of removal by the owner upon payment of a fee specified in the Fees and Charges Bylaw. Where a sign is not claimed within 30 days the City may destroy or otherwise dispose of the sign.

- 11.2. Any person who contravenes this Bylaw may be served with an Enforcement Compliance Order.
- 11.3. If any person fails to comply with the Enforcement Compliance Order within the time period specified in the notice, City Council may authorize, by resolution, the removal of any sign which contravenes this Bylaw. The resolution shall specify the time by which the required action shall be completed. The City shall provide notice of the resolution to the owner, tenant or occupier of the parcel on which the sign is located. In addition to Council's resolution on the matter, the notice shall state:
- a. The civic address of the parcel;
  - b. The legal description of the parcel;
  - c. The particulars of the contravention;
  - d. That the contravening sign shall be removed or brought into compliance with this Bylaw within 30 days of the date of delivery of the notice or such greater period of time as may be specified in the notice;
  - e. That if the owner or occupant fails to comply with the notice, the City may, without further notification, remove the contravening sign at the cost of the defaulting owner or other responsible person;
  - f. That the owner or occupier or both may be subject to prosecution for an offence under this Bylaw; and
  - g. That the person subject to the requirement may request a reconsideration of the matter by Council within the time specified in the notice.
- 11.4. Any person who is subject to a removal order under this Section may request Council to reconsider the order by providing written notice within 14 days of the date on which the City provided notice of the order. Council shall provide the person with an opportunity to make representations to the Council. Council may after hearing such representations conform, amend or cancel the order, and shall provide notice of its decision to the person who requested the reconsideration.
- 11.5. If a contravention of this Bylaw creates an imminent safety hazard to members of the public, whether on City property or private land, the notice provided under Section 11.3 may specify a compliance period of less than 30 days, and may require that a request for reconsideration be provided within fewer than 14 days of the date on which the City provided notice of the order, but not fewer than two days.

## 12. Enforcement

- 12.1. Any person violating any provision of this Bylaw is liable on summary conviction to a fine. A separate offence shall be deemed to be committed on each day during or on which a violation occurs or continues.

13. Severability

13.1. If any part or section of this Bylaw is for any reason held invalid by any court of competent jurisdiction, the invalid portion shall be severed and the severance shall not affect the validity of the remainder of this Bylaw.

14. Applications in Process

14.1. A completed application for a sign permit that is received prior to the adoption of this bylaw shall be processed in accordance with Bylaw No. 0148. Such applications shall be approved or rejected within six months from the adoption of Bylaw No. 0183, after which time they shall comply with Bylaw No. 0183.

14.2. Despite Section 14.1, an applicant may request in writing to have their application for a sign permit considered under Bylaw No. 0183 within 30 days after the adoption of the bylaw.

15. “District of West Kelowna Sign Bylaw No. 0148, 2013” is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME THIS 26<sup>TH</sup> DAY OF APRIL, 2016  
ADOPTED THIS 10<sup>TH</sup> DAY OF MAY, 2016

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MAYOR

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CITY CLERK