

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 3946

(**amended by Bylaws No. 4111, 4159, 4181, 4671 and 4845*)

(*Building, Planning and Development Fees and Charges Bylaw)

CONSOLIDATED FOR CONVENIENCE ONLY (to September 11, 2023).

A Bylaw to regulate signs

The Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts the following:

1. In this Bylaw,

"ADDRESS SIGN" means a sign which identifies by numbering the street address of the building on which lot the sign is located.

*(**Bylaw 4181, adopted Apr.14, 2003)*

"BUS SHELTER" means a structure intended to shelter bus patrons which is situate on land which adjoins a bus stop in ordinary use by buses operated by a public transit authority.

*(**Bylaw 4111, adopted Feb.26, 2001)*

"CONSTRUCTION SIGN" means a sign on a property that advertises that a building project is being, or about to be undertaken.

"CORPORATION" means the Corporation of the District of Oak Bay.

"DIRECTOR OF BUILDING AND PLANNING" means the Director of Building and Planning of the Corporation, or his designate.

"DIRECTORY SIGN" means a sign consisting only of the names and locations of the occupants of a building.

"ELECTION SIGN" means a sign bearing lettering, symbols or pictures to promote or oppose the election of a Candidate; approve or disapprove of a course of action advocated by a Candidate; promote or oppose a political organization or its program; or promote or oppose an issue that is the subject of a referendum, or other voting.

*(**Bylaw 4671, adopted March 31, 2017)*

"EXTERIOR LOT LINE" means a lot line that abuts a street.

"FACIA SIGN" means a single-faced sign displayed on a building face with its display face parallel and within 200 mm (8 inches) of the said building face.

"FREE-STANDING SIGN" means a sign wholly or partially supported from the ground by a structure, or which is self-supporting, which is independent and unattached to any part of a building or other structures located on the same lot. The area of such a sign shall be the total area of all the faces used for the sign.

"FRONT LOT LINE" means:

- (a) in the case of a lot which is neither a corner lot nor a double frontage lot, the lot line abutting a street;
- (b) in the case of a corner lot which is not a double frontage lot, the shortest of the lot lines abutting a street;
- (c) in the case of a double frontage lot, each of the opposite lot lines that abut a street; except where an adjacent lot's front lot line is established, the front lot line shall be the line contiguous to the adjacent lot's front lot line; or
- (d) in the case of a panhandled lot, the nearest lot line which is approximately parallel to the street from which access to the lot is gained.

"HOME IDENTIFICATION SIGN" means a facia sign which identifies by lettering and/or numbering, the name of the occupants and/or the street address of the building on which lot the sign is located.

"ILLUMINATED SIGN" means an internally illuminated sign, usually comprised of a box-like structure that may be luminous.

"LOT" means an area of land designated as a separate and distinct parcel on a legally recorded subdivision plan or description filed in the Land Titles Office.

"MUNICIPAL CONSTABLE" means a constable appointed by the Police Board of the Corporation pursuant to the *Police Act*.

"PROJECT SIGN" means a sign on a lot that advertises that a building under construction on the said lot, or units of the building under construction, are for sale, rent or open for viewing.

(*Bylaw 4159, adopted June 10, 2002)

"REAL ESTATE SIGN" means a sign on a lot that advertises that the said lot or lot and buildings are for sale, rent or open for viewing.

"SANDWICH BOARD SIGN" means a sign with not more than two (2) advertising faces, each face measuring not more than 0.6 m (2 feet) wide and 0.9 m (3 feet) high and erected on the ground.

"SIGN" means a visual representation of a symbol, letter, numeral, figure, word, picture, illustration, announcement, direction, logo, or other attention-drawing device which advertises, identifies or communicates information or attracts the attention of the public for any purpose, displayed out of doors or on the exterior of a building in such a manner as to be visible from a highway, and, with the exception of advertising displayed on bus shelters, advertises or identifies a business, profession or event conducted upon the lot on which the said sign is located, or advertises or identifies goods, products or other things produced, displayed, offered for sale or otherwise obtainable on the premises.

*(**Bylaw 4111, adopted Feb.26, 2001)*

"SIGN AREA" means:

- (a) the area of a rectangle that encloses the face of the sign;
- (b) the area of the canopy face that portrays a sign;
- (c) the area of each side of a sandwich board sign;
- (d) the total area of both sides of a free-standing sign; or
- (e) the total area of an illuminated sign.

"STREET" means a public roadway of greater than 7.3 m (24 feet) in width, intended to give primary access to parcels of land, or to provide a traffic way.

"ZONE" means any area or district established under the Zoning Bylaw, as amended from time to time.

2. (1) No person shall attach to, suspend from or support on a building, or erect, alter, rebuild, enlarge or relocate a sign unless it complies with all applicable provisions of this Bylaw, and a permit therefor has been obtained.
- (2) ~~The permit fee for a sign is Twenty Five Dollars (\$25.00).~~
The Permit Fee for a sign is prescribed in the Building, Planning and Development Fees and Charges Bylaw.
- (3) A permit is not required for home identification signs, address signs, real estate signs erected pursuant to Section 5, or political signs.

*(**Bylaw 4845, adopted Sept 11, 2023)*

*(**Bylaw 4181, adopted Mar.24, 2003)*

Directory Signs:

3. Directory Signs shall
 - (1) not exceed one for each exterior lot line;
 - (2) not exceed a sign area of 0.6 sq. m (6 sq. ft.) for each sign;
 - (3) not contain lettering more than 25 mm (1 inch) in height;

- (4) be erected on, and parallel to, the face of a building or structure;
- (5) only indicate the name and location of each occupant; and
- (6) be permitted only in Multiple Dwelling Use, Commercial Use and Institutional Use Zones.

Construction Signs:

4. Construction Signs

- (1) shall not exceed one sign for each exterior lot line;
- (2) shall not exceed a sign area of 0.25 sq. m (2.7 sq. ft.) for each 558 sq. m (6,000 sq. ft.) of lot area;
- (3) may be erected in any zone, but only in conjunction with a building permit for the project; and
- (4) shall be removed within 30 days following the issuance of the Occupancy Permit or completion of the project.

Real Estate Signs:

5. Real Estate Signs

- (1) subject to subsection (8) , shall be permitted in any zone and
- (2) except for "Open House" signs, shall not exceed one for each exterior lot line;
- (3) shall not exceed a sign area of 0.25 sq. m (2.7 sq. ft.);
- (4) shall not have more than two sides;
- (5) shall not have attached to the signs other information if the area of such attachments causes an excess of the permitted area;
- (6) depicting "Open House" are permitted on a lot, providing such signs are not displayed between 8 p.m. and 10 a.m.;
- (7) shall not be illuminated, either internally or through the use of external dedicated lighting.
- (8) except for one "Open House" sign, shall not be permitted in a Multiple Dwellings Use Zone when a free standing sign is present.

Free-Standing Signs:

6. Free-Standing Signs

- (1) shall not be erected in any zone except a Commercial Use, Institutional Use or a Multiple Dwelling Use Zone;
- (2) shall not be permitted unless the buildings on the site are located 7.6 m (25 feet) or more from the front lot line;
- (3) shall not exceed one in number on any lot;
- (4) may be used as a real estate sign in Multiple Dwelling Use Zones;
- (5) shall not exceed a sign area of 1.86 sq. m (20 sq. ft.) per face within Commercial Use and Institutional Use Zones, and shall not exceed a sign area of 1.25 sq. m. (15 sq. ft) per face within Multiple Dwelling Use Zones;
- (6) shall not be permitted to have more than two advertising faces;
- (7) shall not be permitted to move or rotate;
- (8) shall not be internally illuminated;
- (9) shall have the sign area included in the maximum permitted sign area for the building it serves;
- (10) shall have a maximum height
 - (a) in Commercial Use and Institutional Use Zones, of 6 m (20 feet); and
 - (b) in Multiple Dwelling Use Zones, of 1.8 m (6 feet)from finished grade.

Facia Signs:

7. Facia Signs

- (1) shall not exceed one for each building face of the business adjacent to a street;
- (2) shall not be permitted in any zone except a Commercial Use or an Institutional Use Zone;
- (3) shall not exceed a sign area of more than 4.6 sq. m (50 sq. ft.);
- (4) may only be erected on a building face; and
- (5) shall have no part of the sign erected above the wall, or on any part of the roof, of the building on which it is erected.

Illuminated Signs:

8. Illuminated Signs

- (1) shall comply with the regulations for fascia signs except that the dimension of such sign in the vertical plane shall not exceed 400 mm (16 inches).

Sandwich Board Signs:

9. Sandwich Board Signs are permitted in Commercial Use Zones providing they are placed totally within 1 m (3 feet) of the building face and do not exceed one per business.

Home Identification Signs:

10. (1) Home identification signs
 - (a) are permitted in all zones;
 - (b) must be located on that side of the building adjacent to the street on which it is numbered;
 - (c) shall not exceed two in number.
- (2) Address signs
 - (a) are permitted in all zones;
 - (b) must be located on that side of the parcel adjacent to the street on which the street address to the parcel has been assigned;
 - (c) shall not exceed one in number.

*(**Bylaw 4181, adopted Mar.24, 2003)*

Sign Area

11. (1) The maximum permitted sign area for each business in a Commercial Use Zone is 2,000 sq. cm (2.15 sq. ft.) of sign area for each 10 sq. m (107.64 sq. ft.) of floor area used in the business.
- (2) The maximum permitted sign area for each building in an Institutional Use Zone is 2,000 sq. cm (2.15 sq. ft.) of sign area for each 50 sq. m (538 sq. ft.) of floor area in the building.
- (3) Signs on a canopy fringe shall not be considered as contributing to the permitted sign area; providing the lettering is not more than 150 mm (6 inches) in height and the canopy fringe is not more than 300 mm (12 inches) in height.
- (4) The maximum dimension of any letter, numeral, figure, logo or symbol forming part of a sign is 400 mm (16 inches).
- (5) Signs projecting over a pedestrian area shall have a clearance to the underside of the projection of not less than 2.3 m (7.5 feet) above the sidewalk.

Election Signs

12. (1) Election signs shall not be erected on public property where they could interfere with traffic safety or where they could interfere with municipal infrastructure.
- (2) Election signs shall not be attached to any municipal property such as fences, trees, buildings, streetlight poles or traffic signal poles.
- (3) Election Signs shall not be erected on a public boulevard immediately in front of and connected to a parcel used solely for residential purposes without the consent of the property owner, occupant, or the strata corporation connected to the section of boulevard where the sign is placed.
- (4) Election Signs shall not be erected in a public park or on public property or boulevards immediately adjacent to park property.
- (5) Election Signs shall not be erected on parcels where municipal facilities and buildings are located including, but not limited to Municipal Hall, Oak Bay Recreation, Henderson Centre, Monterey Centre, Public Works Yard, Fire Hall and Police Station.
- (6) Where an Election Sign may be erected on public property or public boulevard it may not exceed 0.61 metres by 0.61 metres (2 ft. x 2 ft.).
- (7) Where an Election Sign is erected on private property it may have only two sides, or faces, and each side or face of the sign area may not exceed 1.22 metres by 1.22 metres (4 ft. x 4 ft.).
- (8) A person must not place, or permit to be placed an Election Sign on private property, except:
 - (a) in relation to federal elections and by-elections, from the time the writ of election is issued until four (4) days after General Voting Day;
 - (b) in relation to provincial elections and by-elections, from the time the writ of election is issued until four (4) days after General Voting Day;
 - (c) in relation to local government and school board elections and by-elections, from the final day of the nomination period until four (4) days after General Voting Day.

*(**Bylaw 4671, adopted Mar. 31, 2017)*

Signs on Public Property

13. (1) No person shall affix, erect, install any sign or notice on any building, tree, utility pole, fence, post or other structure on public property or on a boulevard except on notice boards provided by the Corporation for that purpose.

- (2) The Director of Building and Planning or a Municipal Constable may remove or impound or cause the removal or impoundment of any sign or notice erected or posted in contravention of Subsection (1).
- (3) After removal or impoundment, the person entitled to the possession of the sign or notice may obtain its release upon signing an undertaking that the person will not again place a sign or notice on public property in contravention of this section and upon payment to the Corporation of a fee of \$25.00 per sign.
- (4) If the person entitled to the possession of any impounded sign does not, within 14 days of its impoundment, including the date of impoundment, sign the undertaking and pay the fees, as specified in subsection (3), the Director of Building and Planning or a Municipal Constable may immediately thereafter cause it to be disposed of as garbage.
- (5) No action taken pursuant to any of the preceding subsections shall be a bar to the prosecution of any person who contravenes any provisions of this section or of any other section of this Bylaw.

Project Signs

14. Project Signs

- (1) shall not exceed a sign area of 2.97 sq. m (32 sq. ft);
- (2) shall not exceed a maximum height of 2.44 m (8 ft) from finished grade;
- (3) shall not exceed one for each street frontage of the lot on which a building under construction is situate, and where there are more than two street frontages, shall in any case not exceed two;
- (4) shall not be erected within 6.1 m (20 ft) of another Project Sign on the same lot;
- (5) shall be permitted in any Zone except a One Family Residential Use Zone;
- (6) shall not be illuminated, either internally, or through the use of external dedicated lighting;
- (7) shall be removed within 90 days following the issuance of the Occupancy Permit or completion of the Project, whichever is earlier;
- (8) shall not be erected on a lot where any other sign other than a Construction Sign has been erected on the land or placed on a building.

*(**Bylaw 4159, adopted June 10, 2002)*

General

15. (1) Third party signs and other signs not expressly permitted are prohibited.
- (2) A permitted sign may only depict information relating to the permitted uses of the lot and the information relating to the lot occupier.
- (3) No sign shall be equipped with flashing, oscillating or moving lights or beacons nor be comprised of wind-activated attention drawing devices, banners, ribbons or balloons; except that this provision shall not apply to events sponsored by the Corporation.
- (4) The regulations of this Bylaw shall not prohibit the erection of any sign by the Corporation nor the display of commercial advertising which has been placed on bus shelters under the authority of the Corporation.
*(**Bylaw 4111, adopted Feb.26, 2001)*
- (5) All signs permitted by this Bylaw shall be sited on the lot for which the permit is sought.
- (6) A person who contravenes this Bylaw by doing an act that it forbids, or omitting to do an act that it requires to be done, commits an offence and is liable, upon summary conviction, to a fine of not more than \$2,000.00 plus costs.
- (7) Whenever the singular and masculine are used in this Bylaw, they shall be construed to mean the plural and feminine or body corporate where the context or circumstances so require.
- (8) The headings in this Bylaw are for the convenience of reference only and are not intended to interpret, define, or limit the scope, extent or intent of the provisions of this Bylaw.
16. The following bylaws are repealed except insofar as they repeal any other Bylaw:
Bylaw 3535, "Sign Bylaw, 1986"
Bylaw 3661, "Sign Bylaw Amendment Bylaw, 1990"
Bylaw 3703, "Sign Bylaw Amendment Bylaw, 1992"
Bylaw 3777, "Sign Bylaw Amendment Bylaw No. 1, 1993"
17. This Bylaw may be cited as the "**SIGN BYLAW, 1997**".

READ a first, second and third time by the Municipal Council on July 21, 1997.

ADOPTED and FINALLY PASSED by the Municipal Council on October 14, 1997.

Mayor

Municipal Clerk

Sealed with the Seal of The Corporation of
the District of Oak Bay.