

RE: BURNABY SIGN BYLAW REVIEW
MUNICIPAL MANAGER'S RECOMMENDATION:

ITEM 9
MANAGER'S REPORT NO. 28
COUNCIL MEETING 1983 04 18

1. *THAT the recommendations of the Director Planning & Building Inspection be adopted.*

* * * * *

TO: MUNICIPAL MANAGER 1983 April 13

FROM: DIRECTOR PLANNING &
BUILDING INSPECTION

SUBJECT: BURNABY SIGN BYLAW REVIEW

RECOMMENDATIONS:

1. THAT the recommendations contained in Section 3.0 of this report be approved.
2. THAT the Municipal Solicitor be authorized to draft the appropriate amending bylaw.
3. THAT this report be forwarded to the Burnaby Sign Bylaw Review Committee of Council for comment prior to final adoption of the amending bylaw.

REPORT

SUMMARY:

This report reviews the proposals submitted by the Sign Bylaw Review Committee in 1982 November, the staff report received by Council in 1982 December, and the subsequent discussions that have taken place between the Council Committee, a committee from the Burnaby Chamber of Commerce, and staff, in accordance with Council's direction. These discussions have given staff an understanding of the intent of the various text amendment proposals, and have allowed all participants to review their proposals and recommendations.

This report provides a point-by-point commentary on the items discussed, following the sequence used in the Committee's initial report to Council, and sets forward recommendations on each point. It is further recommended that the report be forwarded to the Sign Bylaw Review Committee for comment prior to final adoption of the amending bylaw.

1.0 BACKGROUND:

1.1 The Sign Bylaw Review Committee of Council on 1982 November 15 submitted a variety of proposals to amend the Burnaby Sign Bylaw, 1972. These proposals were referred to staff for review and comment, and Council on 1982 December 13 received the report of the staff (Item 12, Manager's Report No. 68, 1982 Dec. 13) and referred it to the Committee for review and report. The Committee was also asked to meet with staff and with a committee of the Burnaby Chamber of Commerce to conduct a review of both the staff report and the earlier Committee report.

1.2 These meetings have now been concluded, and we are in a position to submit a further report reflecting the input and the discussion that emerged from those meetings, and to provide recommendations reflecting appropriate adjustments.

The Review Committee met with staff, and with members of the Sign Bylaw Committee of the Burnaby Chamber of Commerce including representatives of various sign companies on 1983 January 27th. The Chamber's committee was asked to give further consideration to some of the items discussed in the meeting and to convey its position to Planning staff prior to the submission of a staff report reflecting any changes arising from the joint review process.

This was accomplished when Mr. R. Boyce, Chairman of the Chamber's committee, and Mr. D. Mercier met with staff on 1983 March 17. Our review has now been completed, and we are able to report as follows.

2.0 GENERAL OUTLINE:

2.1 The 1982 December report contained a brief outline of the process observed at the adoption of the Sign Bylaw in 1972 and its subsequent review in 1977, and a number of extracts from the original 1971 Bylaw report which describe the underlying principles that guided its development and have conserved its purpose from the outset. It also grouped the Committee's 1983 November amendment proposals according to the general thrust and ramifications of each, so that the key issues or anticipated results of each would be clear.

A section was also given to proposals for other amendments recommended by staff to update the bylaw and to provide for improved enforceability where this becomes necessary.

2.2 The sections of the December report dealing with these topics (Sections 1.1, 1.2, 2.1, 2.2 and 4.1 through 4.4) are reproduced as an Appendix to this report for convenient reference. The point-by-point discussion of the Committee's amendment proposals and the recommendations advanced in the December report are not reproduced in full, but are summarized briefly in an itemized fashion in the following section of this report, together with current comments arising from the recent review and the final recommendations that emerge.

2.3 At the request of the Sign Bylaw Review Committee, the order in which the topics are arranged in the following section is the same as the order taken in the November Committee report (that is, the numerical order of the pages of the Sign Bylaw to which changes have been proposed).

3.0 POINT-BY-POINT DISCUSSION OF AMENDMENT PROPOSALS,
AND RECOMMENDATIONS

3.1 Subject: Proposal to add definition of "Grade".

Category: Proposals to amend text relative to interpretation and clarity.

Bylaw Page Number: 1

Bylaw Section: Section 2 "Definitions"

Original Proposal (Sign Bylaw Review Committee):

The Committee proposed a definition based on the City of Vancouver's bylaw to prevent ambiguity as to the meaning of "grade" as used in sign height regulations.

Original Staff Report Comment and Recommendation:

It was agreed that it would be desirable to include a definition, but that the wording be adapted to correspond to the design information services provided by the Engineering Department in Burnaby; it was recommended that the Solicitor prepare an appropriate amendment to refer to street curb elevation for those signs which are permitted to project over public streets.

Discussion Resulting from Review Process:

There is agreement that it would be appropriate to amend the definition; on review, it has been determined that the Director Engineering is in a position to establish the existing and/or proposed finished grade elevation of the sidewalk or boulevard with sufficient certainty to permit a definition similar to the one proposed by the Committee. Wording based on "the elevation established by the Director Engineering for the proposed finished surface of the public sidewalk or boulevard for all signs over public streets" should be substituted in the appropriate place.

RECOMMENDATION:

THAT the Municipal Solicitor be authorized to draft an amendment reflecting the Committee's proposal adapted for Burnaby as noted above.

3.2 Subject:

Proposal to add definition of "Height of Sign".

Category:

Proposals to amend text relative to interpretation and clarity.

Bylaw Page Number:

1

Bylaw section:

Section 2 "Definitions".

Original Proposal (Sign Bylaw Committee):

Proposal to add a definition relating to vertical distance measured from the highest point of the sign to the grade at the nearest street.

Original Staff Report Comment and Recommendation:

An inconsistency between the definition of grade and the proposed amendment was noted, and it was pointed out that the bylaw presently provides definitions for Maximum and Minimum height of signs. It was recommended that action be deferred to allow time for further study.

Discussion Resulting from Review Process:

Members of the Chamber's Committee outlined their desire to relate the height of signs on sites above or below street grades to the height of the street adjacent. The proposed definition of "grade" will achieve this for those signs permitted to project over the public streets.

For other types of signs within private property, sign height measurements should continue to relate to the finished ground surface beneath the sign. This approach maintains the intended proper scale relationship between signs, buildings, and their surrounding features. The location of signs can thus be determined in conjunction with site grading. (A proposal considered as the construct a regulation which used a different criterion as the basis for height measurement for signs within a specified distance of a property line bounding a street versus signs beyond such a specified distance. Given the flexibility offered by defining height from the finished grade beneath the sign, coupled with determining sign location in conjunction with site grading, this approach is felt to be unnecessary and unnecessarily complicated.)

There was agreement however that, for clarity, the definitions of sign height should be amended to refer to the grade "as defined" (i.e., to reflect the newly-introduced definition of "grade").

RECOMMENDATION:

THAT the Municipal Solicitor be authorized to draft amendments to the definitions of "Sign, Maximum Height of" and "Sign, Minimum Height of" to refer appropriately to "grade as defined".

3.3 Subject:

Proposal to amend the definition of "Sign" relative to visibility from a public street.
Proposals related to administrative or procedural changes affecting the application and scope of the bylaw.

Category:

Bylaw Page Number: 2

Bylaw Section: Section 2 "Definitions".

Original Proposal (Sign Bylaw Review Committee):

The proposal was to add the words "which is visible from any public street and is ..." following the word "representation" in the present definition.

Original Staff Report Comment and Recommendation:

The staff perceived the proposal to relate to a desire to remove signs within shopping centres or other large spaces (whether interior or exterior spaces) from the regulatory control of the bylaw. It was felt, however, that business signs in such places, which are commonly accessible to the public, should not be exempted. The recommendation was to bring forward a recommendation from an earlier (tabled) report which recommended a streamlined processing procedure for signs in enclosed shopping malls, to speed the approval process while maintaining adherence to the Bylaw through use of a Comprehensive Sign Plan.

Discussion Resulting from Review Process:

In the meetings, the Committee made it clear that the intent of the proposal was not to exempt signs which might be viewed from any public place (as, for example, signs on the exterior of building complexes which might be viewed from public lanes, parks, nearby residential areas, etc.) but rather to provide an exemption for signs which can be viewed only by someone within a completely enclosed building (e.g. within an enclosed shopping mall or other fully enclosed building).

It is acknowledged that it was not the intent of the bylaw to regulate signs within individual buildings (such as retail store premises) which are not oriented to or visible from public places outside the building. At the same time, it is maintained that what might be termed "quasi-public" places to which the public customarily has unrestricted access should be subject to the same standards of sign regulation as the public streets. It would not be desirable to eliminate the standards from spaces in urban complexes, such as, for example, in public squares, galleries, or other structured spaces which may be developed in Metrotown, to which public access would be assured through easements or other legal means.

3.3 (Cont'd.)

Should Council determine that there is merit in exempting enclosed shopping malls from the application of the bylaw (recognizing that the major malls typically exercise their own design control on individual tenants fronting on the mall spaces), it is recommended that the exemption be carefully defined, to apply only to signs within enclosed malls or other fully enclosed buildings to which public access can be restricted, at locations which are not visible from any public place or from another property. Moreover, it should be noted that it will continue to be necessary for applicants to obtain building permit and electrical permit approvals under the pertinent bylaw, in order to ensure the satisfaction of safety requirements.

RECOMMENDATION:

THAT, should Council favor a relaxation of the Sign Bylaw's control for signs in enclosed shopping malls, the Municipal Solicitor be asked to draft a suitable amendment reflecting the terms outlined above.

3.4 Subject:

Proposal to replace existing definition of "Sign, Animated".

Category:

Proposals that would lead to the introduction of types of signs which are presently prohibited under the bylaw.

Bylaw Page Number:

2

Bylaw Section:

Section 2 "Definitions".

Original Proposal (Sign Bylaw Committee):

It was proposed that the present definition (which makes reference to signs which include changing messages or multi-panel copy changers) be deleted, and replaced with a definition to mean "any sign which includes action or motion or color changes of all or any part of the sign". This proposal is linked to other proposals to add or amend definitions so as to admit "electronically controlled message centre" signs and indexing signs using 3-sided rotating panels.

Original Staff Report Comment and Recommendation:

Staff reviewed previous reports submitted to Council which concluded that Burnaby should not amend its bylaw to permit signs which contain flashing lights, or which exhibit noticeable changes in light intensity. The high-impact effects of such types of signs were described, including reference to potential vehicle driver distraction and visual dominance. Reference was also made to certain guiding principles that formed the basis of the sign bylaw as submitted to Council in 1971 which would be contradicted by permitting signs with flashing lights or rotation. It was recommended that the present explicit prohibition of these types of signs as contained in the Bylaw, be retained.

Discussion Resulting from Review Process:

Discussion on this subject in the course of the review also involved the definitions of "Sign, Changeable Copy", "Sign, Fascia", and "Sign, Flashing" as noted below.

The principle focus of attention was on electronically controlled message centre signs. This type of sign is now being referred to in the industry as the Illuminated Changing Message System (ICMS). Representatives of the Chamber's Committee emphasized the growth and advertising appeal of such signs and submitted that such signs form part of the urban streetscape in very intensively developed urban centres in various world cities. It was suggested that these signs be made subject to the restrictions already in the bylaw, and that they would be practicable only in the high intensity commercial areas because of their high cost.

Staff maintain the initial view that the illuminated changing message system should not be supported as it essentially consists of arrays of flashing lights and does lead to the distracting, obtrusive effects identified in earlier reports.

However, if Council believes that this type of sign has a place in the larger, more diverse commercial centres that are emerging in Burnaby, ICMS displays could be accepted under conditions specifically designed to accommodate them, only in the context of intensively-developed urban commercial areas.

3.4 (Cont'd.)

To this end, if Council favors admission of the message centre sign, it should be regulated and reserved only for sites in the C3 General Commercial District or on sites zoned CD based on the C3 General Commercial District. Firstly, a definition of an Illuminated Changing Message sign should be provided in the Bylaw. In keeping with the urban context being sought, such signs should be permitted only as fascia signs, on building faces oriented to the public streets or other public spaces, and of a size consistent with a high-intensity, low-speed movement area. Accordingly, it would be recommended that a maximum height of 25 ft. be provided for ICMS signs, and that a maximum face area of 150 sq. ft. be designated (comparable to the maximum height and total face area permitted for a freestanding sign on a site between 6,000 sq. ft. and 1 acre in area).

(It is not considered practicable to attempt to regulate the programming of such electronically-switched signs (as some Municipalities have attempted without success). However, it should be made clear that programming a sign in a mode which causes the message to flash on and off or positive/negative on a regular or continuing basis would essentially constitute a flashing sign, which would continue to be prohibited under the Bylaw.)

In summary, if Council wishes to permit ICMS signs, the approach recommended above would accept them in a controlled fashion integrated with building street faces in the higher intensity commercial centres only, including Metrotown, first level commercial centres such as the Brentwood and Lougheed Mall C3/CD areas and second-level shopping areas such as the Hastings Street and Middlegate C3/CD areas.

RECOMMENDATION:

THAT the current provisions of the Bylaw prohibiting animated signs, revolving signs, and flashing signs be maintained, but that if Council chooses to consider the introduction of Illuminated Changing Message System signs in this Municipality, it do so in accordance with the terms outlined above, and the Municipal Solicitor be authorized to draft the appropriate definition, amendments to Schedule No. V, and related amendments.

3.5 Subject:

Proposal to delete present definition of "Sign Area" and replace it with one which would change the basis for measurement of area and thereby greatly increase the size of signs under the present regulations contained in the Schedules.

Category:

Proposals that would have the effect of increasing the number and/or size of signs.

Bylaw Page Number:

2

Bylaw Section:

Section 2 "Definitions".

Original Proposal (Sign Bylaw Committee):

The proposal would replace the current definition with one which would (a) permit up to double the presently permitted total face area for multi-face signs, and (b) alter the method of measuring the area of signs not having a frame, border, or background, thereby resulting in a potential major increase in sign area.

Original Staff Report Comment and Recommendation:

(a) The sign bylaw as initially adopted in 1972 established the maximum permitted total face area for signs of various types. For a sign with more than one face, the total of each side or face was counted in computing the total sign area, and the maximum size of signs permitted was based upon this requirement.

In 1974, in response to request from sign users who by virtue of site or development geometry or who by choice wished to have the entire permitted area ascribed to a single face, the definition was amended to permit computation on the basis that sides or faces that could not be seen by a person who was not on the site on which the sign is located, would not be counted (e.g., facing the principal building, etc.).

The present proposal, on the other hand, would allow each face of a double face sign to have an area equal to the total permitted for that District; this amounts to a doubling of the established maximum sign area.

The resulting 100% increase in permitted sign area cannot be supported.

(b) For a facia or other type of sign that has a group of letters, figures, or symbols without a frame, border, or background, the current bylaw provides for the area to be measured to the shortest line surrounding the whole group of letters, figures, or symbols of such sign (this so-called "string-line method" is common for applications of this sort).

The proposal would substitute for this a summation process of the string-line areas of all the individual letters or figures, thereby effectively excluding all intervening spaces (which would be counted if there were a border or frame), and resulting in a potentially massive increase in the total area comprising the display. Such an increase in size cannot be recommended.

3.5 (Cont'd.)

Discussion Resulting from Review Process:

Representatives of the industry acknowledged that it is their wish to have greater sign areas permitted. In discussion, emphasis was placed on freestanding signs, particularly in those schedules which permit a maximum area of 60 square feet. The sign companies pointed out that the resulting permitted area of 30 square feet per face for a two-sided sign does not correspond to the standard modular dimension for the plastic material commonly used for such signs, which is 32 square feet. Staff would be able to support a request for such a minor adjustment (from 60 sq. ft. to 64 sq. ft.) for those district schedules which presently contain the 60 sq. ft. dimension, as a matter of practicality.

However, the proposal to amend the fundamental basis for measurement of sign area thereby allowing a doubling of size for multi-face signs and a similar drastic increase in area of fascia signs is strongly opposed, for the reasons previously reported.

RECOMMENDATION:

THAT the present definition of Sign Area be confirmed.

3.6 Subject:

Proposal to regulate the use of awning signs in the same way as canopy signs.

Category:

Proposals related to technical or structural provisions.

Bylaw Page Number:

2

Bylaw Section:

Section 2 "Definitions".

Original Proposal (Sign Bylaw Committee):

This subject was listed by way of notation on the original submission by the Committee but no information was given as to the proposed change.

Original Staff Report Comment and Recommendation:

No comment was provided.

Discussion Resulting from Review Process:

The intent of the Committee is that the Sign Bylaw be amended to provide that awning signs as defined be governed by the same regulations as apply to canopy signs.

Both awning signs and canopy signs are defined in the Sign Bylaw, the salient distinction being that awning signs are affixed to a temporary hood or cover which projects from the wall of a building, while canopy signs are suspended from or form part of a permanent hood or cover. Awning signs are permitted in all Districts under Schedule I ("special purpose and temporary signs"), without specific regulation as to numbers, area, size, etc., other than that they be non-illuminated flat identification signs and that they do not extend vertically or horizontally beyond the limits of an awning. Canopy signs, on the other hand, are regulated under the respective Schedules for various districts as to number and size, and by the general provisions of Sections 5.4(1).

Staff concur that there is a potential for abuse of the Bylaw's present permissiveness with regard to awning sign displays, although there have been few significant examples of such to date.

The Planning and Building Inspection Department considers that awnings have a very definite place in the urban commercial environment, as protection for pedestrians in inclement weather, as protection where required for the contents of display windows (as from direct sunlight), and also as objects of architectural interest when well-designed and executed in an integrated fashion with building facades or commercial block frontages. Similarly, it is felt that identification can be tastefully incorporated in the awning design as part of a valid commercial sign display package.

The danger of abuse consists in the installation of awnings which, while technically collapsible, are de facto permanent features, and which are used for the purpose of supporting excessively large signs which are out-of-scale with the sign environment of the surrounding area.

3.6 (Cont'd.)

On balance, staff would recommend that Council consider amendments which will permit awning signs in all districts, in addition to the principal signs already permitted under the respective Schedules, but subject to the physical and size regulations pertaining to canopy signs in each. This approach would recognize the temporary nature of awnings while still providing for appropriate control and parity with comparison to permanent canopy sign displays.

RECOMMENDATION:

THAT the Municipal Solicitor be authorized to draft the appropriate Bylaw text amendments where required to effect the change outlined above for awning signs.

3.7 Subject:

Proposal to add definition of "Sign, Changeable Copy".

Category:

Proposals that would lead to the introduction of types of signs which are presently prohibited under the Bylaw.

Bylaw Page Number: 3

Bylaw Section: Section 2 "Definitions".

Original Proposal (Sign Bylaw Committee):

It was proposed that a definition be introduced, linked to the proposal to permit electronically-switched message centre signs and indexing signs (using 3-sided rotating panels), as well as signs on which copy is changed manually.

Original Staff Report Comment and Recommendation:

Staff reviewed previous reports on signs containing flashing lights and rotating elements, including reference to certain of the guiding principles that were embodied in the sign bylaw from its inception when first submitted in 1971. (See also comments under 3.4 above.) The recommendation was that the current prohibition of signs which contain flashing lights, which exhibit noticeable changes in light intensity, or which contain rotating or revolving parts, be retained.

Discussion Resulting from Review Process:

As noted in Section 3.4 of this report above, the possibility of accepting Illuminated Changing Message System signs under suitable definition and standards is discussed. With respect to indexing signs however, it is considered essential that the clear, direct nature of the bylaw be preserved in its prohibition of signs containing rotating or revolving elements. To permit the re-introduction of signs with rotating parts or other mechanical contrivances would be a retrograde step in relation to the standards that have been achieved and are now beginning to be manifest in the quality of the sign environment.

RECOMMENDATION:

THAT the Sign Bylaw not be amended to permit the introduction of signs with changeable copy incorporating rotating or revolving parts.

3.8 Subject:

Proposal to replace the present definition for "Sign, Facia".

Category:

Proposals that would have the effect of increasing the number and/or size of signs.

Bylaw Page Number:

3

Bylaw Section:

Section 2 "Definitions".

Original Proposal (Sign Bylaw Committee):

The proposal is to replace Burnaby's definition with one from the City of Vancouver, incorporating a provision for a projection of up to fifteen inches from the face of a wall.

Original Staff Report Comment and Recommendation:

Staff were unable to comment on the intent of the amendment proposal, but pointed out certain ambiguities in the proposed definition and noted that the 15 inch projection would be considerably greater than that required for the industry's standard metal cabinet (8" or 9" depth). It was recommended that the present definition be retained.

Discussion Resulting from Review Process:

In discussion, it was learned that the intent is to permit an increase in projection depth from 12" to 15" from a wall surface, to accommodate the extra cabinet depth associated with Illuminated Changing Message System signs containing large amounts of electric circuitry.

If Council determines to proceed with the amendments leading to approval of ICMS signs, then it would be appropriate to amend the definition of Sign, Facia and the provision of Section 5.3(1)(a) for ICMS facia signs only, to a maximum projection of fifteen inches. There would be no need to amend the depth for other types of facia signs, nor would it be desirable to do so.

RECOMMENDATION:

THAT if Council elects to amend the Sign Bylaw to permit ICMS signs under the terms proposed in Section 3.4 above, it also authorize the Municipal Solicitor to draft appropriate amendments to the definition of "Sign, Facia" and the regulation of Section 5.3(1)(a).

3.9 Subject:

Proposal to replace the definition of "Sign, Flashing".

Category:

Proposals that would lead to the introduction of types of signs which are presently prohibited under the Bylaw.

Bylaw Page Number: 3

Bylaw Section: Section 2 "Definitions".

Original Proposal (Sign Bylaw Committee):

It was proposed that the present definition of "Sign, Flashing" be deleted and replaced by one which would specifically exempt an "electronically controlled message centre".

Original Staff Report Comment and Recommendation:

(See comments under Sections 3.4 and 3.7 above).

Discussion Resulting from Review Process:

The intent of the Committee's proposal is related to its desire to achieve the acceptance of Illuminated Changing Message System signs, which currently fall within the definition of a flashing sign. It is essential that the prohibition of flashing signs be retained in the Bylaw, but if Council elects to define and permit the introduction of ICMS signs under the proposal set out in Section 3.4, then the Solicitor will have been authorized to draft the required changes, one of which would be the exclusion of ICMS signs as defined from the terms of the definition of "Sign, Flashing".

RECOMMENDATION:

THAT the present definition of "Sign, Flashing" be retained except as required by a change emerging from the recommendation of Section 3.4 of this report.

3.10 Subject: Proposal to delete definition of "Sign,
Minimum Height of". 146

Category: Proposals related to technical or struc-
tural provisions.

Bylaw Page Number: 4

Bylaw Section: Section 2 "Definitions".

Original Proposal (Sign Bylaw Committee):

The Committee proposed to delete the definition.

Original Staff Report Comment and Recommendation:

Staff reported that the definition was necessary to give meaning to the various minimum height clearance regulations contained in the Bylaw, and recommended that it be retained.

Discussion Resulting from Review Process:

The Committee agreed with the comments in the staff report; the proposal is to be withdrawn.

3.11 Subject:

Proposal to amend "Application" section of bylaw to correct typographical error, to permit copy changes to be made to non-conforming signs, and to permit modifications to be made to non-conforming signs including billboards.

Category: Proposals related to administrative or procedural changes affecting the application and scope of the Bylaw.

Bylaw Page Number: 5

Bylaw Section: 3(1) and 3(3) "Application".

Original Proposal (Sign Bylaw Committee):

It was proposed that a typographical error be corrected (by substituting the word "within" for the word "with" in Section 3(1), and that extensive additional wording be inserted in Section 3(3) to enable without permit a variety of copy changes, face repairs, replacement of structural elements, copylighting, and refurbishing of non-conforming signs, provided that the dimensions of the original sign face or copy area remains unchanged. Further, modifications to non-conforming, existing billboards would be permitted subject to certain conditions.

Original Staff Report Comment and Recommendation:

Staff advised that while "maintenance" of existing, non-conforming signs has never been at issue, structural replacements, copy changes, and modifications have been prohibited unless in conformity with the provisions of the Bylaw. This was designed to ensure that while non-conforming signs may continue to be used (provided they are maintained in a safe condition) signs of types, sizes, or in locations which offend the adopted bylaw should not be perpetuated beyond their normal, functional lifetime. It was stated that this provision should be maintained in order to provide for an orderly, gradual transition to modern sign displays which do conform to contemporary community standards, and that the only effective way of achieving this would be to maintain the requirements for permit application and review prior to physical modifications being started. It was recommended that the current provisions of Section 3(3) be maintained, but that the Solicitor prepare a minor amendment related to the word "with" in Section 3(1).

Discussion Resulting from Review Process:

In the meetings considerable emphasis was placed on the economic hardship placed on a new business owner if he is forced to obtain a new sign to replace an existing non-conforming one, and the argument was raised that the provisions of the Sign Bylaw for continuing use ("occupancy") of a non-conforming sign should parallel the provisions of the Municipal Act for non-conforming land uses.

With this in mind, staff have re-examined the position on copy changes, and are able to appreciate the arguments raised. There is agreement that it would be inconsistent with the "Municipal Act parallel" principle to permit structural modifications other than those of an internal nature (brackets, internal braces, etc.), and accordingly external structural modifications to non-conforming signs would not be permitted.

3.11 (Cont'd.)

148

The proposition therefore is to amend Section 3(3) to permit copy changes and face repairs provided the dimensions of the original sign face or copy area remains unchanged, and further to provide (by way of clarification) that all normal maintenance operations, including replacement of internal structural elements, copy lighting, and refurbishing of signs shall not require an application or permit, but shall conform with all other provisions of the Bylaw. The proposal with respect to modifications to non-conforming billboards is deleted.

RECOMMENDATION:

THAT the Municipal Solicitor be authorized to draft the amendments to Section 3(1) and 3(3) as outlined above.

3.12 Subject:

Proposal to permit structural supports for projecting signs to extend above the line of a roof or projecting parapet.

Category:

Proposals related to technical or structural provisions.

Bylaw Page Number:

6 and 7

Bylaw Section:

5.1(6) and 5.3(3)

Original Proposal (Sign Bylaw Committee):

The proposal was to permit the supporting structure of a projecting-type sign to extend vertically up to 12 inches above the roof line or the top of the parapet of a building.

Original Staff Comment and Recommendation:

Staff reported that this proposal would permit an exposed structural element to be employed for the purpose of suspending a projecting sign from a point above the roof or parapet line.

This would be an undesirable step as the Bylaw since its adoption has in Section 5.1(5) required that "all framework and other rigid devices required for the lateral support of the sign be contained within the sign's body or within the structure of building to which it is attached, in such a manner as not to be visible to any person." This provision has resulted in clean, unobtrusive sign designs without exposed structural supports, and should not be compromised.

Discussion Resulting from Review Process:

The sign industry indicated that a projecting horizontal support member extending outward from above the roof or parapet of a building presents a less costly and more feasible means of attachment of projecting signs to many existing buildings. However, the resulting appearance of such signs is less acceptable than for those of the cantilever type required presently by the Bylaw. It would be undesirable to begin at this point to permit exposed structural elements, braces, etc., and to permit signs to extend above the visual outline of the building by projecting above the roofline. Accordingly, the proposal cannot be supported; true cantilever attachment or selection of an alternative form of sign display (such as a facia sign) would be suggested alternatives where attachment to an existing building is contemplated.

RECOMMENDATION:

THAT the current provision of the Bylaw be retained.

3.13 Subject:

Proposal to amend the current provisions for Comprehensive Sign Plans.

Category:

Proposals related to administrative or procedural changes affecting the application and scope of the Bylaw.

Bylaw Page Number: 9

Bylaw Section: Section 6.3

Original Proposal (Sign Bylaw Committee):

The proposal was to delete the word "colour", to delete the provision for submission to the Director of Planning, to eliminate the terms of reference for a Comprehensive Sign Plan ("shall comply with the sign area and density regulations of this Bylaw, and shall result in an improved relationship between the various parts of the plan"), and to add the phrase "with the application sought pursuant to this Bylaw".

Original Staff Report Comment and Recommendation:

Staff reported that while the colour of proposed sign displays is considered to be significant in evaluating a submitted comprehensive scheme, and while many architects and designers choose to specify colour as part of their design work, it is acknowledged that the location, size, height, lighting, and orientation of signs are more critical to their acceptability as part of a Comprehensive Plan.

The stipulation that the plan shall comply with the sign area and density regulations of this Bylaw and shall result in an improved relationship between the various parts of the plan provides the necessary fundamental guideline to assure consistency with Council's adopted overall objectives under the Bylaw, and to prevent charges of discrimination. Maintaining this criterion will allow the applicant considerable design flexibility in planning the specifics of his display, while maintaining equity vis-a-vis the Municipality's overall standards.

It was concluded that deletion of the reference to colour could be accepted but that the provisions for submission of plans to the Director reflecting the criteria should be retained.

Discussion Resulting from Review Process:

In discussion, it became apparent that there was a considerable amount of misunderstanding about the use and terms of eligibility for use of Comprehensive Sign Plans, as references are made both in Section 6.3 (permissive: "may be provided" for certain situations) and in Schedule VI, subsection 2 (mandatory: for Comprehensive Development (CD) Zoning Districts).

Additionally, consideration was requested for means of simplifying the application procedure and processing of applications for permits in varying cases ranging from straight-forward application of the District Schedules and general regulations to optimal or permissive use of a Comprehensive Sign Plan to the mandatory use in CD zones.

3.13 (Cont'd.)

The proposals have merit, in that the clarity of the text of the Bylaw could be improved by rewording, cross-referencing, etc. to render more clearly the conditions under which Comprehensive Sign Plans are to be used, and the scope for variance that is possible within the existing criteria. Further, there is agreement in principle to the proposal to simplify the application/processing procedures within the Planning and Building Inspection Department.

The most satisfactory means of achieving this will be worked out as part of the 1983 Performance Planning and Measurement effort already in place, relative to the Building and the Current Planning Divisions. Any resultant changes required to present provisions of the Sign Bylaw would be the subject of a future report.

RECOMMENDATION:

THAT the Municipal Solicitor in consultation with the Director Planning and Building Inspection be authorized to draft the appropriate text amendments to clarify the bylaw as outlined above with respect to Comprehensive Sign Plans, with the understanding that the means of simplifying the application and processing procedures for sign approvals will be worked out with the Building Division.

3.14 Subject: Proposal to increase the permitted area of certain Special Purpose signs. 152

Category: Proposals that would have the effect of increasing the number and/or size of signs.

Bylaw Page Number: 11

Bylaw Section: Schedule No. I, subsections (4) and (6).

Original Proposal (Sign Bylaw Review Committee):

The proposal of the Committee is to amend the sign area regulations for certain types of Schedule I "special purpose" signs which are permitted in all districts; specifically, increasing the maximum area of on-site directional signs from 2 square feet to 6 square feet; eliminating the present maximum for regulatory signs intended to control or prohibit parking (presently 4 square feet); and increasing the maximum area for "no trespassing" signs from 2 square feet to 6 square feet.

Original Staff Report Comment and Recommendation:

It was reported that the intent of the proposed amendments appears to be to allow greater exposure of such special purpose signs. Although staff consider the present permitted sizes to be adequate for use in an urban area, it is felt that the requested increase could be accepted provided it is understood that these signs are to be directional or regulatory in nature, not to be used as business signs, and provided that parking control and prohibition signs should observe the same 6 square foot limit.

It was recommended that the Solicitor draft the appropriate amendment.

Discussion Resulting from Review Process:

Agreement exists to support the staff recommendation.

RECOMMENDATION:

THAT the Municipal Solicitor be authorized to draft the appropriate amendments in line with the staff response outlined above.

3.15 Subject:

Proposal to delete the M4 Special Industrial District from Schedule III (P, C1, and M4 Districts) and to insert it into Schedule IV (C2, C5, C6, M1, M2, M3, M5, M6, and M7 Districts).

Category:

Proposals that would have the effect of increasing the number and/or size of signs.

Bylaw Page Number:

13 and 14

Bylaw Section:

Schedule III, Schedule IV.

Original Proposal (Sign Bylaw Review Committee):

The proposal is to delete the M4 District from Schedule No. III (districts such as P and C1 which commonly share an interface with residential zones) and add it to Schedule IV, (districts of higher commercial intensity and industrial zones where residential use is not permitted).

Original Staff Report Comment and Recommendation:

The M4 Special Industrial District is a unique one in which residential single-family and two-family dwellings are specifically permitted along with a variety of light industrial uses, under conditions designed to minimize conflict with the residential use. As such, it is appropriate to respect this interface by regulating the size and amount and type of external sign display in the same way as is done for local commercial uses or institutional uses in close proximity to residential uses.

While it is acknowledged that industry is gradually displacing older residential dwellings in the M4 areas, there still are substantial numbers of dwellings which should continue to be respected and protected by maintaining the appropriate environmental standards, so that the living environment is not caused to deteriorate.

Discussion Resulting from Review Process:

Discussion centered around the gradual process of transition in land use in the M4 Districts. Staff continue to feel the responsibility to maintain the living environment in these areas, where residential dwellings continue to be occupied on a conforming land use basis. It was suggested that if it is believed that the residential component is no longer sufficiently strong to warrant retention of the "Special" status the M4 district currently experiences, then the proper avenue for review would be a land use/zoning study.

RECOMMENDATION:

THAT the present designation under Schedule III be confirmed as appropriate to minimize conflict with existing residential uses in the M4 zone.

3.16 Subject: Clarity in text language describing types of signs permitted, Schedule IV. 154

Category: Proposals to amend text relative to interpretation and clarity.

Bylaw Page Number: 14

Bylaw Section: Schedule No. IV (and No. V).

Original Proposal (Sign Bylaw Review Committee):

The proposal is to add punctuation to the list of types of signs permitted under Schedule No. IV.

Original Staff Report Comments and Recommendation:

Understanding of the meaning of the options contained in this sentence in Schedule IV and also Schedule V could be improved by minor rewording, to make it more clear that two signs are permitted per street bounding the property, selected from the following alternatives:

- two business signs
- or
- one business and one non-accessory sign, selected from the following range of types:
- canopy
- or
- fascia
- or
- freestanding, etc.

Discussion Resulting from Review Process:

It was agreed that the formatting and sentence structure changes would be of benefit.

RECOMMENDATION:

THAT the Municipal Solicitor be authorized to redraft the relevant sections of Schedules No. IV and V to clarify the intent.

3.17 Subject:

Proposal to add projecting signs and roof signs to the types of signs permitted in Schedule No. IV.

Category:

Proposals that would lead to the introduction of types of signs presently prohibited under the Bylaw.

Bylaw Page Number: 14

Bylaw Section: Schedule No. IV.

Original Proposal (Sign Bylaw Review Committee):

The proposal was to introduce projecting signs and roof signs into the C2, C5, C6, M1, M2, M3, M5, M6, and M7 Districts.

Original Staff Report Comments and Recommendation:

Staff reported that since the inception of the bylaw, projecting and roof signs have been permitted only in the C3, C4 and C7 commercial districts (Schedule No. V). These zones accommodate the most intensive commercial development and/or the greatest highway orientation, felt to warrant the greatest range of permissible sign types.

The districts under Schedule No. IV are less intensive or more specialized commercial in nature or industrial, and the range of permitted sign types (facia, canopy, and freestanding) has been considered to meet their needs.

Discussion Resulting from Review Process:

The foregoing comments continue to apply; the present range of permitted sign types should be retained in Schedule No. IV.

RECOMMENDATION:

THAT the Sign Bylaw not be amended to permit the introduction of projecting and roof signs into Districts designated under Schedule No. IV.

3.18 Subject:

Proposal to increase the number of free-standing signs permitted in districts under Schedule No. IV and No. V.

156

Category:

Proposals that would have the effect of increasing the number and/or size of signs.

Bylaw Page Number:

14

Bylaw Section:

Schedule No. IV, Schedule No. V.

Original Proposal (Sign Bylaw Review Committee):

The proposal is to amend the text of the district schedules governing signs in the C2, C3, C4, C5, C6, C7, M1, M2, M3, M5, M6, and M7 Districts to increase the maximum number of freestanding signs from 2 to 4 per street frontage, subject to a spacing of not less than 30 m (100 feet).

Original Staff Report Comments and Recommendation:

This proposal, modelled after the District of Surrey's bylaw, would allow a two-fold increase in the number, and hence the combined area, of freestanding sign display on sites with multiple tenancies where the distance separation condition can be met. Such a change would permit, and probably encourage, a major shift in sign display emphasis to multiple, freestanding signs lining the streets in commercial and industrial areas, increasing visual clutter and also the total extent of advertising display by up to 100%.

The experience in strip commercial locations in Surrey demonstrate the resulting undesirable effect, and the reasons this proposal cannot be supported. We understand that changes are being considered to Surrey's bylaw to increase the distance separation criteria so as to achieve a more aesthetically pleasing environment.

The report concluded that the proposal to increase the permitted number of freestanding signs would result in a potential doubling of sign display and a deterioration in the quality of our commercial and industrial areas, and should not be approved.

Discussion Resulting from Review Process:

In discussion, representatives of the Chamber's committee maintained that the distance separation requirement would ensure that the provisions of this proposal, for up to 4 freestanding signs per street frontage, would in practice only apply to larger sites, hence mitigating the undesirable visual effect foreseen by staff.

3.18 (Cont'd.)

Notwithstanding, the prospect of encouraging the erection of greater numbers of freestanding signs flanking roadways by doubling the maximum number of freestanding signs per property would be inadvisable. Rather, efforts to integrate sign displays with the buildings being served or to use well-designed freestanding signs in lesser numbers but with greater individual identity will result in a continuation of the improvement that is being achieved in the newly developing or redeveloping areas of our Municipality.

RECOMMENDATION:

THAT the Sign Bylaw not be amended to permit a doubling in the maximum number of freestanding signs permitted per street front.

3.19 Subject:

Proposal to introduce "poster panel signs".

Category:

Proposals that would lead to the introduction of types of signs which are not presently permitted under the Bylaw.

Bylaw Page Number:

Pages 2,3,4,7,14, and 15.

Bylaw Section:

Section 2 "Definitions", Section 5.3, 5.4, Schedules No. IV and V.

Original Proposal (Sign Bylaw Review Committee):

The proposal was to add or amend various sections to permit the introduction of "Poster Panels" in the Municipality:

- definition amendment to definition of "Sign, freestanding" to exclude poster panels.
- amendment to definition of "Sign, non-accessory" to exclude poster panels.
- addition to list of permitted signs (in addition to business or other non-accessory signs) in Schedule IV (except C2) and Schedule V.
- addition of regulations governing distance separations, location, height, support, etc.

Original Staff Report Comments and Recommendation:

Staff reported that this proposal deals with a non-accessory type of sign that is essentially a billboard (the distinction lies in the size of the two types of sign, as a poster panel as proposed would be permitted to have a display area, exclusive of any frame, up to 200 square feet, whereas a "billboard", by definition, would be such a sign which exceeds an area of 200 square feet).

Billboards are defined in the Sign Bylaw, and are specifically prohibited under Section 5.1(8). To now enact changes which would allow similar devices which are only marginally smaller would be, contrary to the objectives of the bylaw and would result in the creation of an entirely new potential market for such signs across extensive, highly visible areas of the municipality.

As such, the Planning & Building Inspection Department would strongly recommend against approval of this proposal to re-introduce what is essentially a form of billboard advertising under a changed name.

Staff further reported, however, that a request had been received from a representative of a sign company for consideration of a proposal for a scheme to allow replacement of existing, non-conforming billboards in our community with poster panels. The proposal was then under consideration as to its ramifications and estimated short and long term impacts, and will be the subject of a separate report to Council. As a result, it was reported that it might be premature to reach a conclusion on this subject, and it was recommended that Council take no action at that time on the proposals concerning poster panels.

3.19 (Cont'd.)

Discussion Resulting from Review Process:

Further particulars were received on the proposal from the company which currently operates a large number of non-conforming billboards in Burnaby. The proposal is still receiving consideration from the staff and has been the topic of preliminary discussion with the Legal Department. Based on the evaluation to date it would continue to be premature to suggest any steps contrary to the spirit, thrust, and effect of the Sign Bylaw on the subject of billboard signs or "poster panels".

RECOMMENDATION:

THAT no action be taken at this time on the subject of "poster panels" with the understanding that staff will continue to look into the proposal that has been advanced.

3.20 Subject:

Proposal to enact amendments to more effectively enforce the Bylaw with respect to illegal use of portable or "Mobile" signs. 160

Category:

Proposals to provide more effective administration and enforcement of the Bylaw.

Bylaw Page Number:

(to be determined).

Bylaw Section:

Section 2 "Definitions"; Section 5.1(8).

Original Proposal (Staff report, Item 12, Managers Report #68, 1982/12/13) - see Appendix to this report, Section 4.2 and 4.3.

The proposal is to suitably define and regulate the use of temporary display signs so as to achieve economical and effective enforcement to combat the widespread use of illegal "mobile" signs which presently contravene numerous sections of the Bylaw.

Discussion Resulting from Review Process:

Support was received from representatives of commerce and the sign industry to the proposal to introduce effective controls on the use of this type of advertising, which does not conform to the Municipality's standards or permit procedures, which has been the source of many complaints, and which tends to make a mockery of the efforts of legitimate sign contractors who observe the Municipal Bylaw.

RECOMMENDATION:

THAT the Municipal Solicitor be authorized to draft the appropriate text amendments in accordance with the above and Sections 4.2 and 4.3 of the attached Appendix.

3.21 Subject:

Proposal to convert the Sign Bylaw to metric measure.

Category:

Proposals to amend the text relative to interpretation or clarity.

Bylaw Page Number:

All pages containing Imperial measure dimensions.

Bylaw Section:

All sections containing Imperial measure dimensions.

Proposal:

To take this opportunity to convert the dimensions contained in the Sign Bylaw to metric (SI) measure, utilizing the hard conversion method, with approximate Imperial equivalents printed in the consolidated published version for convenience only.

Background and Discussion Resulting from Review Process:

With the permission of the Chairman of the Sign Bylaw Review Committee, staff contacted the chairman of the Chamber of Commerce's committee to obtain the views of the business and sign industry representatives on the subject of metric conversion.

It had previously been established through contact with the Province's Information Coordinator, B.C. Metric and Metric Standards Information Office that the Municipality is not at this time under any obligation to convert its Sign Bylaw, but that it would be appropriate to consider doing so. (One advantage would be consistency with the Zoning Bylaw, which has been in SI form since 1978.)

The response from the Chairman of the Chamber's committee was to favor "soft conversion to metric measure with Imperial equivalents shown in brackets". On subsequent discussion, it was pointed out that soft conversion typically results in decimal fractional values, while the rounding off that is involved in hard conversion yields more "rational" discrete metric values, with corresponding approximate Imperial equivalent values in decimal fractions. Agreement was reached that hard conversion similar to that embodied in the Zoning Bylaw would be accepted.

If Council agrees with this initiative, it will be possible to achieve the conversion at this time when an amending bylaw is being prepared.

RECOMMENDATION:

THAT the Director Planning & Building Inspection be authorized to prepare the appropriate numerical and dimensional conversion, with the understanding that discrete metric values will appear in the bylaw, accompanied in consolidated published copies only by (unofficial) approximate Imperial equivalent values.

4.0 CONCLUSIONS:

The foregoing sections have reported on the review process on the various amendment proposals that have been advanced in the course of the recent Sign Bylaw review, and provide recommendations for Council's consideration and for referral to the Sign Bylaw Review Committee.

For information, colour photographs have been prepared of various signs which exemplify the quality of display that is being achieved under the present Bylaw, and demonstrate the functional adequacy as well as the design scope offered by the present regulation. The photos will be available for viewing and as an aid to discussion in the Council Chamber.



A.L. Parr
DIRECTOR PLANNING &
BUILDING INSPECTION

DGS/js

cc: Chief Building Inspector
Municipal Solicitor
Assistant Director,
Long Range Planning & Research

APPENDIX

Excerpts from 1982 December 13 Manager's Report
(Item 12, Manager's Report #68, 1982)

1.0 BACKGROUND

1.1 The Burnaby Sign Bylaw was adopted in 1972 following extensive discussion and input from various sectors of the community, involving staff, representatives of the sign industry, citizens groups and representatives of user groups. It was reviewed by a Special Committee of Council in 1977, and again discussions took place with representatives of the sign industry, realty and development companies, the Chamber of Commerce reflecting commercial users' interests, and municipal staff. A number of amendments were made following that review.

In 1981 October, a Sign Bylaw Review Committee was named, and its work resulted in a set of amendment proposals as received by Council 82 Nov. 15. Staff are not aware of the input obtained by the Committee in its deliberations, but the report was referred to staff for review and comment.

The proposals have been examined with respect to their anticipated consequences and their relevance to the purposes and objectives of the Bylaw as originally conceived and up-dated to current notions of the community interest. The workability and enforceability of proposals have been discussed with Building Inspection staff responsible for administration of the bylaw, and various points have been discussed with staff of the other municipalities from which the amendment proposals were derived.

1.2 When the Sign Bylaw was advanced for consideration by Council in 1971, the guiding principles were outlined in an Introduction. In addressing the present proposals, it is useful to have these principles in view. The following extracts from the Introduction are pertinent to aspects of Council's present consideration related to the broad, underlying purposes that should be conserved:

"Signs are not erected in roughly equal numbers throughout all sections of a community because their impact is more immediate in association with certain land uses. As a result, signs are generally at a minimum in residential, agricultural, institutional and other 'low density' areas and at a maximum in the commercial districts where goods are bought and sold, and to a lesser extent, in industrial zones where goods are produced."

"This pattern is reflected in the Sign Schedules of the proposed bylaw where the regulations and standards for various types of signs are related to the broad zoning district categories of the Municipality. In this way the bylaw attempts to balance the need in the various districts to balance the effect of signs on the character of the district, on values, and on aesthetic considerations."

1.2 (Cont'd.)

"The point is that advertising signs must be evaluated in a particular context. The fact that many types of signs would be offensive in a residential, agricultural or institutional area does not necessarily mean that they would be ugly or out of place in a commercial or industrial district. Controls which restrict signs to basic essentials in certain land use districts, while permitting a wider range of latitude in others are therefore desirable."

"As the number of signs in a given area increases, each individual sign tends to become progressively less effective in conveying its intended message. Ironically, in such competition every one is the loser. Such a state defeats the whole purpose for which the signs were originally erected. If, in order to be noticed, a sign must be over-sized, garish in colour and thrust out or high in the sky, there is an almost invariable reason - the proximity of other signs equally misplaced, over-sized and garish."

"Apart from the frequent unsightliness of such areas, where each sign must try to outdo the others in order to be effective, the benefits to the advertiser are diminished and, furthermore, indispensable signs such as traffic signs erected for public safety may be obscured. Therefore, it is in the interests of both the individual advertiser and the general public that some controls be placed on the number, type, size and location of signs in different land use zones."

"Under the proposed bylaw regulations, billboards, rotating signs or flashing signs are not permitted. None of these types of signs is considered necessary to effectively convey a visual advertising message. Further, they attract attention to a degree where they present an intrusion into surrounding areas as well as a hazard on heavily travelled thoroughfares."

Additionally, we would emphasize that development standards that are applied in one Municipality are not necessarily appropriate in another where the community's values and aspirations, its land use characteristics, and its urban setting may be quite different. For this reason, we would caution against simply importing standards from other communities, particularly on a selective basis or outside the context of the balance of that community's bylaws. What is required is a thoughtful appraisal of the goals and objectives of this community, balancing environmental considerations with the needs of the business community for identification.

2.0 CLASSIFICATION OF PROPOSALS AS SUBMITTED

2.1 The various proposals put forward by the Committee in its report were ordered generally in sequence according to the page numbers of the bylaw.

To assist in dealing with the thrust and implications of each, it is useful to group the proposals in some fashion. The following categories were employed to aid in analysis and conceptualizing the general types of outcome expected. (The classifications reflect the staff's understanding of the intent of each proposal, although in a few instances there may be some uncertainty as to the effect intended by the Committee.)

2.1 (Cont'd.)

- A. Proposals related to administrative or procedural changes affecting the application and scope of the Bylaw.
- B. Proposals to amend text relative to interpretation and clarity.
- C. Proposals related to technical or structural provisions.
- D. Proposals that would have the effect of increasing the number and/or size of signs where currently permitted.
- E. Proposals that would lead to the introduction of types of signs which are presently prohibited under the Bylaw.

2.2 The key issues which emerge from the proposals are:

- 2.2.1 The introduction of types of signs that are presently prohibited under the Bylaw (for example, poster panel signs, changing message signs which employ flashing lights or sources of changing intensity, changing message signs that employ rotating panels, projecting and roof signs in various districts);
- 2.2.2 Major increases in the number and/or the size of signs, of types currently permitted (for example, doubling area of multi-face freestanding signs, doubling the number and total area of freestanding signs in various districts, etc.); and
- 2.2.3 Technical or interpretive changes that would affect sign height, exposure of external structural elements, structural replacements and refurbishing of non-conforming billboard signs, etc.

4.0 FURTHER AMENDMENTS FOR CONSIDERATION

- 4.1 In the course of administering the bylaw, staff became aware of areas of the bylaw which would merit updating, clarification, or amplification in order to make it more effective, more easily understood, or more current relative to new directions in the industry. It is appropriate to bring forward such matters at this time as part of the review process, for consideration by the Committee and Council.
- 4.2 A type of sign display which has created widespread problems in municipalities throughout this region since the last bylaw review is the so-called "mobile" or portable sign. This type of sign is typically a two-sided, usually internally-illuminated sign with provisions for changeable copy letters, frequently incorporating flashing lights, arrows, or symbols, all affixed to a light metal framework and legs which may be transported from site to site on a small truck or trailer or may travel on its own set of wheels and axle (which in turn may be demountable from the frame).

4.2 (Cont'd.)

166

Such signs are commonly rented to places of business by the week or month, and are most often situated on parking lots adjacent public streets, in landscaped front yard areas, on street boulevards, or on the travelled portion of the road itself. While sometimes put in place as a temporary expedient by new business prior to installation of a new permanent sign, these portable signs are in the main being used on a repeated or continuing basis, without benefit of approval or inspections, and in excess of the total permitted number of signs on a given site.

The signs are commonly connected to the electrical supply via an exposed extension cord across the surface of parking areas, driveways, and pedestrian walks, in a manner that is unsafe and in violation of the electrical codes.

The use of such signs, in excess of normal signing standards and in a completely ad hoc fashion, has created objections in cities across North America where bylaw provisions have not been adequate to provide effective control. In this area, some municipalities permit such signs on a restricted-time basis only: control has been found to be excessively costly and ineffective, and amendments are being contemplated to prohibit or otherwise restrict the use of portable signs.

It should be noted that Schedule I, Section (14) does permit the placing of "one temporary on-site freestanding non-illuminated changeable copy panel sign on a property located in a C, M, or P District, provided that no such sign shall exceed an area of 40 square feet". Upon application, permits are approved for temporary signs meeting these criteria. The mobile or portable signs however, exceed the maximum area requirements (typically 80 square feet or greater in area), are illuminated, are frequently on or over public property, and frequently contain flashing lights. The portable sign as described is not a permitted type in Burnaby, and is therefore prohibited.

In Burnaby, portable signs have been the chief source of complaints in the past two or three years. Complaints have been received both from residents (objections to glare, unsightliness) and from merchants or owners of other, legitimate signs in the area of an offending portable sign. Such signs have severely blighted the appearance of several commercial and industrial areas of the municipality, conflicting with the effectiveness of permanent, conforming signs in conveying their intended commercial message. Moreover, the persistence of these signs in spite of complaints by other citizens and the best efforts of the municipality to enforce its bylaw tends to inhibit the effectiveness of sign control legislation.

The difficulty in gaining effective enforcement in this regard stems from the fact that the Crown Prosecutor's office considers the existing bylaw to be not sufficiently clear and specific in its language to warrant commencing a legal action against offenders who display such signs over private property.

4.2 (Cont'd.)

To overcome this problem, it is recommended that the Municipal Solicitor be authorized to draft the appropriate text amendments for submission to Council, defining this particular type of sign, suitably distinguishing it from various types of permitted signs, and specifically including it in the list of prohibited sign types under Section 5.1(8).

4.3 Where illegal signs are placed without passing through the permit system, the Chief Building Inspector takes steps to obtain compliance with the bylaws, and this sometimes culminates in a need to lay charges through the court system.

At this time, the language of the enforcement section of the Bylaw (Section 6.5) centers on the person who erects, places, rebuilds, reconstructs, alters, or moves a sign: that is, the emphasis is on the physical act of erecting the sign, etc. Consequently, the preparation of such cases can be time-consuming and costly, and sometimes impossible, where the staff cannot with certainty establish who actually did the work that caused the infraction, or the time the action took place.

In order to remedy this situation and provide for effective and equitable enforcement where necessary through the prosecutor's office and the courts, it is recommended that the Municipal Solicitor be authorized to prepare the appropriate text amendments to clarify the matter of the display of an illegal sign.

4.4 The recommendations contained in this report are intended to enable Council to up-date and clarify the Municipality's Sign Bylaw in a fashion consistent with the continuing goal of meeting advertising and identification needs in various districts in balance with the character and environmental values of the community.

