

AGENDA ITEM NO: 7.6

MEETING DATE: October 24, 2023

STAFF REPORT – COVER SHEET

SUBJECT: Sign Bylaw Amendment Bylaw 2023, No. 5344 DATE: October 3, 2023

DEPARTMENT: Development and Regulatory Enforcement Services PREPARED BY: Caitlin Weston

1. SUMMARY OF ISSUE:

Resident complaints regarding real-estate advertising signs throughout our community, but particularly in residential zones, have been on the rise over the past 12 months. The Sign Bylaw currently allows real-estate signs of up to 3m² (32 ft²) in size in all zones, including residential zones, provided they are only advertising the sale or lease of the property upon which they are located; third-party signs which advertise a real estate agents general services are not permitted. Traditionally agents displayed much smaller sized signs in residential areas and only to advertise homes for sale, however, large 3m² (32 ft²) sized signs advertising real estate agents' general services are now being displayed around our community in increasing numbers. Although these signs may have a very small "for sale" text on them, for example in the corner or at the bottom of the sign, it is clear to both residents and the Bylaw Department that these signs are advertising the agents general services and not advertising a property for sale. Often, these signs are located on properties owned by the agents themselves or by their family members. When approached by Bylaw Officers regarding these signs, the agents are then entering into exclusive listing agreements (non-MLS listings) simply to circumvent the bylaw. Efforts to-date to resolve this issue have been unsuccessful and a Bylaw amendment is therefore recommended to help discourage this activity.

2. RECOMMENDATION:

Recommendation that "Sign Bylaw Amendment Bylaw 2023, No. 5344" be given first and second reading.

Recommendation that "Sign Bylaw Amendment Bylaw 2023, No. 5344" be given third reading.


Glen White, Director of DARES

3. CHIEF ADMINISTRATIVE OFFICER'S RECOMMENDATION/COMMENTS:

Supports recommendation.


Chris Crosman, CAO

**STAFF REPORT ON
Sign Bylaw Amendment Bylaw 2023, No. 5344**

PREPARED BY:	<u>Caitlin Weston</u>	DATE:	<u>October 3, 2023</u>
POSITION:	<u>Manager of Bylaw Enforcement</u>	DEPARTMENT:	<u>Development and Regulatory Enforcement Services</u>

1. DEFINITION OF ISSUE:

Resident complaints regarding real-estate advertising signs throughout our community, but particularly in residential zones, have been on the rise over the past 12 months. The Sign Bylaw currently allows real-estate signs of up to 3m² (32 f²) in size in all zones, including residential zones, provided they are only advertising the sale or lease of the property upon which they are located; third-party signs which advertise a real estate agents general services are not permitted. Traditionally agents displayed much smaller sized signs in residential areas and only to advertise homes for sale, however, large 3m² (32 f²) sized signs advertising real estate agents' general services are now being displayed around our community in increasing numbers. Although these signs may have a very small "for sale" text on them, for example in the corner or at the bottom of the sign, it is clear to both residents and the Bylaw Department that these signs are advertising the agents general services and not advertising a property for sale. Often, these signs are located on properties owned by the agents themselves or by their family members. When approached by Bylaw Officers regarding these signs, the agents are then entering into exclusive listing agreements (non-MLS listings) simply to circumvent the bylaw. Efforts to-date to resolve this issue have been unsuccessful and a Bylaw amendment is therefore recommended to help discourage this activity.

2. FACTORS:

- 2.1 The Sign Bylaw outlines the rules and regulations with respect to advertising signs on both public and private property within City limits. It governs where signs may be placed, the size, number, type and appearance of the signs permitted, and prohibits certain types of signs.
- 2.2 The bylaw ensures that signs are not a safety hazard and assists in maintaining a clean, attractive and positive image for our City.
- 2.3 The bylaw requires that a permit be obtained for the erection, display, alteration, replacement or relocation of a sign unless specifically exempted by Section 13. Under Section 13, real estate signs that are advertising a property for sale or rent are exempt from obtaining a permit provided that they are located entirely upon the property to which the advertisement pertains to, that they do not exceed 3m² in copy area and 6m in height, and that they comply with all other regulations of the bylaw.

- 2.4 Historically, real-estate signs in residential areas were small, approximately 0.5 to 0.75 m² (6-8 ft²) and were clearly advertising the homes for sale; the homes could be found on MLS, open houses and viewings were being conducted, "sold" stickers would be applied to the signs once the properties sold, and the signs would be removed within a reasonable timeframe. Very few complaints were therefore received by the Bylaw Department.
- 2.5 More recently, some agents have been displaying large 3m² (32 ft²) signs on properties that don't appear to be for sale. These properties are often owned by the agents themselves or members of their family. The signs may have a very small "for sale" text on them, but mostly advertise the services and specializations of the agents. When approached by Bylaw Officers regarding these signs, the agents are then entering into exclusive listing agreements (non-MLS listings) and providing them as evidence that the properties are for sale. These properties are not listed on MLS, cannot be found being advertised anywhere online or elsewhere, and neighbours report no apparent activity of showing the properties to prospective purchasers. Further, these signs are being displayed on properties indefinitely, with many of them having been in place for 18+ months already.
- 2.6 The vast majority of real estate agents are not engaging in these behaviours and are placing signs in a manner that does not pose any concerns to the City and to other residents. Unfortunately, the actions of a handful of agents are resulting in a large number of complaints to the City. In excess of 30 resident complaints have been received with respect to large, permanent real-estate signs from January 2022 to-date, compared to only 3 complaints received for the same matter in all of 2020 and 2021.
- 2.7 Bylaw staff have attempted to resolve the issue by educating and discussing residents concerns with the agents and property owners involved. Bylaw staff also attended a meeting hosted by CADREB with various agency representatives in attendance; the majority of agents were understanding of the concerns and supportive of stricter bylaw regulations.
- 2.8 The Canadian Real Estate Association recently announced changes to exclusive listings, such that realtors with "off market" exclusive listing homes must list them on MLS within three days of making any public marketing moves such as displaying signs. Individual boards will have until January 2024 to create policies to enforce these new rules. While this may help with the issues the Bylaw Department is experiencing, a bylaw amendment is still recommended in order to provide Bylaw Officers with extra tools.
- 2.9 The proposed amendment limits the size of real estate signs to a copy area of 0.75 m² (8 ft²) on each side and to a height of 1.75m (5.75 ft) for properties in association with residential uses which have a lot area less than 1 acre; 2m² (21.5 ft²) on each side and 3m (9.8 ft) in height for properties in association with residential uses which have a lot area of between 1 acre and less than 2 acres; and 3m² (32 ft²) in copy area and 3m (9.8 ft) in height for properties in association with residential uses which have a lot area of 2 acres or larger. The proposed amendment continues to permit signs of 3m² (32 ft²) in copy area in association with all other uses, such as commercial, industrial and

agricultural. The amendment permits one sign for each property, or one sign per unit of a building or strata.

- 2.10 Non-conforming use provisions do not protect existing signs from new bylaw regulations, and therefore if the proposed bylaw amendment is passed by Council, the new size restrictions will apply to all new and existing signage.
- 2.11 Should the proposed amendment receive 3rd reading, Bylaw staff will immediately begin educating agents of the new regulations and working with those who have existing signs to bring the signs into compliance.

3. RECOMMENDATION:

Recommendation that "Sign Bylaw Amendment Bylaw 2023, No. 5344" be given first and second reading.

Recommendation that "Sign Bylaw Amendment Bylaw 2023, No. 5344" be given third reading.

13. The following are exempt from obtaining a permit provided they comply with all other regulations of this Bylaw:

- (1) signs on benches or street furniture occupying municipal property under agreement with the City, for the convenience of the public;
- (2) works of art, including murals, that do not include a commercial message and are not erected above the building roof line or project onto public property;
- (3) memorial plaques, cornerstones, historical and interpretative tablets, provided they do not exceed 1.0m²;
- (4) a construction site sign, being a temporary sign erected by a construction company on the land where the construction is being carried out, provided such a sign does not exceed 2.0m²;
- (5) a sign advertising the sale or lease of the property upon which the sign is located provided that: ~~the sign shall not exceed 3m² in copy area and 6m in height;~~

- a. The sign is located entirely on the property which is being advertised for sale or lease;
- b. A maximum of one sign may be displayed for each property or unit of a building or strata that is for sale or lease;
- c. Each sign shall contain no more than two parallel sides;
- d. Each sign shall be removed within 15 days after the property to which it relates is sold, rented, leased, or otherwise removed from the market;
- e. Each sign shall comply with the following regulations:

<u>Use and Lot Area</u>	<u>Maximum copy area</u>	<u>Maximum Height</u>
<u>residential strata lots, excluding bare land strata lots</u>	<u>0.75m² on each side</u>	<u>1.75m</u>
<u>residential uses - lot area less than 4,000m²</u>	<u>0.75m² on each side</u>	<u>1.75m</u>
<u>residential uses - lot area equal to or greater than 4,000m² and less than 8,000m²;</u>	<u>2m² on each side</u>	<u>3m</u>
<u>residential uses - lot area equal to or greater than 8,000m²;</u>	<u>3m² on each side</u>	<u>3m</u>
<u>All other uses</u>	<u>3m² on each side</u>	<u>3m</u>

- ~~(5)~~
- (6) *real estate directional signs, provided that:*
- (a) *the signs not exceed 0.6m² in copy area and 1.0m in height;*
 - (b) *the signs not contain any electrical components or be illuminated;*
 - (c) *the signs be placed on private property, or on a boulevard located between a sidewalk and private property or, if no sidewalk exists, between a road and private property;*
 - (d) *the signs not be placed on any other boulevard or median, sidewalk, or highway, or any other manner that creates a safety concern or interferes or impedes motorists or pedestrians;*
 - (e) *the signs be displayed only on days of an Open House and removed following the conclusion of the Open House; and,*
 - (f) *no more than one sign be posted from each approaching direction for each Open House. (AB#4746)*
- (7) *temporary signs advertising special events including sporting events, community causes, charitable fund raising campaigns, and non-profit arts and cultural events provided that such signs are not displayed longer than 10 days at a time or a total of 45 days in a calendar year, subject to their removal within 4 days following the end of the event or campaign;*
- (8) *signs located on the property of a public institutional building such as a church, school, or museum provided they are used only to display the name of the institution and educational material and non-profit community events or notices; such signs are restricted to a maximum height of 2.0m and a maximum area of 3.0m²;*

City of Chilliwack

Bylaw No. 5344

A bylaw to amend the “Sign Bylaw 2004, No. 3005”

The Council of the City of Chilliwack in open meeting assembled, enacts as follows:

1. This bylaw may be cited as **“Sign Bylaw Amendment Bylaw 2023, No. 5344”**.
2. “Sign Bylaw 2004, No. 3005” is hereby further amended in Section 13 PERMITS, by deleting Subsection (5) in its entirety, and substituting with a new Subsection (5), as follows:
 - (5) a sign advertising the sale or lease of the property upon which the sign is located provided that:
 - (a) the sign is located entirely on the property which is being advertised for sale or lease;
 - (b) a maximum of one sign may be displayed for each property or unit of a building or strata that is for sale or lease;
 - (c) each sign shall contain no more than two parallel sides;
 - (d) each sign shall be removed within 15 days after the property to which it relates is sold, rented, leased, or otherwise removed from the market; and,
 - (e) each sign shall comply with the following regulations:

Use and Lot Area	Maximum Copy Area	Maximum Height
residential strata lots, excluding bare land strata lots	0.75m ² on each side	1.75m
residential uses - lot area less than 4,000m ²	0.75m ² on each side	1.75m
residential uses - lot area equal to or greater than 4,000m ² and less than 8,000m ²	2m ² on each side	3m

residential uses - lot area equal to or greater than 8,000m ²	3m ² on each side	3m
All other uses	3m ² on each side	3m

Received first and second reading on the
Received third reading on the
Received adoption on the

Mayor

Corporate Officer