



OAKVILLE

REPORT

ADMINISTRATIVE SERVICES COMMITTEE

MEETING DATE: JUNE 14, 2011

FROM: Clerk's Department

DATE: May 9, 2011

SUBJECT: By-law 2011-053 - Amendment to Sign By-law 2006-2005

LOCATION:

WARD: Town wide

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RECOMMENDATION:

That By-law 2011-053, a by-law to amend the Sign By-law 2006-005, be approved.

KEY FACTS:

The following are key points for consideration with respect to this report:

- Banner signs re-defined and restricted to building fascia
- Flag signs re-defined and regulated, but no longer prohibited
- Maximum area for fascia signs to be determined by formula
- Wall signs no longer prohibited - to be treated as murals
- Authority for certain signs on public property to be delegated to staff
- More community mobile signs sites per ward
- Fees increased for poster signs
- Fee created for applications for Sign By-law amendments
- Display of election signs on public property to be prohibited
- Fees for mobile, portable, ground and fascia signs increased

BACKGROUND:

Staff has been addressing a number of matters that have come to its attention with regard to the Sign By-law over the last several years. Minor revisions, updates and wholesale changes to address these issues were brought forward in June 2010, under draft By-law 2010-109. At that time, the item was postponed for consideration pending a Council workshop to be held at a future date regarding the Sign By-law.

Further, on November 15, 2010, Council passed the following resolution:

“That, when bringing forward the outstanding report on By-law 2010-109, a by-law to amend the Sign By-law 2006-005, staff be requested to address the issue of election signs.”

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Draft By-law 2010-109, referenced in the November 15, 2010 motion from Council, has now been replaced by draft By-law 2011-053. Staff will be providing an overview of the Sign By-law to the Administrative Services Committee with the presentation of this report and will schedule a full council workshop on the Sign by-law in future should council continue to require it.

The proposed amendment to the Sign By-law will clarify terminology, provide new definitions, create an accommodation for signs that were previously prohibited and perhaps assist in reducing the number of applications to the Site Plan Committee for variances to the by-law.

A significant change to the by-law is the proposed prohibition against the display of election signs on public property.

COMMENT/OPTIONS:

Recommended changes are addressed in this report by sign category with the matching clause number(s) in the by-law.

Banner Signs (Sections 1 and 9)

The definition of banner signs has been modified so as to clearly distinguish them from other signs that also incorporate the use of cloth or similar lightweight materials in their construction. An additional regulation has been added stipulating that banner signs may only be displayed on a building wall in the same manner as fascia signs. Several complainants have called about banner signs that were haphazardly attached between trees or tied on fences and appeared very unsightly.

Flag Signs (Sections 2 and 10)

Staff is proposing that the definition of flag sign be modified and the prohibition against these sign types be discontinued. Regulations have been drafted limiting them to dedicated flag poles and requiring that permits are to be renewed on an annual basis. Several large companies have requested this accommodation to enable them to fly flags with corporate emblems or brands.

Fascia Signs (Section 3)

Currently, the permitted size of a fascia sign is limited to 20% of the external wall area to which it is attached, up to of a maximum of 18 m² (193.75 ft²). This limitation has impacted businesses in much larger buildings and resulted in several variance applications to the Site Plan Committee for relief from the by-law.

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Staff is proposing that the permitted area of fascia signs be increased from 18m² to 20m² (215.28 ft²) or a proportion of the wall area, and a new definition of Maximum Allowable Sign Area be approved.

If Council accepts this recommendation, future applicants with more wall space on larger buildings would then be allowed to erect proportionally larger signs that are in keeping with the scale of the building. A formula has been developed by staff that permits more coverage while still keeping the actual sign area well below the 20% of the wall to which it is attached.

Another change which staff is proposing relates to the calculation of sign area where there is no border to a fascia sign. For example, a fascia sign could have text on a portion of the wall coloured a different colour than the rest of the wall. Currently, the whole portion of the wall which is coloured the different colour would be used to determine the sign area for such sign. What staff is proposing is that only the area used for words, numbers and/or symbols comprising the message of the sign be considered for purposes of calculating sign area.

Wall Signs (Section 6)

The absolute prohibition on wall signs, being those signs painted directly on the surface of a building, has been removed and regulations governing their maximum area have been incorporated into the by-law. They will now be treated in the same manner as murals. If a wall sign is left on a building that is vacated, there is ample authority under both the Sign By-law and the Property Standards By-law to compel a property owner to remove it.

Signs on Town Property Requiring Approval of Council (Section 11)

Road Corridor Permit staff in the Engineering and Construction department is regularly inundated with requests for permission to place signs on Town property. The approval process is currently very lengthy because only Council has the authority to grant the requests. It is proposed that the Director of that department be delegated authority to approve the display of such signs (directions to churches, shopping centres, golf courses, institutions e.g.) which will streamline the approval process.

Permission for permanent signs deemed to be of a public service nature will continue to require the approval of Council.

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Community Mobile Signs (Sections 13 – 18)

Charitable or not-for-profit groups that display Community Mobile Signs at the designated locations in each of the six wards throughout the Town are presently required to wait a minimum of 90 days between display periods. This regulation ensures that no single group can monopolize a location. Road Corridor staff is proposing that this waiting period be reduced to 30 days and that the limit of one sign per designated location be removed from the by-law. A determination of the number of signs permitted at each location would then be left to the discretion of the Director of the Engineering and Construction Department, having regard for public safety and traffic sight lines.

Currently, the demand for display space at the various sites exceeds the supply which has led to long waiting periods for some groups. In order to continue to prevent any single organization from monopolizing scarce display time, a new clause has been added stating that a person may not display these signs at more than fifty percent (50%) of the designated locations at any one time.

Certain individuals have broadly interpreted the regulations governing these signs so as to promote interests that were more related to business and commerce. For that reason, an additional clause has now been added to prevent the display of temporary signs that serve to advertise for employees, customers or clients (Help Wanted e.g.) for the organizations displaying the signs.

Fees (Schedule "A")

The fee schedule to the Sign By-law, Schedule 'A', has been updated to address cost recovery. An annual fee of \$100 has been established for Flag Sign permits as noted earlier in this report. The fee for Poster Signs has been doubled from \$100 to \$200 per year to address costs of administration and enforcement. The fees for mobile, portable and banner signs have been increased from \$30 to \$35 for 15 display days.

Future Applications to Amend the Sign By-law (Section 19)

A new process, including a fee of \$2500, has been created for anyone applying for an amendment to the Sign By-law for the installation of a prohibited sign. Although certain signs are prohibited, this has not stopped applicants from applying to the Site Plan Committee for a minor variance even though they were advised beforehand that the Site Plan Committee could not grant the variance requested. Properly, a minor variance should only be considered where the type of sign is permitted but the person is seeking to display a particular sign which is larger, or lower, or higher, etc. than what is permitted. Creating a process and including fee for an amendment

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application is intended to relieve the Site Plan Committee of any future requests for prohibited signs. Imposing a significant fee reflects the costs associated with managing a process involving an amending by-law and may deter any frivolous applications for amendments to the sign by-law. The Town Clerk's Department will receive all requests for Sign By-law amendments and prepare the necessary reports for Council's consideration.

Election Signs on Town Property (Schedule "D")

Should Council wish to prohibit the display of election signs on Town property, section 20, which would modify Schedule "D", has been included for consideration.

Housekeeping Items

The existing by-law requires a minimum clearance of 2.44 metres (8 feet) between the ground and any projecting or awning sign that overhangs Town property. Due to issues with the larger street clearing equipment (snow & debris) being employed in the commercial areas of the downtown core, Kerr Street and Bronte Road, the minimum clearance has been increased to 2.59 metres (8.5 feet). Existing signs may continue to be displayed but all new applicants will have to adhere to the new guideline.

Several schools and churches are presently situated on land that is zoned residential, however no allowance exists in the by-law for such uses to have a ground sign measuring larger than 0.5m² (6 ft²). To address this problem, Schedule 'C' has been altered to permit ground signs, for schools and places of worship, with a maximum area of 4m² (43 ft²) and a maximum height of 6.75m (22 ft).

Future Modifications Contemplated

With the approval of *Livable Oakville*, staff will be drafting design standards and guidelines to implement the urban design policies. These standards and guidelines will inform future modifications to the sign by-law to achieve the desired signage environment

This report has been prepared as a result of an internal review by the Town Clerk's, Engineering and Construction, Legal Services, Planning and Building Services Departments

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CONSIDERATIONS:**(A) PUBLIC**

Regulating the size, number and locations of signs ensures that commercial and industrial areas do not become unsightly and a balance is struck between the business community's need to advertise and the public's right to an attractive and well maintained streetscape and public realm. Notice of the public meeting on June 14, 2011 was posted to the Town's website and provided by direct mail to all licensed mobile sign lessors, the three Business Improvement Areas and the Oakville Chamber of Commerce.

(B) FINANCIAL

The fees have been adjusted to recover the cost of staff time required to complete the activity.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The Sign By-law regulates signage on private and public property therefore enforcement is carried out by both the Town Clerk's and the Engineering & Construction Departments. The Planning Department is responsible for dealing with applications for minor variances to the Sign By-law through the Site Plan Committee.

The Legal Department has been consulted extensively throughout the writing of this report.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- continuously improve our programs and services
- be fiscally sustainable

(E) COMMUNITY SUSTAINABILITY

The proposals would support both the social and economic pillars of community sustainability.

APPENDICES:

Appendix A - Town of Oakville By-law 2011-053

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