




DEVELOPMENT AND INFRASTRUCTURE DIVISION

Building Department

TO: Chair and Members of the Community Development Committee
SUBJECT: Proposed Sign By-law

Report Number: B-2/07	Report Date: March 26, 2007
Author(s): Tracey Burrows	Date to Committee: April 16, 2007
Telephone: 905-335-7600 Ext. 7476	Date to Council: April 30, 2007
Ward(s) Affected: All	File Number(s): 190-01

APPROVALS:

		
_____	_____	_____
Department Head	General Manager	City Manager

To be completed by the Clerks Department

Committee Disposition & Comments	_____

01- Approved 02 - Not Approved 03 - As Amended 04 - Referred 05 - Deferred 06 - Received & Filed 07 - Withdrawn	
Council Disposition & Comments	_____

01- Approved 02 - Not Approved 03 - As Amended 04 - Referred 05 - Deferred 06 - Received & Filed 07 - Withdrawn	

1.0 RECOMMENDATION:

THAT Sign By-law 34-2007, attached to Building Report B-2/07 as Appendix "A" be enacted and passed by Council.

EXECUTIVE SUMMARY:

N/A

2.0 PURPOSE:

The purpose of this report is to recommend a Sign By-law to Council for approval.

3.0 BACKGROUND:

The Ontario Municipal Act gives municipalities broad powers to pass by-laws respecting matters that fall within their jurisdiction. In matters concerning advertising devices, a municipality may regulate signs in areas such as size and location, but cannot prohibit signs, as illustrated in the more recent court challenges throughout the province. Furthermore, the colour and design of signs are matters that cannot be regulated through a by-law, these matters should be addressed through design guidelines and the education of landowners, developers and local businesses. Regulations of sign by-laws are an important component of the City's total planning and urban design program, they are necessary to permit the effective use of signs as a means of communication while maintaining a standard that is aesthetically acceptable to the community.

The last review of the City's sign by-law occurred in 1993 following extensive and lengthy public consultation with the sign industry and related associations and agencies. The sign by-law has been very effective in the past, however, it had become apparent that the sign by-law needed to address new technology as well as reflect current court decisions and issues that had arisen since 1993.

As such, the following staff direction was approved by Council at its meeting held May 3, 2004:

CD-46-04 APPROVAL OF A PROCESS TO REVIEW SIGN BY-LAW 51-1993

That the Director of Building be instructed to undertake a review of the Sign By-law as set out in Building Department Report B-2/04, dated March 31, 2004, as amended, by revising the timelines to commence the review in the spring/summer of 2005.

The following report will provide an overview of the process and recommendations arising from the latest review of the City's sign by-law.

4.0 DISCUSSION:

A staff team was struck to undertake the sign by-law review. To assist with the process staff also retained the services of Martin Rendl, who has worked extensively throughout the province in the developing municipal sign regulations and has extensive knowledge of how municipalities are handling new technology and keeping pace with recent court decisions. The scope of work included both signs on public and private property and dealt with sign standards such as number, height, size and location of signs, the review has also examined matters related to administration and enforcement of sign by-laws.

PROPOSED AMENDMENTS

The team conducted a thorough review of the existing sign by-law and made a number of initial amendments to ensure the by-law addresses outstanding concerns and is easy to understand and

administer. Upon completion of the staff review, a draft by-law was prepared and the following is a summary of the more significant changes being recommended by staff:

1. **“Intent”** of By-law is now clearly stated in section 2 of the By-law and outlines the reasons for a sign by-law.
2. **Existing Definitions** are clarified and an additional 24 new definitions are added. Examples of some of the new definitions in the by-law include, but are not limited to:
 - **ANIMATED SIGN** means a video screen that electronically displays or projects visual images including, but not limited to video, trailers, digital or computer images, but does not include a read-o-graph.
 - **DRIVE THROUGH FACILITIES** means the use of land, buildings or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or a window or an automated machine, to persons remaining in motorized vehicles, that are in a lane designated for that purpose.
 - **DEEMED WIDTH** means the deemed street width stated for a street as set out in the Zoning By-laws of the City of Burlington.
 - **GARAGE SALE SIGN** means a sign advertising the sale of personal merchandise in a private garage sale held on a property zoned residential.
 - **MURAL OR TEMPORARY PANEL** means any type of display or artistic endeavour that is applied as paint or film to any external wall or other part of a building or structure, and which does not permit any advertisement or any other promotional message or content including logos and trademarks.

3. More concise administration and enforcement provisions:

With the use of tables and attached schedules, this format creates a by-law that is easy to administer as well as update or amend.

4. Increase in number of prohibited signs including the addition of:

- Abandoned signs
- Vehicles or trailers parked and being used as an advertising device

5. Ground Signs/Fascia Signs

Ground signs are usually located along the street frontage of a property, facing oncoming vehicular and pedestrian traffic. A ground sign’s main purpose is wayfinding and identification as it helps persons and customers find particular premises. By virtue of its visibility, a ground sign also serves an advertising function for businesses. Ground signs usually function in tandem with fascia and wall signs to identify premises and communicate a message to observers (fascia and wall signs are located on the wall of a

building, usually facing the street). Generally, a fascia sign is located on the façade containing the main public entrance to the building.

- Maximum area for ground and fascia signs now regulated individually
- Height and setback regulations simplified
- Maximum cumulative sign area for all signs on a property has been removed
- Less area and height permitted for ground signs in Downtown, in keeping with the urban design guidelines

6. Billboards

Currently there are 75 billboards in the City of Burlington. In response to a growing concern from the public and members of Council it has become necessary to address the proliferation of billboards within the community. A number of municipalities across the province have implemented caps on the number of billboards permitted in their community. A cap provides a balance between the interests of the community and the commercial interests of sign companies. Staff are recommending that the City of Burlington impose a cap of 50 billboards, but will allow the existing billboards to remain until they are altered or removed altogether.

The existing by-law allows for a maximum sign area for a billboard of 21.4 m²/face, however, other municipalities, including the Town of Oakville, have restricted the maximum size of billboards to 7.5 m² with a maximum height of 8 m. Staff is recommending that the size restrictions used by the Town of Oakville also be included in the new sign by-law.

7. Portable Signs

It was also determined during this review that the current regulations pertaining to portable signs are working quite well. There are no major changes to this section of the by-law.

8. By-law Consolidation

Finally, staff are proposing that By-law 91-1997 which regulated signs on road allowances be integrated into the new sign by-law for more efficient enforcement and administration.

PUBLIC CONSULTATION

A public meeting was arranged and a “Notice of Public Meeting” letter was sent to businesses within the sign industry, the BIA, the real estate industry, BEDC and an ad placed in the Burlington Post on two separate dates advising of the meeting to be held on January 17, 2007. The meeting was well attended and there were several specific suggestions from the participants:

- **Bed and Breakfast Signs** need to be increased in size and not limited to being attached to the dwelling: As a result staff have made further amendments to the by-law to allow a

sign for a bed and breakfast to have a maximum height of 1.25 m and a maximum sign area of 0.56 m² and have a setback of 1.5 m from the property line.

- **Special Occasion Provisions for Portable Signs for Charities**, currently there are no special provisions in the sign by-law to allow portable signs for charities, they have to abide by the same provisions as businesses. Staff feel that it would be beneficial to charities to allow them to apply for special occasion permits for the specific charitable events and are recommending that portable signs may be erected fourteen (14) days before the charitable event and shall be removed one (1) day after the charitable event.
- The current by-law applies the same size restriction for **Real Estate Signs** in residential and commercial areas. The real estate community has requested that the regulations for signs on commercial properties be changed to allow for larger signs. As a result, staff are recommending the maximum sign area for real estate signs on commercial and industrial properties have been increased to 3 m².

FEES

As part of the sign by-law review, an analysis of the current fee structure was performed and a survey was undertaken of several municipalities. Staff determined that fees are calculated in a variety of different manners, as illustrated in the table below:

SIGN PERMIT FEES- OTHER MUNICIPALITIES

Municipality	Ground Sign	Fascia Sign	Billboard Sign
City of Mississauga	Min. of \$100.00 + \$50.00/sign in excess of 2 signs	Same	Same
City of Hamilton	Up to 2.5 m ² - \$150.00 Over 2.5 m ² but less than 4 m ² - \$250.00 Over 4 m ² - \$500.00	\$250.00	\$500.00
Town of Halton Hills	Flat Rate - \$210.00	Same	Same
City of Vaughan	\$8.00/m ² or part thereof + \$30.00 for the application	Same	Same
City of Toronto	\$32.50/m ² , min \$175.00	Same	Same
City of Barrie	\$103.00	Same	Same
Town of Oakville	Up to 3.75 m ² - \$200.00 Over 3.75 m ² - \$400.00	Same	Same
Town of Milton	1.28% of construction value	Same	Same
Town of Markham	Flat Rate - \$200.00	Same	Same

PROPOSED FEE STRUCTURE FOR THE CITY OF BURLINGTON

Municipality	Ground Sign	Fascia Sign	Billboard Sign
City of Burlington	Up to 2.5 m ² - \$150.00 Over 2.5 m ² but less than 8 m ² - \$300.00	\$250.00	\$500.00

	Over 8 m ² - \$450.00		
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The current fee structure is based on the value of construction associated with the manufacturing and erection of the sign(s) and formulated on a basic fee of \$65.00 plus \$10.00/\$1000 of construction value (e.g. a permit fee for a sign with an estimated construction value of \$3,000 would be \$65 plus \$30, for a total of \$95). The significant shortcoming of this model is that the construction value is completely subjective and is an estimation that is provided by the applicant at time of application.

It was determined from the review of other municipalities' fee structures that the majority of them do not use construction values in the calculation of their respective permit fees. As such, staff recommend that a combination of flat / sign area based fees be adopted as the methodology for calculating sign permit fees, this approach will provide more efficient and objective administration of the by-law.

DOWNTOWN & PLAINS ROAD URBAN DESIGN GUIDELINES

Some municipal sign by-laws contain sign provisions specific to distinct areas of the municipality. The provisions in these special sign districts differ from the general sign standards that are applicable across the municipality. Listed below are examples of municipalities that have included separate sections in their sign by-laws to reflect the distinct localized characteristics of specific districts.

Municipality	Special Sign District	General By-law Regulations
Markham	Wall Sign	Wall Sign
<ul style="list-style-type: none"> • Thornhill • Unionville • Markham Village • Buttonville 	0.25 m ² per 1.0 m of building façade to a maximum 2.25 m ²	0.75 m ² per 1.0 m of building façade to a maximum 35 m ² .
	Projecting Sign	Projecting Sign
	0.75 m ² maximum	1.0 m ² maximum
	Ground Sign	Ground Sign
	1.5 m ² to 2.0 m ² maximum area. 2.5 m maximum height	4.0 m ² to 6.0 m ² maximum area. 4.0 m to 7.5 m maximum height
Mississauga	Fascia (Wall) Sign	Fascia (Wall) Sign
<ul style="list-style-type: none"> • Clarkson • Cooksville • Lakeview • Port Credit • Streetsville 	15% of the building face of the first storey	20% of the building façade of the first storey
	Projecting Sign	Projecting Sign
	0.8 m ² maximum	Not permitted
	Ground Sign	Ground Sign
	3.5 m ² maximum area 3.0 m maximum height	15 m ² maximum area 7.5 m maximum height
Burlington	Fascia (Wall) Sign	Fascia (Wall) Sign

<ul style="list-style-type: none"> • Downtown 	0.75 times the linear metres of the façade to a maximum of 26 m ² . Fascia sign illuminated externally only except where the fascia sign consists of external letters, numbers or symbols. No fascia sign illumination between 11:00 pm and 7:00 am.	0.75 times the linear metres of the façade to a maximum of 26 m ²
	Projecting Sign	Projecting Sign
	Maximum area of 0.5 m ²	Not permitted
	Ground Sign	Ground Sign
	Maximum area of 1.5 m ² Maximum height of 2.0 m	Maximum area 2.7 times the height of the sign Maximum height: 12 times the setback of the sign from the street to a maximum height of 10.5 m
	Portable Sign	Portable Sign
Maximum area of 1.5 m ² and 1.2 m height	Maximum area of 3.7 m ² and 2.4 m height	

The proposed sign by-law implements the recommendations for signage found in the urban design guidelines recently completed for the downtown and contains specific sign provisions that are tailored to the Downtown’s urban development character and pedestrian nature.

Representatives of the Plains Road Village Vision Group and the Aldershot Business Community BIA met with staff and Martin Rendl to discuss the issues and recommendations from the Plains Road Corridor Urban Design Guideline Study. The purpose of the meeting was to identify how the urban design guidelines relate to the regulations of the draft sign by-law.

Although the urban design guidelines are completed for the Plains Road Corridor specific implementation strategies need to be developed and further consultation with residents and the business community is underway. Once this process is completed, staff will report to Council on any further amendments to the sign by-law. At this time there are no regulations recommended in the new by-law that would be contrary to any of the provisions of the Plains Road urban design guidelines.

5.0 FINANCIAL MATTERS:

The current sign permit fee is based on the value of construction associated with the manufacturing and erection of the sign(s) and formulated on a basic fee of \$65.00 plus \$10.00/\$1000 cost, unfortunately, most applicants undervalue the cost of their sign in order to obtain a much lower fee. The new fee structure will provide an objective means of determining sign permit fees that is similar to methodology and fee used by most area municipalities.

Should a similar quantity and type of sign permits be issued in 2007, based on the proposed fee structure the City would experience a revenue increase of approximately \$21,000.

6.0 ENVIRONMENTAL MATTERS:

N/A

7.0 COMMUNICATION MATTERS:

Upon enactment of the proposed sign by-law, staff will provide information to the public through various means, including City Talk, advertising in the local media and the City’s web page.

8.0 CONCLUSION:

The recommended amendments to the City’s sign by-laws will improve customer service and by-law administration by consolidating all of the City’s sign regulations into one by-law. The proposed sign by-law will be easier to reference and understand and provide additional clarity and consistency in the application of the regulations and the associated risks. Staff believe that the proposed sign by-law captures the significant changes required to provide necessary balance between the responsibility of the Municipality to regulate and the desire of the business industry to advertise, with the created net results being a positive municipal image. In summary, staff recommend the proposed sign by-law 34-2007, attached to Building Report B-2/07 as Appendix “A” be enacted and passed by Council.

Respectfully submitted,

Tracey Burrows, C.P.S.O.
Supervisor, Inspections and By-law Enforcement

Appendices:

Proposed Municipal Sign By-law

Staff / Others Consulted:

Name	Telephone
Angela Morgan	x7628
John Prins	905-971-1886
Jamie Tellier	x7892
Jody Wellings	x7259
Sean Kenney	x7536
Jyoti Zuidema	x7615
Martin Rendle & Associates	416-291-6902
Aldershot BIA	905-333-2890
Burlington Downtown	905-333-9868
Plains Road Village Vision	905-639-1947
Burlington Chamber of Commerce	905-639-0174

Notifications:

Name	Mailing or E-mail Address
Burlington Downtown	brian@burlingtondowntown.on.ca
BEDC	clarke@burlington.ca
Advantage Signs	advantagesigns@gmail.com
Aldershot BIA	rusnakh@aldershotbia.com
Realtor Association of Hamilton/Burlington	meganp@rahb.ca
Downtown BIA	414 Locust St., Burlington, Ontario, L7S 1T7
Burlington Chamber of Commerce	414 Locust St., Burlington, Ontario, L7S 1T7
CBS OUTDOOR	377 Horner Ave., Toronto, Ontario, M8W 1Z6
Roadside TV Network	3190 Harvester Rd. Burlington. Ontario, L7N 3T1
Fred Crocket/Royal LePage	fredcrocket @royalpage.ca
Pride Signs	280 Holiday Inn Dr., Cambridge, Ontario, N3C 1Z4
World of Lights	2172 # 7 Wycroft Rd., Oakville, Ontario, L6L 5V6
Seville-Roe Guesthouse and Gallery	259 Plains Road W., Burlington, Ontario, L7T 1G1
Marnie Mellish Educational Services	221 Hammersmith Crt, Burlington, Ontario, L7L 4N6
It's A Good Sign	3245 Harvester Rd., Burlington, Ontario, L7N 3T7
Dan Mousseau	1076 Augustus Dr., Burlington, Ontario, L7S 2L1

Special Instructions:

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