

## REPORT

### Council

**Meeting Date: November 15, 2021**

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**FROM:** Municipal Enforcement Services Department

**DATE:** November 2, 2021

**SUBJECT:** Sign by-law – Sign face area review, By-law 2021-141

**LOCATION:** Town wide

**WARD:** Town-wide

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#### RECOMMENDATION:

1. That the report from Municipal Enforcement Services, dated November 2, 2021, titled “Sign by-law – Sign face area review, By-law 2021-141”, be received for information; and,
2. That By-law 2021-141 a by-law to amend By-law 2018-153 attached as Appendix A to the report from the Municipal Enforcement Services Department dated November 2, 2021, be passed.

#### KEY FACTS:

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

- Sign By-law 2018-153 has been in effect since January 1, 2019
- Shortly after coming into effect, a sign appeal questioned the method of calculating sign face area (SFA) for ground signs.
- Council has since directed staff to report back on methods of calculating SFA twice
- At issue is the inclusion of border and frame in the calculation of SFA, which has been part of the definition since 1994
- Most recently on August 9, 2021 Council directed staff to undertake a review the sign by-law and report back with options to simplify the definition of SFA and any corresponding definitions

## BACKGROUND:

Sign By-law 2018-153 was passed December 10, 2018 based on the following guiding principles:

- **Health and Safety** – the design, location, maintenance, and operation of signs should not pose a safety hazard for drivers, cyclists, and pedestrians
- **Maintaining the Community Character** – signs should be compatible with their surroundings, reflect the town's unique character, overall planning and design objectives and contribute positively to a livable built environment
- **Economic Development** – signs should contribute to the economic well-being of businesses and communities
- **Respecting *Charter* rights** – balancing of the town's objectives with the interests of commercial advertisers by ensuring that rights of commercial expression are minimally impaired for the purposes of the *Canadian Charter of Rights and Freedoms*

In addition to the guiding principles, objectives of the 2018 by-law review were set as follows:

- preserve the Town of Oakville's unique character;
- prevent aesthetic blight;
- minimize distraction to motorists;
- protect the public from unsafe signs;
- prioritize first-party signs; and
- encourage the compatibility of signs with their surroundings.

After a sign appeal decision in 2019, concerns were raised by Council about the definition and calculation of "sign face area" for ground signs. On September 23, 2019, Council passed the following resolution:

That the Director of Municipal Enforcement report back to Council as soon as reasonably possible, but in any case no later than the first quarter of 2020, on a possible revision to the Sign By-law that would exclude structural components such as frames and borders in the calculation of sign face area for ground signs, aligning the Oakville Sign By-law with other municipalities and with generally accepted industry standards and any impacts the proposed revision may have.

In response to Council's request, on September 21, 2020, a sign by-law report on SFA for ground signs was received by Council, but no changes were made.

Over the following year, sign companies continued to question the definition of SFA. On August 9, 2021, an information report was provided to Council and the following resolution was passed:

1. That the report from Municipal Enforcement Services, dated July 27, 2021, titled “Sign By-law – Sign Face Area Review”, be received.
2. That staff be directed to undertake a review of the definitions contained within sign by-law 2018-153 relating to sign face area, sign face and sign structure ensuring the review considers:
  - a. Guiding principles approved during the 2018-153 sign by-law review;
  - b. Industry consultation;
  - c. Current best practices in sign standards; and
  - d. Options including:
    - i. Removing sign structure from sign face area calculations
    - ii. Allowing increased sign face area where resident and safety impacts permit
    - iii. Creating simplified definitions and measurement protocols
3. That staff report back to Council with options to address these considerations by October 2021.

## **COMMENT/OPTIONS:**

### **Overview**

Sign regulations have been a key part of defining Oakville’s character for many years. Through continuous monitoring of best practices and ongoing enforcement efforts, the town has avoided unnecessary sign blight in the community.

Recently, questions about the definition and calculation of SFA for ground signs has helped to identify a need for additional clarity in the by-law. During conversations with sign companies, staff were advised that the inclusion of boarder and frame in the SFA definition caused concern.

To better understand municipal best practices for defining SFA, a municipal scan was conducted that included the cities of Burlington, Brampton, Richmond Hill, and Mississauga. Staff found that all of these municipalities exclude borders, structures, frames, etc. from the calculation of SFA.

### **Considerations**

To address concerns raised about SFA, a review of the definition of “sign” was also be conducted. The definition of sign currently means “any surface, structure and/or other component parts that are used or capable of being used as a visual medium or display to attract attention to a specific subject matter for identification, information or advertising purposes, and includes an advertising device.” It was determined that the intent of including “boarder, frame and structure” in the definition, was to

regulate the overall size of a sign.

### Next Steps

In order to provide greater flexibility in the size and shape of ground signs, staff are proposing a new way to calculate SFA. The new method would include a measurement of all area measured from the ground to top of the sign and from side to side. This calculation is simple, clear and able to be consistently applied. An example is shown below.

Staff are also recommending changing the definition of sign as it relates to ground signs by excluding boarder, frame and structure from the definition. To mitigate the impact on the size of signs, staff are proposing to limit the message area (words and graphics) on ground signs to the current by-law limits. This will allow signs to increase in overall size but message area will remain consistent. Signs would also continue to be limited by height restrictions, setbacks and any geographic restrictions on individual properties. Examples of enlarged structures are included in Appendix B.



In order to introduce the proposed SFA changes, staff have reviewed a number of ground signs in each land use designation to assess current as-built signs in our community. With this information, staff were able to determine new size limits in each land use designation. In Appendix C you will find proposed SFA maximums. These maximums are intended to provide greater design flexibility for businesses, while continuing to protect Oakville's character.

Staff also reviewed monolith signs in the context of the new SFA definition. Monolith signs are only permitted in motor vehicle service station and motor vehicle

dealership land use designations. To ensure monolith signs are not used in other land use designations, the new SFA definition requires that all ground signs with a height greater than three metres must have 65 percent of the area below 1.2 metres as open construction. This regulation will ensure monolith signs are not introduced in new areas and will reduce the overall impact of increasing the maximum ground sign SFA.

### **Conclusion**

It has been the town's practice to include borders and frames in the calculation of SFA when reviewing sign permit applications since 1994. Since there continues to be concerns raised about the calculation and measurement of SFAs, staff are recommending amendments to the sign by-law. A redlined version of by-law 2018-153 including the proposed amendments is attached as Appendix D.

### **CONSIDERATIONS:**

#### **(A) PUBLIC**

Stakeholders were notified of this report and invited to provide any comments to Council. Notice was also provided in the newspaper and on the town website.

#### **(B) FINANCIAL**

There is no financial impact associated with this report.

#### **(C) IMPACT ON OTHER DEPARTMENTS & USERS**

Municipal enforcement staff consulted with Planning, Engineering and Legal department staff in the development of the proposed by-law.

Multiple departments including Enforcement, Legal, Engineering and Planning will be involved in the implementation of new regulations. Communications will be engaged to update the website and in preparation of notices to stakeholders.

#### **(D) CORPORATE STRATEGIC GOALS**

This report addresses the corporate strategic goal(s) to:

- enhance our economic environment
- continuously improve our programs and services
- provide outstanding service to our residents and businesses
- be accountable in everything we do
- be the most livable town in Canada

**(E) CLIMATE CHANGE/ACTION**

Provide information about how this matter affects climate change and whether there is mitigating action to be taken.

**APPENDICES:**

Appendix A – Proposed Amending By-law 2021-141

Appendix B – Table of proposed SFA regulations

Appendix C – Enlarged Board sign photos

Appendix D – Redlined Sign By-law 2018-153

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