

## Town of Oakville Memorandum

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**To:** Mayor and Members of Council

**From:** Jim Barry, Director  
Municipal Enforcement Services

**Date:** May 25 2021

**Subject:** **Sign By-law amendment-2441 Lakeshore Rd West-Farm Boy**

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Please be advised that a minor revision has been made to By-law 2021-094, which proposes an amendment to Sign By-law 2018-153 relating to 2441 Lakeshore Road West, Farm Boy. Council is asked to review the recommendations listed under each option for consideration and select an option for approval.

### Option #1: Staff recommendation

The Sign By-law requires that persons requesting an amendment to the By-law provide notice of the amendment being sought to all residents within 120.0m of the location where signs are to be erected. The applicant mailed the required notice on May 25, 2021 and will swear/affirm an Affidavit of Service to this effect.

As such, By-law 2021-094 (Appendix A) has been amended to take into account the notice requirement. The proposed amendment to By-law 2021-094 respecting notice is as follows:

1. That the request for an amendment to the Sign By-law 2018-153 to permit two Entrance Canopy signs to project below the canopy and to all a 7.34 meter sign height which is 63.1% increase over the maximum permitted sign height of 4.5 meter under the Sign By-law for an entrance canopy sign located at 2441 Lakeshore Road West, be approved.
2. That By-law 2021-094, A by-law to amend By-law 2018-153 – A By-law to prohibit and regulate signs within the Town of Oakville be passed, permitting the following:
  - a. the exception in Recommendation 1
  - b. That the applicant shall comply with subsection 15(e) of Sign By-law 2018-153 and provide notice of the amendment being sought to all residents within 120.0m of the location where the signs are proposed; and
  - c. Should there be no objections filed by said residents, the amendments to Sign By-law 2018-153 that are the subject of Section 1 of this By-law shall

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come into force and effect on June 15, 2021, being the expiration of the notice period.

Option #2: Applicant request to erect sign prior to notification period being fulfilled-  
Council direction

The applicant has also requested that they be permitted, as a further exception, to erect the signs that are the subject of By-law 2021-094 at its own risk in order to have the signs in place for its Opening Day, June 14, 2021. This is prior to the termination of the public notice period and prohibited under the current provisions of the Sign By-law. If there are any objections which cannot be resolved then it is to remove the signs at its own cost on request of the Town.

Staff are not supportive of this request to maintain the integrity of the "Notice Process".

Should Council wish to allow for the signs erected below a canopy as well as over height and the permit to come into force on June 15, 2021, staff recommend passing the following by-law amendment 2021-094 (Appendix B):

1. That the request for an amendment to the Sign By-law 2018-153 to permit two Entrance Canopy signs to project below the canopy and to all a 7.34 meter sign height which is 63.1% increase over the maximum permitted sign height of 4.5 meter under the Sign By-law for an entrance canopy sign located at 2441 Lakeshore Road West, be approved.
2. That By-law 2021-094, A by-law to amend By-law 2018-153 – A By-law to prohibit and regulate signs within the Town of Oakville be passed, permitting the following:
  - a. the exception in Recommendation 1
  - b. That the applicant shall comply with subsection 15(e) of Sign By-law 2018-153 and provide notice of the amendment being sought to all residents within 120.0m of the location where the signs are proposed; and
  - c. Notwithstanding recommendation 2(a), the applicant may erect the signs that are the subject of Section 1 of this By-law at its own risk prior to the termination of the notice period, being June 15, 2021.
  - d. Should objections to the signs that are the subject of Section 1 of this By-law be filed by the residents, the applicant shall remove said signs at the request of the Town at their own expense.
  - e. If the signs that are the subject of Section 1 of this By-law are not removed by the applicant, the Town may take all necessary steps to bring the lands into compliance with Sign By-law 2018-153, in accordance with subsections 18(4), 18(5) and 21(4) of Administrative Penalties for Non-Parking Violations and Orders By-law 2021-038.



## THE CORPORATION OF THE TOWN OF OAKVILLE

### BY-LAW NUMBER 2021- 094

A by-law to amend Sign By-law 2018-153 – a by-law to prohibit and regulate signs within the Town of Oakville (Farm Boy at 2441 Lakeshore Road West)

**WHEREAS** a proposal for entrance canopy signs in connection with 2441 Lakeshore Road West has been received;

**WHEREAS** said entrance canopy signs are proposed to project below the canopy structure, which projection is prohibited by Sign By-law 2018-153, and to exceed the permitted sign height;

#### **COUNCIL ENACTS AS FOLLOWS:**

1. By-law 2018-153 is hereby amended by adding the following to Schedule D - Sign By-law Amendments Approved by Council:

Notwithstanding Part 5.3, Table 5.3.1 and Table 5.3.1 subsection (E) of By-law 2018-153, the entrance canopy signs to be erected for the business commonly known as Farm Boy on the lands described as 2441 Lakeshore Road West are permitted:

- (a) to project below the undersurface of the canopy structure; and
  - (b) to be 7.34m in height, which exceeds the permitted the sign height of 4.5m by 63.1%; and
  - (c) to be considered as part of the fascia sign with its combined size 13.73m<sup>2</sup> to be taken off the maximum permitted fascia sign size of 30.12m<sup>2</sup> with the remaining fascia sign size available for future applications being 16.39m<sup>2</sup>.
2. The applicant shall comply with subsection 15(e) of Sign By-law 2018-153 and provide notice of the amendment as required by the Sign By-Law no later than May 25, 2021 to all residents within 120.0m of the location where the signs are proposed.
  3. Should there be no objections filed by said residents, the amendments to Sign By-law 2018-153 that are the subject of Section 1 of this By-law shall

Error! Reference source not found.

come into force and effect on June 15, 2021, being the expiration of the notice period.

~~2. That by-law 2021-094 take effect on May 25<sup>th</sup>, 2021, whereby the applicant may erect the signs under this amendment ahead of the notification period to residents of the proposed amendment expiration of June 11, 2021. If the community does not agree with the erection of such signs, the applicant will be required to remove such signs at their expense as regulated under Sign By-law 2018-153.~~

4.All other provisions of By-law 2018-153 remain in force and effect.

PASSED this <Insert day (19th)> day of <Insert Month(May)>, 2000

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MAYOR

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CLERK



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  - (c) to be considered as part of the fascia sign with its combined size  $13.73\text{m}^2$  to be taken off the maximum permitted fascia sign size of  $30.12\text{m}^2$  with the remaining fascia sign size available for future applications being  $16.39\text{m}^2$ .
2. The applicant shall comply with subsection 15(e) of Sign By-law 2018-153 and provide notice of the amendment as required by the Sign By-Law no later than May 25, 2021 to all residents within 120.0m of the location where the signs are proposed.

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3. Notwithstanding subsection 2 of this By-law, the applicant may erect the signs that are the subject of Section 1 of this By-law prior to the termination of the notice period, being June 15, 2021.
4. Should objections to the signs that are the subject of Section 1 of this By-law be filed by the residents, the applicant shall remove said signs at the request of the Town at its own expense.
5. If the signs that are the subject of Section 1 of this By-law are not removed by the applicant, the Town may take all necessary steps to bring the lands into compliance with Sign By-law 2018-153, in accordance with subsections 18(4), 18(5) and 21(4) of Administrative Penalties for Non-Parking Violations and Orders By-law 2021-038.

~~1. That by-law 2021-094 take effect on May 25<sup>th</sup>, 2021, whereby the applicant may erect the signs under this amendment ahead of the notification period to residents of the proposed amendment expiration of June 11, 2021. If the community does not agree with the erection of such signs, the applicant will be required to remove such signs at their expense as regulated under Sign By-law 2018-153.~~

6. All other provisions of By-law 2018-153 remain in force and effect.

PASSED this <Insert day (19th)> day of <Insert Month(May)>, 2000

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MAYOR

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CLERK