



## REPORT

### Council

**Meeting Date: August 9, 2021**

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**FROM:** Municipal Enforcement Services Department

**DATE:** July 27, 2021

**SUBJECT:** Sign By-law – Sign Face Area Review

**LOCATION:** Town-wide

**WARD:** Town-wide

Page 1

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#### **RECOMMENDATION:**

That the report from Municipal Enforcement Services, dated July 27, 2021, titled “Sign By-law – Sign Face Area Review”, be received.

#### **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
- In 2019, a sign appeal brought sign face area (SFA) calculations for ground signs into question. As a result Council directed staff to report back on a possible revision to the Sign By-law to address the concern
- September 21, 2020, a report discussing SFA was received for information by Council
- The current definition of sign face area, includes borders and frames in the calculation of SFA. The definition has included borders and frames in the calculation since 1994

#### **BACKGROUND:**

The Sign By-law was passed December 10, 2018 using 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.

Subsequent to a sign appeal decision, 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.

On September 21, 2020, a report discussing SFA for ground signs that included a possible amendment to the Sign By-law was received for information by Council.

## **COMMENT/OPTIONS:**

### **Overview**

Oakville sign regulations have been a key part of defining the town’s community character for many years. Through continuous monitoring of best practices and ongoing enforcement efforts, the town has avoided unnecessary sign blight in the community. This report is presented for Council’s consideration as a result of ongoing requests to change how SFA is calculated for ground signs. The following

paragraphs provide details on preliminary work done by staff to adjust ground sign calculations in response to concerns registered. Although further review is required, an adjustment of this nature may result in slightly larger ground signs in the community, which may have an impact on community character in some neighbourhoods.

Should Council wish to direct staff to continue the review and bring forward recommendations to address concerns, a draft recommendation has been included in the conclusion paragraph.

### **Considerations**

Questions around the SFA, interpretation and application of SFA for ground signs continue to cause confusion and debate for members of the industry and staff. As a result, staff have begun a preliminary review of an alternative SFA calculation for ground signs that will remove any questions of border, frame and structure ensuring a clear understanding by the industry and consistency in the calculations and application of the by-law during the permit review and enforcement processes.

When considering an alternative method to calculate the SFA staff set the following goals:

- Provide clear regulations for the industry, administration and enforcement
- Create consistency in the interpretation and application of the regulation
- Allow for greater flexibility in sign design.
- Reduced need for appeals due to interpretation of the Sign By-law

Staff measured existing signs currently permitted in the community to provide a sense of how a new SFA could be calculated. To meet the goals of the SFA review staff proposed that the entire sign, including messaging, border, frame and structure would be included in the calculation. A realignment of all SFA maximums for ground signs would be required to ensure signs currently permitted are not excluded under the new calculation. This would require staff to review all ground sign types in all sign land use designations to ensure the appropriate adjustments are made. This review would be conducted in consultation with stakeholders. See Appendix A for examples of the measurement process.

A clear definition for the calculation of SFA should remove any uncertainty of what elements shall be included in the total 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. There continues to be concerns with the interpretation and application of SFA by the industry and through the administrative and enforcement processes.

Should Council wish to amend By-law 2018-153 to redefine the SFA to include every part of a ground sign, the following recommendation is suggested:

1. **That staff review and report on a new definition and calculation of sign face area for ground signs; and**
2. **That staff prepare a by-law to amend the Sign By-law 2018-153 by the fourth quarter of 2021.**

**CONSIDERATIONS:**

**(A) PUBLIC**

If Council requests staff to review and report on a new definition and calculation of SFA, then staff may consult with stakeholders.

**(B) FINANCIAL**

No financial impact associated with this report.

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

Multiple departments including Enforcement, Legal, and Planning will be involved in the review and development of a new amending by-law. Communications will be engaged to update the website and in preparation of notices to engage stakeholders and communicate any proposed change to the sign by-law.

**(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 – Sample SFA measurements

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