

## REPORT

### PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: JANUARY 13, 2020

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**FROM:** Municipal Enforcement Services

**DATE:** December 18, 2019

**SUBJECT:** Amendment to Town of Oakville Sign By-law 2018-153 - By-law 2020-003

**LOCATION:** 2474 South Service Road West

**WARD:** 1

Page 1

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#### RECOMMENDATION:

1. That the request for an amendment to Sign By-law 2018-153 from Zip Signs LTD on behalf of TD Insurance Auto Centre to permit a roof sign on the north elevation of the building located at 2474 South Service Road West, extending 4.36m (14.3ft) above the roof line, as detailed in the report from the Municipal Enforcement Services department dated December 18, 2019, be approved.
2. That the request for an amendment to Sign By-law 2018-153 from Zip Signs LTD on behalf of TD Insurance Auto Centre to permit a roof sign on the west elevation of the building located at 2474 South Service Road West, extending 3.2m (10.5ft) above the roof line, as detailed in the report from the Municipal Enforcement Services department dated December 18, 2019, be approved.
3. That the request for an amendment to Sign By-law 2018-153 from Zip Signs LTD on behalf of TD Insurance Auto Centre to permit a roof sign on the south elevation of the building located at 2474 South Service Road West, extending 3.2m (10.5ft) above the roof line, as detailed in the report from the Municipal Enforcement Services department dated December 18, 2019, be approved.
4. That Amending By-law 2020-003, for signs located at 2474 South Service Road West, as detailed in the report from the Municipal Enforcement Services department dated December 18, 2019, be passed.

#### KEY FACTS:

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

- On June 7, 2019 Municipal Enforcement Services received a sign permit application from Zip Signs on behalf of TD Insurance Auto Centre

From: Municipal Enforcement Services  
Date: December 18, 2019  
Subject: Amendment to Town of Oakville Sign By-law 2018-153 - By-law 2020-003

- On July 3, 2019 the Designated Official denied the applicants sign permit application as the proposed signs did not comply with the Sign By-law 2018-153
- The Applicant is seeking an amendment to the Town of Oakville Sign By-law 2018-153 to allow three roof signs to be installed more than 1 metre above the roof line of a building or structure
- Details of the request are as follows:
  - Roof sign 1 – north elevation of the building, 4.36m (14.3ft) above the building roof line
  - Roof sign 3 – west elevation of the building, 3.2m (10.5ft) above the building roof line
  - Roof Sign 4 – south elevation of the building, 3.2m (10.5ft) above the building roof line
- The property is located in an employment land use designation
- A 2004 variance to Sign By-law 1994-142 was granted at this location to Budd's Subaru for three fascia signs to be placed 5 feet above the building roof line
- Roof Signs are prohibited under Part 3 Section 1(a) of the Sign By-law

### **BACKGROUND:**

On January 2, 2019 Sign By-law 2018-153 came into effect including new options for applicants seeking more than what the by-law regulations permit. The Sign By-law removed the former sign variance process and replaced it with applications for "exceptions", "appeals" and "amendments".

#### *Exceptions*

An exception may only be considered by the Designated Official for an increase in overall height or total sign face area to a maximum of 10 percent, excluding third party advertising signs and SEMBs.

#### *Appeals*

Appeals include exception requests denied by the Designated Official and requests outside of the authority of the Designated Official made directly to the Appeals Committee. The limitation on the Appeals Committee adjudication authority is as follows;

- prohibited signs
- signs not expressly identified in the by-law
- static electronic message boards, other than on a ground sign
- increases of total sign face area or height for a third party advertising sign

From: Municipal Enforcement Services  
Date: December 18, 2019  
Subject: Amendment to Town of Oakville Sign By-law 2018-153 - By-law 2020-003

### *Amendments*

Requests to consider changes to the by-law that cannot be dealt with through an exception or appeal process must be considered as a site specific and sign specific modification to the by-law. Applications for an amendment must be submitted to the Designated Official who will prepare a recommendation report for consideration at Council.

### **Sign Permit Application**

On June 7, 2019, Zip Signs LTD applied on behalf of TD Insurance Auto Centre for three roof signs located at 2474 South Service Road West.

Staff reviewed the application for a sign permit and determined that the proposed signs did not comply with the requirements of the sign by-law. Specifically, three fascia style signs extended beyond the roof line by more than 1 metre. Signs extending over 1 metre above the roof line are deemed to be roof signs and are prohibited under the Sign By-law. As a result, a letter of refusal was sent to the applicant on July 3, 2019.

During staff's review of this sign permit application, it was identified that a previous sign variance for three roof signs located above the roof line was granted by Council in 2004 - see Appendix B. That sign variance was approved with the condition that all signs extend no more than 5 feet above the roof line of the building.

### **Location of Subject Property**

**2474 South Service Road West is located in Employment Land Use.**



## Sign By-law Requirements

All three signs proposed in the application submitted by Zip Signs on behalf of TD Insurance Auto Centre are situated above the roof line. This can be seen on the façade of the tower structure, shown in the sign application drawings attached in Appendix A.

The roof sign and roof line definitions were important when reviewing this application and are defined in the Sign By-law as follows:

**Roof sign** means any sign that is attached to or located more than one metre above the roof line of a building or structure.

**Roof line** means a roof, measured from grade; that covers 50% or more of the building or structure area. In the case where no portion of the roof area is greater than 50%, the lowest roof line of the building or structure will be used for this measurement.

It was determined that all three signs are considered roof signs that do extend more than 5 feet above the roofline as permitted in the 2004 sign variance. As a result, the signs are prohibited under Part 3, Section 1(a) of the Sign By-law which states that no person shall:

- a. erect, locate or display a sign not specifically permitted within a particular land use designation;

The Sign By-law sets out and regulates permitted signs based on a property's land use designation. The subject property is part of the employment land use designation, where Part 5.2, Table 5.2.1 does not permit the use of roof signs as shown below.

## PART 5.2 Regulations for Signs in Employment Land Use Designations

Table 5.2.1 All Employment Land Use Designations (A)						
Permanent Signs	Awning Sign	Directional Sign	Directory Sign (B)	Entrance Canopy Sign	Fascia Sign (C)	Ground Sign
Maximum number of signs per frontage	n/a	3	1	n/a		1 (D)
Maximum sign height	3.75 m (E)	1.5 m	2.5 m	4.5 m (E)	n/a	6.75 m
Maximum sign face area	(F) (G)	0.56 m <sup>2</sup>	7.5 m <sup>2</sup>	(F)	(F) (G)	7.5 m <sup>2</sup>
Maximum percentage of SFA using SEMB	prohibited					30% (H) (I) (J)
Illumination	internal & external	internal				internal & external
Minimum setback from front/flankage property line(s)	1.5 m	2.0 m	17.0 m	1.5 m	n/a	1.5 m (K)
Minimum separation distance	n/a					30.0 m (L)

### Additional Regulations for Table 5.2.1:

- (A) For sign regulations specific to motor vehicle service stations, motor vehicle dealerships, and drive-through facilities, refer to Part 6, and for advertising signs, refer to Part 9
- (B) Sign type only permitted for Office Employment Designation
- (C) No fascia sign may project more than 0.45m (18 inches) from the surface of the wall to which it is attached
- (D) One (1) additional ground sign is permitted for every 100.0 m of frontage, except for properties in the Industrial Designation
- (E) Sign shall maintain a minimum clearance of 2.59 m above grade. Sign shall not project below the undersurface of the awning or canopy structure
- (F) Sign face area is included within the total sign face area permitted for fascia signs
- (G) For calculating maximum sign face area for fascia and awning signs, refer to Part 5
- (H) For regulations specific to static electronic message boards, refer to Part 8
- (I) Where two (2) or more ground signs are permitted, only one (1) ground sign shall be permitted to include a static electronic message board
- (J) For adult entertainment establishments, a static electronic message board on any sign is prohibited
- (K) A maximum setback of 17.0 m from front and flankage property lines
- (L) Minimum separation distance from another ground sign on the same property

### Comments from other Departments

#### Urban Design (Planning Services) Comments:

Urban Design staff do not object to the proposed signage sought through this amendment to the sign by-law. The proposed roof signs are appropriate in placement, scale and design for the architectural expression of this existing

From: Municipal Enforcement Services  
Date: December 18, 2019  
Subject: Amendment to Town of Oakville Sign By-law 2018-153 - By-law 2020-003

building. The proposed roof signs are located and positioned on the façade in the location of previous business identification signage belonging to former occupants (permitted through a variance request).

From an urban design perspective, it is the opinion of staff that the requested amendment to permit the proposed roof signs at 2474 South Service Road will not have a negative impact on the building design, site functionality, or on its surroundings.

### **Amendment Considerations**

The property was subject to a sign variance for roof signs above the roof line in 2004. The sign variance was approved with the condition that all signs be placed no higher than 5 feet above the roof line.

Details of the amendment for three roof signs:

- Sign 1, as per the drawings, will be placed on the north elevation of the building at approximately 4.36m (14.3ft) above the roof line of the building.
- Sign 3, as per the drawings, will be placed on the west elevation of the building at a height of approximately 3.2m (10.5ft) above the roof line of the building.
- Sign 4, as per the drawings, will be installed on the south elevation of the building at approximately 3.2m (10.5 ft.) above the roof line of the building.

The roof signs have a minimal impact to the public as the building is located within the Employment Land Use Designate and is located within 100 metres of the Queen Elizabeth Way Highway.

### **Conclusion**

Staff have reviewed this request from TD Auto Insurance, to place three roof signs above 1 metre of the roof line of the building. Staff have considered the fact that a previous variance for roof signs was approved by Council. The building is located in an employment land use and the only visual impact of approval would be for users of South Service Road West and the Queen Elizabeth Highway.

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

There is no impact to public or residential zones as the property is within 100m from the Q.E.W. and is designated as Employment Land Use.

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

The amendment fee of \$2200.00 and permit application fees of \$380.00 per sign, to recover the costs to process this application was received.

From: Municipal Enforcement Services  
Date: December 18, 2019  
Subject: Amendment to Town of Oakville Sign By-law 2018-153 - By-law 2020-003

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

Multiple departments including Planning and Municipal Enforcement Services participated in the application review and recommendations. If the amendment is approved Municipal Enforcement Services and Building Services will complete the permit process.

**(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS**

This report addresses the corporate strategic goal to:

- enhance our economic environment
- provide outstanding service to our residents and businesses
- be accountable
- be the most livable town in Canada

**(E) COMMUNITY SUSTAINABILITY**

Recommending responsible sign exceptions working with businesses and considering sign safety and aesthetic impacts on the community, supporting the economic and cultural aspects of the community

Appendix A – Sign Drawings for 2474 South Service Road W

Appendix B – Council minutes from April 5, 2004 (Item #5 – sign variance)

Appendix C – By-law 2020-003

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