



OAKVILLE

## REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: JULY 9, 2018

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**FROM:** Municipal Enforcement, Planning Services and Legal Department

**DATE:** June 18, 2018

**SUBJECT:** Sign By-law Review

**LOCATION:** Town wide

**WARD:** Town wide

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### RECOMMENDATION:

1. That the draft by-law, attached as Appendix A to the June 18, 2018 report from the Municipal Enforcement Services, Planning Services and Legal department, to regulate signs within the Town of Oakville, be received;
2. That the fees listed as Appendix B to the June 18, 2018 report from Municipal Enforcement Services, Planning Services and Legal department, be received; and
3. That staff be directed to engage in further public consultation to seek input on the new Sign By-law and provide Council with a final version of the Sign By-law and associated fees at a future date.

### KEY FACTS:

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

- Council directed staff to undertake a review of the sign by-law
- Public consultations were held – including a public on-line questionnaire
- A focus group, including representatives from the sign industry, resident associations, Chamber of Commerce, Oakville Milton and District Real Estate Board and members of the public, was convened
- Information was provided to the developers and builders liaison groups
- CIMA+ consulting was contracted to assist in reviewing and creating regulations for static electronic message signage
- A draft Sign By-law and associated fees have been prepared for Council's consideration and will be brought back for final approval after additional public and industry review and feedback

**BACKGROUND:**

At its meeting of November 14, 2016, Council passed the following recommendations:

- “1. That staff be directed to conduct a sign by-law review in accordance with the key objectives identified in the Sign By-law Review report, dated October 3, 2016, from the Municipal Enforcement Services and Planning Services departments;
2. That a public consultation process be conducted to obtain input into the new sign by-law having regard to the objectives that the town seeks to achieve and the need to achieve them in a manner that impairs rights as minimally as possible; and
3. That staff report back to Council by the first quarter of 2018 with a new by-law and process improvements for consideration.”

In addition, guiding principles of the review were established:

- **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 *Charter*

Staff conducted a consultation process that included:

- On-line public questionnaire (July-September 2017)
- Public open house (October 2017)
- Consultation with a focus group (May, June and November 2017)
- Consultation with the developer and builder liaison group (March 1 & 7 2018)
- Staff have also reviewed numerous GTA municipal sign by-laws for best practice

**On-line questionnaire**

From July 28<sup>th</sup> to September 15<sup>th</sup>, 2017, a public questionnaire was available on Oakville.ca. The questionnaire was advertised through Oakville.ca, social media, Oakville Beaver and to members of the sign by-law focus group.

The sign by-law questionnaire was developed to help staff understand the community’s attitudes and preferences toward sign usage in Oakville. A summary of

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questionnaire results can be found in Appendix C. Overall, 881 responses were received, most self-identified as being Oakville residents. The questionnaire focused on several specific sign types, including electronic message boards, video display, window signage, new development, open house, free standing banner, pole poster and mobile signs. Information gathered from the questionnaire was used in the development of the draft sign by-law.

### **Open house sessions**

In total, three public open house sessions were held. The first took place in the evening of October 3, 2017 at Queen Elizabeth Park Community and Cultural Centre. The second and third meetings took place in the afternoon and evening of October 5, 2017 at Town Hall. Sessions were advertised through Oakville.ca, social media, Oakville Beaver and focus group members.

At these sessions, attendees were asked to provide input into the sign by-law by making comments on sign types or by providing general comments about sign regulations. Staff considered the information gathered during the development of the draft sign by-law regulations.

### **Focus group sessions**

In May, June and November of 2017 three sign by-law focus group sessions were held. Attendees at the sessions included representatives from the mobile sign industry, the fixed sign industry, residents associations, Oakville and Milton Real Estate Board, Oakville Chamber of Commerce and interested residents.

Over the three meetings, discussions covered general signage issues and considerations, along with more focused discussions on the following sign types and processes:

- election signs
- real estate and development signs
- window signs
- electronic message boards
- mobile and other temporary signs
- mobile sign separation distances
- owner letter and other submission requirements
- permit periods for temporary signs
- enforcement
- fees
- regulations from other municipalities (best practices)
- online questionnaire

### **Oakville developers and builders groups**

To share information about the sign by-law review, staff attended both the developer and builder liaison meetings on March 1<sup>st</sup> and 7<sup>th</sup>, 2018. General information about new development and construction signs was provided. Initial feedback was gathered to inform the review process.

### **COMMENT/OPTIONS:**

#### **Sign by-law recommendations and rationale**

Using information gathered during the consultation and review phase, staff have prepared a draft sign by-law for further consultation with the focus group, sign industry, business community and residents. The draft by-law is focused on adherence to the established guiding principles and to improved customer usability and understanding, while maintaining and facilitating the town's objectives 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.

Providing a working draft of the by-law for consultation purposes will allow the sign industry, residents and Council an opportunity to provide feedback on specific regulation and provide staff the time necessary to review and consider the questions raised and suggestions received.

#### **Sign by-law framework**

##### *Livable Oakville land use designations*

The town's Official Plan provides the most objective measure of expected and approved character through established land use hierarchies. The first fundamental change made to the draft sign by-law is the incorporation of official plan land use designations, which form the basis for sign regulations. In the past, sign regulations have been established based on zoning provisions, as opposed to higher level official plan designations. This challenged the usability of the by-law when zoning controls were amended or as new areas of the town developed. In addition, different zones have similar sign impacts, which can be more efficiently captured by official plan land use designations. This change will allow for more consistent application of regulations throughout the life cycle of the by-law.

In addition, staff undertook an extensive exercise reviewing signs, sign uses and land use designations. This exercise resulted in a reduction in the number of sign by-law land use designations, by combining multiple similar designations into one

larger designation for the purposes of sign regulation (i.e. Community Use includes Public Open Space, Private Open Space, Natural Heritage Systems, Cemetery and Utility). The review revealed that the designations all had similar sign considerations /impacts and grouping resulted in a more streamlined and understandable by-law for the end user.

### By-law format

The format of the by-law has been significantly overhauled. This draft of the by-law, with a focus on increased usability, now consolidates all signage regulations within the body of the by-law, rather than requiring the reader to flip back and forth between schedules. The regulations are presented according to land use designation and in table format with footnotes. Each designation chart clearly identifies the signs that are permitted in that specific land use designation, with separate charts for permitted permanent and temporary signs. Staff is of the opinion that this approach will make the document easier to navigate and more understandable for the end user.

### Sign Regulations

Beyond identifying where specific sign types are permitted, the draft by-law contains detailed sign regulations, which can be grouped into the following categories:

- permanent signs (formerly 'fixed' signs)
- temporary signs
- signs for certain motor vehicle-related land uses
- development and real estate signs
- community signs on town property
- signs incorporating new technology

### Permanent signs

Permanent signs are those that are directly fastened to the ground or a building and not intended to be moved from location to location. The most common types of permanent signs are:

- ground signs – a sign that is permanently affixed to the ground and not supported in any manner by a building
- fascia signs – constructed of a permanent and rigid material, that is attached and positioned parallel to the exterior wall of a building or structure

In addition to these common types of signs, the current and draft by-law incorporates other permanent classes of signs, such as awning signs, canopy signs, directional signs, directory signs, and projecting signs.

Some significant proposed changes to permanent signs include:

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- ground sign – permitting an additional ground sign on properties with 100.0 metres or more of frontage in certain land use designations that typically have larger site areas and longer frontages
- monolith ground sign – now limited to motor vehicle services stations and motor vehicle dealerships
- directory sign (new) – signs which display unit numbers and business names or tenants of a premises
- entrance canopy sign (new) – signs attached to a canopy above the main entrance of a building

Temporary signs

Temporary signs are those that are not permanently affixed to the ground, a structure or building. Most temporary signs are allowed, subject to the issuance of a permit, as well as regulations restricting the size, number and location of these signs. Some of the most common types of temporary signs include mobile, banners and A-frames (aka 'sandwich boards').

Some significant proposed changes to temporary signs include:

- Mobile sign – modification made to the separation requirements by removing the requirement that a mobile sign must be separated by 30.0m from any other sign on the same property to now only requiring a separation of 30.0m between a mobile sign and any other mobile, charitable or feather banner sign on the same property
- Window sign (new) – regulations have been drafted, which include limiting the sign face area of window openings and requiring an annual permit
- Feather banner sign (new) – regulations have been incorporated to appropriately capture sign industry standards and display periods have been made consistent with mobile signs
- Pole poster sign (new) – regulations have been included to appropriately capture sign industry standards and incorporate maximum number, permitted locations and permit periods
- Fuel pump sign (new) – to better regulate the display of signage at service stations. Draft regulations include the number, size and permit periods.

Development and real estate signs

As part of the sign by-law review process, a detailed review of development signs was undertaken. A development sign provides information promoting a development site or construction site, but does not advertise the site/lot as being for sale (real estate sign). Consistent with the intent of the existing by-law provisions, a development sign is only permitted to promote a development site or construction site as part of a plan of subdivision or a plan of condominium that has received draft approval, or the construction of a building or building complex on a property zoned for that use. Significant changes have been made to development sign regulations

to ensure that the signs, predominantly ground signs, fit within the context of overall lot size and general use. In order to achieve this objective, the regulations have been geared to land use and to lot size (those less than 0.5HA, between 0.5HA and 5HA and greater than 5HA).

Significant regulations include:

- New definition of “development sign”
- Low-rise residential properties can display either a ground development sign or hoarding sign, not both
- Hoarding signage is limited to a maximum sign face area of 4.65m<sup>2</sup> for low-rise residential uses and 100% coverage for all other lots
- Maximum of 1 ground development sign for lots under 0.5HA. For lots over 0.5HA, an additional ground development sign can be displayed for every 150m of lot frontage
- Sign face area is determined by land-use and lot size, therefore ranging from a maximum of 4.65m<sup>2</sup> to a maximum of 19m<sup>2</sup>
- Development and hoarding sign permits must be renewed annually

Development signs (A-frames) located on town property were also reviewed resulting in minor reductions in three respects, namely, the total number of signs permitted per development, per builder for the development, and the maximum number of signs that can be displayed at an intersection. The modifications include:

- Maximum number of signs per development reduced to 25 (currently 30 are permitted per development)
- Maximum number of signs per builder per development reduced to 5 (currently 8 are permitted per builder)
- Maximum of 1 sign at each corner of an intersection per development

A review of real estate signs on private property was also undertaken. A real estate sign, for both residential and non-residential land uses, advertises the sale, lease or rent of lands or buildings. The regulations for residential real estate ground signs have remained unchanged with the exception of including that signs must be removed within 30 days of finalizing the sale/lease/rent transaction.

Non-residential real estate sign regulations have been developed based on lot size. In addition, non-residential properties are permitted either a ground or fascia real estate sign. The modifications include:

- Maximum of one real estate sign – either fascia or ground
- Maximum sign face area of 4.65m<sup>2</sup>
- An annual permit is required

### New technology

A significant change to the draft by-law is the inclusion of static electronic message boards (SEMBs) in certain land-use designations and only permitted on a permanent ground sign. Staff engaged consultants from CIMA+ to determine safety and nuisance regulations, along with human factors, such as limitations on illumination and display size for legibility. Appendix D includes the report prepared by CIMA+ and their recommendations have been incorporated into Part 8 of the draft by-law.

The current by-law permits only SEMBs on ground signs for public schools and government institutions, and only permits the electronic display of time and temperature on commercial and employment uses. Proposed regulations for SEMBs would permit them on a broader basis, subject to comprehensive functional requirements. The regulations include:

- Limiting use to ground signs, and where more than one ground sign is permitted, only one may incorporate an SEMB
- Permitting them in more land use designations, but with restrictions on the size of the SEMB in comparison to the size of the ground sign
- Prohibiting mobile signs and feather banner signs on properties that have an SEMB on a ground sign
- Incorporating regulations that will require adjustments to the illumination levels depending on the time of day (to prevent intensity and glare), including a requirement to turn off the message board between 10 pm to 8 am where located within 90.0m of a residential dwelling
- Requiring the submission of a traffic impact report that demonstrates the sign can comply with the regulations and does not create a negative impact.

### **New Processes**

#### Requesting adjustments to the By-law

Currently, any request for signage that does not comply with the regulations must seek approval for a sign variance through the Site Plan Committee. Staff reviewed this process to determine whether improvements can be made certain in respects including the timelines, scope of the request (minor versus significant), and various other respects. The draft by-law includes new options for applicants seeking a variance. Of note, the term 'variance' has been replaced by the terms exception, appeal and amendment, and certain processes have been adjusted or created to reflect this approach.

#### Exception

The draft by-law contemplates minor exceptions to regulations by allowing the designated official (director of municipal enforcement), in consultation with other town staff, to hear requests for additional sign face area or height up to a maximum of 10 percent of the existing permissions (excluding advertising signs).



This can provide a quicker, easier process for the applicant, while mitigating the possible impacts of the decision. When making such decisions, the designated official is required to consider the following:

- whether the sign is compatible with the character and urban design direction for the area
- whether there may be a negative impact on any surrounding residential uses
- whether the applicant has complied with all terms and conditions of approval of any previous permit issued to the applicant under this section, if any
- whether the applicant has provided all of the information required

### *Appeal*

If an applicant is not satisfied with the exception decision or has a request that falls outside of the authority of the designated official, the applicant will have the opportunity to appeal to the Town's Appeals Committee. A request for an appeal can be made to the designated official, who will ensure proper information is provided and the application is complete. Once the application has been vetted, an appeal date will be set. The Appeals Committee is able to hear any request related to a sign exceeding by-law regulations except those related to:

- prohibited signs;
- signs not expressly identified within the by-law
- a request for an electronic message board on other than ground sign
- an increase of total sign face area for Advertising Signs

In making its decision, the Appeals Committee must also consider the same factors as the designated official.

### *Amendment*

For signs that fall outside of the authority of the Appeals Committee, the applicant has the ability to apply for a sign-specific and site-specific amendment to the by-law. This process includes a request to the designated official who will ensure proper information has been provided and the application is complete. Once complete, a Council report will be prepared by the designated official and the report will proceed through the appropriate Council Committee process.

### *Notification of installation and as-built confirmation*

A requirement for notification to the town once a permanent sign has been installed has been added to the by-law. This will allow staff to more efficiently monitor permit installation process.

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In addition, as-built drawings and confirmation letter will be required. This will enhance the safety and inspection process by providing assurance that signs have been installed according to submitted drawings. This will improve enforceability of the by-law should an inspection reveal non-compliance after submission of as-built drawings and confirmation letter.

### Enforcement

Enforcement processes have been updated and streamlined in the draft by-law, which includes administrative penalties (AMP). The administrative penalty process will provide officers an enforcement option when dealing with non-compliances, this will serve as a deterrent but will also not take-up an inordinate amount of the Town's limited provincial court time.

The AMP process is similar to the Provincial Offences notice process, the difference being that once an officer has evidence of an alleged violation, they will issue an AMP notice instead of a Provincial Offences notice. The recipient of the notice will still have the opportunity to appeal the AMP notice, first to a screening officer and if not satisfied, to a hearings officer who will make the final decision. This is the same process as has previously been established, and implemented by the Town, for parking offences and licensing offences.

The AMP process allows for quicker resolution of matters and keeps the process local for ease of access. If an AMP recipient is found guilty and does not pay the set fee within the required timeframe, the fee and administrative costs can be added to the tax roll. In addition, if the recipient is a licensee, they will not be able to renew their license until the fee is paid.

### Illumination Measurement

The draft by-law has included NIT as the illumination measurement standard. 'NIT' means a unit of measurement of luminance, or the intensity of visible light, where one nit is equal to one candela per square meter. Nits are used to describe the brightness of electronic displays, such as LCD and CRT monitors, and other illuminated sign faces, whether internally or externally illuminated.

Staff have reviewed illumination regulations with municipalities who incorporate NIT as a standard of measurement and believe that the addition will make the draft by-law clearer for the end user and easier to enforce. The draft by-law regulates a maximum of 5000 Nits between sunrise to sunset and a maximum of 100 Nits between sunset and sunrise.

### **Advertising Signs**

Advertising signs have commonly been described as "third-party signs." They are distinguished from signs that business owners might erect directly themselves,

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identifying their businesses and advertising goods and services available on-site (often referred to as “first-party signs”). The Sign By-law provides that an “advertising sign” can be a ground sign (i.e., a billboard) or a mobile sign. In previous court decisions, it has been conclusively determined that the town could impose limitations on the maximum size of billboards and that the town’s specific maximum size restriction (a maximum sign face area of 7.5m<sup>2</sup>) was determined to be constitutionally valid.

The Town’s designated employment areas represent the industrial “character” areas, which have historically served as an appropriate objective measure in reviewing possible locations for advertising signs. A comprehensive review of the locational criteria for advertising signs was undertaken in 2009. As such, the terms of reference approved by Council for this Sign By-law review did not contemplate any review of the advertising sign regulations. It continues to be the opinion of staff that there is no reason or need, as part of the balancing exercise, to expand the scope of candidate sites for advertising signs beyond the town’s existing employment areas.

In order to manage the objectives of minimizing visual clutter, and maximizing public safety, area character, streetscape compatibility, and appropriate balance with the priority intended for on-site first-party signs, the existing advertising sign regulations remain appropriate and balance competing interests, particularly given the significantly different urban context and higher sense of aesthetic that have been recognized in previous court decisions concerning the town’s Sign By-laws. On this basis, the existing advertising sign regulations have been incorporated in the new draft by-law. However, staff recommend seeking public input to confirm whether these regulations remain appropriate.

Some of the key advertising sign regulations include:

- a maximum of 70 advertising signs are permitted within the Town (35 ground signs and 35 mobile signs)
- advertising signs may be located on property designated employment (but not including any property North of Dundas Street)
- advertising signs not be located within a radius of 300.0m of any other advertising sign
- signs may not be located within 200.0 m of:
  - a residential area or property legally used for residential purposes
  - a school or park
  - a property designated under Part IV or Part V of the *Ontario Heritage Act*
  - a 400 series highway
  - advertising signs may not be located any closer to any property line, other than a road allowance, than a minimum of 1.5m

### Consultation on the draft by-law regulations

Upon Council's receipt of the draft by-law and endorsement to move the project towards a final by-law, staff will hold further public consultation sessions to engage interested members of the public, sign industry and business community. This will provide residents, businesses, industry and builders/developers with the opportunity to review the proposed regulations and provide specific comments that can be used to further enhance the draft by-law.

Staff will also meet with the focus group to take forward for discussion specific comments on the draft regulations with the goal of considering and incorporating the edits into a final by-law for Council's approval.

### Companion materials and technologies

In addition to generating a new sign by-law, staff are currently working on accompanying documents and processes to improve upon the end-user experience with sign regulations and ultimately obtaining a permit. Items still in progress include, but are not limited to:

- An 'illustrated glossary' that depicts images of the various permitted sign types to avoid misinterpretation
- Charts that describe the various processes – permits, exceptions, appeals and amendments
- An interactive GIS map layer that users can gain information about their specific site, such as land-use designation and possible linkages to specific sign regulations
- An enhanced GIS map layer identifying approved locations for community mobile signs and community bulletin boards on town property, and locations for mobile signs on private property

## **CONSIDERATIONS:**

### **(A) PUBLIC**

Public consultation was held from July 2017 to March 2018. During this period, residents were asked to participate in the following:

- Sign by-law public questionnaire (July-September 2017)
- Sign by-law public open house (October 2017)
- Consultation with a focus group (May, June and November 2017)
- Consultation with the developer and builder liaison group (March 1 & 7 2018)
- Comments received through [enforcementservices@oakville.ca](mailto:enforcementservices@oakville.ca) and [signreview@oakville.ca](mailto:signreview@oakville.ca) throughout the period

Public notice of the by-law has been published in the Oakville Beaver, sent to residents who requested notification and posted on the town website in accordance with the public engagement policy and guidelines.

Further public consultation is needed to on the specifics of the draft sign by-law to ensure the town has achieved the guiding principle of compliance with the *Charter*.

**(B) FINANCIAL**

A review of all sign fees has been conducted. The review looked at all costs related to sign process to arrive at fees necessary to achieve full cost recovery. Appendix B contains the results of the sign fee review.

Of note, staff resources will continue to be required to update and create the sign-related processes, as well as to launch and implement. Staff will inform Council on any additional resource implications.

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

Multiple departments, including Clerk's, Building, Enforcement, Engineering and Construction, Legal, and Planning, have been involved in the review process and will continue to be involved through to implementation.

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

This report addresses the corporate strategic goal 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) COMMUNITY SUSTAINABILITY**

Updated sign by-law regulations affects the economic, cultural and social pillars of sustainability. Allowing reasonable advertising opportunity, without negatively affecting residents or community character, can assist local businesses.

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**APPENDICES:**

Appendix A – Draft sign by-law

Appendix B – Draft sign by-law fees

Appendix C – Summary of on-line questionnaire responses

Appendix D – CIMA+ ‘Development of Guidelines for Static Electronic Signs’ report

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