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STAFF REPORT: Planning & Building Services Department



REPORT TO: Planning & Building Committee
MEETING DATE: November 10, 2014
REPORT NO.: BL.14.34
SUBJECT: Sign By-law Review Committee
PREPARED BY: Greg Miller, Manager, Building & By-Law Services/CBO

A. Recommendations

THAT Council receive Staff Report BL.14.34 entitled "Sign By-law Review Committee; and

THAT Council endorse the Sign By-law Review Committee Terms of Reference attached to this report;

B. Background

Purpose of this Report:

The purpose of this Report is to seek Council's direction to proceed with pursuing interested candidates to sit on the Sign By-law Review Committee and to endorse the Terms of Reference for the Committee (Item G.1 attached to this report).

Background:

The Town's Sign By-law No. 2001-57, as amended, requires that a Sign By-law Review Committee ("Committee") to be in place to consider requests for minor variances from the Sign By-law. Since the enactment of the Sign By-law on July 30, 2001, the Committee has been comprised of 1 member from the public and 2 members of Council with the appointment of same corresponding with the term of Council.

On October 20, 2014, Staff met with the Economic Development Advisory Committee (EDAC) whom expressed concerns with the composition of the Committee and are recommending that Council should expand the Committee to a minimum of five voting members to be comprised of the following:

- One (1) member from the Thornbury Business Improvement Association
- One (1) member from the Chamber of Commerce;
- One (1) member of representing the public (non-business owner and a Town resident); and
- Two (2) members of Council.

In addition the composition of the Committee, the following was recommended by the EDAC:

1. That the Committee should meet face-to-face and allow the applicant to speak if requested as opposed to making decisions by e-mail; and
2. That a Terms of Reference be developed to provide a framework for the Committee including filling any vacancies.

The attached Terms of Reference has been developed in consultation with the EDAC.

For information purposes, Table 1 shown below summarizes the number of sign permits issued in addition to Sign By-law variances considered by the Sign By-law Review Committee between 2011 and 2014 year to date (end of October).

Table 1: Sign Permit Application Summary 2011-2014

Description	2011	2012	2013	2014 YTD	Total
Sign Permits Issued	17	20	16	5	58
Signs Variance Applications	0	6	7	4	17
Variance Requests Denied	0	0	0	1	1

C. The Blue Mountains' Strategic Plan

*Providing a strong, well managed municipal government.
Managing growth to ensure the ongoing health and prosperity of the community.*

D. Environmental Impacts

N/A

E. Financial Impact

N/A

F. In Consultation With

Economic Development and Advisory Committee (EDAC)
Elizabeth Cornish, Communications & Economic Development Coordinator

G. Attached

G1. Draft Sign By-law Review Committee Terms of Reference

Prepared by:

Respectfully Submitted by:

Greg Miller, C.E.T., CBCO
Manager, Building & By-law Services

Michael Benner, MCIP RPP
Director, Planning & Building Services



Sign By-law Review Committee Terms of Reference

Sign By-law Review Committee Terms of Reference

WHEREAS Council of the Corporation of the Town of The Blue Mountains has duly enacted By-law No. 2001-57, as amended, to regulate the size, use, location and maintenance of signs within the Town;

AND WHEREAS S. 7.07 of By-law No. 2001-57 allows an applicant to apply to the Sign By-law Review Committee to consider a minor variance to the Sign By-law;

1. Background

- a) Under s. 238 of the *Municipal Act 2001*, every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings.
- b) The *Statutory Powers Procedure Act* sets out rules of procedures that apply to proceedings of the Sign By-law Review Committee ("Committee").

2. Authority

- a) The Committee has been established under the authority of s. 238 of the *Municipal Act 2001*, and the Corporation of the Town of The Blue Mountains Sign By-law No. 2001-57, as amended, which was on July 30, 2001.

3. Name of the Committee

The name of the Committee shall be the "Sign By-law Review Committee".

4. Purpose of the Committee

The Committee shall review and make recommendations Council with respect to:

- a) the approval of a minor variance or amendment from the provisions of the Sign By-law if, in the Committee's opinion:
 - i. a literal application of the Sign By-law would create particular hardship for the sign user;
 - ii. the site conditions are unique to that property and do not apply generally to the Town;
 - iii. the granting of the requested variance would not be detrimental to the property owners in the vicinity;
 - iv. the sign is appropriate in all respects;
 - v. the general objectives of the Sign By-law are maintained;
 - vi. the general objectives of the Town's Official Plan or Zoning By-law are

- maintained;
- vii. the sign is in keeping with the Town's Sign Guidelines; and
 - viii. the granting of a variance would not be contrary to the general objectives of the Sign By-law, Official Plan or the Zoning By-law and provisions of any agreements which might bond the property.
- b) any provisions of the Sign By-law that may require further consideration or analysis as observed by the Committee that may warrant amendments to the Sign By-law; and
 - c) the policies with respect to the application of the Sign By-law.

The Committee shall not provide operational advice or direction with respect to the enforcement of the Sign By-law.

5. Term

The term of the members of the Committee shall coincide with the term of Council.

6. Composition of the Committee

Council shall appoint a Sign By-law Review Committee with the composition and number of Committee members as determined by Council. It is desired that the Committee be comprised of the following representatives:

- One (1) member from the Thornbury Business Improvement Association
- One (1) member from the Chamber of Commerce;
- One (1) member representing the public (non-business owner, TBM resident); and
- Two (2) members of Council
- The Manager, Building & By-Law Services or a Municipal Law Enforcement Officer shall attend Committee meetings to provide information on the application and all Sign By-law related matters to the Committee.

7. Role of the Committee Members

- a) Agree to this Terms of Reference established by Council.
- b) Review all documents, agenda and minutes presented to them before attending Committee meetings so as to provide informed discussion.
- c) The Committee may, in the instance of refusal, recommend that the sign be issued with such terms and/or conditions deemed appropriate by the Committee
- d) Conform to the Code of Conduct for Members of Council (POL.COR.07.07).

8. Chairperson

At the initial meeting of the term of the Committee, the Committee shall elect one of its members as a Chairperson for the Committee.

9. Role of the Chairperson

- a) The Chairperson is responsible for making sure that each meeting is planned effectively, conducted according to the legislation and that matters are dealt with in a fair, objective and orderly manner.
- b) The Chairperson shall enforce the observance of order and decorum amongst the Committee members and the public.
- c) The Chairperson shall ensure opportunity is given to the person who has applied for a review to the Committee to appear before the Committee.

10. Committee Secretary

The Planning & Building Assistant is appointed as the Secretary of the Committee.

11. Role of the Secretary

- a) Upon notification from the Manager, Building & By-Law Services (or designate), the Committee Secretary shall coordinate and facilitate meetings of the Committee, prepare and distribute the Committee's Agenda.
- b) Take minutes of the Committee meetings.
- c) Act as a Committee resource.

12. Role of Town Staff

The Manager, Building & By-law Services, and/or a Municipal Law Enforcement Officer will attend Committee meetings so as to provide background and supporting information to the Committee.

13. Committee Meetings

Other than as specifically set out in these terms of reference, the Committee shall follow the rules governing committee procedures established from time to time by Council

13.1. Quorum

- a) Quorum for a meeting of the Committee shall be 50% of the Committee members.
- b) The Chairperson shall only vote when votes are evenly divided.
- c) Town Staff shall not have a vote.
- d) No Committee meeting shall be held without the Committee Secretary in attendance.

13.2. Notice

- a) Notice of a Committee Meeting will be posted to the Town website a minimum of two weeks in advance of meeting.
- b) Notice of the Decision of the Committee will be posted to the Town website.

13.3. Open to the Public

Committee meetings shall be open to the public.

13.4. Location

All meetings will be held during regular business hours at Town Hall, 32 Mill Street, Thornbury, Ontario.

13.5. Frequency:

- a) Committee meetings will be held on a monthly basis a minimum two weeks prior to the next scheduled Committee of the Whole meeting or as determined by the Committee on an as needed basis.
- b) If the Secretary deems that there is no business for a scheduled Committee meeting, then the Secretary may recommend to the Chairperson to cancel that meeting.

13.6. Electronic Communications:

- a) Where minimum notice has been provided to the Committee and the Chairperson determines that a quorum cannot be established for an in person Committee meeting, then the Committee may be polled by e-mail to consider the application(s).
- b) If the Committee is unanimous in having no objection to the applications(s) before the Committee and there is no written objection from any member of the public on record as confirmed by the Manager, Building & By-Law Services, then the Committee may recommend the application(s) be approved by Council along with such conditions as deemed necessary as per established procedures as described in this Terms of Reference.
- c) All electronic communications by the committee will be recorded as minutes by the Secretary.

14. Reporting

All decisions and recommendations from the Committee shall be reported by Staff to the Committee of the Whole for further approval prior to being presented to Council.

15. Vacancies

A vacancy during the term of the Committee shall be filled by appointment through a resolution of Council upon the recommendation from amongst the Committee members.