



**SIGN BY-LAW OPEN HOUSE
SEPTEMBER 5, 2006**

**PROPOSED AMENDMENTS TO
SIGN BY-LAW NO. 2001-57**

PREPARED BY: THE SIGN BY-LAW COMMITTEE
ADMINSINSTRATIVE AND ENFORCEMENT PROVISIONS

A. REASON FOR PROPOSED AMENDMENT(S):

“Section 7.08 – Violations” specifies that if a violation of the Sign By-law exists, that Notice must be provided requiring compliance within a specified period (14 days). This has presented issues with respect to illegally erected and/or placed non-permanent signs and addresses enforcement matters that are better addressed at an operational level. Further, Section 7.08 is contrary to “Section 7.09 – Removal of Illegal Signs” with regard to the removal of illegal signs.

“Section 7.09 – Removal of Illegal Signs” requires that Notice be provided prior to the removal of an illegally placed sign on or over land under the jurisdiction of the Town of The Blue Mountains. As per above, this is problematic (eg. in instances where the responsible party is not readily identifiable).

“Section 7.10 – Penalty for Non-compliance” includes unnecessary provisions.

B. PURPOSE OF PROPOSED AMENDMENT(S):

The purpose of these amendment(s) is to cause and/or bring about compliance in an expedited fashion.

C. PROPOSED AMENDMENTS:

1. “Section 7.08 – Violations” is hereby amended by deleting all three paragraphs and replacing them with:

“a) Except as provided by Section 7.09 (2) or (3), when, in the opinion of the Chief Building Official or a Municipal Law Enforcement Officer a violation of the by-law exists, a Notice shall be issued to the owner of the sign. The Notice shall state the nature of the violation and provide a period of time to correct the alleged violation or to appeal to Council or a Committee thereof.

2. “Section 7.09 – Removal of Illegal Signs”, Subsection (1), (2), (3), (4) and (5) are deleted and replaced with:

(1) When a sign is erected or displayed in contravention of the provisions of this By-law and the Notice referred to in Section 7.08 has not been complied with, such sign may be Ordered to be removed by the Chief Building Official or Municipal Law Enforcement Officer and, where such sign has not been removed in compliance with such Order, the Chief Building Official or Municipal Law Enforcement Officer may cause the immediate removal of the sign without further

Notice. Any and all costs associated with such removal, including a minimum \$50.00 administrative surcharge, shall be borne by the owner of the sign.

(2) In the instance of a sign that is deemed to be potentially dangerous or hazardous to the public by the Chief Building Official and/or Municipal Law Enforcement Officer, such sign may be caused to be immediately removed by the Chief Building Official and/or Municipal Law Enforcement Officer without Notice and any costs associated therewith, including a minimum \$50.00 administrative surcharge, shall be borne by the owner of the sign.

(3) Except as specifically permitted in this By-law and authorized by the authority having jurisdiction, any sign on, over or partly on or over any Town, County or Provincial property and/or highway or right-of-way, including, but not limited to, paths, trails, walkways, ditches and/or shoulders, may be removed by the Chief Building Official or Municipal Law Enforcement Officer without notice.

(4) Signs that are removed shall be stored by the Town for a period of not more than fourteen days during which the owner of the sign or his agent may be entitled to redeem such sign upon payment of the costs associated with the removal plus any applicable administrative surcharge plus a \$5.00 per day storage charge.

(5) Signs that have been stored by the Town for a period in excess of fourteen days and that have not been redeemed may be destroyed or otherwise disposed of by the Town.

3. "Section 7.10 – Penalty for Non-compliance" is hereby deleted and replace with the following:

Section 7.10 – Penalty for Non-Compliance

Any person who contravenes any provision of this By-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the *Provincial Offences Act*.

SIGNS NOT REQUIRING PERMITS

A. REASON FOR PROPOSED AMENDMENT(S):

Signs not requiring permits are permitted within all areas/zones. Included within the types of signs not requiring permits are: Special Event Signs; Window Signs; and, Portable and Banner Signs. These types of signs were not intended to be permitted within all areas/zones.

B. PURPOSE OF PROPOSED AMENDMENT(S):

To clarify where Special Event Signs, Window Signs and Portable and Banner Signs are permitted.

Special Event Signs, subject to the provisions of the current By-law, will no longer be listed as a permitted type of sign within a Residential Zone.

Window signs will no longer be listed as a permitted type of sign within a Residential Zone.

Portable signs, subject to the provisions of the current By-law, will no longer be listed as permitted within a Residential Zone.

Banner Signs will no longer be listed as permitted within Residential, Rural and Commercial Core Area Zones (except when erected as a Special Event Sign).

C. PROPOSED AMENDMENTS:

Section 4.01 (1) is amended by deleting the period following "(Section 3.04)" and inserting the following:

"save and except for Special Event Signs, Window Signs and Portable and Banner Signs in Residential Zones and, Banner Signs within Rural Zones and any Commercial Core Area.

ELECTION SIGNS

A. REASON FOR PROPOSED AMENDMENT(S):

Concern has been expressed by the public with respect to the period of time in which election signs are erected and to regulate the quantity, frequency and location of election signs erected and/or placed within the public right-of-way during an election period.

B. PURPOSE OF PROPOSED AMENDMENT(S):

The purpose of the amendment(s) is to clarify the time period in which election signs may be erected and to further regulate the location of election signs. Further, the proposed amendment will restrict the number of municipal election signs within public right-of-ways to fifty.

C. PROPOSED AMENDMENTS:

1. "Section 2.01 – Definitions" is amended by inserting the following:

Town Property – means land, buildings or structures owned or controlled by the Town and includes, but is not limited to, parks, cemeteries, community centres, administrative offices, works yards, sewage and water facilities, libraries and parking lots.

2. "Section 3.04 – Signs Not Requiring Permits" is deleted and replaced with:

- (4) Election Signs

- (1) Federal and Provincial Elections

Notwithstanding this By-law, nothing shall apply to prevent the posting of an election proclamation or notice pursuant to any Federal or Provincial Act and/or Statute or Regulation or any Voter's List, nor the display of election signs related to a federal or provincial election on private property during provided such signs are erected in accordance with the following provisions:

- (a) election signs shall not be erected on private property without the consent of the owner;
- (b) election signs shall not be erected on Town property;
- (c) election signs shall not be erected within the following portions of the public right-of-way: roadways, lanes, sidewalks, walkways, trails, paths, ditches and/or shoulders of the road;

- (d) election signs shall not be erected within 50 cm of a sidewalk, or where there is no sidewalk, within 2.0 metres of the roadway or within 50 cm of the edge of the shoulder;
- (e) election signs shall be set back 3.0 metres from all property lines;
- (f) election signs shall not exceed 3.0 square metres in area;
- (g) all election signs must be removed within three (3) days after the date of the election;
- (h) no candidate shall erect or display, or cause to be erected or displayed any such signs prior to the date which is forty-five (45) days before the date fixed for the election; and,
- (i) Section 3.04 (4)(3) is complied with.

(2) Municipal Elections

Notwithstanding this By-law, nothing shall apply to prevent the posting of any election proclamation or notice pursuant to a Provincial Act or Regulation or any Voter's List, nor the display of election signs by candidates during any municipal election, provided that such signs are erected in accordance with the following provisions:

- (a) election signs shall not be erected on private property without the owner's consent;
- (b) election signs shall not be erected on Town property;
- (c) election signs shall not exceed 1.0 square metre in area;
- (d) not more than fifty (50) election signs may be erected or displayed in or on the public right-of-way at any time provided:
 - (1) such signs are not erected on roadways, lanes, sidewalks, walkways, trails, paths, ditches and/or shoulders of the road;
 - (2) such signs are a minimum of 50 cm from a sidewalk, or where there is no sidewalk, within 2.0 metres of the roadway or within 50 cm of the edge of the shoulder;
 - (3) such signs are not erected fronting or flanking Town property; and,
 - (4) such signs have a permit sticker issued by the Town Clerk;
- (e) no candidate shall erect or display, or cause to be erected or displayed, any such signs prior to the date which is forty-five (45) days before the fixed date for the election;
- (f) all election signs must be removed within three (3) days of the date of the election; and,
- (g) Section 3.04 (4)(3) is complied with.

- (3) No person shall affix, erect or otherwise display an election sign or permit an election sign to be affixed, erected or otherwise displayed:
 - (a) on or over any Town property except as specifically provided for in this By-law;
 - (b) on a utility pole or light standard;
 - (c) on any official sign or official sign structure;

- (d) within a sight triangle;
- (e) on the property of a polling station or the front façade of the building which contains the polling station; and
- (f) on a sound barrier wall or fence.

SIGN LETTERING HEIGHT

A. REASON FOR PROPOSED AMENDMENT(S):

Concern has been expressed by the public with respect to the restrictiveness of the maximum fascia sign lettering height provisions (30.48 centimetres (12") for signs fronting 66' public road allowances and 50.8 centimetres (20") for >66' allowances) and the lack of flexibility provided for unique signs. A number of variances on a site by site basis have previously been granted by Council.

B. PURPOSE OF PROPOSED AMENDMENT(S):

The purpose of the amendment(s) is to permit fascia sign lettering of 14" (35.56 centimetres) for signs fronting 66' public road allowances and 24" (60.96 centimetres) for public road allowances exceeding >66'. These amendments would reflect an approximate 20% increase in fascia sign letter height. Further, an amendment is proposed that would allow for

C. PROPOSED AMENDMENTS:

1. "Section 3.07 – Size of Letters" is amended by replacing the text and/or numbers under the column titled "Fascia Sign: Maximum Height of Letters" with the following:

35.56 centimetres
(14 inches)

60.96 centimetres
(20 inches)

2. "Section 3.07 – Size of Letters" is hereby amended by adding the following:
 - (3) Notwithstanding the provisions of this Section, a single letter or block of letters and/or text may be utilized within a fascia sign exceeding the maximum height of letters permitted provided:
 - a) the letter or block of letters and/or text do not exceed the maximum height of fascia sign permitted in the area or 1.5 metres (4.92 feet), whichever is the more restrictive; and,
 - b) the sign area attributable to the single letter or block of letters and/or text does not exceed 15% of the maximum sign area permitted.

NEON SIGNS

A. REASON FOR PROPOSED AMENDMENT(S):

Internal, incidental, signs utilizing neon lettering are widely utilized to indicate whether a business is “Open” or “Closed”. Section 3.06(4) of the Sign By-law currently does not permit the use of “neon tubing” (except when used as a concealed light source).

B. PURPOSE OF PROPOSED AMENDMENT(S):

The purpose of the amendment(s) is to specifically permit internal, incidental, signs utilizing neon lettering to indicate whether a business is “Open” or “Closed”.

C. PROPOSED AMENDMENTS:

1. “Section 2.01 – Definitions” is amended by deleting the period at the end of the definition of “Incidental Sign” and inserting the following:

“, and an internal neon sign having a maximum height of 30.48 centimetres (12 inches) and a maximum width of 45.72 centimetres (18 inches).”

2. “Section 3.06 – Lighting” is amended by deleting “The” at the beginning of Section 3.06(4) to “the” and inserting the following at the beginning of the sentence:

“Except as provided by Section 2.01 definition of “Incidental Sign”,”

RURAL SIGNS

A. REASON FOR PROPOSED AMENDMENT(S):

The Sign By-law currently does not contain a definition of a “rural zone”. The preamble to “Section 4.03 – Signs Permitted in Rural Zones”, is prefaced by “Signs are allowed as follows in residential zones.” Provisions related to copy on a permissible fascia and ground signs is restricted to the “name or the occupant of the property, the address and/or profession of the occupant”.

B. PURPOSE OF PROPOSED AMENDMENT(S):

The purpose of the amendment(s) is to specifically identify rural zones by referencing zones within the Town’s Zoning By-law; to change the reference in the preamble from “residential zones” to “rural zones”; and, to broaden the scope of the permitted copy on fascia and ground signs so as to include an on-premise business (eg. Tom’s Apple Orchard”).

C. PROPOSED AMENDMENTS:

1. “Section 2.01 – Definitions” is amended by inserting the following:

Rural Zone – shall mean those areas given Rural (A1) or Rural (A2) zoning designations by comprehensive Zoning By-law No. 83-40, as amended, and as may be amended from time to time.

2. “Section 4.03 – Signs Permitted in Rural Zones” is amended by striking out “residential” where it first occurs and replacing it with “rural”.

3. “Section 4.03(3) is amended by striking out the period at the end of the inserting “or name of the business on the property.”

DEVELOPMENT SIGNS

A. REASON FOR PROPOSED AMENDMENT(S):

A two-sided temporary Development Sign is permitted within all zones provided the maximum sign area for all faces combined does not exceed 18.0 square metres (193.8 square feet). Two-sided Development Signs have been proposed and/or erected wherein the two faces intersect at an angle in excess of 90 degrees and thereby create what appears to be a single, continuous sign area.

B. PURPOSE OF PROPOSED AMENDMENT(S):

The purpose of the amendment(s) is to clarify that the sign faces on a two-sided Development Sign must not intersect at an angle of greater than 90 degrees measured at the inside face of the sign.

C. PROPOSED AMENDMENTS:

3. Section 4.01(2) is amended by inserting the following:
 - (aa) No two-sided Development Sign shall be erected such that the sign faces intersect at an angle in excess of 90 degrees measured at the inside face of the signs.

FASCIA SIGN – COMMERCIAL CORE AREA

A. REASON FOR PROPOSED AMENDMENT(S):

A number of requests for variance have been made for fascia signs having a height in excess of the maximum 0.6 metres. Given the floor to floor ceiling heights of buildings located within the Thornbury Commercial Core Area, this has been seen to be too restrictive.

B. PURPOSE OF PROPOSED AMENDMENT(S):

The purpose of the proposed amendment is to permit a fascia sign in a Commercial Core Area having a height of 0.9 metres.

C. PROPOSED AMENDMENTS:

1. Subsection (2) (c) “Section 4.04 – Signs Permitted in Commercial Core Area” is hereby amended by deleting the number “0.6” and replacing it with “0.9”.

GROUND SIGNS – OTHER ZONES

A. REASON FOR PROPOSED AMENDMENT(S):

“Section 4.05 – Signs Permitted in Other Zones” requires a ground sign to be located 3.0 metres from the abutting street. This provision has been identified as being problematic given that in some instances the existing building is located less than 3.0 metres from the front property line.

B. PURPOSE OF PROPOSED AMENDMENT(S):

The purpose of the proposed amendment is to permit a ground sign proposed to be erected between the main front wall and the front property line to be erected one-half the distance between the main building and the front property line provided the ground sign is a minimum of 1.5 metres from the front property line. This provision will not apply in Residential, Rural and Commercial Core Areas. The By-law prohibition related to signs not permitted within sight triangles will continue.

C. PROPOSED AMENDMENTS:

1. Subsection (2)(d) of “Section 4.05 – Signs Permitted in Other Zones” is hereby deleted and replaced with:

“d) No ground sign shall be located closer than 3.0 metres to a property line except that a ground sign may be erected between the main front wall of a building that is less than 3.0 metres from a property line that is a street line provided such sign is no closer than one-half of the distance of the building to the property line or 1.5 metres, whichever is the lesser.