

Meeting Date: May 6, 2024
Department: Building, By-law and Planning
Report No.: BBP-2024-38
Submitted by: Jennifer Huff, Director of Building & Planning
Approved by: Trisha McKibbin, Chief Administrative Officer

SUBJECT: Draft Sign By-law

RECOMMENDATION: THAT: Council receive report BBP-2024-38 titled “Draft Sign By-law” for information, and further;

THAT: Council direct staff to finalize the sign by-law for future consideration based on the following directives: (to be provided during the May 6, 2024 Council meeting).

BACKGROUND:

During past Council meetings, Council members have brought to staff’s attention concerns relating to the number of billboard signs being erected in the Municipality, both in its agricultural and urban areas. Staff responded to these concerns noting that the Municipality lacked a Sign By-law regulated their location or size. As such, staff have prepared a report on the potential introduction of a Municipal Sign By-law.

The subject report provides an overview of the legislative authority the Municipality holds to regulate signs, as well as the potential elements that could be included within a sign by-law. Staff have also prepared an example draft by-law to illustrate how a sign by-law would work. If Council provides direction to proceed further, staff would bring back a further revised sign by-law based on the direction received from Council.

LEGISLATIVE CONTEXT

The Municipal Act

The Municipal Act gives authority to municipalities to regulate signs. Specifically Section 11 (3) of the Municipal Act states that “a lower-tier municipality and upper-tier municipality may pass by-laws, subject to the rules set out in subsection (4) respecting matters within the following spheres of jurisdiction”, including (7) “structures, including fences and signs”. Section 99 and 446 outlines how

the Municipality is to recoup costs associated with removal, care and storage of advertising devices that are erected or displayed in contravention of a sign by-law or the costs of bringing a property into compliance with a by-law.

The Strathroy-Caradoc Zoning By-law 43-08

The Strathroy-Caradoc Zoning By-law states the following:

1.2 Application & Scope

(2) No land shall be used and no **building** or **structure** shall be erected, altered or **used** within the Municipality except in accordance with the regulations of this By-law and except as permitted by this By-law.

Pertinent definitions are as follows:

(22) **Building**: shall mean a structure, whether temporary or permanent, designed, used or intended for sheltering any use or occupancy and consisting of a wall, roof, and floor or any one or more of them, or structural system serving the functions thereof, including all the works, fixtures and service systems appurtenant thereto, but shall not include a boundary wall, fence, travel trailer, camping trailer, truck camper, motor home or tent.

(219) **Structure**: shall mean any material, object, or work erected as a unit or constructed or put together of connected or dependent parts or elements whether located under, on, or above the surface of the ground, but shall not include a sign, fence or boundary wall.

(230) **Use**: shall mean, when used as a noun, the purpose for which any land, building or structure is designed, used or intended to be used, or for which it is occupied, used or maintained. When used as a verb, or as in the expression “to use” shall mean anything done or permitted to be done by the owner or occupant of any land, building or structure, directly or indirectly, or by or through any trustee, tenant, servant or agent, acting for or with the knowledge or consent of such owner or occupant for the purpose of making use of said land, building or structure.

The only zoning regulations related to signs in the zoning by-law include the following:

- Signs for a bed and breakfast (Section 5.4(1)(f)),
- Signs for a home occupation (Section 4.13 (e)),
- Signs a secondary farm occupation (Section 4.27(1)(f)), and
- Signs for construction uses (Section 4.32(1)(a))

In relation to Sight Visibility Triangles, Section 4.30(1) states that “in all zones, no building, structure, fence or sign shall be erected and not shrubs or foliage shall be planted in such a manner as to impede vision between a height of 60 cm to 3 m above the centre line grade of intersecting road or railway in the triangular area ...”.

Finally, in relation to Yard Encroachments, Section 4.34(2) limits the encroachments of awnings, canopies, balconies or signs in commercial zones onto Municipal land.

Building By-law / Ontario Building Code

The Ontario Building Code regulates and requires building permits for all signs, except:

1. Traffic signs/legal notices,
2. Signs in display windows,
3. Small signs for the direction of the public (rest room signs, etc),
4. Signs painted directly on a building, or
5. Other incidental signs requiring municipal approval (typically address signs).

Further to this, building permits are typically not required for election signs, real estate signs, sandwich board/pedestal signs, inflatable signs, and portable signs.

Legislative Context Summary

The Zoning By-law is not the legislative vehicle to regulate the location, size and types of signs within a Municipality in a manner beyond the current provisions noted above. For Municipalities who wish to impose regulations on signage, they do so by way of a 'Sign-By-law'

WHAT DOES A SIGN BY-LAW DO?

The purpose of a sign by-law is to provide for a fair, equitable and transparent process to the treatment of signs across the Municipality. It can be used to encourage signs that are aesthetically pleasing, minimize hazards to life or property, ensure signs do not compromise traffic safety, and minimize adverse impacts on nearby public and private property.

A sign by-law typically regulates the types, sizes and location of signs in residential, agricultural and commercial / institutional areas of a Municipality. They typically include provisions related to real estate signs, election signs, temporary signage and permanent billboard / pylon / illuminated signs. There is often an appeal process / request for 'variance' to the sign regulations embedded in the by-law. Some Municipalities choose to require permits for signs (in addition to permits required under OBC), others do not. Finally, some municipalities require signs in certain areas to adhere to heritage or urban design requirements in order to ensure a consistent 'look' in a heritage area or downtown district.

Below is a brief summary of the common elements that can be found in sign by-laws.

- Definition Section: defines and differentiates signs by type.
- Exemptions Section: identifies the types of signs that are exempt from regulations
- General Provisions: includes regulations that are applicable to all sign types.
- Residential: includes specific regulations for signage in residential areas of a Municipality. This would apply to all signage in any residential zone in the Zoning By-law. Typically, sign by-laws restrict large signs / illuminated signs from residential areas.

- Agricultural: includes specific regulations for signage in agricultural areas of a Municipality. This would apply to all signage in any agricultural zone in the Zoning By-law. Sign by-laws can restrict the number and size of billboards in agricultural areas.
- Commercial, Industrial and Institutional: includes specific regulations for signage in commercial, industrial and institutional areas of a Municipality. This would apply to all signage in any commercial, industrial and institutional zones in the Zoning By-law. Sign by-laws can clarify the types, size and location of signs permitted in these areas.
- Portable Signs: refers to “temporary advertising device and includes any and all signs, constructed so as to be readily moved or transported whether or not the sign is fixed to the ground, mounted on a vehicle or affixed to a freestanding structure but does not include a Sandwich Board sign”. A building permit is not required. A sign by-law typically limits the number of portable signs on a property and can restrict them from certain areas of the Municipality (i.e. not in residentially zoned lands).

Portable Sign Example



- Sandwich Board and Pedestal Signs: A Sandwich Board Sign refers to “a non-illuminated sign consisting of two (2) flat surfaces joined at one (1) end and resting on the ground”. A Pedestal Sign refers to “a non-illuminated sign resting on the ground. A building permit is not required. A sign by-law typically limits the number of sandwich and pedestal signs on a property and can restrict them from certain areas of the Municipality (i.e. not in residentially zoned lands).

Sandwich Board Sign Example



Pedestal Sign Example



- **Inflatable Signs:** refers to “a non-rigid sign supported by air or other gas pressure”. A building permit is not required. A sign by-law typically limits the number of inflatable signs on a property and can restrict them from certain areas of the Municipality (i.e. not in residentially zoned lands).

Inflatable Sign Example



- **Election Signs:** refers to “any sign, image, words, picture, device, notice or visual medium, or any combination thereof, including Third Party Advertisements, advertising support or opposition for a candidate, a political party, or a “yes” or “no” answer to a question on the ballot in a municipal school board, provincial or federal election. A building permit is typically not required. A sign by-law typically limits the location of election signs on or near municipal property or structures and requires their removal shortly after the completion of an election.

Election Sign Example



- **Real Estate Sign:** refers to “a temporary sign indicating the property on which the sign is located, or any part thereof is for sale, rent or is open for viewing for the purposes of such sale or rent of the property”. A building permit is not required. A sign by-law typically limits the number of real estate signs and pointer signs.

Real Estate Sign Example



- **Billboard Signs:** refers to “any sign other than a real estate sign, measuring more than 3 sq m in area that directs attention to products, goods and services, activities or facilities NOT provided on the premises on which the sign is located. In calculating the area of a billboard sign, only one face of a double face or back to back sign shall be used. A building permit is required. A sign by-law typically limits the number and location of billboard signs in a Municipality.

Billboard Example 1



Billboard Example 2



- Ground Signs: refers to “any sign other than a real estate sign, measuring more than 3 sq m in area that directs attention to products, goods and services, activities or facilities provided ON the premises on which the sign is located. It is affixed to, supported by or placed directly upon the ground. A building permit is required by Building Code. A sign by-law typically limits the number and location of ground signs in a Municipality.

Ground Sign Example



- Sign Variance Process: describes the process if an applicant wishes to construct a sign contrary to the subject sign by-law.
- Administration and Enforcement: describes the authority the Municipality and its staff hold to enforce the sign by-law.

CONSULTATION:

Staff have been working collaboratively on a draft version of a sign by-law. Example sign by-laws from a number of municipalities across Ontario have been reviewed (including, but not limited to: Twsp of Clearview, City of St. Thomas, Municipality of Middlesex Centre, Twsp of Southwest Middlesex and City of London). As well, staff have been contacted by the London St. Thomas Association of Realtors (LSTAR) in regards to how a sign by-law may impact real estate signage. Staff met with their representative and discussed the status of drafting a sign by-law. It is anticipated that they will have comments on the draft version of the by-law.

Finally, staff will have County legal review the draft sign by-law for input and revisions, prior to it being brought back for Council's consideration, if Council wishes to proceed with a sign by-law.

COMMENTS:

Staff request Council direction on the following:

1. Is there a desire to regulate the number and size of billboard signs in the Municipality, for example in the agricultural, commercial and industrial area?
2. Is there a desire to regulate the number and size of ground signs in the Municipality, for example in the agricultural, commercial and industrial area?
3. Is there a desire to regulate real estate / pointer signs in the Municipality, for example limit the number of real estate and pointer signs?
4. Is there a desire to regulate the number and size of digital / illuminated signs in the Municipality? Are there certain areas that this would apply to?
5. Is there a desire to regulate the location of election signs in the Municipality, for example to not permit election signs on Municipal properties?
6. Where a permit is not required by the Strathroy-Caradoc Building By-law, is there a desire to require a permit for signs?
7. Is there a desire to include an appeal / variance option into the sign by-law?
8. Is there a desire to add a grandfathering clause to exempt all existing signs or not. The approach on this should be applied equally to all signs.
9. Are there any additional modifications to the sign by-law Council wishes to direct?

Staff have attached a preliminary draft sign by-law to assist Council appreciate the potential details of a sign by-law that could be modified and adjusted based on the direction received from Council. It has been based on Middlesex Centre's and Clearview Township's Sign By-law and includes common administrative and enforcement clauses.

FINANCIAL IMPLICATIONS:

None at this time.

STRATEGIC PLAN ALIGNMENT:

This matter is in accord with the following strategic priorities:

- 1) Economic Development: Strathroy-Caradoc will have a diverse tax base and be a place that

offers a variety of economic opportunities to current and prospective residents and businesses.

ATTACHMENTS:

Draft Strathroy-Caradoc Sign By-law_April 26 2024