

COUNCIL – MARCH 18, 2002

SIGN BY-LAW REVIEW

(Referred from Council meeting – February 25, 2002)

Council, at its meeting of February 25, 2002, adopted the following:

THAT this matter be deferred to the Council meeting of March 18, 2002.

The Committee of the Whole (Working Session) recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning and the Director of Building Standards, dated February 19, 2002, be approved, subject to deleting Clause b i) “Posters” in the recommendation;
- 2) That staff be directed to send correspondence to the Region of York requesting that Transit Shelter and Bus Bench signs be approved in consultation with the City of Vaughan;
- 3) That staff be directed to monitor the revised provisions respecting the Home Builders “A” Frame Signs for a period of 6 months, and provide a report to a future meeting;
- 4) That the memorandum of the Building Standards Department, dated February 15, 2002, be received, and that Religious/Charitable/Community “fundraising” signs be defined and included in the by-law, without limiting their numbers and locations beyond those general requirements necessary to address safety concerns; and
- 5) That the following deputations be received:
 - a) Mr. Nevon Velovik, Pop Signs;
 - b) Mr. Ian Duffy, Magnetsigns; and
 - c) Mr. Colin Edmonds, C-Us-Glow & C-Me Mobile Signs.

Recommendation

The Commissioner of Planning and the Director of Building Standards recommend:

- a) That Sign By-law 203-92, as amended, be further amended to:
 - i) Tighten the requirements respecting Mobile Signs as outlined in this report;
 - ii) Incorporate former Maple Village core as a Special Sign District;
 - iii) Include Electronic Message Boards as a permitted sign type; and
 - iv) Require Commercial and Industrial ground signs to display municipal addresses.
- b) That a separate By-law regulating signs on public property be enacted to regulate the following signs (as outlined in this report):
 - i) Posters;
 - ii) Transit Shelter and Bench Signs;
 - iii) Home Builders “A” Frame Signs;
 - iv) Real Estate Open House Signs;
 - v) Charitable/Community/Religious Temporary Signs, and
 - vi) Special Event Banners.

- c) And that staff be directed to provide notice of the proposed By-law and notice of the Council meeting at which the proposed By-law is to be discussed in accordance with the Municipal Act.

Purpose

- i) To provide a frame work for amending the Sign By-law and to obtain direction to proceed to a Council meeting in accordance with the Municipal Act.
- ii) To create a new Sign By-law for regulating signs on public property.

Background - Analysis and Options

As a result of a number of deputations, concerns and complaints, particularly with respect to mobile signs, Council directed staff to review certain aspects of the Sign By-law, more specifically the following:

- 1. Mobile Signs
- 2. Special Sign District for Maple
- 3. Electronic Message Boards
- 4. Inflatable Signs
- 5. Signs erected on public property, e.g. Builder "A" Frame Signs
- 6. Signs located above the roof of Commercial Plazas
- 7. Municipal Addresses for Commercial and Industrial Signs.
- 8. Charitable/Community/Religious Temporary Signs

Infobar, Infoboxes (waste/recycling) and enforcement matters are outside the scope of this Report and will be dealt with by the appropriate City staff.

- 1. Mobile Signs

The Sign By-law (203-92) was amended in 1994 (212-94) to allow mobile signs as a permitted sign type. This was in response to a successful court challenge to the Sign By-law, which prohibited the use of mobile signs. The amended By-law permitted business premises to use mobile signs for a maximum of two (2) - fifteen (15) day occasions per year.

The Sign-By-law was further amended in May 1997 (110-97) to increase the number and duration of mobile signs. The By-law permitted up to three (3) mobile signs per lot. Further, each business premises was allowed to use mobile signs for a maximum of eight (8) - fifteen (15) day occasions per year (120 days per year).

The following is a summary of the number of sign permits issued since 1996.

Year	Permits	Properties
2001	1622	285
2000	1047	235
1999	1,365	242
1998	1,170	224
1997	884	204
1996	50	38

The specific requirements as to the number of mobile signs are as follows:

- One (1) sign per lot + one (1) sign per frontage + one (1) sign for more than 20 business premises on a lot + one (1) sign if frontage greater than 125 metres up to a maximum of three (3) signs per lot.

The specific requirements as to the number of occasions and timing are as follows:

- Maximum number of days per year that a sign is allowed to remain on a Lot is 180 days.
- The maximum number of occasions that a business premises is permitted to have a Mobile Sign per year is eight (8) - fifteen (15) day occasions (120 days).

The By-law does not require a minimum length of time between the issuance of two (2) successive permits for mobile signs. Therefore, it is quite conceivable that some properties can legally have one or more mobile signs for an entire year.

In addition to mobile signs each business premises is entitled to an "A" frame sign for the whole year.

OTHER MUNICIPALITIES

The regulations governing mobile signs differ greatly from municipality to municipality. Some regulate all temporary/portable signs together as one sign type. In general, most municipalities have reduced the overall amount of temporary/mobile signage since the last survey. Oakville, Brampton and Vaughan permit the greatest amount of signage, with Whitby, Stoney Creek and Pickering, by far, the least. The attached, Table A, summarizes the By-law requirements for mobile signs for 14 GTA municipalities. Among the items summarized are fees, number of signs, locations, duration and restrictions. In reviewing the requirements of other municipalities there doesn't appear to be any general philosophy in regulating mobile signs other than an attempt to require their complete removal from the site before allowing them to reappear. Most municipalities now require a minimum period between two (2) successive installation of mobile signs, e.g. 30 days on, 30 days off. Oshawa and Vaughan appear to be the only two municipalities, which do not require a mandatory off period between successive installations.

Comments and Recommendations

In comparison with other municipalities, Vaughan's Sign By-law appears to be both flexible and liberal. Most industrial and commercial lots are permitted to have more than one (1) sign. Each business is allowed up to 120 days exposure per year (eight (8) - fifteen (15) day periods), with a maximum consecutive exposure of 60 days (four (4) - fifteen (15) day occasions). Each mobile sign is permitted to remain on a lot for a maximum of 180 days. Consequently, where properties are permitted to have two (2) signs or more, at least one (1) sign can remain on the property for the entire year without interruption. This gives the impression that mobile signs are as permanent a fixture of some properties as fixed signs. Staff are of the opinion that Mobile Signs are temporary special occasion signs. If certain properties are to be free of mobile signs some time during the year there should be a reduction in the number of signs as well as mandatory off periods between successive installations.

Staff are, therefore, recommending that the Sign By-law be amended to allow for a maximum of one (1) sign per lot for periods of 30 day duration. Further, that each 30 day period be separated from the following by a minimum off period of 30 days, i.e. 30 days on and 30 days off. In addition, the number of occasions permitted for each business

premises be reduced from eight (8) - fifteen (15) day periods to four (4) - fifteen (15) day periods per year.

2. Maple Special Sign District

Presently, the Sign By-law designates three areas in the City of Vaughan namely, Thornhill, Kleinburg and Woodbridge as Special Sign Districts. The requirements for installation of signs in Special Sign Districts are generally more restrictive than other areas in the City and have regard for building architecture and heritage. Vaughan's ratepayer associations have recommended, on a number of occasions, that the Sign By-law be amended to designate parts of Maple as a Special Sign District. The boundaries specified for such a district should have regard for architecture and heritage particularly, in the Old Village of Maple.

Maple Streetscape Committee recommended the introduction of a Special Sign District bounded by: Rutherford Road to the South, Teston Road to the North, Jane Street to the West and Hill Street to the East. (See Appendix '1')

This covers a rectangle of approximately two and one-half (2 ½) Concessions.

Staff observe that this is an extremely large area encompassing a lot of new commercial developments. The present Special Sign Districts of Woodbridge, Kleinburg, and Thornhill are basically limited to heritage areas of former villages. Certain sign types such as poster panels and mobile signs are not permitted in Special Sign Districts. Further, the Sign By-law limits the size of permitted signs in these districts.

Staff are, therefore, of the opinion that the area recommended by the Streetscape Committee should be reduced to reflect the former Village of Maple commercial core. It is staff recommendation that the Sign By-law be amended to create a Special Sign District for Maple and the area of the district be limited to the Old Village of Maple commercial core as depicted in Appendix '1'.

3. Electronic Message Boards

The Sign By-law presently prohibits all signs that incorporate any flashing or moving parts or signs that vary in intensity or in colour except for those that indicate time and/or temperature. This requirement was incorporated in the Sign By-law to address traffic safety and visual impact concerns.

The result of a survey of other municipalities' treatment of Electronic Message Boards appear in Table 'B'. Some municipalities do not permit their use. Many of those that do, place restrictions on their size. Electronic Message Boards can have a very strong visual impact, causing distraction for both pedestrians and drivers. This may be attributed to the intensity of lighting as well as rapidly changing content.

Notwithstanding these concerns it is staff recommendation that the Sign By-law be amended to permit Electronic Message Boards under the following conditions:

- i) Electronic Message Boards be incorporated as an integral part of ground signs.
- ii) Area of Electronic Message Boards be limited to 25% of the total permitted area of the ground signs.
- iii) Minimum time period between two (2) successive message changes be limited to 15 seconds.

4. Inflatable Signs

The Sign By-law currently prohibits all temporary signs except for mobile and “A” frame signs. This includes the use of inflatable signs.

These signs are usually very large and are designed to create a significant visual impact. They are often at odds with industrial/commercial streetscaping achieved through the planning process. Further, staff have major concerns with the safety of these signs, i.e. anchorage, impact due to wind loads, etc.

A survey of other municipalities in the GTA indicates that only three (3) municipalities namely, Brampton, Pickering and Oshawa permit this type of sign without severe height and size restrictions. Excluding Vaughan five (5) municipalities continue to prohibit this type of sign (see Table ‘B’).

Staff are of the opinion that the City should continue to prohibit the use of inflatable signs.

However, should Council find it desirable to allow this type of sign in Vaughan, it is recommended that the sign be placed on the ground with no dimension of the sign exceeding eight (8) feet and the anchorage be certified by a professional engineer. Further, one (1) inflatable sign be allowed per industrial/commercial lot for a maximum of two (2) - fifteen (15) day periods per year.

5. Signs on Public Property

In the early 90's, The Supreme Court of Canada, in a landmark decision struck down that portion of the City of Peterborough's Sign By-law, which prohibited posters on public property and thus opened the door to advertising on public property. The City of Vaughan presently has no specific by-law governing posters/signage on public property other than not allowing signs on wood utility poles. The Sign By-law 203-92, as amended, prohibits all signs on/over public property except for those erected under the jurisdiction of a government agency. The City, however, has allowed certain signs on road allowances, e.g. transit shelter, bench and infobars through agreements.

Most municipalities have now completed amending their sign by-laws or enacted new by-laws governing and regulating signs on public property. For those that have not, many are in the process of creating new by-laws. This Report reviews the following types of signs on public property:

- i) Posters
- ii) Transit Shelter and Bench Signs
- iii) Home Builders “A” Frame Signs
- iv) Real Estate Open House Signs
- v) Charitable/Community/Religious Mobile Signs
- vi) Special Event Banners

i) Posters (Not Poster Panels or Billboard Signs)

A survey of GTA municipalities indicates that two basic approaches are used in regulating posters on public property. The first approach is to allow posters only in designated areas such as, on specially designed collars on designated utility poles or on community information boards. There has been some discussion as to whether or not this approach would satisfy the intent of the decision of The Supreme Court. To the best of our knowledge, however, there has been no court challenge against this approach.

The second approach is to allow posters on utility poles with more stringent restrictions on size, time and materials used. Under this approach the municipalities generally regulate size, location on the pole, materials used, date and information re: persons or organizations posting. The by-law generally allows for all non-conforming signs to be removed and disposed of immediately and without notice. No permits are usually required for posters and the removal of the signs is usually the responsibility of the municipal Public Works Department.

It is staff recommendation that posters be regulated under a separate by-law governing signs on public property. Further, that posters be allowed only on a specially designed collars on designated utility poles in specific areas of the City as approved by Council.

ii) Transit Shelter and Bus Bench Signs

Transit shelter and bus bench signs used to be regulated through agreements with the City. The administration of these agreements is now a Regional responsibility, as Transit is now a Regional service.

iii) Builders "A" Frame Signs

These signs are usually erected by the builders of new homes on Regional roads to advertise and/or direct traffic to their sales offices. They are usually erected on weekends and removed prior to the start of the work week. Any signs located on City streets that remain after the weekend are removed by the City. The City of Vaughan does not currently permit or regulate Builders "A" frames on public property.

A survey of other municipalities indicates that builders "A" frame Signs are generally permitted subject to limitations on size, height, location and timing. Typically, they are no more than 1.2m high by 0.8m wide (an area of approximately 1 sqm.) If they are allowed near intersections the height of the sign is reduced (0.6m) to allow drivers to have an unobstructed view of the traffic. Alternatively, they are required to be placed approximately 20 metres from an intersection. Other requirements involve setback from the curbs (1m) or, where no curbs exist 3m from the traveled portion of the road. They are not permitted on traffic islands and are allowed to be displayed only on Saturdays and Sundays. Non-conforming signs are removed by the municipality without notice.

It is staff recommendation that Builder's "A" Frame Signs be regulated by a separate by-law governing signs on public property subject to the following conditions:

Maximum distance from construction/project site - 1 kilometer.

- I. Maximum number of signs: 3 per builder per project or per 'Permitted' sales trailer or pavilion.
- II. Minimum setback of 1m from the curb or, where no curb or sidewalk exist 3m from the traveled portion of the roadway.
- III. Maximum area - 1 sqm.
- IV. Maximum height - 1.2m.
- V. Maximum width - 0.8m.
- VI. Maximum height - 0.6m if within 20 metres of an intersection (curb or the traveled portion of the road)
- VII. Not permitted on traffic islands

- VIII. Permitted on Saturdays and Sundays only
- IX. Non-conforming signs removed by the municipality without notice
- X. Indemnity agreement with the City
- XI. Liability insurance in the amount of five (5) million dollars naming the City as co-insured.
- XII. Permits issuable on a semi-annual basis
- XIII. Fee of \$100 per "A" frame for six (6) months

iv) Real Estate/Open House Signs

The City of Vaughan does not currently permit or regulate the use of real estate/open house signs. They are placed by realtors within the City at various locations. They do not, as a whole, create a visual blight, as the numbers are not usually concentrated in a specific area.

Other municipalities surveyed allow their use subject to size, height, location and time limitations. The permitted signs are usually small (0.6m x 0.6m) with a setback of 1 metre from the curb. They are permitted to remain on public property for a maximum period of 72 hours.

It is staff recommendation that real estate/open house signs be regulated under a separate by-law governing signs on public property. It is further recommended that they be subject to the same requirements as builders "A" frame signs except that the maximum size be reduced to 0.6m x 0.6m, no limitation be imposed on the number of signs and days of display and duration be limited to a maximum period of 72 hours.

v) Religious/Charitable/Community Temporary Signs (located on public property)

City Council at its November 26, 2001 meeting directed;

"That a moratorium be placed on the enforcement of the provisions of Section 4(h) of By-Law 203-92 pending the consideration of the comprehensive Sign By-law review directed by Council."

City staff reviewed a number of Sign By-laws across the G.T.A. There are extensive variations in the way municipalities regulate the erection of temporary signs for religious, charitable, and community organizations where they are permitted within the public road allowances.

There appears to be no common approach other than public safety. Even within the present City of Toronto, the former cities vary in their approach. (See attached Table "C"). Some municipalities surveyed are quite restrictive and some even go so far as to require Council, and/or Sign Variance Committee approvals, Special Agreements or Sign By-law amendments. The overall theme or emphasis appears to be on public safety as these signs are erected within public road allowances and they could adversely impede traffic/pedestrian safety.

The City of Vaughan Sign By-Law (Section 4(h) - Temporary Signs for Religious/Charitable, Community events) presently requires no permits or fees for this type of sign subject to the following:

- Maximum of three (3) signs per event.
- Maximum of one (1) sign per lot (private property).
- Maximum size 3.7 sqm (standard mobile sign).

- Maximum time period of fourteen (14) days prior to the event subject to being removed immediately following the event.
- Permitted on public road allowances provided written approval is received from the appropriate road authority. (eg., MTO, Region or City)

As evidenced by the above requirements, Vaughan's Sign By-Law is quite liberal in its treatment of religious, charitable, and community temporary signs. It is conceivable that an organization having successive events, could have three (3) temporary signs, one (1) on private property and two (2) on public property for an entire year.

It is Staff recommendation that the existing provisions of the Sign By-law for religious, charitable, and community temporary signs located on public road allowances be replaced by the following:

- Maximum two (2) signs per event by any one organization
- Maximum one (1) sign on private property (one per lot)
- Maximum one (1) sign located on public road allowance.
- Maximum size 3.7 sqm. (standard mobile sign)
- Maximum time period of thirty (30) days to be removed immediately following the event.
- Permitted on public road allowances providing written approval is received from the appropriate road authority. (eg., MTO, Region or City)
- Provisions be included within a new Sign By-law for those signs permitted on public property.

The above recommendation reduces the maximum number of signs from three (3) to two (2) that may be erected by any one organization for any one event but extends the maximum time period for each sign. Staff is of the opinion that the appropriate road authority must approve in writing the location of these signs to ensure traffic/pedestrian safety. In addition, should Council wish to allow for increased duration, the maximum time period could be increased accordingly.

vi) Special Event Banners

These are banner signs erected over public property to advertise charitable or community events. They are traditionally fastened to public utility poles located within the public road allowance and extend over the road.

Due to safety concerns most municipalities surveyed prohibit this type of sign. These signs are usually flimsy, have very high surface to weight ratio, are subject to high wind pressures and can easily be detached from their support and/or get entangled with hydro and utility lines.

The Sign By-law presently prohibits this type of sign and it is staff recommendation that these signs continue to be prohibited on public property.

6. Signs Located Above the Roof of Commercial Plazas

Section 5.8 of the City's Sign By-law presently prohibits all roof signs and all other signs, which are erected partially above the roof. These may include wall/fascia signs and canopy signs, where a portion of the sign maybe above the roof surface.

In recent years malls and plazas have developed certain architectural features for their entrances which enlarge and enhance the elevations. These fascia assemblies are usually quite large and extend above the roof.

In many instances, at the time of Site Plan Approval, the owners and architects treat these elements as architectural features and not as a framework for attaching signs. At the time of occupancy, however, the tenants often attempt to attach signs to these features taking advantage of the existing frame works. Often these signs do not comply with the requirements of the Sign By-law and therefore, relief has to be obtained through Sign Variance Committee and Council. It must be noted, that it is possible to include signs of any size, which in the opinion of Architects and City are compatible with the development at the time of Site Plan Application. Signs approved by the City Site Plan process do not have to comply with the requirements of the Sign By-law.

For signs not complying with the Sign By-law relief maybe obtained in two (2) ways:

- a) through Site Variance Committee/Council; and
- b) through an amendment to the Site Plan (for those projects which have undergone Site Plan Approval).

Under both scenarios the proposed signs will be subject to some scrutiny by the City staff to ensure uniformity and compatibility with building design. One of the main reasons for creation of the Sign Variance Committee was to allow installation of signs which fell outside the requirements of the Sign By-law, but could still be justified based on merit.

Staff do not recommend amending the Sign By-law to permit signs above the roof surface as of right. In many instances this would have the effect of compromising the building architecture and destroying the roof line. This does not however, mean that no signs maybe permitted above the roof. The Sign Variance Committee provides a vehicle for review of variations from the Sign By-law. Any sign, which is compatible with building design and streetscape maybe approved by applying to the Sign Variance Committee and obtaining Council's approval providing it can be demonstrated that the intent and purpose of the Sign By-law is being maintained.

7. Municipal Addresses for Industrial and Commercial ground signs.

This item arose over the concerns with the ability of Public and Emergency vehicles to find industrial and commercial establishments. There is, presently, no requirements, in the Sign By-law for ground signs to include municipal addresses.

The Municipal Act provides the Council with the authority to pass a By-law for numbering of buildings and lots along public highways.

Staff therefore recommend that the Sign By-law be amended to require the ground signs for industrial and commercial properties to display their assigned municipal addresses.

Conclusion

The framework for amending the Sign By-law on private property is presented in this Report for Council's consideration and comments. A By-law incorporating the above framework, as well as any additional comments, or suggestions that Council may have should then be brought to a future Council meeting in accordance with the Municipal Act.

Further, staff are also recommending that a new Sign By-law be created for regulating certain types of signs on public property.

Attachments

1. Appendix '1'
2. Tables "A", "B", "C"
3. Report No. 2, Regional Transit Committee meeting – February 14, 2002
4. Confidential Memorandum from the Director of Legal Services, dated February 22, 2002
(Members of Council only)

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