

FORMAL REPORT

To:	Chair Stratthdee and Members of Strategic Priorities Committee
Prepared by:	Grant Brouwer, Director of Building and Development
Date of Meeting:	15 May 2018
Subject:	DEV 20-2018 Sign By-law Update

PURPOSE

The purpose of this staff report is to provide the Strategic Priorities Committee with an update on the draft Sign By-law based on the comments received from the consultation with downtown property owners, business owners, Heritage Committee and the BIA in regards to the Sign By-law infractions and enforcement issues.

RECOMMENDATION

THAT DEV 20-2018 Sign By-law Update be received; and,

THAT Staff bring the draft by-law forward to Council with the changes as discussed.

BACKGROUND

At the March 21, 2017 regular Council meeting Council received a letter from the St Marys Heritage Committee outlining the Committee's dissatisfaction with the current enforcement of the Town's Sign By-law. Council directed staff to report back to Council with further information.

Resolution 2017-03-21-05

THAT staff report back with an education campaign of the Sign By-law Enforcement.

At the April 25, 2017 regular Council meeting, Council received DEV 10-2017 which outlined information related to sign by-law enforcement in the Town of St. Marys. Highlights from this report include:

- Unless there is an apparent health and safety concern, staff has historically enforced the Sign By-law through a complaint driven process, and has reacted to these complaints through a written process, much like the Town's Property Standards By-law.
- Staff conducted a tour of the Central Commercial District (CCD) on March 23, 2017 and cataloged all of the current signs. The CCD has approximately 84 signs of different shapes and forms;
 - of the 84 signs, only 33 have had permits issued
 - of the 84 signs, only 11 were installed prior to the sign by-law being in force in 2005
 - With the 51 signs that have no record of permits being issued, approximately 50% of them would pass the current bylaw leaving approximately 25 signs that would need to be replaced or a variance issued by Council. Common issues observed included:
 1. The business owner may have had a sign permit at one location, moved to a different address, and installed the same sign without applying for a permit
 2. Signs in, on, or behind windows

3. All sidewalk signs (mainly not entering into an agreement with the Town)

Due to the high number of signs not compliant with the Town's Sign By-law, staff recommended in the report that the Town move to a proactive enforcement model. To address current non-compliances staff proposed a grace period to allow the Town to establish an information campaign to ensure each property and business owner understood the status of their sign and allow them time to apply for a sign permit.

Council received the report and provided the following direction to staff:

Resolution 2017-04-25-20

THAT Staff consult with the downtown property owners, business owners, and the BIA in regards to the Sign By-law infractions and enforcement issues with a report back to Council; and,

THAT Staff report back on an alternative approval process for sandwich boards.

Staff prepared DEV 36-2017 which was discussed at Strategic Priorities Committee on Tuesday November 21, 2017.

At that meeting the Committee passed the following resolution:

THAT DEV 36-2017 Sign By-law Update be received for discussion; and,

THAT the Strategic Priorities Committee direct Staff to revise By-Law 33-2005, a by-law to prohibit and regulate signs and other advertising devices and the posting of notices on buildings or vacant lots within the Town of St. Marys.

Along with the above direction, the Committee wanted Staff to investigate the Town's liability regarding sandwich boards in the absence of an easement agreement. Council also provided direction to staff to work out the appeal process within the Sign By-law and present the information to Council at a future meeting.

REPORT

Staff has reviewed the by-law and has attached a marked-up version of the by-law to this report. The following chart captures the suggested changes:

	<u>Paragraph</u>	<u>Title</u>	<u>Wording</u>	<u>Addition or Removal</u>	<u>Reasoning</u>
1	1.0	Definitions	"Heritage Conservation District" mean the collection of buildings, streets, landscapes and open space that has been designated under Part V of the Ontario Heritage Act and specifically defined within Town of St. Marys Bylaw 62-2012.	Addition	to give clarity to the Heritage Conservation District
2	1.0	Definitions	"Heritage Conservation District Plan" means the document which provides guidelines for residents and property owners regarding the appropriate conservation, restoration and alteration activities within the Heritage Conservation District.	Addition	to give clarity to the Heritage Conservation District

3	4.1	Sign not Requiring a Permit	(xxi) and sidewalk signs	Addition	to remove the requirement for sidewalk signs requiring a permit
4	5.1.	Sign Permit Information	(xii) evidence of insurance as stipulated in Section 19.0(h), 20.0(b) and 21.4(iv), if applicable.	Removal	removing the requirement for an easement for awning signs and sidewalk signs.
5	5.4.	Inflatable and Sidewalk Sign Permit Information	removal of "Sidewalk Sign" from the title	Removal	removing the requirement for a permit for sidewalk signs
6	9.0(e)	Central Commercial District	(e) The owners of the existing signs that do not conform to the requirements of this By-law on the date the By-law is passed shall (are encouraged to) bring such signs into conformity with this By-law within five (5) years of the date of passing the By-law or sooner where such sign is altered or requires repair or maintenance;	wording adjusted	to help bring conformity of the bylaw with a specific time frame, remove of encouraged and replaced with shall.
7	9.0(g)	Central Commercial District	(g) All applications for signs shall be reviewed by the Town Heritage committee for comments prior to the issuance of a sign permit.	Removal	only one committee will review sign permit applications, looking to streamline the process.
8	9.0(h)	Central Commercial District	(h) Notwithstanding Sections 13.0 and 15.0, ground signs in the Central Commercial District shall be restricted to 1.4 metre in height by 2.0 metres in width and shall be located a minimum of 3.0 metres behind the property line;	Removal	often not permitted due to location and construction type

9	9.0(ii)	Central Commercial District	(i) In addition to 9.0 a-i, those properties within the Central Commercial District which fall within the Heritage Conservation District are required to follow the principles, practices and guidelines contained with the Heritage Conservation District Plan. This includes submitting a heritage permit for all sign relocations, alterations and new signs to the Building and Development Department.	Addition	to help bring clarity to the process
10	9.0(j)	Central Commercial District	(j) In addition to 9.0 a-i, those properties within the Central Commercial District which fall within the Heritage Conservation District are required to follow the principles, practices and guidelines contained with the Heritage Conservation District Plan. This includes submitting a heritage permit for all sign relocations, alterations and new signs to the Building and Development Department.	Addition	to help give clarity to the process
11	13.0. Table 4	Commercial Signs	removal section 9.1 (viii)	Removal	as per item 5
12	20.0(b)	Awning Signs	(b) No person shall erect or maintain any sign which shall wholly or partially project onto any public road allowance, or any sign that if it were to fall would fall onto any public street, without first entering into an agreement with the Town indemnifying the Town from and against all manner of claims for damage, loss, expense or otherwise, arising from the erection, maintenance, removing or falling of such projecting sign or part thereof.	Removal	agreement with the Town no longer required
13	21.3(vi)(g)	Portable Signs	vi) (g) a portable sign shall not be in colours other than black and white, and sign characters in fluorescent, neon, day glow or day bright colours are prohibited.	Removal	to keep up with the industry standard

14	21.4(iii)	Sidewalk Signs	(iii) No person shall erect or maintain any sidewalk sign on any public street without first consulting and entering into an Agreement with Town indemnifying the Town from and against all manner of claims for damage, loss, expense or otherwise, arising from the erection, maintenance, removing or falling of such sign or part thereof.	Removal	removing the requirement for the need for entering into an agreement with the Town.
15	21.9(xi)	Inflatable Signs	(xi) Before being issued a sign permit for an inflatable sign, the applicant shall provide confirmation to the Town that a minimum of \$2,000,000.00 of valid comprehensive general liability insurance is in effect.	Removal	removing the requirement for the need insurance.

In addition, staff have spoken briefly with the Town's insurer and they are looking into the question about removing the encroachment agreement for sidewalk and awning signs.

As for variances and appeals, Staff would like to be the champions of this process for signs of short duration such as the Quilt Show, Community Players, and the banner for the Canadian Baseball Hall of Fame and Museum to streamline the approval process. For permanent signs that require a variance, staff would still bring these forward to Council for approval.

Staff, through the Economic Development department, is currently working on a Welcome Package for new and existing businesses to help them understand different processes that happen within the Town.

SUMMARY

The proposed amendments to the Sign By-Law intend to capture the comments collected internally, and from the public and merchants through the formal open house and subsequent discussions. Staff is seeking direction to bring forward an amended by-law for Council's approval reflecting the changes noted above.

FINANCIAL IMPLICATIONS

None

STRATEGIC PLAN

- ☒ This initiative is supported by the following priorities, outcomes, and tactics in the Plan.
 - Pillar # 3 Balanced Growth:
 - Outcome: A key to growth is to ensure a vibrant and sustainable commercial sector.
 - Tactic(s): Create a welcome wagon program for new businesses; website development; process of downtown revitalization
 - Pillar #4 Culture and Recreation and Pillar #5 Economic Development
 - Priority: Downtown Revitalization Plan

- Tactics:
 - Investigate options for incentivizing or enforcing standards for heritage properties after the review of the HCDP
 - New development should conform to the existing heritage aesthetic as per either the Heritage Conservation District Plan or the new cultural initiatives approach
- Pillar #5 Economic Development
 - Outcome: Emphasize culture as a key economic driver for the community.
 - Tactic(s): Provide an attractive and well-functioning streetscape in the downtown core.

OTHERS CONSULTED

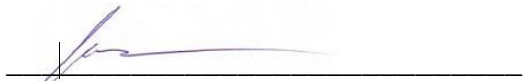
St. Marys Heritage Committee
Trisha McKibbin, Director of Cooperate Services
Jed Kelly, Director of Public Works

ATTACHMENTS:

None

REVIEWED BY

Recommended by the Department



Grant Brouwer
Director of Building and Development

Recommended by the CAO



Brent Kittmer
CAO / Clerk