

TO:	CHAIR AND MEMBERS BUILT AND NATURAL ENVIRONMENT COMMITTEE PUBLIC PARTICIPATION MEETING OCTOBER 17th, 2011 7:30 P.M.
FROM:	G. KOTSIFAS, P. ENG. DIRECTOR OF BUILDING CONTROLS AND CHIEF BUILDING OFFICIAL
SUBJECT:	SIGN AND CANOPY BY-LAW AMENDMENTS CONSTRUCTION SIGNS AND REAL ESTATE SIGNS

RECOMMENDATION

That, on the recommendation of the Director of Building Controls:

- (1) the attached proposed By-law (Appendix 6) **BE INTRODUCED** at the Municipal Council meeting of October 24, 2011 to amend the Sign & Canopy By-law for Construction and Real Estate Advertising Signs; and
- (2) Civic Administration **BE DIRECTED** to enforce the Sign & Canopy By-law, relating to all signs throughout the City (including banner signs and construction signs) as per Council Policy 13(2) "Enforcement by City Personnel", or any successor Council policy.

PREVIOUS REPORTS

November 10, 2008 – Public Participation Meeting at Planning Committee to amend the Sign & Canopy By-law
 November 10, 2008 - Planning Committee for a variance for construction signs by Rembrandt
 January 12, 2009 - Planning Committee for a variance for construction signs by Auburn
 July 20, 2009 - Planning Committee regarding Amendments to the Sign & Canopy By-law
 June 7, 2010 - Planning Committee regarding Amendments to the Sign & Canopy By-law
 October 18, 2010 - Public Participation Meeting at Planning Committee regarding Amendments to the Sign & Canopy By-law
 November 1, 2010 – Council regarding Amendments to the Sign & Canopy By-law
 June 13, 2011 – Public Participation Meeting at Built and Natural Environment Committee to amend the Sign & Canopy By-law
 June 20, 2011 – Council to amend the Sign & Canopy By-law
 September 26, 2011 - Built and Natural Environment Committee to amend the Sign & Canopy By-law
 October 3, 2011 - Council to amend the Sign & Canopy By-law

BACKGROUND

On June 20, 2011 Municipal Council **ASKED** that Civic Administration report back at a September 2011 Built and Natural Environment Committee meeting with respect to the following matters:

- (i) the establishment of a fee schedule;
- (ii) the 5-10% building coverage limitation;
- (iii) the feasibility of extending the number of temporary days that a sign is allowed to be placed;
- (iv) the difference between temporary and permanent signs;
- (v) what other Municipalities are doing with respect to this matter; and
- (vi) addressing concerns related to aesthetics of portable signage;

On August 30, 2011, Built and Natural Environment Committee requested information on the authority of Administration to approve minor variances to the sign by-law.

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On October 3, 2011 Municipal Council resolved:

*That, notwithstanding the recommendation of the Director of Building Controls, the request to amend and enforce the Sign & Canopy By-law for Construction and Real Estate Advertising Signs **BE DEFERRED** to a future public participation meeting of the Built and Natural Environment Committee. (2011-D24-00)*

ANALYSIS

Attached to this report are the following:

- Appendix 1, Fee Comparison
- Appendix 2, Regulation Comparison
- Appendix 3, Illustrations
- Appendix 4, Excerpt of Ottawa's sign by-law
- Appendix 5, Sign by-law regulations summary "Existing, Requested & Recommended"
- Appendix 6, Sign and Canopy amending by-law

(i) establishment of a fee schedule

The chart attached as "Appendix 1" sets out existing and proposed sign fees in London, and existing sign fees in eight other Municipalities.

The comparison review between London and these eight other municipalities confirms that London has lowest minimum fee for permanent signs, the lowest fee applied to mobile signs, the lowest fee applied to banner signs, and London ranks second lowest in fees to Hamilton in the category of New Home Development Portable signs.

The "New Home Development Portable Sign" is a new type of sign that Civic Administration is recommending. Regarding the proposed New Home Development Portable Signs, the industry representatives have asked that Civic Administration consider a fee of \$25.00 per sign and a onetime administration fee per year of \$100.00. Consideration of the industry's request has been taken and given the outcome of the comparison of fees across these eight other municipalities Civic Administration recommends that New Home Development Portable Signs be permitted on City property and a fee of \$60.00 per sign per year, plus an annual administration fee of \$100.00 per applicant be implemented.

(ii) the 5-10% building coverage limitation

The chart attached as "Appendix 2" contains regulatory information that pertains to the Construction and Real Estate Advertising signs that are currently under review.

In summary Burlington, Mississauga and Waterloo all prohibit banner signs; however the remaining Municipalities provide the following regulations for banners.

Hamilton, Markham, Oakville, Ottawa and Windsor all have predetermined sign areas that are permitted, and those sign areas range from 3.0m² to 46.0m². In these municipalities the maximum number of days a permit will be issued for also ranges from 28 days to 180 days per calendar year. It should be noted that although Ottawa permits the largest of these banners signs at 46.0m² of sign area, the sign may be displayed for no more than 30 days per calendar year.

Brampton uses a percentage of wall area to calculate the permitted size of a banner; however that percentage is capped at 10.0m² to 25.0m² dependent upon the area of the city in which the banner will be displayed. The maximum number of display days in Brampton is 150 per calendar year.

The building elevations shown on "Appendix 3" are examples of new construction in downtown London. Both elevations have a darkened area that represents a Temporary Real Estate Advertising sign. The first elevation depicts a sign that represents 5% of the largest building wall. The second elevation depicts a sign that represents 10% of the largest building wall. The sign area in the first elevation at 5% coverage is approximately 266.0m². The sign area in the second elevation at 10% coverage is approximately 532.0m².

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The recommendation of Civic Administration to calculate the maximum sign face area at 5% of the largest building wall far exceeds the permitted sign face area of banner signs in the municipalities used for comparison purposes.

(iii) the feasibility of extending the number of temporary days that a sign is allowed to be placed

What is the maximum number of days other municipalities permit these signs to be displayed?

Hamilton – 28 days per calendar year	Burlington - Prohibited
Ottawa – 30 days per calendar year	Mississauga - Prohibited
Windsor - 70 days per calendar year	Waterloo - Prohibited
Markham – 84 days per calendar year	
Brampton – 150 days per calendar year	
Oakville – 180 days per calendar year	

With regard to Real Estate Advertising Signs Civic Administration has recommended 210 days per calendar in keeping with other temporary signs permitted and regulated within the City of London's existing sign and canopy by-law.

(iv) the difference between temporary and permanent signs

The following definitions are included in the City of London's existing Sign and Canopy By-law.

"PERMANENT" when used to describe a type of sign means a sign not limited as to the time it can be erected or displayed

"TEMPORARY" when used to describe a type of sign means a sign that is limited as to a specific and defined time that it can be erected or displayed and does not utilize a permanent foundation

Civic Administration do not recommend changes to these definitions.

(v) what other Municipalities are doing with respect to this matter

Fees and regulations for comparison purposes for mobile signs, banner signs and new home development signs are shown in "Appendix 1" and "Appendix 2".

Representatives from the London Development Institute and the London Home Builders Association had requested that Civic Administration consider their request to permit construction ground signs on the City road allowance.

Civic Administration has found that it is rare for a sign by-law to include provisions for construction ground signs on city property. Of the eight municipalities reviewed only Ottawa's sign by-law has provisions for construction signs on City property, refer to "Appendix 4".

Civic Administration suggested that the Construction Industry representatives review Ottawa's by-law regarding construction signs on city property and provide feedback. Following their review the industry representatives indicated Ottawa's by-law was favourable for the following reasons.

- The London Development Institute and the London Home Builders Association representatives indicate that for marketing purposes the additional ground signs on the city road allowance for the purpose of directing the public to new subdivisions are crucial to the "saleability" of the subdivision.
- The industry representatives expressed that should the City of London consider amending the Sign and Canopy by-law to permit construction signs on City property the industry would request a "way finding sign system" that would include 2 off site development signs on City property, which would be in addition to the 2 off site signs currently permitted on private property.

Currently an overall review of the Sign and Canopy by-law is being undertaken. It is currently projected that the overall review will be completed in 12 to 18 months. Any proposed by-law

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changes recommended at that time will involve public participation meetings. Further review of whether more permanent Construction signs should be allowed on public property will be included in the overall by-law review.

Notwithstanding this, Civic Administration has recommended in section (i) of this report that additional temporary signage be permitted.

(vi) addressing concerns related to aesthetics of portable signage

Taking into consideration that portable signs are temporary by nature, the adverse effects of aesthetics will not be continuous but will vary depending on the number of days displayed. Limiting the number of days a portable sign may be displayed is one means in which the municipality can reduce perceived negative impacts. Another means of limiting perceived negative impacts is by capping the maximum sign face area permitted to be displayed.

In comparing what other municipalities are doing with respect to this matter it has been determined that the portable signs such as banners are permitted to be displayed at both a reduced size and for a shorter duration per calendar year than what has been proposed.

Civic Administration have recommended changes to permit increased signage capabilities for marketing purposes, however in some cases an increase of signage may result in compromised aesthetics.

(vii) authority of Administration to approve minor variance to the sign by-law

The Sign by-law was recently amended to grant authority to the Chief Building Official (CBO) to authorize variances to the sign by-law. In considering an application for a variance, the CBO shall have regard for a number of conditions as stipulated in the by-law. Where the CBO considers the variance to be minor, the CBO may authorize the minor variance.

However, where the CBO determines the application is not a minor variance, the CBO would not approve the application for minor variance. The applicant may then appeal the decision of the CBO to the Built and Natural Environment Committee. Ultimately, Council may uphold or vary the recommendations of the Built and Natural Environment Committee, and its' decision shall be final.

Since the inclusion of these provisions in the Sign By-law, the process has worked very well and few decisions have needed to be appealed. Civic Administration do not recommend any changes to the by-law respecting the minor variance provisions at this time. Should any future amendments be considered, they would be brought forward as part of the comprehensive future review of the Sign By-law.

CONCLUSION

Some representatives of the Construction and Real Estate Industry have brought forth concerns that the regulations of the current Sign & Canopy by-law are inadequate, and restrict sign sizes and display locations to the extent that the existing signs do not satisfy present marketing needs. Civic Administration acknowledges the need for marketing to stimulate growth and development within the community; as well Civic Administration must also consider the impact of the increased number, and size of signs in our community. Therefore it is important that the Construction and Real Estate Industry and the City find a suitable balance. Over the past three years Civic Administration has communicated with London Home Builders, London Development Institute, London Property Management Association, Main Street and the Downtown Business Association in order to develop new regulations within the Sign & Canopy by-law and present proposed amendments that are intended to satisfy the needs of the stakeholders and the community.

"Appendix 5" attached addresses the Construction and Real Estate Advertising signs that are under review and includes the proposed "New Home Development Portable Signs", which can be located on the City's road allowance. This is a new type of sign within the by-law which should be of assistance to the industry in terms of advertising and exposure.



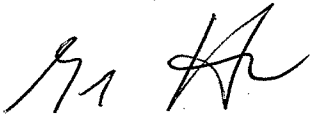
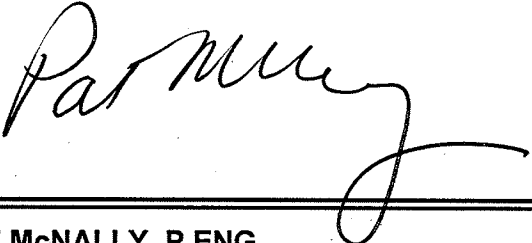
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Based on discussions with the stakeholders Civic Administration recommend that "Appendix 6" which represents the proposed by-law amendments identified in this report be adopted.

If the proposed by-law amendments are passed by Council, Civic Administration will employ the standard enforcement protocol under Council Policy 13(2), including issuing Orders and providing a reasonable time before charges are laid or signs are removed by the City, to address Real Estate Advertising Signs and Construction Signs which are in contravention of the by-law.

ACKNOWLEDGEMENTS

This report was prepared with assistance from Bruce Henry, Manager, Site Plan Approvals, Orest Katolyk, Manager of Licensing and Municipal Law Enforcement Services, Stephanie Poirier, Municipal Law Enforcement Officer, and the City Solicitor's Office.

PREPARED BY:	PREPARED & REVIEWED BY:
	
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PREPARED AND RECOMMENDED BY:	REVIEWED & CONCURRED BY:
	
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Cc: Peter Kokkoros, P.Eng., Manager of Plans Examination & Deputy Chief Building Official
 Sean McHugh, Structural Plans Examiner
 Drago Macar, Mechanical Engineer
 Lynn Marshall, City Solicitor's Office

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APPENDIX 1

LONDON	
PERMIT FEES	
SIGN TYPE	
Permanent	The greater of \$60.00 or \$14.00/m ² of sign area, with \$100.00 admin. fee for signs on city property
Mobile	\$225.00 annually or prorated at \$18.75/month
Banner	\$27.50 for each period of 30 days or less
New Home Development Portable Sign	Proposed fee of \$60.00 per sign with an annual administration fee of \$100.00 per applicant
BRAMPTON	
PERMIT FEES	
SIGN TYPE	
Permanent	\$30.00/m ² , minimum non-refundable fee \$225.00
Mobile	\$125.00/ 30 days
Banner	\$125.00/30 days
New Home Development Portable Sign	In Brampton these signs are called PRODUCTION HOME BUILDERS SIGNS, \$125.00/3 months per sign
BURLINGTON	
PERMIT FEES	
SIGN TYPE	
Permanent	Up to 2.5m ² - \$150.00, 2.5m ² to 8.0m ² - \$300.00, over 8.0m ² - \$450.00
Mobile	\$45.00/15 days – maximum number permitted 45 days
Banner	N/A prohibited display except on or over road allowance with City approval or as an incidental sign
New Home Development Portable Sign	No permit required – these signs are categorized as Directional signs in Burlington
HAMILTON	
PERMIT FEES	
SIGN TYPE	
Permanent	Up to 2.5m ² - \$183.00, 2.5m ² to 4.0m ² - \$321.00, over 4.0m ² - \$641.00
Mobile	\$108.00/28 days, \$70.00/14 days, \$162.00/7 days for Grand Opening or Closing Promotion
Banner	\$82.00/28 days
New Home Development Portable Sign	\$55.00/year per sign
MARKHAM	
PERMIT FEES	
SIGN TYPE	
Permanent	Up to 11.0m ² sign area - \$207.50, over 11.0m ² sign area - \$279.00
Mobile	\$108/2 week period, or \$162 /3-week period, each business owner is entitled to either 2-3 week periods per year, or 3-2week periods per year, with a 90 day space in between permits
Banner	Same as mobile
New Home Development Portable Sign	Per sign for six (6) month permit \$100.00 Per sign, each additional six (6) month permit \$100.00
MISSISSAUGA	
PERMIT FEES	
SIGN TYPE	
Permanent	Minimum \$110.00 and \$55.00/sign in excess of two signs
Mobile	\$100.00/sign at counter or \$90.00/sign for an on line permit
Banner	N/A - Banners are Prohibited
New Home Development Portable Sign	\$100.00/sign per calendar year

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OAKVILLE	
PERMIT FEES	
SIGN TYPE	
Permanent	Up to 3.75m ² \$225.00, over 3.75m ² \$450.00 – and \$200.00 if displayed on City property
Mobile	\$35.00/ 15 days
Banner	\$35.00/ 15 days
New Home Development Portable Sign	\$120.00/year or \$60.00 for six months or less, per sign
OTTAWA	
PERMIT FEES	
SIGN TYPE	
Permanent	\$300.00 or \$290.00 on line. Development signs \$300-\$1100 depending on development size
Mobile	\$90.00/ 30 days
Banner	\$90.00/30 days
New Home Development Portable Sign	N/A - Ottawa permits larger more permanent ground signs (not portable) on City Property for developing subdivisions with a fee of \$1040.00 per sign, plus \$100.00 administration fee per sign.
WATERLOO	
PERMIT FEES	
SIGN TYPE	
Permanent	\$203.14 flat rate
Mobile	\$46.72/ 30 days
Banner	Not permitted
New Home Development Portable Sign	N/A
WINDSOR	
PERMIT FEES	
SIGN TYPE	
Permanent	\$4.00/m ² of sign area, with a minimum of \$75.00. Fee is doubled on City property
Mobile	\$2.00/ calendar day for the first 10 days & \$1.00 per day for the remainder of month. Min. \$20.00
Banner	\$20.00 on private property, \$40.00 on City property plus \$20.00 encroachment agreement
New Home Development Portable Sign	N/A

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APPENDIX 2

LONDON	
REGULATIONS – Size, Location and Time limitations related to display of sign	
SIGN TYPE	
Mobile	Sign area 6.0m ² maximum, on private property with setbacks, up to 210 days per calendar year
Banner	Current regulations - Same as mobile sign
Real Estate (banner)	Proposed – sign area 5% of largest building wall , location unrestricted with conditions related to covering windows, up to 210 days/calendar year
New Home Development Portable Sign	Sign area 0.6m ² /face, on city property with restrictions & agreement, during open houses while the subdivision is under construction, and from 4:00 p.m. on Fridays to 9:00 a.m. on Mondays while the subdivision is under construction
BRAMPTON	
REGULATIONS– Size, Location and Time limitations related to display of sign	
SIGN TYPE	
Mobile	Sign area 5.0m ² maximum, on private property with setbacks, 30 day permits with minimum 30 day breaks between permits, with a maximum of 3 permits/business in a calendar year
Banner	Sign area 20% of a wall face or 25m² whichever is the lesser , unrestricted location, 30 day permit periods, up to 5 permits per year (total 150 days) In Garden Square Precinct – sign area 10% of the building wall face or a maximum of 10 m² whichever is less , unrestricted location but shall only be displayed during the hours of the business for which it is advertising, 30 day permits with no more than five permits shall be issued for a single business location or unit in a plaza in a calendar year (total 150 days)
Permanent Banner	The maximum permitted sign area as a combination of all types of wall signs shall not exceed 20% of the area of the building wall face on which the sign is located and a permanent banner may not exceed 2.2m ² and may be located at the roof line of the building
New Home Development Portable Sign	In Brampton this type of sign is known as Production Home Builders signs – sign area 1.5m ² (2), on city property with restrictions & agreement, permits for a 3 month period at a time
BURLINGTON	
REGULATIONS– Size, Location and Time limitations related to display of sign	
SIGN TYPE	
Mobile	Sign area 3.7m ² /face, on private property with setbacks, on a calendar year basis and will be allowed three fifteen consecutive day increments for each unit on the property (total 45 days/unit)
Banner	Prohibited other than a banner located within a public road allowance and approved by the City or Region of Halton or a banner classified as an incidental sign in this By-law
New Home Development Portable Sign	Sign area 1.1 m ² per face, on city property with restrictions & agreement, no time restrictions
HAMILTON	
REGULATIONS– Size, Location and Time limitations related to display of sign	
SIGN TYPE	
Mobile	Sign area 4.5 m2/face, on private property with setbacks, maximum display period of 28 consecutive days; being 2 permit periods of 14 days each. Minimum of 14 consecutive days after a display period ends before another permit may be issued on a property. Maximum of 6 permits issued for a single business on a property for a total calendar year allotment of 84 days
Banner	Sign area of 6.0 m2 in sign area , building wall no height restriction, no more than 1 permit issued for a single business at a single property in a calendar year , provided that one additional permit may be issued if the Director is satisfied that a business opening or closing event will be advertised, maximum display period of 28 consecutive days , being one permit period
New Home Development Portable Sign	sign area of 0.48 m2 for each sign face (2), on city property with restrictions & agreement, no more than 10 permits issued at any one time advertising the sale of homes in a single development; and a permit period of 1 year with a maximum display period of no earlier than noon on any Friday and no later than noon of the following Monday

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MARKHAM	
REGULATIONS– Size, Location and Time limitations related to display of sign	
SIGN TYPE	
Mobile	Sign area 6.0m ² maximum, on private property with setbacks, 14 or 21 day increments and no business may apply for an additional permit until a 90 day break has passed since the expiry of the previous permit
Banner	Sign area 6.0m² , hung on the exterior wall of the building, 14 or 21 day increments and no business may apply for an additional permit until a 90 day break has passed since the expiry of the previous permit
New Home Development Portable Sign	Sign area:1.49m ² , on public property with restrictions & agreement, the sign is displayed no earlier than 7:00 p.m. on any Friday and removed by no later than 6:00 a.m. of the following Monday
MISSISSAUGA	
REGULATIONS– Size, Location and Time limitations related to display of sign	
SIGN TYPE	
Mobile	Sign area 5.0 m ² /face, private property with setbacks, A maximum of 6 portable sign permits per calendar year shall be issued to each business at a municipal address, a portable sign shall not be erected or displayed for more than 21 consecutive days from the date the permit is issued (total 126 days/business)
Banner	N/A - Prohibited other than a banner located within a public road allowance and approved by the City or Region
New Home Development Portable Sign	Sign area – sign faces, maximum 1.5m ² /face, on city property with restrictions & agreement, from 5:00 p.m. on a Friday and all such signs shall be removed no later than 7:00 a.m. of the immediately following Monday, provided that where a Friday or Monday is a statutory holiday, the hours shall be extended only to the extent necessary to include the statutory holiday
OAKVILLE	
REGULATIONS– Size, Location and Time limitations related to display of sign	
SIGN TYPE	
Mobile	Sign area 3.4m ² /face, private property with setbacks, 30 consecutive days being two permit periods unless such display is incidental to a seasonal business and so approved by the Designated Official; the maximum number of display periods in a calendar year shall be 6, the minimum period between display periods shall be 30 days (total 180 days)
Banner	Sign area 10m² , unrestricted location, permit regulations are the same as mobile signs above
New Home Development Portable Sign	sign area of 1.49m ² , on city property with restrictions & agreement, may be displayed on weekends for a period not exceeding one year pursuant to a permit issued under the bylaw, provided the sign shall not be displayed earlier than 5:00 p.m. on Friday and shall be removed by no later than 7:00 a.m. on the following Monday
OTTAWA	
REGULATIONS– Size, Location and Time limitations related to display of sign	
SIGN TYPE	
Mobile	Sign area 3.7m ² /face, on private property with setbacks, 30 day permit periods
Banner	Sign area 46.0m² maximum, unrestricted on building wall, 30 days maximum
New Home Development Portable Sign	N/A However Ottawa does provide for HOMEBUILDERS TEMPORARY WAY-FINDING SIGN SYSTEMS which are larger ground signs permitted under encroachment agreement and with a permit
WATERLOO	
REGULATIONS– Size, Location and Time limitations related to display of sign	
SIGN TYPE	
Mobile	Sign area 5.5m ² /face, on private property, 30 and 90 increments with maximum permitted number of days to display of 180 per calendar year.
Banner	Prohibited
New Home Development Portable Sign	N/A

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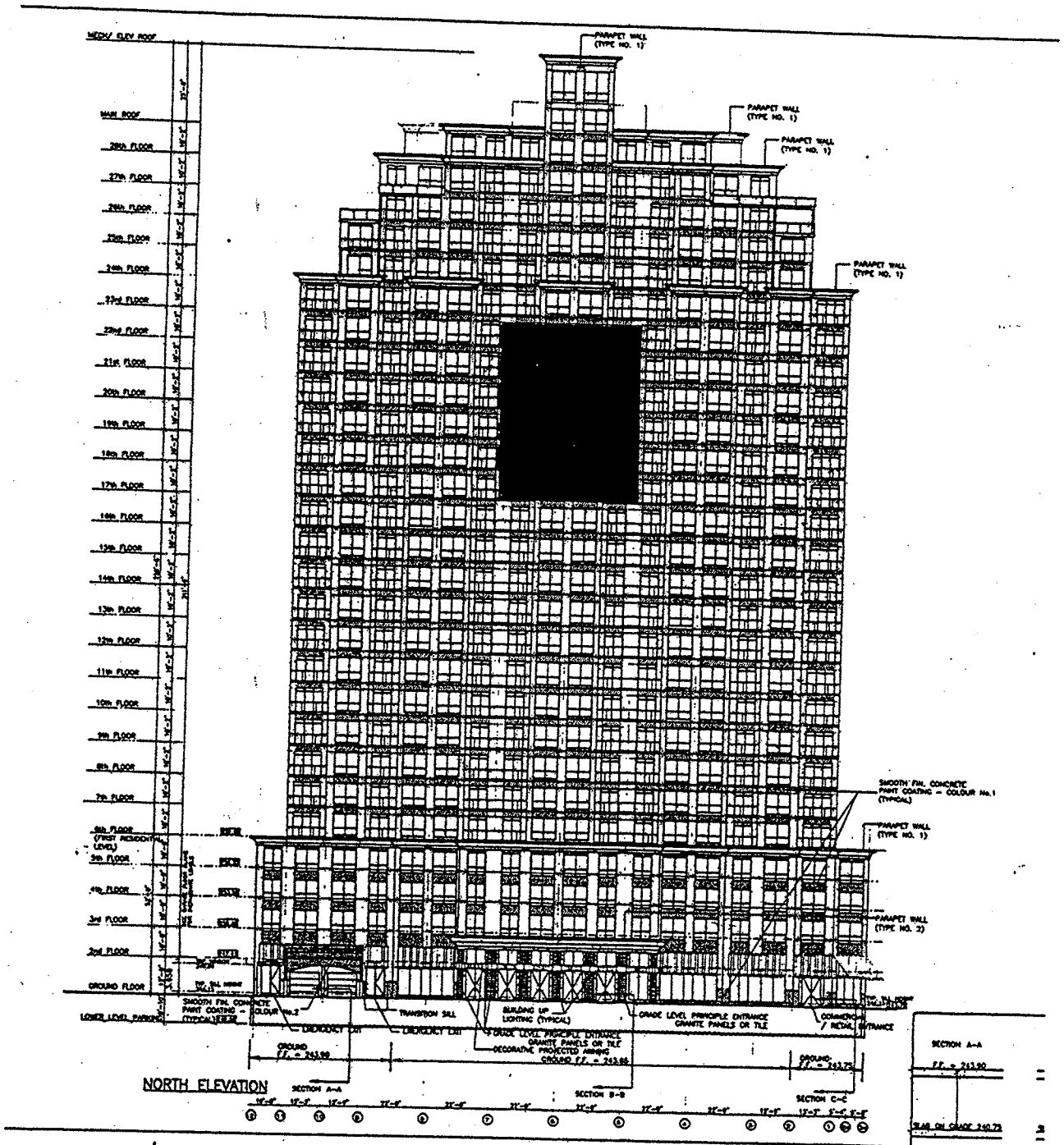
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WINDSOR	REGULATIONS– Size, Location and Time limitations related to display of sign
SIGN TYPE	
Mobile	Sign area 3.5m ² /face, private property with setbacks, maximum 45 consecutive days per sign permit and not displayed for more than 180 days for the same occupancy in the same calendar year with a minimum of a 14 consecutive days <u>break</u> between the issue of another mobile sign permit for the same occupancy
Banner	Sign area 3.0m² for group 3 & 4 uses , location unrestricted, A maximum of 14 consecutive days per sign permit and not more than 5 sign permits for the same occupancy (total 70 days)
New Home Development Portable Sign	N/A

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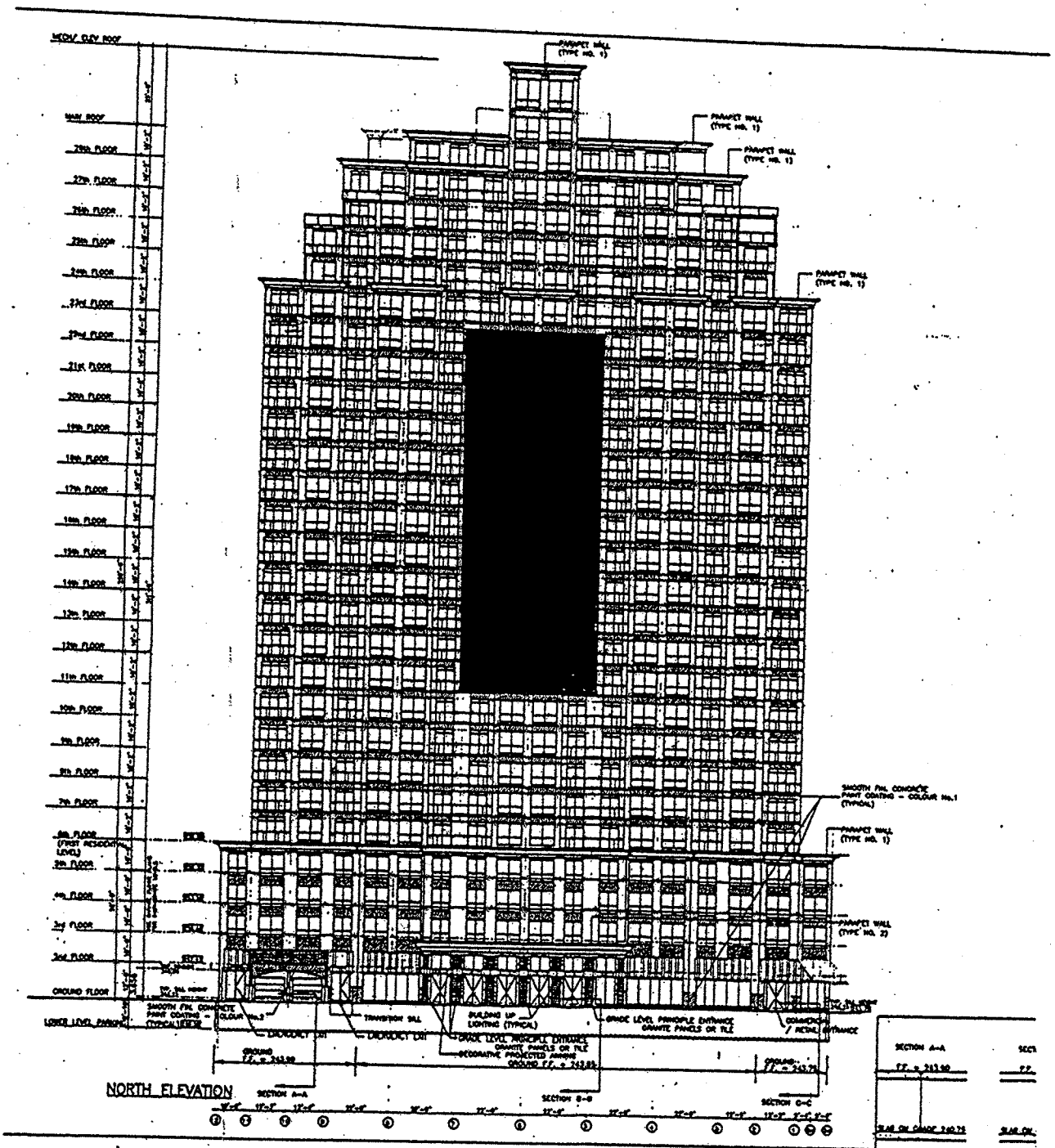
APPENDIX 3

An illustration of a REAL ESTATE ADVERTISING SIGN (banner) located on the wall of a building, representing a sign area calculated at 5% of the largest building wall.

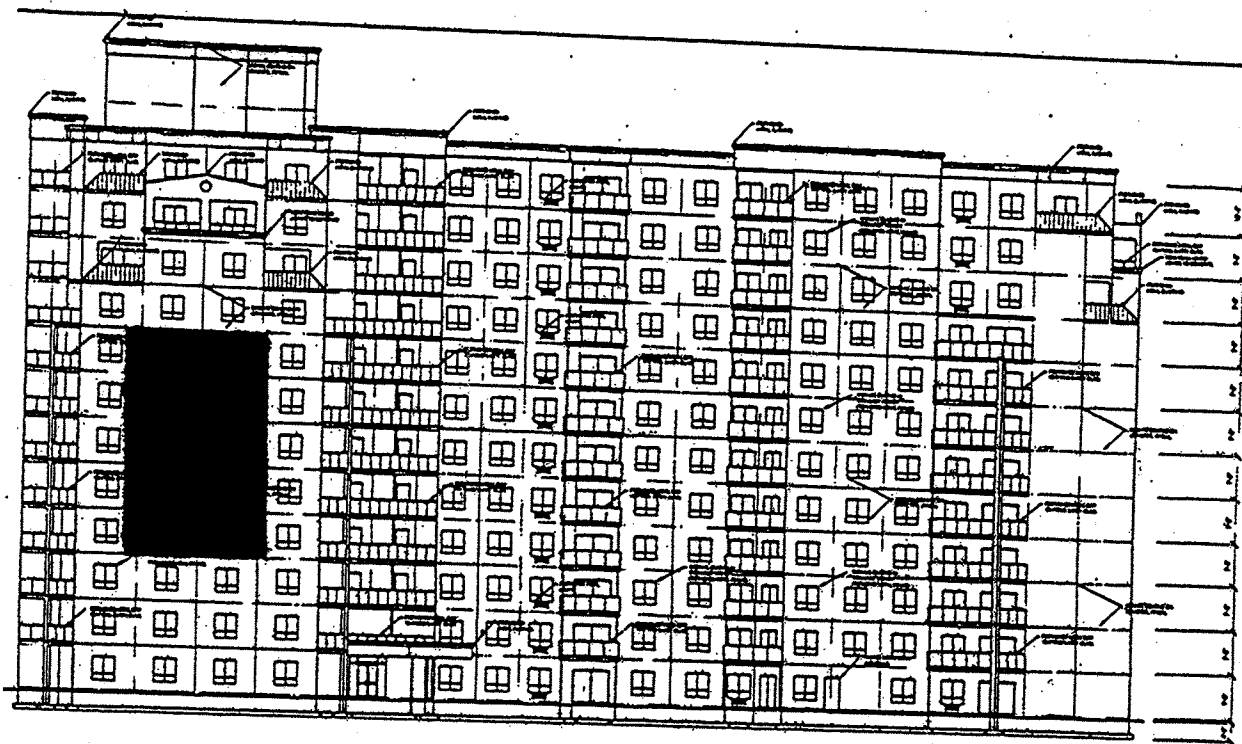


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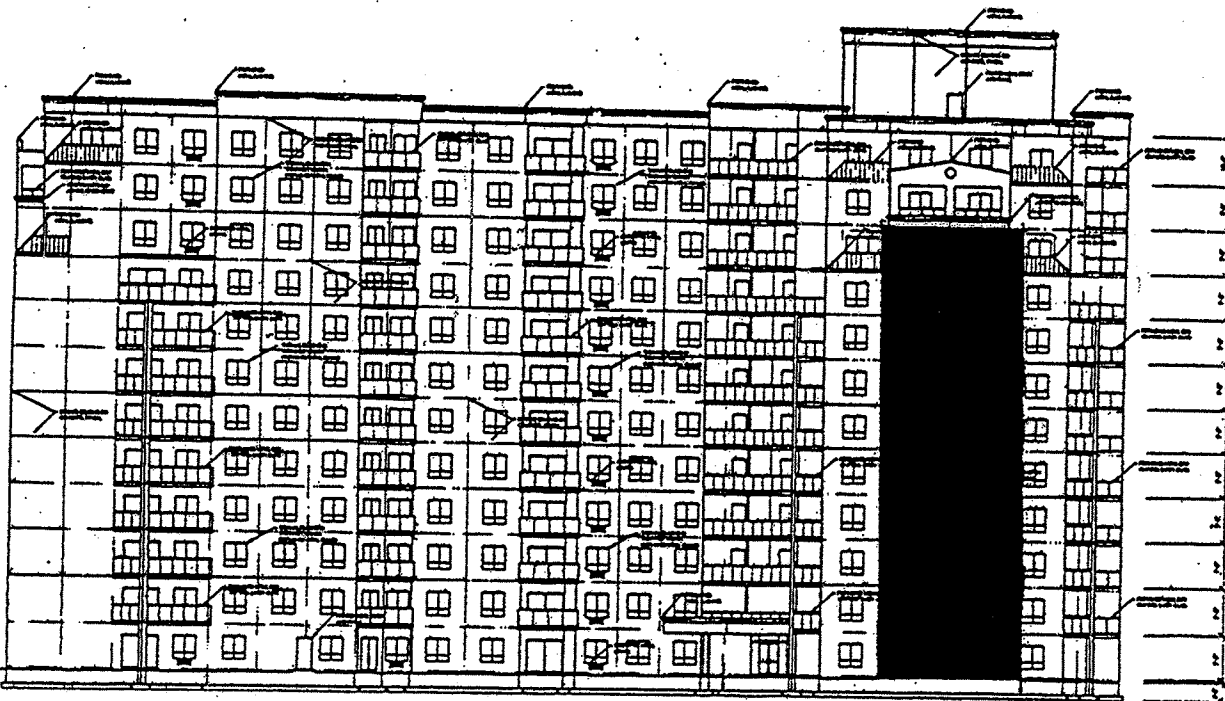
An illustration of a REAL ESTATE ADVERTISING SIGN (banner) located on the wall of a building, representing a sign area calculated at 10% of the largest building wall.



An illustration of a REAL ESTATE ADVERTISING SIGN (banner) located on the wall of a building, representing a sign areas calculated at 5% and 10% of the largest building wall.



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NORTH ELEVATION

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APPENDIX 4

**City of Ottawa, Signs on City Roads BY-LAW NO. 2003 – 520, section 18
 HOMEBUILDERS TEMPORARY WAY-FINDING SIGN SYSTEMS**

18. (1) *No person shall place a sign which is part of a homebuilders temporary wayfinding sign system on a highway unless on a highway other than a twelve month permit has been issued by the Deputy City Manager, and the General Manager shall issue a permit provided that,*
- (a) *the applicant provides such information as the General Manager may require,*
 - (b) *the applicant obtains a road cut permit from the City,*
 - (c) *a processing and technical review fee of one hundred dollars (\$100.00), and a permit fee of one thousand forty dollars (\$1040.00) are paid for each system of signs, both of which are not refundable in whole or in part,*
 - (d) *the applicant enters into an agreement to indemnify and save harmless the City from all claims of liability that may occur as a result of the homebuilder temporary wayfinding sign system being placed on the highway,*
 - (e) *except in so far as insurance protection is required by the City's Road Cut By-law, the applicant secures third party liability insurance with a minimum limit and no deductibility provision of one million dollars inclusive, for bodily injury and property damage for any one occurrence, with the City shown as an additional named insured, and provides to the City an original signed certificate of insurance for such policy, such certificate to provide that thirty (30) days prior written notice shall be given to the General Manager in the event of any material amendment to or cancellation or termination of the policy and to be in a form and with an insurance company acceptable to the City, and*
 - (f) *the applicant enters into an agreement with the City by which the applicant agrees that,*
 - (i) *the sign will be built to City standards,*
 - (ii) *the sign will be built with three (3) builder name panels, one of which will be used by the applicant,*
 - (iii) *the two remaining panels will be made available to subsequent homebuilders, upon request of those homebuilders,*
 - (iv) *the subsequent homebuilders may install panels, to be constructed and installed at their cost, and*
 - (v) *the applicant will recover from subsequent homebuilders no more than one third of the combined prorated cost of the road cut permit fee, the processing and technical review fee, the permit fee paid pursuant to this by-law, the construction costs of the base sign, and any insurance costs.*
- (2) *No person shall install a builder name panel without the permission of the permit holder.*
- (3) *The permit referred to in subsection (1) of this Section may be renewed by the applicant annually, by application to the City, and by payment of a renewal permit fee for each year of renewal of one thousand forty dollars (\$1040.00) for each system of signs, which is not refundable in whole or in part.*

TYPE OF SIGN	CURRENT SIGN BY-LAW PROVISIONS	LHBA/LDI & INTEREST GROUPS IN THE DOWNTOWN AREA PROPOSAL	STAFF PROPOSAL
Subdivision Signs (Private Property)	One ground sign per premise per street frontage The greater of 11.5 m ² or 1 m ² per 10 m street frontage to a maximum 15 m ² (161 sq. ft.) per sign and 60 m ² (645 sq. ft) per premise	Up to three signs per street The greater of 11.5 m ² or 1 m ² per 10 m street frontage to a maximum 30 m ² (323 sq. ft.) per sign and a maximum of 100 m ² (1076 sq. ft.) per premise where the signs are at least 60 m from another construction ground sign	Up to three signs per street The greater of 11.5 m ² or 1 m ² per 10 m street frontage to a maximum 25 m ² (269 sq. ft.) per sign and a maximum of 100 m ² (1076 sq. ft.) per premise where the signs are at least 60 m from another construction ground sign, and Construction Signs for subdivisions may be increased by 10% of the sign face area to accommodate individual builders signs
Third Party Directional Signs (Private Property)	3 m ² (32 sq. ft.) and 4 m high (13.1 ft. high) (maximum 2 signs) (limited to name and location)	11 m ² (118 sq. ft.) and 5 m high (13.1 ft. high) (maximum 2 signs) (limited to name and location)	6 m ² (64 sq. ft.) and 5 m high (13.1 ft. high) (maximum 2 signs) (limited to name and location)
Third Party Directional Signs (City Property)	Prohibited	Arterial Road – 6 m ² (64 sq. ft.) and 6 m high (19.6 ft.ht)	Under review – excerpt from the City of Ottawa's sign by-law that permits constructions signs on the City road allowance
Model Home Signs (Private Property)	0.7 m ² (7.5 sq. ft.) and 1.5 m high (5 ft) for Group 1 3 m ² (32 sq. ft) and 4.5 m high for Group 2 and 3	3 m ² (32 sq. ft.) For Groups 1, 2, and 3	3 m ² (32 sq. ft) and 4.5 m high for model homes, for Group 1, 2 and 3
Real Estate Open House Directional Signs (open house) (City Property)	0.6 m ² (6 sq. ft.) (8:00 a.m. to 8:00 p.m. while an open house is in operation)	0.6 m ² (6 sq. ft.) Friday at 5:00 p.m. to Monday at 9:00 a.m. Monday to Thursday 8:00 a.m. to 8:00 p.m. while an open house is in operation	No change
Real Estate Directional Signs (not open house) (on City Property)	Prohibited	Small wire type signs 3 per home for sale	No change
Temporary Real Estate Advertising Signs (banners) (on private property)	1 facial wall sign per street frontage Group 1 – 0.7 m ² Group 2 – 3 m ² Group 3 – 3 m ² Group 4 – 5 m ² Located no higher than the first storey	Sign area based on wall area for all group uses, 7.5% of largest building wall Located anywhere on the building wall for up to 3 years	Sign area based on wall area for all group uses, 5% of largest building wall, Located anywhere on the building wall, Multiple signs permitted, but combined total is not to exceed 5% of largest wall area. Limited display – 7 months per year, in 30 day blocks which may of may not be

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TYPE OF SIGN	CURRENT SIGN BY-LAW PROVISIONS	LHBA/LDI & INTEREST GROUPS	STAFF PROPOSAL
Temporary Real Estate Advertising Signs (banners) (on private property) ...continued	Limited display – 7 months per year, in 30 day blocks which may or may not be consecutive (permit(s) required)	For Group 1 and 2 uses –Location on a 1 or 2 storey building to include the gable end of a building roof	consecutive (permit(s) required For the remainder of the calendar year a real estate sign can be displayed on the building face no higher than 1.2 m above the first storey (no permit required) For Group 1 and 2 uses – Location on a 1 or 2 storey building is to include the gable end of a building roof & wall area will include the highest point of the roof
New Home Development Signs	Prohibited	On Secondary Collectors & Local Streets A-Board or Small Open House Directional Sign Small wire type signs 3 per home for sale	New Home Development signs shall be limited to groupings of up to 2 signs or a maximum of 1 sign per builder where there are more than 2 builders in the subdivision, provided the groupings are;
		<p>placed no closer than 100 metres from any other grouping of new home development signs; and may be placed adjacent to residential property except on the road allowance of an exterior side yard beyond the face of the building wall (unless the home was designed to have its main entrance face to the exterior side yard, in which case the sign is prohibited in that area) or on the road allowance of a lot that is undeveloped;</p> <p>A new home development sign shall contain no more than two sign faces, each sign face having maximum area of 0.6 m² be a maximum height of 1.1 metres</p> <p>No person shall place or cause the erection or display of or locate a new home development sign on a median or any other location on a street that obstructs a sight line, interfere with street maintenance, impede the movement of pedestrian or vehicular traffic, or otherwise create a hazard;</p> <p>No closer than 10 metres to a transit stop;</p> <p>No closer than 3.0 metres to a driveway intersection with a street line; or within 1.0 metres of any municipal sidewalk</p> <p>On a daily basis a new home development sign can be placed for the duration of an operating open house, beyond that limitation no person shall place or locate a new home development sign on a street before 4:00 p.m. on a Friday and all such signs shall be removed no later than 9:00 a.m. of the immediately following Monday, provided that where a Friday or a Monday is a statutory holiday, the hours shall be extended only to the extent necessary to include the statutory holiday</p>	

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APPENDIX 6

Bill No.
2011

By-law No.

A By-law to amend By-law No. S.-3775-94, as amended, entitled "A by-law prohibiting and regulating signs and other advertising devices, and regulating the placing of signs and canopies upon highways."

WHEREAS section 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

NOW THEREFORE the Council of The Corporation of the City of London enacts as follows:

1. Section 2.2(c) of By-law S.-3775-94 is amended by deleting it in its entirety and replacing it with the phrase "official signs, real estate advertising signs and construction signs, except that a permit is required if any of the following apply: (i) the sign is located on a road allowance; (ii) the sign has a sign face area greater than 10 square metres; (iii) the real estate advertising sign is displayed on a building wall more than 1.2 m above the first storey; (iv) the construction sign on a temporary sales trailer for new construction where the portion of the sign projecting up to 1.2 m above the wall of the trailer is greater than 10 square metres;"
2. Section 2.6 of By-law S.-3775-94 is amended by deleting the phrase "and 6.4" and inserting the phrase ", 6.4 and 8.1(e)".
3. Section 3.1 of By-law S.-3775-94 is amended by:
 - (a) inserting the following new definition for the term "First Storey" after the definition for the term "ERECT", as follows:

"FIRST STOREY" means the storey that has its floor closest to grade and its ceiling more than 1.8 m above grade;
 - (b) inserting the following new definition for the term "Temporary Sales Trailer" after the definition for the term "STOREY", as follows:

"TEMPORARY SALES TRAILER" means a temporary, portable building, structure or trailer that is located on a vacant lot, where there will be new construction and that is to be used as a temporary sales office by the developer or the builder or their agents, for the marketing and sales of the new construction;
 - (c) inserting the following new "Sign" definition for the term "New Home Development Portable Sign" after the definition "(u) Multi-Faced Sign":

"(v) "NEW HOME DEVELOPMENT PORTABLE SIGN" means a non-illuminated sign that is not permanently installed or affixed to the ground and the purpose of the sign is to direct attention to the sale of new home developments;"
 - (d) relettering the definitions "(v) Non-Accessory Signs" through "(ah) Wall Sign" as "(w) Non-Accessory Signs" through "(ai) Wall Sign".

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4. Section 6.3 of By-law S.-3775-95 is amended by deleting Table 6.3 and subsections (a) through (e) in their entirety and replacing them with the following:

**“Table 6.3
Regulations for Construction Signs**

Column	A	B	C	D	E	F
		Signs in All Locations Except on a Road Allowance				Signs Located on a Road Allowance
Line 1	Group Use	Group 1	Group 2	Group 3	Group 4	All Group Uses
2	Permitted Sign Types	Identification and Information Signs				Prohibited except identification and information signs are permitted when located on hoardings or temporary covered ways
3	Number of Signs	One sign per premise	One ground sign and one facial wall sign per premises per street frontage. This limitation shall not apply to signs that are spaced 60m or more apart or to signs related to bona fide model homes, when located on the premises directly related to the model home. The signs may include several signs attached below for advertising of individual builders if the signs are in an orderly arrangement and the total sign face area is no greater than 10% of the sign face area of the sign above. For construction ground signs, up to three signs per street			
4	Maximum Sign Face Area	1 m ²	The greater of 11.5 sq. m. or 1 sq. m per 10 metres street frontage to a maximum of 25 sq. m per sign and a maximum of 100 sq. m. per premise where the signs are at least 60 meters from another construction ground sign.			
5	Maximum Sign Height	1.5 m	8m for signs 14 sq. m or less of area and 12m for signs greater than 14 sq. m. in area			
6	Sign Location Restrictions	Prohibited within a sight triangle as set out in Section 9.7. -not less than 60 m from another construction ground sign on the same premise				
7	Animation	Prohibited				
8	Illumination	Prohibited	Permitted except that flashing illumination is prohibited.			

- a) **Plan of Subdivision** – Construction signs advertising units for lease or sale in a building or promoting a plan of subdivision or condominium shall not remain erected for a period longer than 30 days after the last unit is leased or sold in the case of a building or after 90% of the plan of subdivision or condominium is built and occupied.
- b) **Subdivision Signs** – Subdivision information signs required by subdivision agreements are exempt from the area requirements of Table 6.3.
- c) Notwithstanding table 6.3 and part 4 of this by-law, signs related to an entire plan of subdivision shall be regulated by the group 2 regulations of table 6.3.

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- d) **Signs for Model Homes** - Notwithstanding Line 3 of Table 6.3, signs related to bona fide model homes, for the purpose of marketing new residential construction, when such signs are located on the premises directly related to the model home, are not regulated as to number of signs. Notwithstanding Line 4 of Table 6.3, a sign for a model home shall have a maximum sign face area of 3 m² and a maximum sign height of 4.5 m.
 - e) **Temporary Sales Trailer** - Notwithstanding Line 4 of Table 6.3, signs located on temporary sales trailers located on the site of new construction are permitted on the entire face of the trailer but shall not project above the wall of the trailer more than 1.2 m. If the total area of the sign above the wall of the temporary sales trailer exceeds 10 m², a permit shall be required.
 - f) **Directional Information Construction Signs** – Notwithstanding the regulations set out in Table 6.3 and any other regulations of this by-law, a maximum of 2 non-accessory directional information signs outside a plan of subdivision, or a plan of condominium, or a building or building complex, may be erected or displayed for the period of time set out in Part 6.3 (a) above provided that a sign does not exceed 6 square metres in sign face area, 5 metres in height, is erected with the property owner's permission in a location except on a road allowance and the sign message is limited to the name and location of the construction.
 - g) **Contractor Signs** – may be placed on private property during the time of construction, repairs or service is being provided and the sign shall be removed within 48 hours of completion of the construction, repairs or service.
 - h) **Alternative Sign Face Area Calculation** –as an alternative to the maximum sign face area regulations set out in Line 4, Column C, D & E of Table 6.3, the maximum sign face area for construction ground signs located on a premises may be calculated at 1.25 square meters of sign face area per hectare of lot area, but in no case greater than 25.0 square meters maximum sign face area.
 - i) **Transfer Ground Signs Area** – When a property faces more than one arterial street, a property owner may apply to transfer sign face area from one street to another street provided the owner enters into a uniformity agreement to transfer the sign face area permitted on one street up to 50% of the sign face area for the signage permitted on the other arterial road. In no case shall it exceed 25.0 square meters.”
5. Section 6.4 of By-law S.-3775-95 is amended by inserting the term “advertising” after the phrase “real estate” wherever it occurs.
6. Section 6.4 of By-law S.-3775-95 is amended by deleting Table 6.4 in its entirety and replacing it with the following new table:

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**“Table 6.4
Regulations for Real Estate Advertising Signs**

Line 1	Group Use	Signs in All Locations Except on a Road Allowance				Signs Located on a Road Allowance
		Group 1	Group 2	Group 3	Group 4	All Group Uses
2	Permitted Sign Types	Ground signs and facial wall signs only.				Prohibited except for real estate open house directional signs only if between the hours of 8:00 a.m. and 8:00 p.m. while an open house is operating
3	Number of signs	1 ground sign per premise per street frontage except in the case of a co-listing, 2 signs permitted. 1 facial wall sign per street frontage related to the initial sale or rental of a multiple occupancy building or portion thereof.				No restriction
4	Maximum Sign Face Area	0.7 m ²	3 m ²		5 m ²	0.5 m ² for an open house sign and
5	Maximum Sign Height	Ground signs – 1.5 m	Ground signs – 4.5 m			0.6 m for an open house sign
6	Sign Location Restrictions	- except for signs in windows, facial wall signs shall be located at a height no greater than 1.2 m above the first storey, subject to section 6.4(b). - prohibited within a sight triangle as set out in Section 9.7				- 0.6 m minimum from a pedestrian sidewalk and from the vehicular travelled portion of the road. -prohibited on medians or islands.
7	Animation	Prohibited				Prohibited
8	Illumination	Prohibited	Illumination permitted except that flashing illumination prohibited.			Prohibited
9	Time Limitations	Real estate advertising signs shall not remain erected for a period longer than 30 days after the subject premises, building or floor area has been sold, rented or leased, but in any event shall not remain erected for more than 210 days in any calendar year.				

7. Section 6.4 of By-law S.-3775-95 is amended by deleting subsection (b) and replacing it with a new subsection (b) as follows:

- (b) **Real Estate Advertising Signs displayed on building walls** may be located more than 1.2 m above the first storey of a building and may have a sign face area of up to 5% of the calculated area of the building's largest face, if a permit is obtained. The sign may be located on any of the building faces provided the sign does not obstruct any window or obstruct openings required to provide natural light and/or ventilation to an occupied space directly connected to the window area. The sign shall be non-illuminated and shall have no additional exterior lighting directed toward it. More than one sign may be permitted to be displayed on the building provided there is not more than one sign per building face, and the combined area of all signs on the building cannot exceed the 5%

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area calculation based on that largest building face. No such sign shall be erected for more than 210 days in any calendar year. A permit for a Real Estate Advertising Sign displayed on a building wall shall be issued for such multiple of 30 consecutive days as is specified in the permit and shall be valid from the date of issuance of the permit or from the date specified in the permit.”

8. Section 8.1 of By-law S. -3775-95 is amended by inserting a new subsection (e) as follows:

(e) New Home Development Portable Signs

1. New Home Development Portable Signs shall be limited to groupings of up to 2 signs or a maximum of 1 sign per builder where there are more than 2 builders for the subdivision, provided the groupings are:

- restricted to two corners of a street intersection;
- placed no closer than 100 metres from any other grouping of New Home Development Portable Signs; and
- not placed adjacent to residential property except for the rear property line of the lot or a lot that is undeveloped;

2. A New Home Development Portable Sign shall:

- contain no more than two sign faces, each sign face having maximum area of 0.6 m²; and
- be a maximum height of 1.1 metres.

3. No person shall place or cause the erection or display of or locate a New Home Development Portable Sign:

- on a median or any other location on a street that obstructs a sight line, interferes with street maintenance, impedes the movement of pedestrian or vehicular traffic, or otherwise creates a hazard;
- closer than 10 metres to a transit stop;
- closer than 3.0 metres to a driveway intersection with a street line; or
- within 1.0 metres of a municipal sidewalk.

4. No person shall place or locate a New Home Development Portable Sign on a street before 4:00 p.m. on a Friday and all such signs shall be removed no later than 9:00 a.m. of the immediately following Monday, provided that where a Friday or a Monday is a statutory holiday, the hours shall be extended only to the extent necessary to include the statutory holiday.

5. An annual permit for a New Home Development Portable Sign may be issued with an effective date valid from the date specified in the permit and shall be effective April 1 of the year issued to April 1st of the subsequent year. No more than one New Home Development Portable Sign shall be authorized by a permit. The current annual validation sticker shall be displayed at all times in a prominent location on the top left-hand corner of one face of the sign. The expired sticker is to be removed or covered.

6. Licensing Agreement and Insurance for Signs on Road Allowance - No New Home Development Portable Sign shall be erected or placed on a road allowance until the owner of the sign;

(i) submits to, and has accepted by, the Chief Building Official, a completed copy of a licensing agreement attached as Schedule "D" to this by-law, which has been modified as follows:

- (a) in section 3 replace the term "property" with the phrase "sign";
- (b) delete section 4(a);
- (c) delete the phrase in section 4(f)(i) and replace it with the new phrase "address of premises to which the sign relates";
- (d) delete section 4(f)(ii); and
- (e) replace the phrase "Owner/Occupant" wherever it appears and replace it with the phrase "Sign Owner"; and

(ii) provides the City with satisfactory evidence of insurance coverages described on Schedule "E" to this by-law, or satisfactory to the City's Manager of Risk Management, covering all periods that a New Home Development Portable Sign is placed on a road allowance.

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9. Subsection 10.1(c) of By-law S.-3775-95 is amended by inserting the phrase "(except a temporary sales trailer for new construction located on the site of the construction)" after the phrase "painted on a vehicle".

10. Paragraph 2 of subsection 10.2 of By-law S.-3775-95 is amended by inserting the phrase "or New Home Development Portable Sign" after the phrase "read-o-graph mobile sign" and deleting the word "or" after the phrase "validation sticker".

11. Subsection 10.3(b) of By-law S. -3775-95 is amended by inserting the phrase ", and section 8.1(e)" after the phrase "permitted by section 5.4".

12. Subsection 2(b) of Schedule "A" to By-law S.-3775-95 is amended by inserting the phrase "The \$100 administration fee for New Home Development Portable Signs is payable once annually for each application for one or more permits for New Home Development Portable Signs."

13. This by-law shall come into force and effect on December 1, 2011.

PASSED in Open Council , 2011

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First reading -
Second reading -
Third reading -