

To: Economic and Development Services Committee

From: Warren Munro, HBA, RPP, Commissioner,
Economic and Development Services Department

Report Number: ED-23-15

Date of Report: January 4, 2023

Date of Meeting: January 9, 2023

Subject: City-initiated Amendments to Sign By-law 72-96

Ward: All Wards

File: 12-12-162

1.0 Purpose

The purpose of this Report is to recommend that Council approve various City-initiated amendments to the City's Sign By-law 72-96, as amended (the "Sign By-law" or "By-law").

Attachment 1 contains the proposed amendments to the By-law.

Attachment 2 is a photograph of signage on the south façade facing the street line of the building at 6, 8, 10, 12, 14, 16, and 18 King Street East (Lovell Building).

Attachment 3 is a photograph of signage on the rear wall of a commercial building at the Harmony Shopping Centre complex at the northeast corner of Harmony Road North and Taunton Road East.

Attachment 4 is an air photo showing the location of the building pictured in Attachment 3 within the broader context of the Harmony Shopping Centre.

Attachment 5 is a photograph of signage associated with the vehicle drive through facility located at 915 Taunton Road East (A & W).

Attachment 6 is a photograph of the signage associated with the vehicle drive through facility located at 20 Park Road South (Tim Horton's).

Attachment 7 is a photograph of signage associated with the vehicle drive through facility located at 1300 King Street East (McDonalds).

Attachment 8 is a photograph showing the subdivision billboard located at 2651 Harmony Road North.

Attachment 9 is a photograph showing the subdivision billboard located at 2095 Harmony Road North.

2.0 Recommendation

That the Economic and Development Services Committee recommend to City Council that the proposed City-initiated amendments to the City of Oshawa's Sign By-law 72-96, as amended, as generally set out in Attachment 1 to Report ED-23-15 dated January 4, 2023, be approved, and the appropriate amending by-law be passed in a form and content acceptable to the City Solicitor and Commissioner of Economic and Development Services and that the requirements for public notice (including newspaper advertisements) in the Notice to the Public By-law 147-2007, as amended, be waived since the proposed amendments are minor in nature, reduce future sign variance applications and are intended to keep the Sign By-law 72-96, as amended, current.

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

The following have been consulted in the preparation of this Report:

- Legal Services
- Municipal Law Enforcement and Licensing Services

5.0 Analysis

5.1 Background

On July 22, 1996 City Council passed Sign By-law 72-96.

Council has in the past approved both City-initiated amendments and sign variances in order to address any issues, keep the By-law current and user friendly, and be able to expedite the installation of appropriate signage.

It is now appropriate to consider additional City-initiated amendments to the By-law to address issues which have been identified since the last update.

The proposed amendments are set out in Attachment 1 to this Report.

The proposed amendments are intended to improve customer service, maintain the currency and effectiveness of the By-law and reduce the number of sign variance applications.

5.2 Notice By-law

The general requirements for giving notice to the public is embedded in the Notice to the Public By-law 147-2007, as amended ("Notice to the Public By-law"). Fourteen days

notice to the public is required by the Notice to the Public By-law when Council is considering passing or amending a by-law concerning advertising devices, including signs.

The requirement for public notice should be waived, in this case, for the following reasons:

- a) No existing signage permissions in the sign by-law are being revoked;
- b) The amendments proposed are progressive and responsive to the requests for sign variances of business owners; and,
- c) Existing signage is not adversely affected by these proposed amendments.

6.0 Financial Implications

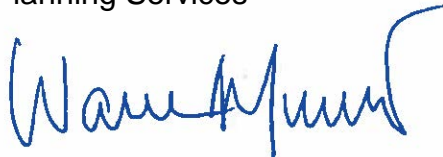
There will be a savings to the business community in costs and to the City in staff time related to the sign variance process if the recommendation in this Report is approved. The amendments will both increase customer service and the capacity and efficiency of staff to work on other core responsibilities.

7.0 Relationship to the Oshawa Strategic Plan

The recommendation in this Report advances the Accountable Leadership goal in the Oshawa Strategic Plan.



Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,
Planning Services



Warren Munro, HBA, RPP, Commissioner,
Economic and Development Services Department

1. Signs for Mixed Use Zones:

Issue:

The Sign By-law 72-96, as amended ("Sign By-law"), does not specify which regulations are applicable to Mixed Use Zones and regulations for Mixed Use Zones are not expressly referenced in the Sign By-law.

Staff Recommendation:

That Council approve sign by-law amendments to include Signs in MU-A Zones under regulations in Subsection 4.4, and to include Signs in MU-B and MU-C Zones under regulations in Subsection 4.3.

Subsection 4.3 regulates signs in commercial and industrial zones including the PSC-A (Planned Commercial Strip) Zone. Subsection 4.4 regulates signs in Office Zones including the PSC-B (Planned Commercial Strip) Zone.

Recommended Amendments:

a) Delete the heading of Subsection 4.3 and replace with the following text:

"4.3 Signs in Planned Commercial Centre, Planned Strip Commercial-A (Excluding Planned Strip Commercial-B Zones), Special Purpose Commercial, Convenience Commercial, Hamlet Commercial, Harbour Commercial, Automobile Service Station, Industrial, Airport, Mixed Use-B and Mixed Use-C Zones, and For Automobile Sales and Service Establishments and Fuel Bars"

b) Amend the heading of Subsection 4.4 by adding a comma and the words ", Mixed Use-A Zone" immediately following the words "Signs in Office Zones", such that the heading, as amended, reads as follows:

"4.4 Signs in Office Zones, Mixed Use-A Zone, and Planned Strip Commercial-B Zone".

2. Reference to Business Improvement Association:

Issue:

The current Sign By-law makes reference to the Business Improvement Association, which was dissolved by City Council as of February 28, 2021. The relevant articles of the Sign By-law read as follows.

- “5.18.13 During special events promoted by the Business Improvement Association (“BIA”), including but not limited to Kars on King, Bikes on Bond and Show and Shine, the BIA shall be exempt, with respect to SANDWICH BOARD SIGNS in the business improvement area, from the requirements contained in Article 1.8.1(d), Article 3.5.1, Subsection 3.2 and Subsection 5.18 of this By-law, which exemption shall commence fourteen (14) calendar days prior to the start of the special event and terminate twenty-four (24) hours after the conclusion of the special event.”
- “5.18.14 The BIA shall both notify and consult with the COMMISSIONER or DIRECTOR no later than thirty-one (31) calendar days prior to the start of any special event referenced in the preceding Article of this By-law.”
- “5.18.15 Nothing in Article 5.18.13 of this By-law shall be deemed to exempt any individual member or business located within the CITY’s business improvement area from Article 1.8.1(d), Article 3.5.1, Subsection 3.2 and Subsection 5.18 of this By-law.”

Staff Recommendation:

That Council approve sign by-law amendments to reflect that the Business Improvement Association is now dissolved and to introduce more generic language regarding permission for signage for special events hosted by the City or third party entities/groups within the geographic area generally corresponding to the Downtown Oshawa Urban Growth Centre.

Recommended Amendments:

- a) Delete the text of Article 5.18.13 in its entirety and replace with the following new text:

- “5.18.13 During special events promoted by the City of Oshawa or an event organizer for which applicable approvals or permits have been granted by the City within the area bounded by the Oshawa Creek on the west, Brock Street on the north, Ritson Road on the east and John Street and Eulalie Avenue on the south, the organizer of the event shall be exempt, with respect to SANDWICH BOARD SIGNS erected or displayed within this geographic area, from the requirements contained in Article 1.8.1(d), Article 3.5.1, Subsection 3.2 and Subsection 5.18 of

this By-law, which exemption shall commence fourteen (14) calendar days prior to the start of the special event and terminate twenty-four (24) hours after the conclusion of the special event.”

- b) Delete the text of Article 5.18.14 in its entirety and replace with the following new text:

“5.18.14 The special events organizer shall both notify and consult with the COMMISSIONER or DIRECTOR no later than thirty-one (31) calendar days prior to the start of any special event referenced in the preceding Article of this By-law.”

- c) Delete the text of Article 5.18.15 in its entirety and replace with the following new text:

“5.18.15 Nothing in Article 5.18.13 of this By-law shall be deemed to exempt any individual member or business located within the geographic area described in Article 5.18.13 from Article 1.8.1(d), Article 3.5.1, Subsection 3.2 and Subsection 5.18 of this By-law.”

3. Fascia and Canopy Signs in the Central Business District Zone:

Issue:

Regulations for Signs in the Central Business District Zone do not include buildings containing more than one commercial premises. Multi-tenant commercial buildings in other commercial zones are permitted one additional fascia or canopy sign for each business premises with a door for direct public entry which faces a street line or window exposure which faces a street line.

Attachment 2 is a photo of the front of a multi-unit commercial/residential building in the Central Business District Zone (6-18 King Street East). Certain signage on this building required sign variance application approval.

Staff Recommendation:

That Council approve sign by-law amendments to permit an additional fascia or canopy sign for each business premises with a door for direct public entry or window exposure which faces a street line for buildings containing more than one commercial premises under regulations in Subsection 4.2 for Signs in the Central Business District Zone.

Recommended Amendments:

- a) Add a new Article 4.2.11 as follows:

“4.2.11 For buildings containing more than one commercial PREMISES, one additional FASCIA or CANOPY SIGN shall be permitted for each PREMISES which has a door for direct public entry/egress which faces

a STREET LINE or window exposure which faces a STREET LINE. In addition, one FASCIA or CANOPY SIGN shall be permitted for each PREMISES which has a door for direct public entry/egress which faces a non-residential ZONE or which has a door for direct public entry/egress that faces a Residential ZONE and the door for direct public entry/egress is setback a minimum of 25m from that Residential ZONE.”

4. Fascia Signs on the Rear Wall of Buildings Not Facing a Street:

Issue:

Regulations for buildings with more than one commercial premises do not currently allow for an additional fascia sign to be located at the rear of the unit, which typically does not have a door for public entry.

Rear walls of commercial buildings often have exposure toward adjacent roads, highways, or internal driveways/parking lots within commercial developments (see Attachments 3 and 4 for examples). In certain situations, additional signage located at the rear of such buildings can offer increased visibility and is appropriate.

Staff Recommendation:

That Council approve a sign by-law amendment to permit an additional fascia or canopy sign to be located on the rear exterior wall, for each business premises with a door for direct public entry or window exposure which faces a street line or a non-residential zone for buildings containing more than one commercial or industrial premises under regulations in Section 4.3.

Recommended Amendments:

a) Add a new sentence 4.3.4(8) as follows:

“4.3.4(8) One additional FASCIA or CANOPY SIGN shall be permitted to be located on the rear exterior wall for each PREMISES which has a SIGN on another exterior wall in accordance with sentence 4.3.4(3), provided, where the rear exterior wall faces a Residential Zone, the rear exterior wall of the building is setback a minimum of 25m from the Residential Zone.”

5. Incidental Signs for Vehicle Drive-Through Facilities:

Issue:

Currently, menu order boards and pre-sell signs associated with vehicle drive-through facilities for restaurants are categorized as incidental signs. The maximum sign area permitted for an incidental sign is 0.4 square meters (4.3 sq. ft.). Staff have processed

numerous sign variance applications to permit increased sign area for menu order boards and pre-sell signs (see Attachments 5, 6 and 7).

Read-o-graph signs are currently not permitted as part of the sign area of incidental signs, such as menu order boards and pre-sell signs. Most fast food restaurants with vehicle drive-through facilities are updating their static menu boards to digital displays (see Attachments 6 and 7). City staff have processed numerous sign variance applications to permit read-o-graphs as part of the sign area of menu order boards and pre-sell signs.

Staff Recommendation:

That Council approve sign by-law amendments to permit menu order boards and pre-sell signs associated with vehicle drive-through facilities for restaurants and to permit read-o-graphs as part of the sign area of menu order boards and pre-sell signs. The proposed amendments would also apply to signage associated with vehicle drive-through facilities that are not associated with restaurants, such as vehicle drive-through facilities associated with banks.

Recommended Amendments:

- a) Add a new definition of a Vehicle Drive-Through Facility in Section 2 of the Sign By-law as follows:

“VEHICLE DRIVE-THROUGH FACILITY” means the use of land, buildings or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through/by an attendant or a window or automated machine, to persons remaining in vehicles that are in a Vehicle Queuing Lane but does not include a car wash or kiosks and automated machines located within a parking garage or public parking lot.”

- b) Add the following new definitions of menu order board and pre-menu board in Section 2 of the Sign By-law as follows:

“MENU ORDER BOARD” means a SIGN erected as part of a VEHICLE DRIVE-THROUGH FACILITY and used to display and order products and services available in association with a vehicle drive-through business.”

“PRE-MENU BOARD” means a SIGN erected as part of a VEHICLE DRIVE-THROUGH FACILITY and only used to display products and services available in association with a vehicle drive through business.”

- c) Amend Article 3.11.1 by adding a comma and the words “, MENU ORDER BOARDS, PRE-MENU BOARDS” immediately following the words “PYLON SIGNS” such that Article 3.11.1, as amended, reads as follows:

“3.11.1 One READ-O-GRAPH and/or time, date and temperature display shall be permitted to be incorporated into a DISPLAY SURFACE as part of

the permitted maximum SIGN AREA on FASCIA SIGNS, GROUND SIGNS, PYLON SIGNS, MENU ORDER BOARDS, PRE-MENU BOARDS and PROJECTING SIGNS.”

- d) Add a new Subsection with regulations for signs associated with vehicle drive-through facilities as follows:

“3.14 Signs Associated with VEHICLE DRIVE-THROUGH FACILITIES

- 3.14.1 No person shall erect or display, or cause to be erected or displayed, any MENU ORDER BOARD or PRE-MENU BOARD except in compliance with the provisions of this Subsection.
- 3.14.2 The SIGN AREA of a MENU ORDER BOARD shall not exceed 4m².
- 3.14.3 The SIGN AREA of a PRE-MENU BOARD shall not exceed 2m².
- 3.14.4 One MENU ORDER BOARD shall be permitted per drive-through lane.
- 3.14.5 One PRE-MENU BOARD shall be permitted per drive-through lane.”

6. Subdivision or Condominium Billboard Signs:

Issue:

The number of permitted Subdivision or Condominium Billboard Signs is limited to one sign per street line per lot to a maximum of two signs on any one vacant lot.

The maximum sign area of any Subdivision or Condominium Billboard Sign is limited to 20 square metres (215.29 sq. ft.). There must be a minimum 6 metre (19.69 ft.) setback from the street line, a 3 metre (9.84 ft.) setback from an interior side lot line, and the sign may not exceed a height of 10 metres (32.81 ft.).

City staff have processed a number of sign variances to permit increased sign area for Subdivision Billboard Signs.

Staff Recommendation:

That Council approve a sign by-law amendment to permit increased maximum sign area of any Subdivision or Condominium Billboard sign that is set back at least 10 metres (32.81 ft.) from interior side lot lines and rear lot lines.

The increased setback from the interior side lot lines and rear lot lines is intended to provide a greater buffer between neighbouring properties and the larger sign.

Recommended Amendments:

a) Add a new Article 5.7.13 as follows:

“5.7.13 Notwithstanding Article 5.7.5 and Article 5.7.6, the maximum SIGN AREA of any SUBDIVISION OR CONDOMINIUM BILLBOARD SIGN shall be 40m² provided the minimum interior side yard setback and the minimum rear yard setback for said SUBDIVISION OR CONDOMINIUM BILLBOARD SIGN is not less than 10m.”

7. Construction Identification Sign:

Issue:

Currently, where a holding “h” symbol appears on the zoning of a property, a Sign Variance is required for any Construction Identification Sign which does not relate to the current use of the lot (non-accessory).

The Sign By-law defines a Construction Identification Sign as follows:

“CONSTRUCTION IDENTIFICATION SIGN” means a TEMPORARY SIGN located on a LOT where a building is to be or is being built or renovated or demolished indicating information related to its design, construction, renovation, demolition, ownership and rental or sale”.

Staff Recommendation:

That Council approve a sign by-law amendment to add Construction Identification Signs to the list of permitted Non-accessory Signs so that they may be erected in association with a proposed development despite the holding “h” symbol applicable to the zoning of the lands. The recommended amendment would also alphabetize the list of sign types referenced in Sentence 3.3.1(f).

Recommended Amendments:

a) Delete Sentence 3.3.1(f) and replace with the following text:

“(f) NON-ACCESSORY SIGNS other than a BILLBOARD SIGN, a COMMUNITY EVENT SIGN, a CONSTRUCTION IDENTIFICATION SIGN, an ELECTION SIGN, a HOME BUILDERS IDENTIFICATION SIGN, a REAL ESTATE OPEN HOUSE SIGN, a SPECIAL EVENT BANNER, a SUBDIVISION OR CONDOMINIUM BILLBOARD SIGN and a UTILITY POLE POSTER SIGN.”

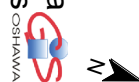
Title: Photograph of signage on the south façade of the building at 6-18 King Street East (Lovell Building).
Subject: City-initiated Amendments to Sign By-law 72-96
Ward: All Wards
File: 12-12-162



Item: ED-23-15
Attachment 3

Title: Photograph of signage on the rear wall of a commercial building at the Harmony Shopping Centre at Harmony Road North and Taunton Road East.
Subject: City-initiated Amendments to Sign By-law 72-96
Ward: All Wards
File: 12-12-162

City of Oshawa
Economic and Development Services



Title: Air Photo of the Harmony Shopping Centre Identifying the Building Shown on Attachment 3


Item: ED-23-15
Attachment 4

Subject: City-initiated Amendments to Sign By-law 72-96

Ward: All Wards

File: 12-12-162



 Subject Site

City of Oshawa
Economic and Development Services



Title: Photograph of the signage associated with the vehicle drive through facility at 915 Taunton Rd. East (A&W).
Subject: City-initiated Amendments to Sign By-law 72-96
Ward: All Wards
File: 12-12-162



Title: Photograph of the digital signage associated with the vehicle drive through facility at 20 Park Rd. South (Tim Horton's).
Subject: City-Initiated Amendments to Sign By-law 72-96
Ward: All Wards
File: 12-12-162



Item: ED-23-15
Attachment 7

Title: Photograph of the digital signage associated with the vehicle drive through facility at 1300 King St. East (McDonald's).
Subject: City-initiated Amendments to Sign By-law 72-96
Ward: All Wards
File: 12-12-162

City of Oshawa
Economic and Development Services



Item: ED-23-15
Attachment 8

Title: Photograph showing the subdivision billboard sign at 2651 Harmony Rd. North.
Subject: City-initiated Amendments to Sign By-law 72-96
Ward: All Wards
File: 12-12-162

City of Oshawa
Economic and Development Services



Title: Photograph showing the subdivision billboard sign
at 2095 Harmony Rd. North.
Subject: City-initiated Amendments to Sign By-law 72-96
Ward: All Wards
File: 12-12-162

City of Oshawa
Economic and Development Services

