

To: Council in Committee of the Whole

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

Report Number: CNCL-23-32

Date of Report: March 29, 2023

Date of Meeting: April 3, 2023

Subject: Proposed Amendment to Sign By-law 72-96 to Permit
Sandwich Board Signs in the Central Business District Zones in
the Downtown Oshawa Urban Growth Centre

Ward: Ward 4

File: 12-12-0092

1.0 Purpose

On February 27, 2023, City Council considered Report ED-23-23 presenting the results of the extended pilot project to permit sandwich board signs in the Central Business District (“C.B.D.”) Zones in the Downtown Oshawa Urban Growth Centre. The following motion carried:

- “1. That, pursuant to Report ED-23-23 dated February 1, 2023, the City’s sandwich board sign pilot project not be further extended, such that as of April 1, 2023, sandwich board signs shall no longer be permitted in the Central Business District Zones in the Downtown Oshawa Urban Growth Centre, and the necessary by-law to amend Sign By-law 72-96 in this regard be passed in a form and content acceptable to the City Solicitor and the Commissioner, Economic and Development Services Department; and,
2. That the notice provisions of By-law 147-2007 (e.g. newspaper advertisements) be waived concerning notice for any proposed amendment to the Sign By-law 72-96 in consideration of the sandwich board sign pilot project being temporary with an end date of April 1, 2023 listed in the program; and,
3. That upon the expiration of the City’s sandwich board sign pilot project on April 1, 2023, Municipal Law Enforcement and Licensing Services resume enforcement of the Sign By-law 72-96 and the Boulevard By-law 163-2006, as amended, as it relates to sandwich board sign restrictions in the Central Business District Zones in the Downtown Oshawa Urban Growth Centre; and,

4. That a copy of Report ED-23-23 dated February 1, 2023 and the related Council resolution be sent to the Region of Durham; and,
5. That staff investigate and report back with a By-law amendment to create allowance for sandwich board signs.”

The purpose of this Report is to respond to Part 5 of the above noted motion and recommend an amendment to Sign By-law 72-96 to permit sandwich board signs in the C.B.D. Zones in the Downtown Oshawa Urban Growth Centre.

Attachment 1 is map showing the location of the C.B.D. Zones in the Downtown Oshawa Urban Growth Centre and the existing zoning in the area.

Attachment 2 is a copy of Report ED-23-23 dated February 1, 2023 which includes as attachments two previous Reports: DS-16-203 dated December 1, 2016 and DS-20-111 dated September 30, 2020. The first authorized staff to undertake a 3-year pilot project to permit sandwich board signs in the C.B.D. Zones in the Downtown Oshawa Urban Growth Centre. The second authorized staff to extend the sandwich board pilot project for an additional three (3) years. Owing to its length, Report ED-23-23 is not attached but can be found at the following link: <https://pub-oshawa.escribemeetings.com/filestream.ashx?DocumentId=10972>.

Attachment 3 is a copy of a proposed amending by-law to implement the recommended amendments to Sign By-law 72-96 for permitting sandwich board signs in the C.B.D. Zones in the Downtown Oshawa Urban Growth Centre.

2.0 Recommendation

It is recommended to City Council:

1. That, pursuant to Report CNCL-23-32 dated March 29, 2023, sandwich board signs in the Central Business District Zones in the Downtown Oshawa Urban Growth Centre be permitted and the proposed by-law to amend Sign By-law 72-96, as amended, to give effect to the same be approved, as generally set out in Attachment 3 of said Report, and that an appropriate formal by-law be passed in a form and content acceptable to the City Solicitor and the Commissioner of Economic and Development Services.
2. That, pursuant to Report CNCL-23-32 dated March 29, 2023, the notice provisions of By-law 147-2007 (e.g. newspaper advertisements) be waived concerning notice for any proposed amendment to Sign By-law 72-96 in consideration of the sandwich board pilot project, which has had a duration of six years, being made permanent in the event Part 1 of this recommendation is approved.
3. That a copy of Report CNCL-23-32 dated March 29, 2023, and the related Council resolution be sent to the Region of Durham.

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

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

- Commissioner, Corporate and Finance Services
- Commissioner, Community and Operations Services
- City Solicitor
- Region of Durham

5.0 Analysis

5.1 Background

In 2014, City Council considered the Downtown Plan 20Twenty. Among the various action items was direction to have staff investigate legalizing sandwich board signs in the C.B.D. (see Attachment 1) given that they are not permitted by the City's Sign By-law 72-96.

Sandwich board signs represent an important and affordable tool for business owners to advertise their businesses, particularly during the summer season, in the downtown.

Some business owners can accommodate sandwich board signs on private properties. Others, however, do not have the space available on private property and wish to use the public boulevard including the sidewalk in the downtown.

On May 24, 2016, City Council considered Report DS-16-66 and authorized staff to initiate the public process for Council to consider the proposed 3-year pilot project to permit sandwich board signs in C.B.D. Zones in the Downtown Oshawa Urban Growth Centre, subject to the Region of Durham's approval of the City's request for an amendment to the Region's Temporary Sign By-law 22-2014 ("Sign By-law 22-2014") to advance the proposed pilot project.

It is important to note that Centre Street and Simcoe Street in Downtown Oshawa are under the jurisdiction of the Region of Durham and any sandwich board sign erected within these Regional road right-of-ways would be regulated by the Region's Sign By-law 22-2014. At the time, staff's review of the Region's Sign By-law 22-2014 indicated that the regulations for temporary signs under the by-law conflicted with regulations proposed for the 3-year pilot project. It would have been confusing to the business owners and public to have different sandwich board sign regulations on City streets versus Regional roads in the Downtown.

On September 14, 2016, Regional Council approved a temporary suspension of the application and enforcement of the Region's Sign By-law 22-2014 to allow the City of Oshawa to proceed with the proposed pilot project.

On December 19, 2016, City Council considered Report DS-16-203 (which forms part of Attachment 2) and approved the 3- year pilot project to permit sandwich board signs in C.B.D. Zones in the Downtown Oshawa Urban Growth Centre and to amend the Sign By-law 72-96.

The pilot project started on April 1, 2017 and was scheduled to end on April 1, 2020. Development Services staff worked with Corporate Communications to message out the start of the program through social media opportunities including Facebook and Twitter accounts, posting on the Business and Investment newsfeed on the City's website, and emailing those who subscribe to the newsfeed. In addition, the then Oshawa Central Business District Improvement Area ("B.I.A.") was notified of the commencement of the pilot project.

Staff also undertook a follow-up survey and consultation to elicit further input from the broader business community in the City.

On October 26, 2020, City Council considered Report DS-20-111 (which is affixed to Attachment 2) and approved an extension of the pilot project to April 1, 2023 to continue to permit sandwich board signs in C.B.D. Zones in the Downtown Oshawa Urban Growth Centre and to amend Sign By-law 72-96.

Planning Services staff worked with Corporate Communications to develop a communications plan to message out the extension of the pilot project. The communications plan included the following:

- Posting public notices on the City's website;
- Issuing social media posts on the City's corporate accounts including Twitter, Facebook, LinkedIn and the Economic Development social media channels; and,
- Sending electronic newsletters to the downtown businesses and the Chamber of Commerce.

In Report DS-20-111, it was noted that staff would report back to Council on the results of the extended pilot project.

On February 27, 2023, City Council considered Report ED-23-23 (see Attachment 2) and directed staff to not further extend the sandwich board sign pilot project. However, as noted in Section 1.0 of this Report, Council further directed staff to investigate and report back with a by-law amendment to permit sandwich board signs.

5.2 Sandwich Board Sign Regulations in Other Municipalities

For comparative purposes, staff reviewed the temporary sign by-law provisions of the other Durham Region lakeshore municipalities to identify the regulatory and enforcement provisions currently in effect for each municipality.

A review of the information collected through a survey of the Durham Region lakeshore municipalities is presented in Table 1 below.

Table 1: Sign By-Law Provisions for Durham Region Lakeshore Municipalities

| Municipality | Permitted on Private Property | Permitted on Lower-tier Municipal Road Allowance | Permit Required | Criteria | Required Permit Fee | Required Insurance |
|--------------|-------------------------------|--|-----------------|--|---------------------|--------------------|
| Pickering | Yes | Yes | Yes | Maximum Height: 2m Maximum Area: 4m ² Minimum Setback: 3m | \$100 | No |
| Ajax | Yes | No | No | Maximum Height: 1m Maximum Width: 1m Maximum Area: 1m ² | No fee | No |
| Whitby | No | No | N/A | N/A | N/A | N/A |
| Clarington | Yes | Yes | No | Maximum Height: 1.25m Maximum Area: 1m ² | No fee | No |

5.3 Proposed Amendments to the Sign By-law 72-96

An amendment to Sign By-law 72-96 is required to permit sandwich board signs on a permanent basis in the C.B.D. Zones in the Downtown Oshawa Urban Growth Centre.

Under Sign By-law 72-96, sandwich board signs are recognized as a type of temporary sign.

Sandwich board signs will require a permit from the City issued by the City's Chief Building Official.

The proposed amendments generally will:

- Delegate the approval of sign permits to the City's Chief Building Official.
- Remove the requirement for a business to provide a certificate of insurance for commercial general liability in the amount of \$2 million with a requirement that the City be named an Additional Insured.
- Remove the requirement that sandwich board sign permits are only valid for a set period of time.
- Add a requirement that sandwich board signs include an additional weight attached for stability and wind resistance, with the weight to be situated under the tent of the sandwich board sign so as not to cause an obstruction.

Staff have been in consultation with the Durham Municipal Insurance Pool who recommend that the City require Commercial General Liability insurance with the City added as an Additional Insured when permitting signs under Sign By-law 72-96. Conversely, with respect to sandwich board signs, staff recommend that the requirement for a business to provide a certificate of insurance with the City named as an Additional Insured be removed for the following reasons:

- Over the course of the pilot project, applicants found it onerous to provide proof of insurance with the City added as an Additional Insured, resulting in applicants choosing not to obtain a permit for their sandwich board sign.
- Staff note that under Sign By-law 72-96, the only type of sign that currently requires proof of insurance with the City named as an Additional Insured is a Special Event Banner.
- Staff have reviewed the sign by-law provisions of other Durham Region lakeshore municipalities and note that those who permit sandwich board signs in their associated by-law do not require insurance certificates with the municipality named as an Additional Insured.
- Staff note that Section 1.13.1 of Sign By-law 72-96 currently addresses the issue of liability:

“The provisions of this By-law shall not be construed as relieving or limiting the responsibility or liability of any PERSON, who erects or displays, or causes or permits or allows to be erected or displayed, any SIGN, for personal injury including injury resulting in death, or property damage resulting from the SIGN or from the acts or omissions of that PERSON, or his agents, servants, employees, contractors or sub-contractors, in the construction, erection, maintenance, display, ALTERATION, repair or removal of any SIGN erected in accordance with this By-law or a permit which is issued pursuant to this By-law. Likewise, the provisions of this By-law shall not be construed as imposing on the CITY, its officers, employees, servants

and agents, any responsibility or liability whatsoever by reason of the approval of or issuance of a permit for any SIGN or removal of any SIGN.”

- Staff are proposing to amend Sign By-law 72-96 to add in a requirement that sandwich board signs include an additional weight attached for stability and wind resistance that is situated under the tent of the sandwich board sign.

Staff note that Centre Street and Simcoe Street in Downtown Oshawa are under the jurisdiction of the Region of Durham and any sandwich board sign would be regulated by Regional By-law 22-2014. The Region passed By-law 52-2020 on November 25, 2020 which states that where an area municipality has enacted a temporary sign by-law, the Region adopts those provisions of the area municipality by-law which apply to regional roads. In addition, the Region delegates the authority to enforce the provisions of that by-law on regional roads in the area municipality to the municipal law enforcement officers of that area municipality.

5.4 Sandwich Board Sign Permit Process

The proposed sign permit process will generally be as follows:

- The business owner applies for a sign permit for the sandwich board sign.
- The business owner would demonstrate that the sandwich board sign is in good condition. If after inspecting the sign it is determined that the sign is not in a good condition, staff may refuse to issue a permit until the sign is in an acceptable condition for the placement.
- The City's Chief Building Official issues sign permits for qualifying sandwich board signs.

5.5 Rationale for Support

Staff recommend permitting sandwich board signs in the C.B.D. Zones in the Downtown Oshawa Urban Growth Centre on a permanent basis for the following reasons:

- Sandwich board signs assist to advance the Economic Prosperity goal of the Oshawa Strategic Plan and promote downtown revitalization.
- Sandwich board signs will support new and existing businesses and provide them with a new opportunity for increasing their customer base.
- Sandwich board signs will bring vibrancy, colour, activity and a more active streetscape to the downtown.
- Sandwich board signs will draw people's attention to retail, culinary and entertainment opportunities in the downtown.
- The Oshawa Downtown Streetscape Design Vision is a guide that assists in the development of the public realm in the downtown. An emphasis is placed on widening sidewalks. Wider sidewalks have the capacity to permit sandwich board signs without

compromising pedestrian activity or accessibility. The City has been strategically focusing on the pedestrian realm and widening sidewalks along King Street in the downtown, where there will be additional space to accommodate sandwich board signs.

6.0 Financial Implications

The anticipated costs for permitting sandwich board signs in the C.B.D. Zones in the Downtown Oshawa Urban Growth Centre relate to staff processing applications and promotion and educational efforts.

7.0 Relationship to the Oshawa Strategic Plan

The recommendation in this Report advances the Accountable Leadership and Economic Prosperity goals identified in the Oshawa Strategic Plan.



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



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



**By-law -2023
of The Corporation of the City of Oshawa**

Being a by-law to further amend the City of Oshawa's Sign By-law 72-96 (being a By-law to Regulate Signs within Oshawa and Projections and Suspensions on Highways), as amended.

IT IS ENACTED as a by-law of The Corporation of the City of Oshawa by its Council as follows:

1. That By-law 72-96 (being a By-law to Regulate Signs within Oshawa and Projections and Suspensions on Highways), as amended, is further amended as follows:

a) By deleting Article 1.8.3 in its entirety and replacing it with the following:

"1.8.3 Every PERSON making application for a SIGN PERMIT shall make application on the form or forms as may be required by the CHIEF BUILDING OFFICIAL from time to time."

b) By deleting Sentence 5.18.2(d) in its entirety and replacing it with the text "[Deleted]".

c) By deleting Sentence 5.18.2(p) in its entirety and replacing it with the following:

"5.18.2(p) that is not made of plastic, metal, or wood and does not include an additional weight attached for stability and wind resistance that is situated under the tent of the SANDWICH BOARD SIGN unless approved by the CHIEF BUILDING OFFICIAL;"

d) By deleting the text of Article 5.18.3 in its entirety and replacing it with the text "[Deleted]".

e) By deleting Article 5.18.4 in its entirety and replacing it with the following:

"5.18.4 The CHIEF BUILDING OFFICIAL is hereby authorized to administer, approve (with or without conditions) and refuse to approve SIGN PERMITS for SANDWICH BOARD SIGNS."

f) By deleting Article 5.18.5 in its entirety and replacing it with the following:

"5.18.5 An application for a SIGN PERMIT for a SANDWICH BOARD SIGN shall be made on the form or forms that the CHIEF BUILDING OFFICIAL may prescribe."

g) By deleting the text of Article 5.18.6 in its entirety and replacing it with the text "[Deleted]".

h) By deleting Article 5.18.7 in its entirety and replacing it with the following:

"5.18.7 The CHIEF BUILDING OFFICIAL may revoke any SIGN PERMIT for a SANDWICH BOARD SIGN if the PERSON issued the SIGN PERMIT for

the SANDWICH BOARD SIGN fails to comply with any provision of this By-law.”

i) By deleting the text of Article 5.18.8 in its entirety and replacing it with the text “[Deleted]”.

j) By deleting Article 5.18.12 in its entirety and replacing it with the following:

“5.18.12 Unless otherwise authorized by the CHIEF BUILDING OFFICIAL, a SANDWICH BOARD SIGN shall be safely erected or displayed in front of a business unit adjacent to the entrance door, or across from the entrance door fronting the business unit, in compliance with the provisions contained within this By-law.”

k) By deleting Article 5.18.14 in its entirety and replacing with the following:

“5.18.14 The special events organizer shall both notify and consult with the CHIEF BUILDING OFFICIAL 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.”

By-law passed this 3rd day of April, 2023.

Mayor

City Clerk