

## Request for Decision

### City of Greater Sudbury Comprehensive Sign By-law Review, Recommendations and New By-law

Presented To:	City Council
Presented:	Tuesday, Oct 29, 2019
Report Date	Wednesday, Oct 16, 2019
Type:	Presentations

#### Resolution

THAT the City of Greater Sudbury approves the recommendations as outlined in the report entitled “City of Greater Sudbury Comprehensive Sign By-law Review, Recommendations and New By-law”, from the General Manager of Infrastructure Services, presented at the City Council meeting on October 29, 2019;

AND THAT staff be directed to finalize the draft by law presented.

#### Relationship to the Strategic Plan / Health Impact Assessment

This report supports the corporate strategic plan by creating a healthier community and supports the goal of “1.0 Asset Management and Service Excellence” through the proposed cost effective service delivery governance model.

#### Report Summary

This report provides a summary of the comprehensive review of the City of Greater Sudbury Sign By-law since its original passing by Council in 2007. The review included current state, analysis, stakeholder and public consultation as well as citizen survey results. Further, it provides recommendations for Council as well as a draft by-law for its consideration.

#### Financial Implications

There are no financial implications associated with this report.

#### Signed By

**Report Prepared By**

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*Digitally Signed Oct 16, 19*

**Division Review**

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Ed Archer  
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*Digitally Signed Oct 16, 19*

**Date: September 30, 2019**

## **Executive Summary**

City staff completed a comprehensive analysis of the existing administration, processes and by-law with regard to the use of permanent and temporary signs throughout the City, with the assistance of a consultant, Martin Rendl Associates, an expert in this field of practice.

City staff found a number of opportunities to make changes to be consistent with best practices for regulated signs in a Municipality. This will provide clarity for people involved in the sign industry as well as others that benefit from the use of signs. Further, this will clarify for these individuals the administration of this aspect of the City's business.

City staff are recommending the following changes to the Sign By-law:

- Administration

The responsibilities for permanent signs will be assigned to Building Services and temporary signs to By-law Enforcement. Variances will have delegated authority to staff with right of appeal to sign variance committee.

- Permanent Sign Regulations

These have been updated to current industry standards.

- Temporary Sign Regulations

Little change except for new regulations for flags, agricultural direction signs and new development signs.

- Poster Signs

The current permitting regime will be eliminated but the by-law will regulate size, height and location and prohibit commercial advertising using poster signs.

- Electronic Billboard Signs

By-law will include these signs and regulate their illumination and animation standards.

City staff are also recommending that the new sign by-law not be retroactive to existing signage except for the illumination and animation standards for electronic signage.

City staff have developed a communication plan which includes an information portal. They are also working on next steps related to Tourism and Right-of-Way signage.

Staff will also work with local BIAs on opportunities to develop community bulletin boards.

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## **Background**

### **Historical**

In 1978, the Region of Sudbury passed a sign by-law which regulated the erection of permanent signs and other advertising devices within the Region.

In 1988, the Region of Sudbury passed a new sign by-law which incorporated the previous regulations but also added new controls for the ever growing types and sizes of permanent signs.

Before amalgamation, each of the seven area municipalities had zoning by-laws which governed type, size and location of signs on private property.

After amalgamation and further to a public input meeting, a Comprehensive Sign By-law 2007-250 was passed by Council which regulated portable signs and poster signs. In 2010 when the new Comprehensive Zoning By-law 2010-100Z removed permanent signage from the zoning by-laws, By-law 2010-221Z amended Sign By-law 2007-250 to include permanent sign provisions.

### **Issues with Sign By-law**

The feedback from stakeholders prior to review identified a number of issues with the current sign by-law:

- By-law outdated causing need for numerous sign variance applications
- New technologies and types of signs not included in by-law
- Requires two permits, one for signs under the sign by-law and one for building permit under the Ontario Building Code
- No policy framework for signs in right-of-way
- CGS Tourism signage program does not allow for small farm and agriculture directional signage

Based on the above, a request from Council was made to undertake a review of the sign by-law. A request for proposal for a Comprehensive review of the current sign By-law 2007-250 was issued and Martin Rendl Associates were retained to undertake the review.

### **Scope of Review**

The consultant as part of the Comprehensive Sign By-law review was to:

- 1) Review of current state utilizing background information provided by the staff Steering Committee including the current by-law and policies involving signage with City of Greater Sudbury.
- 2) Assess existing conditions and prepare a report which would evaluate existing conditions including various types of signage currently in use in the City of Greater Sudbury.
- 3) Identify best practices for municipalities of same size, including administration, enforcement, application process and user fees so as to provide approaches for regulating all sign types.

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- 4) Undertake public and industry stakeholder consultation.

### **Consultation Process**

An internal staff steering committee was formed to work with Martin Rendl Associates and included divisional representation from various departments within the City of Greater Sudbury.

- By-law Enforcement
- Tourism and Culture
- Planning
- Roads and Transportation
- Leisure Services
- Earth Care Sudbury
- Building Services
- Economic Development

Staff helped to provide the consultant a current state analysis by providing the following from their divisional work with signage.

- Existing sign by-laws and policies
- Existing sign types regulated
- Current administrative and enforcement processes
- User fees
- Review of Committee of Adjustment variance decisions related to signage.

### **Public and Stakeholder Consultation**

Martin Rendl Associates, with the assistance of City staff, embarked on an initial series of fact finding presentations and met with the following stakeholder groups:

- Local sign association members and sign companies
- Sudbury Chamber of Commerce – Municipal Advocacy Committee
- Downtown Sudbury BIA
- Greater Sudbury Food Policy Council
- Sudbury Real Estate Association
- Two citizen public input sessions

As well, citizen surveys were undertaken by the City of Greater Sudbury's Corporate Communications section seeking citizen opinion on current sign standards and their priorities for improvements for a new sign by-law. Over a hundred people responded to the surveys and results were provided to the consultant.

## **Analysis**

Martin Rendl provided an initial assessment and critique of the existing sign by-law. This was based on the results of their current state analysis, including stakeholder feedback as well as results of a public survey.



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### **Positive Aspects**

- Sign By-law had a good overall structure
- Temporary sign regulations meet current industry best practice
- Generally few instances of roadside clutter as a result

### **Negative Aspects**

- By-law is outdated, shows its age and origins
- Lack of a consolidated single by-law
- Inconsistent and undefined terms
- Gaps filled by staff interpretations
- Current permanent sign regulations
  - Overly narrow range of permitted sign types
  - Standards often difficult to understand
  - Overly complex
- Gaps in by-law created
  - Unnecessarily rigid application of standards
  - Reliance on high number of recurring sign variances

### **Goal of New Sign By-law**

Based on the public and stakeholder feedback as well as consultant review our goal is to achieve appropriate community standards as follows:

- Signs that are appropriate in size and number and location to the type of activity or use to which they pertain.
- Signs which provide reasonable and appropriate means for public to locate and identify facilities, businesses and services without difficulty or confusion.
- Signs which are compatible with their surroundings
- Signs that protect and enhance the aesthetic qualities and visual character of the City of Greater Sudbury
- Signs which are consistent with the City of Greater Sudbury Planning, urban design and heritage objectives
- Signs which do not create a distraction or safety hazard for motorists and pedestrians
- Signs which minimize adverse impacts on nearby public or private property
- Signs which allow the public the right and freedom of expression while staying in proportion to the purposes and direction of the By-law
- Signs which are structurally sound and safe to withstand appropriate climatic loading

### **New Draft By-law (See Appendix “B”)**

The new draft sign by-law should address the following shortfalls in current by-law:

- Consistency in the terms used
- Clear definition for key terms within it
- Update regulation to address post 2007 signage trends including electronic and digital displays in signs.

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- Types of signs regulated

The current sign by-law provisions for temporary signs are generally appropriate and consistent with best municipal practice.

The provisions for permanent signs are the greatest weakness in the current sign by-law the new draft by-law addresses the following issues as recommended by Martin Rendl Associates in their Recommendation Report dated September 2019 (Attached).

## **Martin Rendl Associates Recommendations Report (Appendix “A”)**

Martin Rendl Associates based on the two rounds of public and stakeholder meetings has completed their current state analysis. They have provided Council and staff suggested modifications and upgrades for consideration. These include the following:

### **By-law Format**

Best practice by-law format which bases sign types allowed on zoning continues. However, the following deficiencies in current by-law have been addressed.

These include the following:

- Too narrow a range of permitted sign types
- Difficult to understand standards
- Overly complex provisions that impede understanding by users
- Failure of sign by-laws to recognize common sign types associated with modern development resulting in a high reliance on minor variance applications to fill by-law gaps.

### **Sign standards**

Appropriate best practice sign standards for size and location for all permanent signs including wall signs, canopy and awning signs, projecting signs, ground signs and billboard signs have been provided for Council consideration.

### **Aesthetic and safety consideration**

The new draft sign by-law will update current regulations and provides Council best practice standards to ensure that for various sign types their size, location and illumination will be consistent with the municipality's Planning and Community Design Policies. This shall ensure signage that is appropriate and suitable for their role and context so as to reinforce the physical character of their surroundings and maintain visual quality.

The recommendations and new by-law ensure signage does not create or conflict with other signs, specifically signs located adjacent to public road allowance.

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### **Approval processes**

Martin Rendl has reviewed the current administration and approvals processes related to signage within the City of Greater Sudbury including permits, variances and fees. This review was for all types of signs, portable, permanent and tourism signs as well as signs in public road allowances and has provided Council recommendations on governance as well as process improvements for Council's consideration, for inclusion in the new by-law.

### **Enforcement**

Enforcement provisions for signs has also been reviewed and best practice recommendations provided to Council. Again, this involved all sign types, however specific attention was provided to poster signs on City right-of-ways, based on citizen input.

### **Signs located on public road allowance**

The current state review has identified the need for clarity on how the City of Greater Sudbury manages signs in the public road allowance involving traffic control signs, tourism as well as agricultural directional signs. Signage on public road allowance within business improvement areas was also specifically reviewed.

Council has been provided recommendations on governance as well as appropriate frame work for managing non-traffic control signs in the road allowance, including tourism signage which will be addressed later in 2020 by a sub-committee including Tourism and Infrastructure Capital Planning staff to establish appropriate standards and framework.

This will provide certainty to community stakeholders for signs on the right-of-way.

## **Conclusions**

The summary of staff recommendations for Council's consideration based on the comprehensive review by Martin Rendl Associates including extensive public and stakeholder consultation may be summarized as follows:

### **Administration**

The new by-law will streamline the sign permit and building permit approval process by retaining responsibility for temporary signs within the By-law Services Division and consolidate the approval for permanent signs and building permits for permanent signs within the Building Services Division.

Further, the by-law will delegate authority for variances to staff with rights of appeal of a refusal of the variance to the sign variance committee.

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### **Permanent Sign Regulations**

The new by-law will contain updated best practice sign standards for size and location for all permanent and temporary signs. The by-law will provide clear definitions for key terms and consistency in the use of these terms. As well, the updated by-law will remove current regulation shortfalls causing needless recurring of variance applications.

### **Temporary Sign Regulations**

The current sign by-law provisions for temporary signs are currently appropriate and consistent with best municipal practice. Therefore, little is changing except the provisions of flags, agricultural direction signs and new development signs.

### **Poster Signs**

The new sign by-law will allow posters without the current permit regimen in all areas of the City. However, they will be subject to by-law regulations on size, height and location, i.e. not permitted in medians or on any traffic device adjacent to intersections.

Poster signs that are commercial advertising will be prohibited.

Staff will explore further opportunities with local BIAs for community bulletin boards since a business case with budget implications needs to be provided to Council for its consideration.

The by-law will provide for removal of any posters without notice or compensation by the owner of utility pole for those not meeting the new regulation.

### **Electronic Bill Board Signs**

The new sign by-law will fill the regulatory gap within the current by-law which does not recognize these as a distinct sign type. Regulations and standards will address the top public sign complaints of distraction and road safety by providing illumination and animation standards. Sign location as well as spacing regulations have been included in the by-law so as to address the public's road safety concerns.

Other electronic illumination signs such as electronic message boards, fuel price signs and electronic signs will have regulations and standards dictating maximum size, animation as well as brightness so as to not distract or impact adjoining properties.

### **Existing Signs (Legal Non-Conforming)**

The new sign by-law will not apply retroactively to an existing sign lawfully erected on the date the new by-law comes into effect provided it is not substantially altered.

However, existing electronic billboard signs and electronic message board signs will be subject to maximum illumination as well as animation regulations within the new sign by-law.

## **Next Steps**

### **Signs/Banners in Public Road Allowance**

Martin Rendl Associates recommends and staff are committed to developing for the City of Greater Sudbury in the fourth quarter of 2020, criteria for the issuance of permits for signs, banners or other defined signs on or over a street or on any street fixture.

The criteria will be developed with the input of the stakeholders within our Business Improvement Areas by the Infrastructure Capital Planning Division in concert with the Economic Development, By-law and Building Services Divisions.

### **Tourism Sign Program**

Martin Rendl Associates recommends and Staff of the Economic Development Division are committed to revise the current eligibility criteria of the tourism signage program. This will be done in consultation with community stakeholders including the Greater Sudbury Food Council by the fourth quarter of 2020.

### **Sign Information Portal**

A signage information portal will be developed by staff from Economic Development, By-law Enforcement, Building Services and Infrastructure Capital Planning.

This will be done in concert with our communications group for directing public as well as other stakeholders to facilitate ease of obtaining information on signage and directing them to the proper divisions for assistance to align with Council's Customer Service Strategy.

## **Resources Cited**

Report Presented to [Policy Committee May 19, 2010](#)

Report Presented to [Policy Committee July 14, 2010](#)

Report Presented to [Policy Committee June 22, 2011](#)

Report Presented to [Operations Committee July 8, 2019](#)

## **APPENDIX “A”**

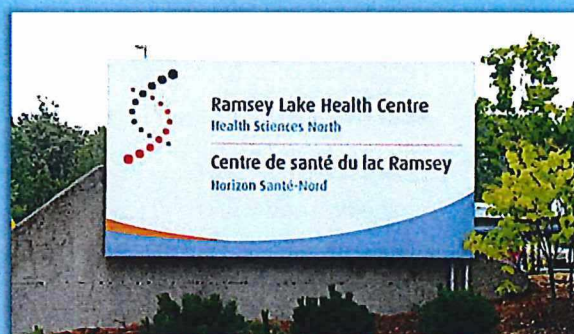
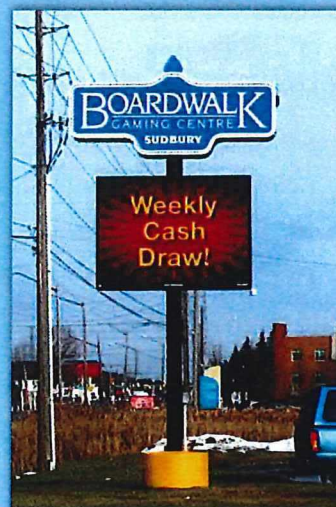
City of Greater Sudbury  
Sign By-law Review  
Recommendations Report



# CITY OF GREATER SUDBURY

## SIGN BY-LAW REVIEW

### RECOMMENDATIONS REPORT



MARTIN RENDL ASSOCIATES

OCTOBER 2019



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**APPENDIX A: MUNICIPAL SIGN PERMIT FEES**

**APPENDIX B: PUBLIC CONSULTATION COMMENTS**

## EXECUTIVE SUMMARY

The City of Greater Sudbury has completed the first comprehensive review of its Sign By-law since its original passing by Council in 2007.

The Sign By-law Review identified a number of issues related to signs in Sudbury in general as well as the existing regulations in the current Sign By-law. The Review included consultation with the public and other stakeholders which helped to identify matters to be addressed.

Recommendations for a new Sign By-law are based on the findings of the Review.

This Report presents a series of findings with respect to the provisions of the current Sign By-law and associated approval processes that should be addressed in preparing a new Sign By-law for Sudbury. These include:

- Consistency in the use of terms;
- Clear definitions for key terms;
- Update the by-law to remove current regulations causing recurring variance applications that are approved;
- Delegation of variance approvals to City staff;
- Streamline the sign permit and building permit approval processes;
- Update regulations to address sign programs associated with specific types of development;
- Update Sign By-law regulations to address post-2007 signage trends including electronic and digital displays in signs;
- Clarify and if necessary, formalize or revise City programs for private signs in the road right-of-way and tourism signs.

The goal is for Council to pass a new Sign By-law that addresses current and future signage issues in Sudbury and is also easy to understand and administer. This will eliminate many of the current frustrations experienced by the public and City staff when dealing with Sudbury's existing Sign By-law.



## SUMMARY OF RECOMMENDATIONS

### 1. ADMINISTRATION

- For permanent signs, consolidate the approvals for sign permits and building permits within the Building Services Division.
- For temporary signs, retain the responsibility for sign permits within the By-law Services Division.
- Delegate the approval for variances from the Consent Officer with applicants having the right to appeal a refusal of a sign variance application to the Sign Variance Committee.

### 2. PERMANENT SIGN REGULATIONS

The following is an overview summary of the recommended general regulations for permanent signs.

#### a) RESIDENTIAL SIGN DISTRICTS

Sign Type Permitted	Number of Signs	Maximum Sign Area	Maximum Ground Sign Height
<b>Awning or Canopy Sign</b>	1 per premises	50% of the awning or canopy area	2.75 m clearance above grade
<b>Bed and Breakfast Sign</b>	1 ground or wall sign	0.40 m <sup>2</sup>	1.2 m
<b>Ground Sign</b>	1 per lot	2.0 m <sup>2</sup>	3.0 m
<b>Home Occupation Sign</b>	1 ground or wall sign	0.40 m <sup>2</sup>	1.2 m ground sign
<b>Wall Sign</b>	1 per premises	Varies: 0.40 m <sup>2</sup> – 4.0 m <sup>2</sup> ; 25% of the external façade of the premises	---

#### b) COMMERCIAL SIGN DISTRICTS

Sign Type Permitted	Number of Signs	Maximum Sign Area	Maximum Sign Height
<b>Awning or Canopy Sign</b>	1 per premises	50% of the area of the awning or canopy	2.75 m clearance above grade
<b>Billboard Sign</b>	1	20.0 m <sup>2</sup>	8.0 m
<b>Directional Sign</b>	---	0.3 m <sup>2</sup>	---
<b>Electronic Billboard Sign</b>	1	20.0 m <sup>2</sup>	8.0 m
<b>Electronic Message Board</b>	1 as part of a ground sign	30% of the maximum sign area of a ground sign	---
<b>Ground Sign</b>	1 for each 200 m or less of the street line of a property	0.3 times the length of the street line, maximum 15 m <sup>2</sup>	7.5 m
<b>Home Occupation Sign</b>	1 ground or wall sign	0.40 m <sup>2</sup>	1.2 m ground sign
<b>Menu Board Sign</b>	1 per drive through lane	4.0 m <sup>2</sup>	3.0 m
<b>Pre-menu Board Sign</b>	1 per drive through lane	2.0 m <sup>2</sup>	3.0 m



Sign Type Permitted	Number of Signs	Maximum Sign Area	Maximum Sign Height
Projecting Sign	1 per premises	1.0 m <sup>2</sup>	2.75 m clearance above grade
Wall Sign	---	25% of the external façade of that part of the building occupied by a business	Lesser of 4.5 m or the base of windows on any storey above the ground floor
Window Sign	1 per premises	0.5 m <sup>2</sup>	---

c) INDUSTRIAL SIGN DISTRICTS

Sign Type Permitted	Number of Signs	Maximum Sign Area	Maximum Sign Height
Billboard Sign	1	20.0 m <sup>2</sup>	8.0 m
Directional Sign	---	0.3 m <sup>2</sup>	---
Electronic Billboard Sign	1	20.0 m <sup>2</sup>	8.0 m
Electronic Message Board	1 as part of a ground sign	30% of the maximum sign area of a ground sign	---
Ground Sign	1 for each 200 m or less of the street line of a property	0.3 times the length of the street line, maximum 15 m <sup>2</sup>	7.5 m
Projecting Sign	1 per premises	1.0 m <sup>2</sup>	2.75 m clearance above grade
Wall Sign	---	25% of the external façade of that part of the building occupied by a business	Lesser of 4.5 m or the base of the window on any storey above the ground floor

d) INSTITUTIONAL SIGN DISTRICT

Sign Type Permitted	Number of Signs	Maximum Sign Area	Maximum Sign Height
Awning or Canopy Sign	1 per premises	50% of the area of the awning or canopy	2.75 m clearance above grade
Directional Sign	---	0.3 m <sup>2</sup>	---
Electronic Message Board	1 as part of a ground sign	30% of the maximum sign area of a ground sign	---
Ground Sign	1 for each 200 m or less of street line of a property	0.3 times the length of the street line, maximum 15 m <sup>2</sup>	7.5 m
Wall Sign	---	25% of the external façade of that part of the building occupied by a business	Lesser of 4.5 m or the base of the window on any storey above the ground floor

e) **RURAL AREA SIGN DISTRICT**

Sign Type Permitted	Number of Signs	Maximum Sign Area	Maximum Sign Height
Agricultural Directional Ground Sign	1	3.0 m <sup>2</sup>	4.0 m
Bed and Breakfast Sign	1 ground or wall sign	0.40 m <sup>2</sup>	1.2 m ground sign
Directional Sign	---	0.3 m <sup>2</sup>	---
Ground Sign	1	4.0 m <sup>2</sup>	3.0 m
Home Occupation Sign	1 ground or wall sign	0.40 m <sup>2</sup>	1.2 m for a ground sign
Wall Sign	---	2.0 m <sup>2</sup>	---

f) **OPEN SPACE SIGN DISTRICT**

Sign Type Permitted	Number of Signs	Maximum Sign Area	Maximum Sign Height
Electronic Message Board	1 as part of a ground sign	30% of the maximum sign area of a ground sign	---
Ground Sign	1 for each street line of a property	0.3 times the length of the street line, maximum 15 m <sup>2</sup>	7.5 m
Wall Sign	---	25% of the external façade of that part of the building occupied by a business	---

### 3. TEMPORARY SIGN REGULATIONS

The following is an overview summary of the recommended general regulations for temporary signs.

a) **RESIDENTIAL SIGN DISTRICT**

Sign Type Permitted	Number of Signs	Maximum Sign Area	Maximum Ground Sign Height
Contractor Sign	1 per lot	0.40 m <sup>2</sup>	1.2 m
Election Sign	NA	1.50 m <sup>2</sup>	2.0 m
New Development Sign	1 per lot or plan of subdivision	10.0 m <sup>2</sup>	7.5 m
Real Estate Sign	1 ground or wall sign	1.0 m <sup>2</sup>	---
Real Estate Open House Sign	---	0.50 m <sup>2</sup>	1.0 m

b) **COMMERCIAL SIGN DISTRICT**

Sign Type Permitted	Number of Signs	Maximum Sign Area	Maximum Ground Sign Height
Banner Sign	1 per business	6.0 m <sup>2</sup>	---
Contractor Sign	1 ground or	0.40 m <sup>2</sup>	1.2 m

Sign Type Permitted	Number of Signs	Maximum Sign Area	Maximum Ground Sign Height
	wall sign		
Election Sign	---	1.50 m <sup>2</sup>	2.0 m
Inflatable Sign	1 per lot	---	---
New Development Sign	1 per lot	10.0 m <sup>2</sup>	7.5 m
Portable Sign	Varies	5.0 m <sup>2</sup>	2.5 m
Real Estate Sign	1 ground or wall sign	4.0 m <sup>2</sup>	6.0 m
Sidewalk Sign	1 per business	1.5 m <sup>2</sup>	1.2 m

c) **INDUSTRIAL, INSTITUTIONAL, RURAL AREA, OPEN SPACE SIGN DISTRICTS**

Sign Type Permitted	Number of Signs	Maximum Sign Area	Maximum Ground Sign Height
Banner Sign	1 per occupant	6.0 m <sup>2</sup>	---
Contractor Sign	1 ground or wall sign	0.40 m <sup>2</sup>	1.2 m
Election Sign	---	1.50 m <sup>2</sup>	2.0 m
New Development Sign	1 per lot or plan of subdivision	10.0 m <sup>2</sup>	7.5 m
Portable Sign	Varies	5.0 m <sup>2</sup>	2.5 m
Real Estate Sign	1 ground or wall sign	4.0 m <sup>2</sup>	6.0 m
Real Estate Open House Sign	---	0.50 m <sup>2</sup>	1.0 m
Sidewalk Sign	1 per business	1.50 m <sup>2</sup>	1.2 m

#### 4. POSTER SIGNS

- Permit poster signs that are not commercial advertising on utility poles subject to regulations on size, height and not being permitted in the median or on any traffic control device;
- Provide for the removal of the poster without notice or compensation by the owner of the utility pole.

#### 5. ELECTRONIC BILLBOARD SIGN REGULATIONS

An electronic billboard sign shall:

- Display only static copy for not less than 10 seconds without any animation;
- Not display any visible effects including motion, fading, dissolving, fading, flashing, intermittent or blinking, scrolling or the illusion of such effects;
- Not emit sound or be interactive in any way;
- Change from one message to another in the sign copy in 0.1 second or less;
- Involve the change of the entire sign copy;
- Not include a partial, incremental or sequential change of sign copy.
- Be equipped with an operating automatic light sensor that is set to control the brightness of the digital sign in compliance with the provisions of this By-law.
- Be erected not less than 200 metres from any other electronic billboard sign or electronic message board;
- Be erected not less than 120 metres from a road intersection with traffic controls or an at grade railway crossing



## **6. ELECTRONIC MESSAGE BOARD REGULATIONS**

- a) Maximum 30% of ground sign area;
- b) 30 second minimum display time.

## **7. FUEL PRICE SIGN**

Where an automotive service station or gas bar use is permitted, an illuminated Fuel Price Sign with a maximum area of 1 m<sup>2</sup> is permitted as part of a Ground Sign

## **8. ILLUMINATION REGULATIONS FOR ELECTRONIC SIGNS**

- a) Not project onto any adjacent premises;
- b) Not increase the light levels within 10.0 metres of all points of the sign face by more than 3.0 lux above the ambient lighting level;
- c) Not exceed 5,000 nits during the period between sunrise and sunset;
- d) Not exceed 300 nits during the period between sunset and sunrise.

## **9. EXISTING SIGNS**

- a) Provisions of the new Sign By-law do not apply to an existing sign that was lawfully erected on the date the new Sign By-law comes into force if the existing sign is not substantially altered.
- b) Existing electronic billboard signs and electronic message board signs shall be subject to the maximum illumination and minimum display interval regulations of the Sign By-law.

## **10. SIGNS IN BUSINESS IMPROVEMENT AREAS**

- a) Any person, business or organization seeking to install a banner or other defined sign on or over a street or on any street fixture should obtain a permit from the City of Greater Sudbury.
- b) The City of Greater Sudbury should develop criteria for the issuance of a permit for such banners and signs, dealing with matters such as:
  - Size;
  - Material;
  - Lighting;
  - Requirements for installation on street fixtures including supports and fastening devices;
  - Installation and removal;
  - Indemnification requirements.

## **11. TOURISM SIGN PROGRAM**

The Economic Development Division should revise the current eligibility criteria of the Tourism Signage Program in consultation with community stakeholders including the Greater Sudbury Food Council.

## **12. SIGNS IN THE PUBLIC ROAD ALLOWANCE**

The Infrastructure Capital Planning Division should:

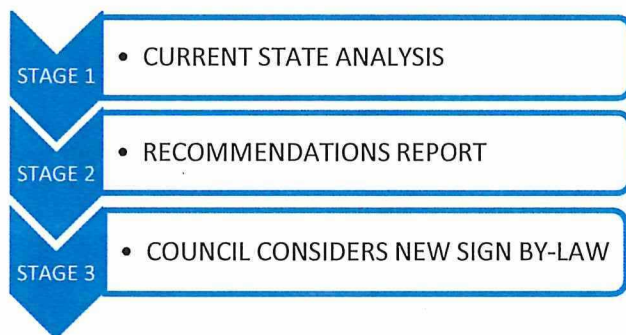
- a) Prepare the appropriate framework for managing non-traffic control signs in the road allowance based on:
  - A profile of the types of sign requests received by the City of Greater Sudbury in the past;
  - An assessment of which types of signs are appropriate to locate within the road allowance without jeopardizing traffic operations or risking public safety;
- b) Develop application requirements for the approval of such signs by the City of Greater Sudbury.

## 1. INTRODUCTION

The City of Greater Sudbury has completed a comprehensive review of its Sign By-law. The purpose of the review was to:

- Assess the current Sudbury Sign By-law;
- Identify the need for Sign By-law revisions and updates;
- Compare the Sudbury Sign By-law with the Best Practices of comparable municipalities;
- Prepare an up to date Sign By-law that is easy to understand and administer.

The review of the Sign By-law is proceeding in three stages.



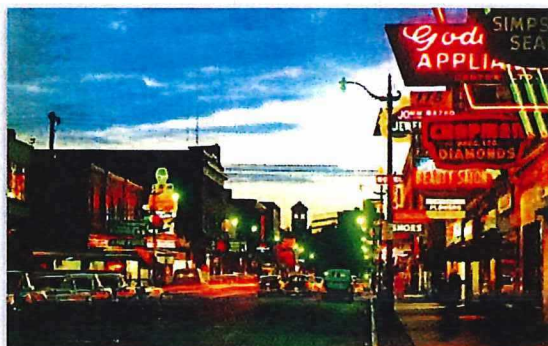
This Report:

- Provides an overview of the current Sign By-law 2007-250, as amended;
- Presents the findings of the Current State Analysis;
- Identifies priorities for by-law amendments based on the findings of the review and priorities for change.

The recommendations presented address the issues identified by and raised during the Review.



DURHAM STREET AT ELM STREET



DURHAM STREET CIRCA 1960





## 2. CURRENT SUDBURY SIGN BY-LAW

Sudbury's current Sign By-law 2007-250 has evolved since its original enactment by Council twelve years ago.

By-law 2007-250 was passed in 2007. At the time of its original passing, it contained only regulations dealing with temporary signs. This included banner signs, portable signs, poster signs, election signs, real estate signs, construction signs and sidewalk signs.

By-law 2007-250 originally did not deal with permanent signs because in 2007, permanent signs were regulated through the sign regulations contained in the zoning by-laws of the seven area municipalities that existed prior to the 2001 amalgamation that created the City of Greater Sudbury. Most of the zoning by-laws of these area municipalities were enacted in the early 1980s.

By-law 2010-221 was passed in 2010 by the City of Greater Sudbury as a major amendment to Sign By-law 2007-250. The main purpose of By-law 2010-221 was to remove the regulations for permanent signs from the seven zoning by-laws and consolidate them into a single Sign By-law, By-law 2007-250, as amended.

At the same time, Zoning By-law 2010-100Z was also passed. It replaced the seven area municipal zoning by-laws and consolidated zoning regulations into one City-wide zoning by-law for Greater Sudbury.

Sign By-law 2010-221 simply moved Sudbury's existing regulations at the time for permanent signs from the zoning by-laws passed under the *Planning Act*, to a sign by-law passed under the *Municipal Act*. The *Planning Act* contains no explicit power for a zoning by-law to regulate signs, whereas the power to pass a by-law respecting signs is found in subsection 10(2) of the *Municipal Act*.

Sign By-law 2007-250, as amended, is divided into nine logical sections:

- Definitions;
- Administration of the By-law;
- Application of the By-law;
- Rules of General Application;
- Permits;
- Rules for Temporary Signs;
- Rules for Permanent Signs;
- Penalties, Enforcement and Variation;
- General Provisions.

The structure and organization of Sign By-law 2007-250 adheres to the drafting norms for municipal by-laws in general and sign by-laws specifically.

The current Sign By-law evolved by combining the provisions from the several previously distinct by-laws of the pre-amalgamation municipalities. Given this history, there are a number of inconsistencies and gaps in the current Sign By-law. For example, although the Sign By-law refers to and defines 15 types of permanent signs, the By-law contains regulations for only 4 of these sign types.

### 2.2 SIGN TYPES CURRENTLY ADDRESSED

Sign By-law 2007-250, as amended regulates signs in relation to the zoning of a property. This is the most common approach municipalities follow since signage needs vary by land use. Signs and sign regulations are therefore logically linked to the type of use and building on a lot.

Sudbury's Sign By-law regulates two broad types of signs: temporary signs and permanent signs.

## 2.2.1 TEMPORARY SIGNS

A temporary sign is any sign not permanently erected on a property or permanently affixed to a structure or building.

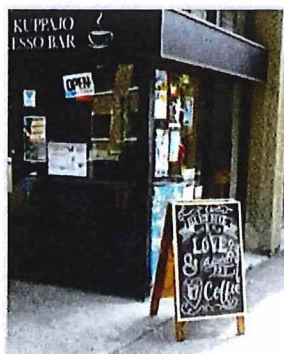


**PORTABLE SIGN**

By-law 2007-250 permits 8 types of temporary signs.

TEMPORARY SIGN TYPES	
Banner	Poster
Construction	Real Estate
Election	Sidewalk
Portable	Yard Sale

Temporary signs are generally permitted in all zones, subject to minor limitations. Temporary signs are usually subject to a maximum display period after which they must be removed. The following are examples of common types of temporary signs found in Sudbury.



**SIDEWALK SIGN**



**REAL ESTATE SIGN**



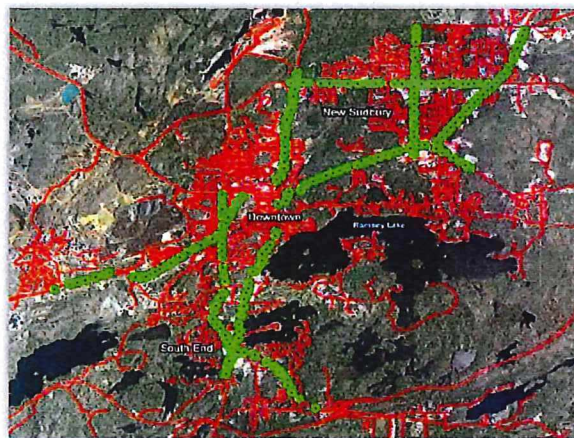
**BANNER SIGN**



**POSTER SIGN**

Most temporary signs (banner, construction site sign, election sign, information sign, official sign, real estate sign, sidewalk sign) do not require a sign permit but may be still be subject to restrictions on size and location.

Portable signs and poster signs require a sign permit. Both types of signs are subject to restrictions on their size and location.



**DESIGNATED POSTER POLE LOCATIONS  
ACROSS SUDBURY**

Poster signs are currently permitted throughout Sudbury provided they are erected on one of 486 designated poster poles located in the street right-of-way of major roads across Sudbury.



## 2.2.2 PERMANENT SIGNS

A permanent sign is permanently erected on a property or permanently affixed to a building or structure. All permanent signs require a sign permit.

In contrast to temporary signs, permanent signs are more finely controlled with respect to the types of land use where they are permitted.

Permanent sign regulations apply to development in five general land use categories: Residential, Commercial, Industrial, Rural, and Other. These general land use categories used in the Sign By-law cover the 39 zoning categories of Zoning By-law 2010-100Z as illustrated in Table 1.

The type and number of permanent signs permitted as well as sign characteristics such as maximum area, maximum height and total sign area per property vary across the five Sign Classes. The intent is to tailor the sign regulations to the characteristics of the different land uses and their surrounding context.

By-law 2007-250 refers to or defines approximately 14 types of permanent signs but provides standards for only four types of permanent signs:

- Fascia (wall) sign;
- Projecting sign;
- Ground sign;
- Roof sign.

For example, while the terms directory sign, electronic variable message centre, menu board, mural, pump island sign, and reader board sign are defined in the Sign By-law, the Sign By-law makes no further reference to these sign types. They are not explicitly referred to in Schedules A – F of the By-law which contain the standards for sign types.

This mis-match creates uncertainty with respect to how these two sets of sign types relate to each other. In addition, several of the defined sign types not explicitly addressed in Schedules A – F do not have standards for their height, area, etc.

**TABLE 1  
PERMANENT SIGNS**

<b>SIGN CLASS By-law 2007-250</b>	<b>ZONING CATEGORY By-law 2010-100Z</b>	
<b>RESIDENTIAL</b>	R1-1 to R1-6	Low Density Residential One
	R2-1 to R2-3	Low Density Residential Two
	R3, R3-1	Medium Density Residential
	R4	High Density Residential
	RMH	Residential Mobile Home
<b>COMMERCIAL</b>	C1	Local Commercial
	C3	General Commercial
	C3	Limited General Commercial
	C4	Office Commercial
	C5	Shopping Centre Commercial
	C6	Downtown Commercial
	C7	Resort Commercial
<b>MIXED LIGHT INDUSTRIAL/ SERVICE COMMERCIAL</b>	M1-1	Business Industrial
	M1	Mixed Light Industrial/Service Commercial
	M2	Light Industrial
	M3	Heavy Industrial
	M4	Mining Industrial
	M5	Extractive Industrial
<b>RURAL</b>	M6	Disposal Industrial
	A	Agricultural
	RU	Rural
	RS	Rural Shoreline
<b>OTHER</b>	SLS	Seasonal Limited Service
	I	Institutional
	P	Park
	OSC	Open Space - Conservation
	OSP	Open Space - Private
	OSR	Open Space - Recreation
	OSW	Open Space - Waterbody
	EP	Environmental Protection
	FD	Future Development

The following are examples of permanent signs commonly found in Sudbury.

### WALL SIGNS



### PROJECTING SIGNS



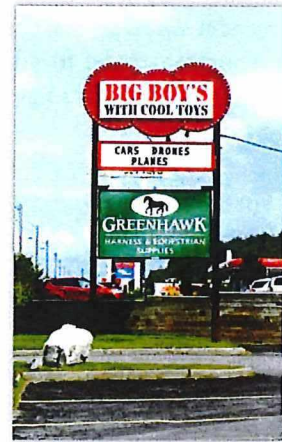
### ROOF SIGN



### ADVERTISING SIGNS



### GROUND SIGNS





## 2.3 ADVERTISING ON SIGNS

Municipalities generally distinguish between signs that identify a business at the location where it is located, and signs located elsewhere that display advertising unrelated to the property on which the signs are located. This distinction between the purpose of the sign's message is sometimes referred to as first and third-party signage respectively.

Sudbury's Sign By-law distinguishes between business identification signs (first party signs) and advertising signs (third party signs) based on the location of the sign in relation to the business or use the sign copy refers to. This approach and distinction are consistent with municipal practices elsewhere.

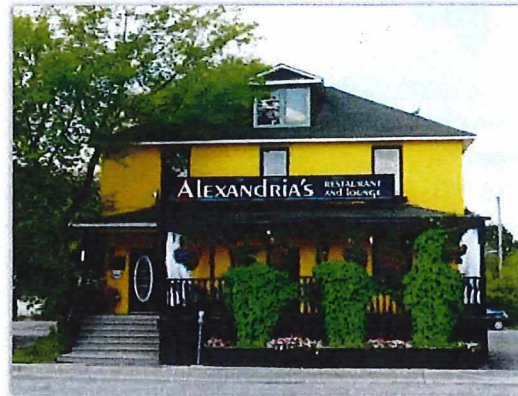


**ADVERTISING GROUND SIGN**



**ADVERTISING GROUND SIGNS**

The Sign By-law defines an advertising sign as “a sign directing attention to a business, commodity, service, entertainment or use which is not conducted, sold, offered or located on the same lot.”



**BUSINESS IDENTIFICATION WALL SIGN**

A business identification sign is defined as “a sign identifying or advertising a business or other non-residential use located, operated or conducted on the same lot, with or without reference to a product sold, distributed or manufactured on the property or to an activity occurring in conjunction with such use.”

With respect to temporary signs, only a portable sign cannot advertise a business, event or activity that is not located on the lot where the portable sign is located.

In the case of permanent signs, advertising signs may take the form of a wall, ground, projecting and roof sign. Permanent advertising signs are permitted with restrictions in some Commercial and Industrial Zones



## 2.4 FINDINGS

- The structure and organization of the current Sign By-law generally corresponds to the drafting norms for municipal by-laws in general and sign by-laws specifically.
- The current Sign By-law and its provisions are an amalgam of several former by-laws. This has resulted in many inconsistencies in wording and gaps in its content and regulations. This hampers the easy and effective use of the Sign By-law by the public and municipal staff.
- The provisions for temporary signs are generally appropriate and consistent with best municipal practices.
- The provisions for permanent signs are the greatest weakness in the current Sign By-law and are addressed in Section 6 of this Report.
- Weaknesses in the current regulations for permanent signs include:
  - Too narrow a range of permitted sign types;
  - Difficult to understand and apply standards;
  - Overly complex provisions that impede understanding by users;
  - Inclusion of regulations such as maximum sign area per lot that duplicate other sign regulations and are of questionable benefit since most signs are attached to buildings not the ground;
  - Failure of the Sign By-law to recognize common sign types associated with modern development often results in the rigid interpretation of the signage provisions creating the unnecessary by-product of a high reliance on minor variance applications to fill By-law gaps.



### 3. VARIANCES FROM THE SIGN BY-LAW

The Sudbury Committee of Adjustment may authorize relief from the provisions of the Sign By-law through the approval of minor variances from the Sign By-law's regulations. To authorize a minor variance, the Committee must be satisfied that the general intent and purpose of the Sign By-law are maintained. This criterion is similar to the test found in Section 45(1) of the *Planning Act* with respect to the approval of a minor variance from a zoning by-law.

The Sign By-law further directs the Committee and City Council when considering variance applications to have regard for:

- Special circumstances or conditions applying to the land, building or use;
- Whether the strict application of the By-law in the context of the land, building or use would create practical difficulties, unnecessary and unusual hardship for the applicant;
- Whether the special circumstances or conditions are pre-existing and not created by the owner of the land or building; and,
- Whether the proposed sign will alter the essential character of the area.

These criteria in the Sign By-law provide a good evaluation framework for the Committee of Adjustment follow when it considers applications for variances from the Sign By-law.

The Sign By-law does not currently provide a process for the appeal of a refusal of an application by the Committee of Adjustment.

### 3.1 REVIEW OF SIGN BY-LAW VARIANCES

One indicator of the degree to which the regulations of a municipality's sign by-law match the signage needs of the community is the number and type of applications the municipality receives for variances from its sign by-law.



A recurring pattern of similar variances for the same type of relief suggests the need to update the sign by-law, particularly when such variance applications are routinely or frequently approved.

The number and type of minor variances to By-law 2007-250, as amended, from 2011 to October 2017 were reviewed. The purpose was to identify any recurring patterns in the variance applications and approvals that would suggest the need to examine specific regulations in the Sign By-law with respect to the need for a revision or update.

A total of 119 applications for variances from the Sign By-law since 2011 were reviewed with respect to the type of variance requested by applicants. In many cases, an application involved multiple variances for the sign type or property. For example, a variance application for a double-sided ground sign also involves a variance from the maximum permitted ground sign area since only a single sided ground sign is permitted.

The Committee of Adjustment has approved all 119 variance applications submitted since 2011.

Table 2 lists ten general categories of variances that were identified ranging from a low of 2 occurrences in a category to a high of 56.

TABLE 2 SIGN VARIANCE APPLICATIONS: 2011 – 2017		
	Type of Variance	
1	More than 1 wall sign per main use	40%
2	Double sided ground sign	21%
3	Number of ground signs for drive through facility (menu boards)	11%
4	Increase in maximum sign area for property	9%
5	Double sided advertising sign	6%
6	Reduce ground sign setback	4%
7	Increase maximum ground sign area	3%
8	Increase number of ground sign permitted	3%
9	Roof sign	3%
10	Increase ground sign height	1%
	<b>Total</b>	<b>100%</b>

Table 2 shows the most common types of applications for variances from the Sign By-law in descending order of frequency. It shows that 81% of the observed variances since 2011 involve only four areas of the Sign By-law.

This pronounced concentration of Sign By-law variances in a few areas is a strong indicator that there are opportunities for updates and revisions to the current Sign By-law. This will significantly reduce the need for variance applications in the future.

For example, the Sign By-law's ground sign provisions pre-date the prevalence of drive through facilities for commercial uses and their associated signs such as menu boards and directional signs. Such variances can be eliminated in the future by updating standards to recognize this type of signage in the Sign By-law.

## 3.2 FINDINGS

- Updates to current Sign By-law regulations which are further described in Section 6 will significantly reduce the need for variances from the Sign By-law, most of which are currently repetitive and routinely approved. This will benefit the public by reducing current approval times and eliminate unnecessary costs and administrative overhead.
- Delegating the authority to staff to approve variances to the Sign By-law will simplify the variance process and reduce the administrative burden on City staff and cost to the public. The sign variance process should include the ability of an applicant to appeal the refusal of a sign application by staff to a Sign Variance Committee.



## 4. SIGNAGE TRENDS

The City of Greater Sudbury has regulated signs since its creation through the municipal amalgamation in 2001.

Sign By-law 2007-250 passed in 2007 was the last major update of the Sign By-law and addressed only trends in temporary signs.

Since then, Sudbury's Sign By-law has not kept pace with signage trends or the changes in the types of signs used by businesses. While By-law 2010-221 introduced permanent sign regulations into the Sign By-law, this amendment exercise seems to have been limited to an administrative by-law consolidation primarily for the purpose of removing sign provisions from the various zoning by-laws rather than any review of sign standards particularly in the case of permanent signs.

This gap between the signs used by businesses today and Sudbury's somewhat dated sign regulations creates a mis-match between the City's ability to regulate the signs businesses use today in an appropriate manner.

In some cases, the new types of signs businesses use end up not being regulated by Sudbury when the By-law has no standards that correspond to the sign's characteristics. A prime example is the growth in the use of electronic signs by Sudbury's businesses. The Sign By-law currently has no explicit regulations with respect to the location or brightness of these signs. Electronic signs are the most significant signage trend Sudbury's Sign By-law is out of step with.

The second signage trend the current Sign By-law does not recognize is signage associated with the drive through facilities of restaurants and financial institutions. There is no explicit recognition in the Sign By-law of directional signs or menu boards as being sign types that by their purpose and nature differ from generic identification ground signs.

### 4.1 ELECTRONIC DISPLAYS IN SIGNS

The Sign By-law's current regulations predate the advent of electronic or digital displays being incorporated into first and third party signs. As result, the Sudbury Sign By-law contains no provisions regulating signs containing this new type of display technology which can consist of the entire area of the sign. The proper management of these new electronic signs erected in the City, particularly their brightness, is also a leading concern of the public in Sudbury.



**ELECTRONIC SIGN**

The use of electronic displays in signs has become more common in recent years as the quality of such displays has increased while their cost has steadily decreased. As a result, the use of electronic displays in signs has in some cases replaced traditional sign materials and changed their original characteristics.

For example, the electronic displays in signs are now capable of displaying more than the traditional monochrome letters and numbers. These new electronic displays can now display full colour images in high resolution.

This electronic copy on the sign can be static, i.e., a series of slides displayed for a fixed time interval or it can be fully animated like a video.

These electronic signs are sometimes referred to as digital signs. They are simply large outdoor video screens and can display anything that can be viewed on a television or computer screen.

In most communities that permit electronic signs, these kinds of signs most frequently take the form of large outdoor advertising billboards. These electronic billboards are third party advertising signs. They tend to be located along high traffic corridors to take advantage of their exposure and visibility to large numbers of potential viewers passing by.



**ELECTRONIC BILLBOARDS**

Electronic displays in signs until recently were limited to the changeable copy portion of a sign. The message board or readograph consists of an LED display with coarse pixels of monochrome characters with no graphics. Common examples are time-temperature signs and the readograph portions of ground signs displaying changeable copy.



**ELECTRONIC MESSAGE BOARD**

Digital signs have also started to appear in first party signs usually to replace the traditional readograph and changeable copy portion of signs.

In these applications, the digital sign is used to display changeable copy as in a readograph or message board. However, in this case the electronic screen allows the changeable copy on the sign to include full colour images or videos with full animation.



**ELECTRONIC MESSAGE BOARD**

Most municipalities consider electronic signs to be a distinct type of sign due to their unique characteristics and new display capabilities that distinguish them from conventional and traditional signage. These new types of signs therefore require specific regulations not found in older sign by-laws.

Municipal regulations for electronic signs focus on the display characteristics of the electronic screen which makes up the sign. These regulations deal with matters such as:

- Minimum duration of the message displayed on the screen;
- Maximum time interval for the change of the electronic copy on the screen;
- Prohibition of animation, visual effects, sequential messages and interactive messages;
- Setting maximum levels for the brightness of the sign during the day and night;
- Limiting the increase in ambient brightness around the sign created by the electronic sign.



The Sudbury Sign By-law currently contains no regulations tailored to the unique display characteristics of electronic signs. This is a major gap in the current Sign By-law and leaves a matter that is a major concern to Sudbury residents unregulated and consequently often ignored by owners and operators of electronic signs.

These examples of existing electronic signs in Sudbury illustrate how the luminance level or brightness of an electronic sign can negatively impact its surroundings.



These Sudbury examples show the visual nuisance and impact an electronic sign can create on its surroundings when the brightness level of the electronic sign is not properly set and controlled by the sign owner.

The result is that when the electronic sign is too bright, it makes its surroundings significantly brighter than the ambient lighting level of public and private spaces including street lights.



These undesirable impacts from electronic signs in Sudbury are entirely avoidable because the electronic characteristics of these types of signs including their brightness and hours of operation are fully controllable by the sign owners through the software operating the display.

## 5. PUBLIC CONSULTATION

Throughout the review of the Sudbury Sign By-law, there were opportunities for public input and comment. These included:

- Two rounds of meetings with direct stakeholders;
- Two rounds of public open house;
- Public survey.

### 5.1 STAKEHOLDER MEETINGS

At the start of the review, a series of meetings were held with stakeholders that have a specific interest in signs. This included the owners of local sign companies, the Greater Sudbury Chamber of Commerce, the Downtown Sudbury BIA (Sudbury Metro Centre), the Sudbury Real Estate Board and the Greater Sudbury Food Policy Council.

The meetings gave stakeholders an opportunity to become familiar with the Sign By-law review, comment on what they saw as matters requiring attention, and have their questions answered.

Input received from these stakeholders included:



- The current sign by-law is hard to use and understand;
- The sign permit process is too complicated, hard for the public to grasp and navigate;
- The sign by-law is too restrictive;
- The public is too dependent on staff to understand what the by-law permits or does not permit;
- There is too much reliance on variances from the sign by-law to deal with matters the by-law does not address;
- Sign permit fees in Sudbury are too expensive;
- The requirement for a building permit and engineered plans for signs is unnecessary;

- Need sign regulations that achieve better quality signs and improve the appearance of commercial areas and streets in Sudbury;
- By-law standards need to be updated to better match the types of signs businesses use and the increased use of digital displays;
- City policies and by-laws need to provide better support for signs directing persons to local food producers selling produce in keeping with the Local Food Action Strategy.

Before the conclusion of the review, a second round of meeting were scheduled with stakeholders to present directions and options for the future sign regulations and obtain their feedback and suggestions.

### 5.2 PUBLIC OPEN HOUSES

Two rounds of public open houses were held In January 2018 and June 2019. The purpose was to provide the public with background on the review, learn of public concerns about signs and obtain comments and feedback on issues to be addressed.



The public's comments at the open houses in many cases were similar to the input received at the stakeholder meetings.

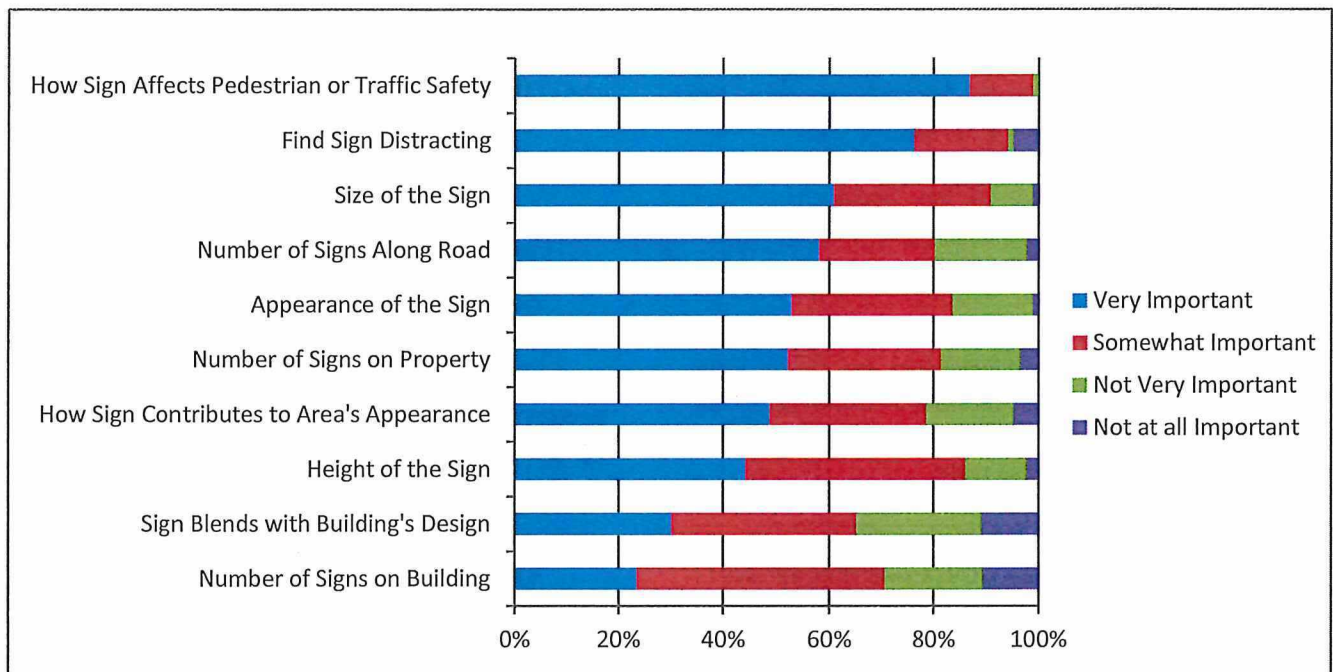
### 5.3 PUBLIC SURVEY

The public had an opportunity in December 2017 to complete an online survey about signs on the City's website. The responses identified the public's viewpoints on signs in Sudbury and their priorities for a new sign by-law.

The chart below shows the sign issues that ranked most important in 50% or more of responses were:

- traffic safety;
- the distraction created by signs; and,
- the number, size and appearance of signs.

The most common types of signs the public in Sudbury associated with distraction, traffic safety and being too bright were electronic signs and billboards.



The survey responses complement the input received from the stakeholder meetings and public open houses. Together they helped establish the priorities and focus for the content of the new sign by-law.



## 6. DIRECTIONS FOR A NEW SIGN BY-LAW

This Section outlines the priorities and principles for the regulations of the new Sudbury Sign By-law. It describes approaches to different types of signs that address the issues identified in the review of the current Sign By-law and the input received from public consultation

### 6.1 SIGN BY-LAW PRIORITIES

Municipalities in Ontario regulate signs to advance the overall public interest in their communities. This is achieved through Section 102 of the Municipal Act which enables municipal councils to “pass such by-laws and make regulations for the health, safety, morality and welfare of the inhabitants of the municipality.” Sign by-laws are specifically authorized by Section 99 of the Municipal Act.

Signs in Sudbury are erected by a wide range of public bodies, businesses and individuals. The regulation of signs in Sudbury should be based on a priority ranking of their function and relative importance to the public interest of different sign types.

Priority	
1.	<b>SIGNS FOR GOVERNMENT PURPOSES</b> <ul style="list-style-type: none"><li>• Traffic Management &amp; Control</li><li>• Safety Warnings</li><li>• Street &amp; Directional Signs</li><li>• Official Signs</li></ul>
2.	<b>IDENTIFICATION SIGNS</b> <ul style="list-style-type: none"><li>• Signs identifying a business at its location</li></ul>
3.	<b>ADVERTISING SIGNS</b> <ul style="list-style-type: none"><li>• Signs advertising a business, product, event or service located elsewhere</li></ul>

These priorities reflect current sign programs in Sudbury and the overall sign categories found in the current Sign By-law.

## 6.2 PRINCIPLES OF GOOD SIGNAGE

The Sign By-law regulations should support good signage that is effective and advances municipal objectives. These include signs that are appropriate and suitable for their role and context, reinforce the physical character of their surroundings, and maintain visual quality.

The following are relevant principles for good signs and sign regulations.

### APPROPRIATE AND SUITABLE SIGNS

- The sign looks suitable in its location;
- The sign fits the immediate context of the area, the property and building;
- A wall sign is integrated with the design and architecture of the building;
- The location, size, height, scale, setback, lighting, and type of sign are appropriate to its surroundings;
- The sign complements rather than overwhelms its surroundings and context.

### REINFORCE THE PHYSICAL CHARACTER OF SURROUNDINGS

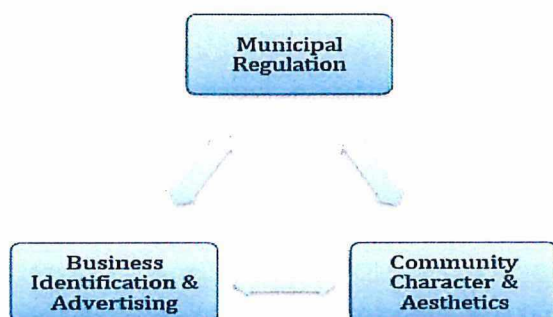
- The sign is appropriate to the associated use and immediate context;
- The sign contributes to its surroundings, it does not detract from its surroundings;
- The sign helps to define the character of a place in a positive manner.

### VISUAL QUALITY

- The sign's design and materials contribute positively to the public realm;
- The sign does not create confusion or conflict with other signs;
- The sign does not contribute to an unattractive streetscape or public realm;
- The sign is consistent with the municipality's planning and community design policies.

## 6.3 SIGN BY-LAW RECOMMENDATIONS

A municipal sign by-law seeks to balance the needs of businesses for signs that identify and advertise their business with the interests of the broader public and community for safety, visual quality and aesthetics that support an attractive appearance and image for the community.



Municipal economic development programs generally acknowledge this balance. Economic development in part depends on quality of life and community character as factors contributing to the continued economic health of a community

Successful communities recognize that sign regulations are an important part of and contributor to the community's economic well being.

This section of the Discussion Paper presents proposed approaches for regulating different types of permanent and temporary signs in Sudbury. Each type of sign is described with reference to the intended outcomes and the regulations associated with achieving the desired signage outcome.

Signs can be categorized based on the main physical characteristics that distinguish them from one another with respect to:

- The length of time or duration the sign will be used to display its message, i.e., permanent or temporary;

- The party to which the message on the sign refers, i.e., first or third party;
- Whether the message on the sign or the sign copy is permanent or changeable.

These attributes along with sign's function are the core parameters municipalities use for the structure and content of their sign by-laws.

### 6.3.1 PERMANENT SIGNS

Permanent signs include wall signs, canopy and awning signs, projecting signs, ground signs and billboard signs.

#### WALL SIGN

##### OUTCOMES

- Primary purpose is business identification;
- Pedestrian oriented in size and location;
- Scale of sign is proportional with the building façade and does not dominate;
- Wall sign enhances the visual quality of the building façade;
- Wall sign achieves a unified appearance with adjacent building facades;
- Wall sign's appearance coordinates with other signs on the building or property.

##### STANDARDS

The key factors for an appropriate wall sign are its size and location in relation to the building façade on which it is located. Because a wall sign is one component of the building's façade, its design and visual characteristics are key factors in the identification of the premises that is also compatible with the building's façade.

The maximum wall sign area should be in proportion to the wall or building façade on which it is located. The wall sign should be located at ground floor level to correspond with the location of the associated business or activity.

- Maximum sign area: 25% of the first storey façade;

- Maximum height on façade: The lesser of 4.5 m or the base of windows on any storey above the ground floor;
- May be erected on the uppermost storey of a building provided the sign area does not exceed 10% of the area of the exterior wall of the uppermost storey.
- Cannot project above the roofline of a building.

### **CANOPY & AWNING SIGN**

#### **OUTCOMES**

- May provide weather protection for pedestrians;
- May visually embellish the façade, windows and entrances of a building;
- Does not interfere with the safe passage of pedestrians below the canopy or awning;
- Suited to its purpose and function.

#### **STANDARDS**

Canopy or awning sign is similar to a wall sign.

- A wall sign is not permitted in addition to an awning or canopy sign;
- Maximum sign area: 50% of the area of the canopy or awning;
- Minimum 2.75 m vertical clearance above grade.
- 1 per facade

### **PROJECTING SIGN**

#### **OUTCOMES**

- Pedestrian oriented in size and location;
- Pedestrian in its scale and character;
- Generally secondary to a wall sign;
- Complements other signs attached to the building;
- Generally oriented perpendicular to the wall to be visible to pedestrians.

#### **STANDARDS**

- Maximum one projecting sign per premises on a façade facing a street or lane;
- Limited to the occupancy on the ground floor of the building;
- Maximum 1.0 m<sup>2</sup> sign area;

- Minimum 2.75 m vertical clearance above grade.

### **GROUND SIGN**

#### **OUTCOMES**

- Primary identification sign for a property where space allows;
- Integrates with its lot context with regard to size, shape, location and lighting;
- Sign size, scale and height are in proportion to the size of the property and its frontage on a street;
- Visually coordinates with other signs on the property and buildings;
- Does not impede the safe passage of pedestrians or vehicles;
- Does not block view related to safe pedestrian or vehicular access;
- Does not contribute to sign clutter along a street;
- Location is an appropriate distance from lot lines, other ground signs, buildings, and trees in order to be visible and not block other signs.

#### **STANDARDS**

- Maximum sign area 0.3 m<sup>2</sup> for each 1.0 m of lot frontage;
- 15 m<sup>2</sup> maximum sign area;
- 1 ground sign for each 200 m of a lot's frontage on a street;
- Maximum 4.0 m to 8.0 m height depending on land use and zoning.

### **FUEL PRICE SIGN**

#### **OUTCOMES**

- Provide for fuel price to be displayed at an automotive service station or gas bar as changing copy on a ground sign.

#### **STANDARDS**

- Where an automotive service station or gas bar use is permitted, an illuminated Fuel Price Sign with a maximum area of 1 m<sup>2</sup> is permitted as part of a Ground Sign.



## **SIGNS FOR DRIVE THROUGH FACILITIES**

### **OUTCOMES**

- Provide signs giving direction to customers and facilitate ordering.

### **STANDARDS**

- 1 pre-menu board per drive-through lane;
- Maximum 2.0 m<sup>2</sup> sign area and 3.0 m height;
- 1 menu board per drive-through lane;
- Maximum 4.0 m<sup>2</sup> sign area and 3.0 m height.

## **BILLBOARD SIGN**

### **OUTCOMES**

- Provides advertising for products, services or activities not available on the property or premises where the billboard is located;
- Integrates with its context with respect to size, shape, and lighting;
- Maintains appropriate spacing from other billboards to avoid clustering and the concentration of billboards along a street or in an area;
- Supports visual quality in the public realm;
- Does not conflict with public safety or traffic operations.

### **STANDARDS**

- Maximum 20 m<sup>2</sup> sign area;
- Maximum 8.0 m height;
- 100 m minimum separation from any other billboard;
- Not permitted within 100 m of lands zoned for residential uses;
- Permitted on lands zoned commercial or industrial.

## **ELECTRONIC SIGNS**

### **OUTCOMES**

- Limit to locations appropriate to context and traffic safety consideration;
- Control impact of lighting on properties during hours of operation;

- Maintain appropriate spacing from other electronic signs, sensitive land uses and traffic controls.

### **STANDARDS**

- Limited to billboard signs and electronic message centres;
- 200 minimum separation from any other electronic sign or land zoned for residential uses;
- Minimum 120 m separation from a road intersection with traffic controls;
- 10 second minimum duration for message;
- No animation, message sequencing or visual effects are permitted;
- 0.1 second maximum message transition;
- Maximum sign luminance: 5,000 cd/m<sup>2</sup> (nits) between sunrise and sunset, 300 cd/m<sup>2</sup> (nits) between sunset and sunrise;
- Maximum 3.0 lux above ambient light conditions within 10 m of the sign face;
- Mandatory control of sign luminance by light sensor.

## **6.3.2 TEMPORARY SIGNS**

Temporary signs are signs not permanently erected on a property or building. Temporary signs are removed when their display period has ended.

Temporary signs include: portable signs, sidewalk signs, real estate signs, election signs, banners and posters.

### **PORTABLE SIGN**

#### **OUTCOMES**

- The sign is temporary and not intended to substitute for a permanent sign;
- The temporary sign is secondary to other permanent signs on the premises;
- The sign is located entirely on private property and not on any part of the public road allowance;
- The sign's location does not interfere with the safe operation of vehicular traffic or the safety of pedestrians;

- The sign is not illuminated and contains no animation or visual effects;
- The sign is not located on vacant land;
- The sign does not display third party advertising.

#### **STANDARDS**

- Maximum 5.0 m<sup>2</sup> sign area and 2.5 m height;
- Located entirely on private property;
- Minimum 45 m separation between portable signs on the same property;
- Minimum 3.0 m setback from an adjacent property zoned for residential uses;
- Not located within a sight triangle;
- Number of permits per property per calendar year based on frontage of property on a street;
- Permitted in commercial and industrial zones.

#### **NEW DEVELOPMENT DIRECTIONAL SIGN**

##### **OUTCOMES**

- Provide directional information to the sales centre of new residential development.

##### **STANDARDS**

- Maximum 1.5 m<sup>2</sup> sign area and 2.0 m maximum height.

#### **AGRICULTURAL DIRECTIONAL SIGN**

##### **OUTCOMES**

- Provide directional information to the sale of farm products.

##### **STANDARDS**

- Maximum 1.5 m<sup>2</sup> sign area and 2.0 m maximum height.
- The sign is displayed during the hours of when the farm products are for sale.

#### **SIDEWALK SIGN**

##### **OUTCOMES**

- The sign is displayed during the hours of operation of the business;
- The sign's location does not interfere with the movement or safety of pedestrians.

#### **STANDARDS**

- Maximum 1.5 m<sup>2</sup> sign area and 1.2 m maximum height;
- Displayed adjacent to the business and only during the hours of operation of the business.

#### **REAL ESTATE OPEN HOUSE DIRECTIONAL SIGN**

##### **OUTCOMES**

- Provide directions to an open house when it is taking place.

##### **STANDARDS**

- Maximum sign area 0.6 m<sup>2</sup>.

#### **REAL ESTATE SIGN**

##### **OUTCOMES**

- Only displays content advertising the sale or lease of a property or premises where the sign is located;

##### **STANDARDS**

- Maximum sign area 1.0 m<sup>2</sup> for a residential property and 4.0 m<sup>2</sup> for a non-residential property.

#### **BANNER SIGN**

##### **OUTCOMES**

- The sign is temporary and not intended to substitute for a permanent sign.

##### **STANDARDS**

- Maximum 6.0m<sup>2</sup> sign area;
- Maximum display period 30 consecutive days twice per calendar year.

#### **ELECTION SIGN**

##### **OUTCOMES**

- Election signs should be placed in locations that do not interfere with the safe movement and visibility of vehicles and pedestrians.
- Election signs should be placed in accordance with Provincial and Federal

legislative requirements including not in or on voting locations.

- The sign by-law should recognize recent amendments to *the Municipal Elections Act* that became effective in April 2018 and created a regulatory framework for third party advertising in elections.
- The sign by-law should recognize the recent election sign amendments of By-law 2018-53.

#### **STANDARDS**

- Maximum 1.5 m<sup>2</sup> sign area and 2.0 m maximum height;
- Not erected within 50.0 metres of the exterior main entrance of a polling station or the front façade of a building containing a polling station.

The recommended standards are based on the findings of the Sign By-law Review and comments received from stakeholders and the public.



## 7. SIGNS LOCATED ON THE PUBLIC ROAD ALLOWANCE

The current Sudbury Sign By-law primarily regulates permanent and temporary signs on private property. This scope has been in place since 2007 in Sudbury and is consistent with the practice in most municipalities which allow for very little private signage to be located within the public road allowance.

By-law 2007-250, as amended, generally does not permit a sign to be located on any public or City property such as a street or on any structure located on City property such as a bridge or utility pole. Private signs located within the public right-of-way or sight triangles can pose a safety risk to pedestrians and vehicles.



Section 33D of the current Sign By-law permits a permanent sign to be erected on public property only if approved by the authority owning the public property such as the City of Greater Sudbury.

Sign By-law 2007-250 currently controls the erection of posters on utility poles located in the street right-of-way. It also permits sidewalk signs to be located in the public right-of-way.

Except for posters and sidewalk signs, By-law 2007-250 in effect, restricts the location of all other private signs to private property.



POSTER SIGNS

This ensures that private signs do not encroach into the public right-of-way where signs can produce visual clutter and create risks to vehicle and pedestrian safety.

The Sign By-law Review has identified the need for greater clarity on how the City of Greater Sudbury manages signs in the public road allowance. This includes what, if any, types of signs should be permitted in the road allowance and what updates would be advisable to Sudbury's current sign programs for businesses or other persons or organizations wishing to locate signs in the road allowance to better address the needs of users.

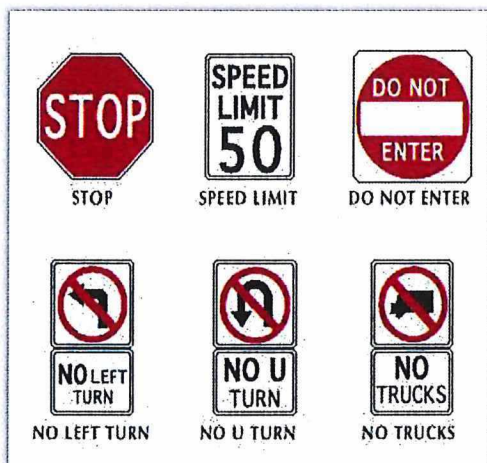
The City administers two sign programs that manage and control the location of signs within the public road right-of-way and along streets. These programs deal with (a) traffic control signs and (b) tourism signage. The City is also involved in banners erected in Business Improvement Areas such as Downtown Sudbury.

The City of Greater Sudbury directly administers the location of traffic control signs and tourism signs in the public right-of-way. These types of signs are therefore not regulated by the Sign By-law, nor is there a need to include them in the Sign By-law.

Since the City of Greater Sudbury owns the municipal streets and public road allowances, it is therefore in direct control of any structure or object that is placed or located in the road allowance. This includes any type of public or private sign.

## 7.1 SIGNS UNRELATED TO TRAFFIC CONTROL

The most prevalent signs in the road allowance are traffic control signs installed and managed by the City of Greater Sudbury.



The City's Infrastructure Capital Planning Division is responsible for traffic and transportation services. This includes the responsibility for vehicle and pedestrian control systems such as the traffic control signs located within the public rights-of-way of the City's road network.

These signs are erected by the City of Greater Sudbury as required by their purpose and context. Ontario municipalities refer to the Ontario Traffic Manual's guidance for such signs to promote uniformity in the design, application and operation of traffic control systems.

Traffic control signs ensure the City's road network operates in a safe and efficient manner for vehicles and pedestrians. This is the prime purpose for the signs the

City of Greater Sudbury erects in the public road allowance.

The City of Greater Sudbury manages and implements the installation of traffic control signs.

The Infrastructure Capital Planning Division receives requests from individuals, groups or other City departments wishing to install signs within road rights-of-way. These signs are unrelated to the control of traffic.

The City of Greater Sudbury does not appear to have any policies or other framework with which it can evaluate such sign requests. As a result, such requests are decided on an ad hoc basis.

Decisions on such requests for signs in the road allowance would be greatly improved if City staff had a policy, by-law or other framework to use in assessing such requests for signs. Persons seeking such signs would clearly know up front the City's policy and requirements for approval of such signs.

In addition, once a Council approved framework is in place, City staff would spend less time dealing with such requests in an ad hoc manner and the public would be better served by the clarity provided by a City policy, by-law or other framework.

## RECOMMENDATIONS

1. The current uncertainty within the City of Greater Sudbury's administration about where the responsibility lies for managing signs proposed to be located within the public road allowance should be addressed to improve service to the public.
2. The Infrastructure Capital Planning Division should be assigned the responsibility to manage all requests for signs in the road allowance. This is consistent with its existing mandate to oversee activities and objects in the public road allowance.
3. The Infrastructure Capital Planning Division should prepare the appropriate framework for managing

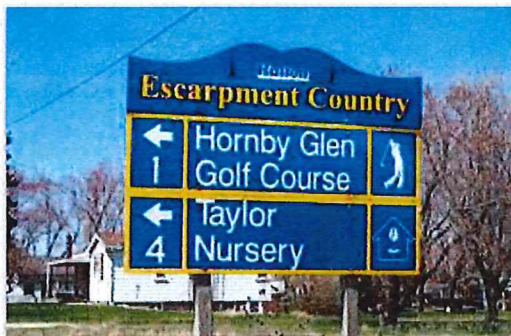


non-traffic control signs in the road allowance based on:

- A profile of the types of sign requests received in the past;
- An assessment of which types of signs are appropriate to locate within the road allowance without jeopardizing traffic operations or risking public safety;
- Develop application requirements for the approval of such signs by the City of Greater Sudbury.

## 7.2 TOURISM SIGNAGE

The City of Greater Sudbury administers a tourism signage program modeled on the Province of Ontario's Tourism Oriented Directional Signage (TODS) program. Like TODS, Sudbury permits signage for tourist facilities to be located on municipal streets in the road right-of-way.



These tourism-oriented signs are generally directional in nature, intended to guide persons to local tourism

destinations. In most cases these signs are located in major travel corridors and provide directions to tourism destinations and businesses not located on these main thoroughfares.

In Sudbury, these tourism directional signs are not regulated by the Sign By-law but are managed through the City's Tourism Signage Program.



TOURISM SIGN IN SUDBURY

All tourism signs and their location on municipal roads in Sudbury are approved through the Tourism Signage Program. It is administered by the City of Greater Sudbury's Tourism and Culture Section. The cost of the tourism sign and its installation is paid for by the business.

The City of Greater Sudbury uses the eligibility criteria of the tourism sign program to determine which businesses requesting tourism signs qualify for such signage. These criteria appear identical to those used by the Province of Ontario for TODS signs along Provincial highways.

During stakeholder consultations, local food producers commented that the current criteria of the City's Tourism Signage Program do not match with the characteristics of their farm gate and other operations. As a result, local food producers frequently are not eligible for the directional tourism signs administered

by the City. This appears to conflict with local support for the local agricultural sector and related businesses.

The City of Greater Sudbury has an active agricultural sector which forms part of Sudbury's economic base. The importance of the agricultural sector in the local Sudbury economy was recognized in 2017 when the Greater Sudbury Food Strategy was prepared. It strongly supports food produced locally on farms and facilitating consumer access to local food producers. The City of Sudbury supports the Sudbury Food Strategy.

The Greater Sudbury Food Council has identified the need for better directional signs to direct consumers to local farms which are often not located on major travel corridors. Better directional signs together with greater use by local food producers of Sudbury's Tourism Signage Program will support Sudbury's local food and agriculture community.

Revisions to the criteria of Sudbury's Tourism Signage Program that are more tailored to the characteristics of local users should be considered in part to support local economic development objectives.

#### RECOMMENDATION

1. The City of Greater Sudbury should revise the current eligibility criteria of the Tourism Signage Program in consultation with community stakeholders including the Greater Sudbury Food Council.

### 7.3 SIGNS IN BUSINESS IMPROVEMENT AREAS

There are two Business Improvement Areas (BIA) in Sudbury.

The Downtown Sudbury BIA and the Flour Mill BIA implement a variety of programs designed to support member businesses located within the BIA. This includes street beautification programs which often involve the erection of street banners on street lighting or other public utility poles in the BIA.

These banners are not on private property and are not regulated by the Sign By-law. The City of Greater Sudbury does not appear to have a policy or other published framework that governs the erection of banners on utility poles in BIAs.



It would be appropriate to formalize past practices with respect to the erection of such banners within Sudbury's BIAs as well as the public right-of-way in general. This would clarify policies and be consistent with the current Section 33D of the Sign By-law which acknowledges that signs can be located in the road right-of-way where the City (as the owner of the right-of-way) authorizes the sign.

Street banners and similar signs erected by a BIA should be addressed and controlled through a provision similar to the current Section 33D of the Sign By-law and require approval from the City.

There is the opportunity to formalize past practices with respect to this type of BIA signage to clarify and document current practices. This would provide clarity



This would also be consistent with the current Section 33D of the Sign By-law which acknowledges that signs can be located in the road right-of-way where the City (as the owner of the right-of-way) authorizes the sign.

1. The City of Greater Sudbury should require a permit from any person, business or organization seeking to install a banner or other defined sign on or over a street or on any street fixture.
2. The City of Greater Sudbury should develop criteria for the issuance of a permit for these banners and signs, dealing with matters such as:
  - a. Size;
  - b. Material;
  - c. Lighting;
  - d. Requirements for installation on street fixtures including supports and fastening devices;
  - e. Installation and removal;
  - f. Indemnification requirements.

Poster signs are private signs persons attach to utility poles located in the road right-of-way.

A photograph of a utility pole in a residential area, heavily cluttered with various signs and notices. The signs include "OPEN THE POLE", "WE'LL REEL THIS", "HOUSE FOR SALE", "YARD SALE", "POWER OUTAGE", and "NEW". A green street sign for "BLEZARD VALLEY" and "CHELMSFORD" is visible in the background.

As described earlier, poster signs currently require a permit from the City and can only be erected on one of the 486 authorized poster poles across Sudbury. The person is also responsible for removing the poster sign.

In practice, most persons and businesses erect poster signs without a permit on a utility pole that may or may not be one of the 486 authorized poles. The authorized poster poles are not identified in the field making it difficult for a person to know where a poster can be posted in compliance with the By-law.

Quite often the poster signs are not removed by the persons or businesses that placed them on poles.

Common feedback from the public was opposition to posting because of the unattractive streetscapes that currently exist in parts of Sudbury where the proliferation of illegal posters detracts from the visual character of an area.

The legal basis for this type of posting was established in 1993 by the Supreme Court's decision in *Ramsden v. Peterborough (City)*.

The Supreme Court held that posting is a form of expression protected by the Charter of Rights and Freedom. It found that the City of Peterborough's by-law banning posters on public property violated the Charter.

The Supreme Court further found that posting on public property including utility poles, whether it is advertising, political speech or art "fosters political and social decision-making" and furthers the values of the Charter.

The Supreme Court held that municipalities could not ban posting in a municipal by-law but rather could only regulate it.

Sudbury's current posting regulations are grounded in the Ramsden decision. Posters are permitted provided a permit is obtained and the poster is placed on one of 486 designated utility poles.

This approach is similar to that many municipalities took in the wake of the Ramsden decision.

Municipal by-laws regulate where posters can be erected within the public right-of-way. Generally,

municipalities opted to permit posting only on designated utility poles, the same approach Sudbury took. Some municipalities also permit posting on community message boards.

The experience with posting in Sudbury under the current Sign By-law provisions has been mixed with a number of issues identified during the Review:

- Not everyone who puts up a poster obtains the required permit;
- Posters are not removed as required by the Sign By-law;
- Visual sign clutter results from the build up of posters on poles over time;
- It is difficult to identify in the field, the designated poles upon which posting is permitted;
- Posters are frequently attached to non-designated poles and other public infrastructure in the road right-of-way further detracting from an area's appearance.

To address these issues an updated approach to posting is recommended that upholds the principles of the Ramsden decision and builds on Sudbury's past approach.

## RECOMMENDATIONS

The key elements of the recommended revised approach to posting include:

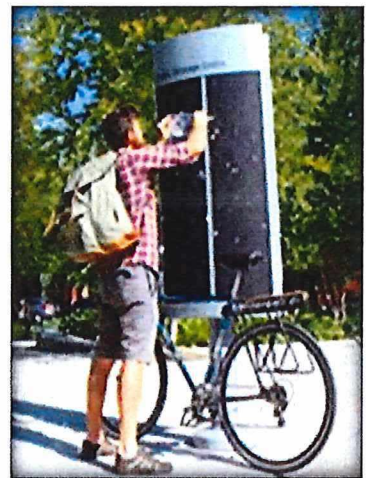
1. No longer require a permit to erect a poster;
2. Set maximum poster size and height;
3. Prohibit posters that are commercial advertising;
4. Prohibit posters in a sight triangle or the median of a road allowance or on any sign or traffic control device erected by the City of Greater Sudbury to control traffic and parking;

5. Permit posters on utility poles and light standards subject to the provision that the poster may be removed by the City or utility without notice or compensation to the person who placed the poster;
6. Direct City staff to examine erecting community bulletin boards managed by the City and located in high traffic areas or places of community focus, such as community centres, municipal buildings, Business Improvement Areas as a further option for non-commercial poster.

The following are examples of municipal community bulletin board programs in Hamilton, Oakville and Toronto.



COMMUNITY BULLETIN BOARDS





## 7.5 AGRICULTURAL DIRECTIONAL SIGNS

Greater Sudbury has an active agriculture industry.

The Greater Sudbury Food Strategy was prepared in 2017. It strongly supports food produced locally on farms and facilitating consumer access to local food producers.

The current sign by-law provides for various types of permanent and temporary signs in rural areas. These primarily are signs on a property that identify the use. For example, the Sign By-law permits ground and wall signs in rural areas to identify a farm, business or other use.

The Greater Sudbury Food Council has identified the need for better directional signs to direct consumers to local farms which are often not located on major travel corridors. Better directional signs together with greater use by local food producers of the TODS program will support the local food and agriculture community.

The need to revise the eligibility criteria of the City's Tourism Signage Program for food producers and related activities was described in Section 7.2.

It is further recommended that the Sign By-law provide for two other types of agricultural directional signs on private property and within the road allowance to provide directional information for local food producers and related activities.

### RECOMMENDATION

1. An Agricultural Directional Ground Sign is:
  - Permitted in the Rural Sign District;
  - Located on a property with the permission of the owner;
  - Maximum 3.0 m<sup>2</sup> in sign area;
  - Maximum height of 4.0 m.
2. A temporary Agricultural Directional Sign is permitted within the road allowance provided it is:
  - Maximum 1.5 m<sup>2</sup> in sign area;
  - 2.0 m in height.



AGRICULTURAL DIRECTIONAL GROUND SIGNS



AGRICULTURAL DIRECTIONAL SIGN



## 8. SIGN BY-LAW ADMINISTRATION AND APPROVALS

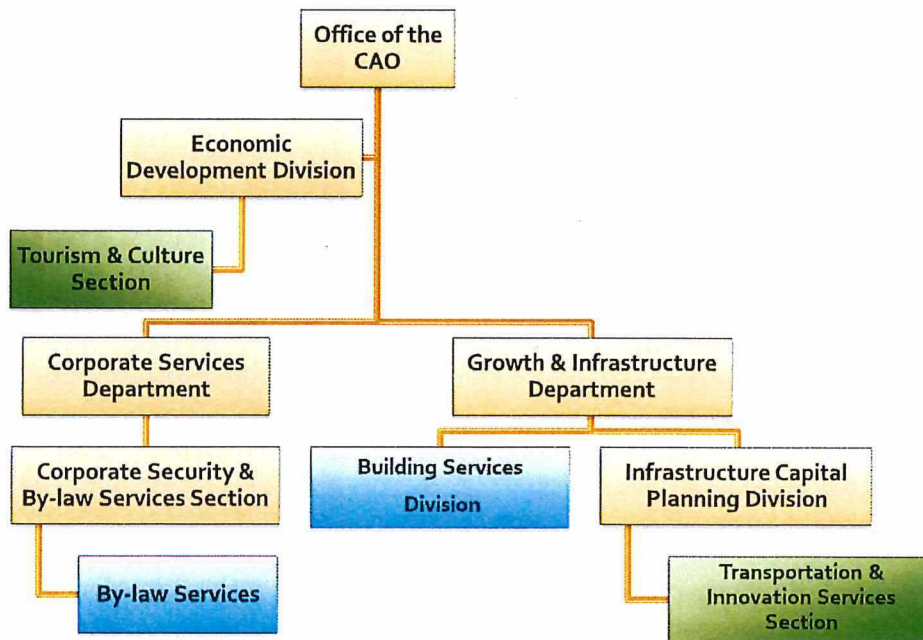
### 8.1 SIGN BY-LAW ADMINISTRATION

The City of Greater Sudbury through several by-laws, policies and programs manages and controls the various types of signs persons and businesses erect on private and public property throughout the municipality.

Currently the municipal responsibility for dealing with signs in Sudbury is distributed across several departments within City Hall as follows:

<u><b>Sign By-law</b></u> <u><b>Permanent Signs on Private Property</b></u> <ul style="list-style-type: none"><li>• By-law Services Section</li><li>• Building Division</li></ul>	<u><b>Signs in the Public Road Allowance</b></u> <ul style="list-style-type: none"><li>• Infrastructure Capital Planning</li></ul>
<u><b>Sign By-law</b></u> <u><b>Portable Signs</b></u> <ul style="list-style-type: none"><li>• Compliance &amp; Enforcement Section</li></ul>	<u><b>Tourism Signs</b></u> <ul style="list-style-type: none"><li>• Tourism &amp; Culture Section</li></ul>

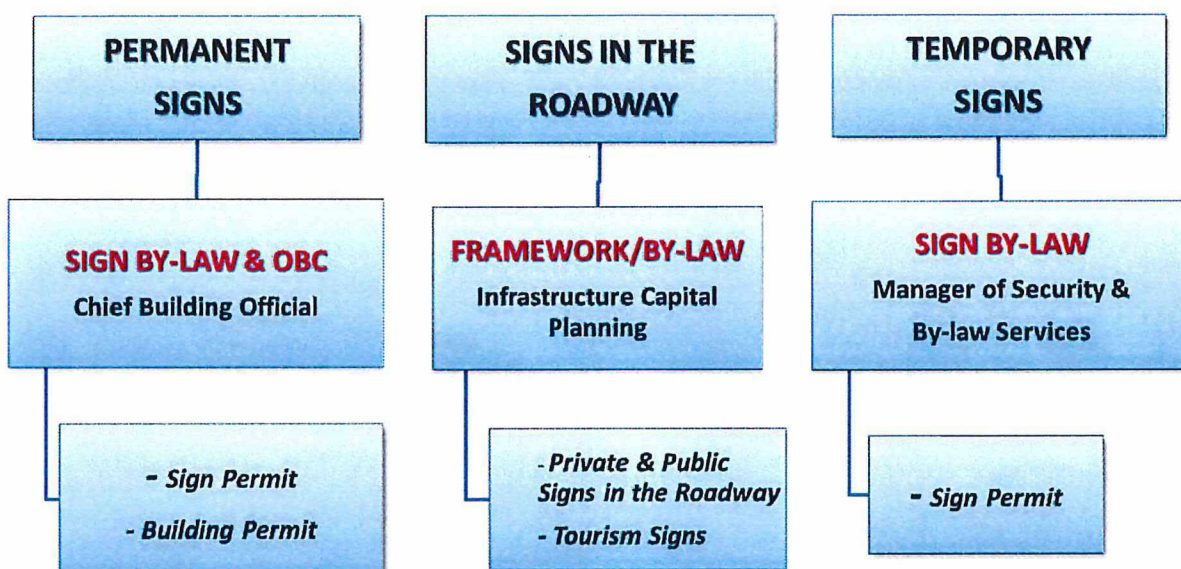
The following chart illustrates the current distribution of these sign responsibilities within the organizational structure of the City of Greater Sudbury's municipal administration.



Stakeholder's expressed a frustration the current division of responsibilities creates for the approval of permanent sign applications on private property. By-law Services is currently responsible for the review of a permanent sign for compliance with the requirements of the Sign By-law while Building Services is responsible for reviewing the same sign for compliance with the Building Code.

There is an opportunity to combine these two sign review and approval processes for permanent signs within the Building Division. This would improve customer service and streamline the process for applicants seeking permits for permanent signs.

Applications for permits for temporary signs would continue to be administered by By-law Services. The recommended realignment of sign permit responsibilities is illustrated below.



The Tourism and Culture Division will continue to administer the Tourism Signage Program.

Infrastructure Capital Planning will remain responsible for regulating how the public right-of-way is used to ensure all of the types of signs permitted in the right-of-way are in accordance with its policies and programs.

## 8.2 SIGN PERMITS

Most types of signs require a person to obtain a sign permit in compliance with Sign By-law regulations. Some types of signs also require approval of a building permit.

Section 13(1) of the current Sign By-law requires a person to obtain a sign permit before erecting any sign that requires a sign permit. Sections 21 to 33 provide details related to sign permit applications and the approval process. Sign permits are processed by the Compliance and Enforcement Services Division and issued by it pursuant to the *Municipal Act*.

Section 14(1) lists 11 types of signs that do not require a sign permit. These include election signs, banners, sidewalk signs and real estate signs.

## 8.3 BUILDING PERMITS FOR SIGNS

Certain types of signs are subject to the Ontario Building Code. Because they must comply with the Building Code, these signs require a building permit in addition to a sign permit. For example, the structural design of all signs must be in accordance with the Building Code. All Ontario municipalities must follow the Building Code.



**GOLDEN ARCHES CRUSH CARS**



**SIGN TOPPLED BY STRONG WINDS**

The Building Code also requires that an architect or engineer design any sign attached to a building if the sign weighs more than 115 kg, is a roof sign that has any face more than 10 m<sup>2</sup> or is a projecting sign attached to a parapet wall. Furthermore, the structure of any ground sign over 7.5 m in height must be reviewed by an architect or professional engineer.

Further to the Ontario Building Code, the Professional Engineer's Act of Ontario dictates that signage requires design by a professional engineer. The Professional Engineer's Act of Ontario is Applicable Law under the Ontario Building Code.

Section 10(c) of the Sign By-law prohibits the erection of any sign that is contrary to the Ontario Building Code. Building permits are processed by the Building Services Division and issued pursuant to the Chief Building Official's authority under the *Building Code Act*.



The Chief Building Official administers and applies the Building Code in the public interest. This role includes ensuring public safety in relation to the design and construction of signs which the *Building Code Act* assigns to the Chief Building Official and the designers of structures.

This responsibility includes ensuring that structures including signs, meet minimum standards so as not to place the public at risk from structures that do not demonstrate a satisfactory level of safety and performance in their design and construction.

The Chief Building Official of a municipality establishes operational policies to administer and enforce the provisions of the Building Code with respect to the design, review, construction and inspection of signs in compliance with the requirements of the Building Code and the Professional Engineers Act of Ontario.

The City of Greater Sudbury provides a Builder's Bulletin for applicants with information on building permit requirements for signs. The Chief Building Official has determined that a licensed Professional Engineer is the only acceptable qualified person to design sign structures in accordance with the Ontario Building Code and the Professional Engineers Act of Ontario.

The recommended consolidation of all reviews and approvals for permanent signs on private property within the Building Division described earlier in Section 8.1 will improve the delivery of permits for permanent signs to the public.

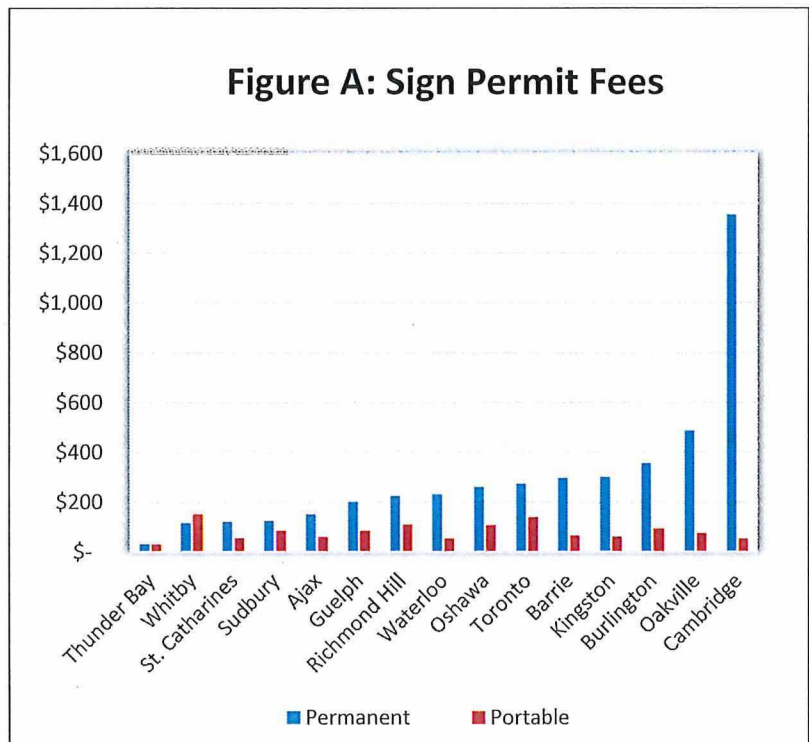
## 8.4 SIGN PERMIT FEES

During consultations with stakeholders, several sign companies stated sign permit fees in Sudbury were too high in comparison with other municipalities.

By-law 2017-24 establishes the fees Sudbury charges for various types of applications including sign permits. Sudbury charges a variable sign permit fee based on the area of a permanent sign and the display period of a portable sign.

Sign permit fees vary widely among Ontario municipalities with respect to both the amount of the fee and how the fee is calculated.

Figure A compares Sudbury's sign permit fees with the fees charged by the 13 other Ontario municipalities with a population between 100,000 and 200,000 persons. These similar sized municipalities were considered to be most relevant to and comparable with Sudbury. The City of Toronto is included as a comparative reference point.



Detailed sign permit fee information for the municipalities surveyed is found in Appendix A.

With respect to the sign permit fees charged by the other comparable municipalities:

- 9 of the 15 municipalities charge a flat permit fee for permanent signs ranging from \$116 to \$486;
- 6 municipalities charge a variable permit fee based either on the sign value or area of a permanent sign, the variable fees range from \$30 to \$1,352;
- 4 municipalities have a variable fee based on sign area, 2 base the fee on the value of the sign;
- All of the municipalities charge a flat permit fee for portable/mobile signs for a set display period;
- The average permit fee for a permanent sign is \$302 and \$81 for a portable/mobile sign.

The survey of comparably sized municipalities outside of Sudbury shows that for permanent sign permits, 77% of the municipalities surveyed charge a flat permit fee.

Based on the foregoing, Sudbury's sign permit fees are consistent with the fees charged by other comparable municipalities. Sudbury is not an outlier in the sign permit fees it charges.

As part of its periodic review of fees, the City of Greater Sudbury may wish to review the sign permit fees it currently charges. If it determines after analysis that the fees are not in line with the City's costs for the review and approval of sign permit applications, the City should consider revising the sign permit fees to better match its revenue objectives for these types of permits.

## 8.5 EXISTING SIGNS

There are existing signs in Sudbury that may not comply with the standards of a new Sign By-law. These signs may have been erected legally and in compliance with an earlier Sign By-law.

These existing and legally erected signs should generally be recognized and "grandfathered" i.e., they are not required to comply with the standards of the new Sign By-law provided they are not substantially altered.

In some cases, it may not be appropriate to grandfather all existing signs. For example, some existing signs may no longer be considered appropriate for a number of reasons. It may be in the public interest for the City to require such signs to comply with the regulations of a new Sign By-law.

The *Municipal Act* allows municipalities to determine which signs are to be grandfathered and which sign standards in a new Sign By-law are appropriate to apply to existing signs.

This power was recently introduced into the *Municipal Act* at the request of municipalities who found the previous *Municipal Act's* grandfathering of all existing signs from new sign by-law regulations impeded municipal implementation of measures to improve the appearance of their communities by addressing the negative impacts of some existing signs.

The new Sign By-law should contain provisions addressing the brightness and other characteristics of existing electronic billboards and electronic message boards in Sudbury. The current sign by-law contains no regulations controlling the display characteristics of these signs.

As described earlier, these types of electronic signs received the most frequent negative comments in the public survey. The public associated these electronic signs with distraction, traffic safety and being too bright.

The new sign by-law should contain provisions addressing the brightness and other display characteristics of existing and new electronic signs.

Existing electronic signs should be required to comply with the brightness and display time requirements recommended for the new Sign By-law. This will improve the compatibility of existing electronic signs with their surroundings and address a major gap in the current Sign By-law.



## 8.6 SUMMARY

The recommendations for a new Sign By-law for the City of Greater Sudbury provide for:

- A consolidation of sign regulations for private property into one by-law;
- An understandable by-law format;
- The use of consistent terms to promote clarity and understanding;
- The addition of current sign types to fill gaps in the existing by-law;
- Adding regulations for electronic signs to fill a current gap and address public concerns;
- Updating sign standards to current best practices;
- Reducing the future need for variances from the Sign By-law through the addition of new sign types and other updates;
- Improving customer service by streamlining the permits process for permanent signs on private property.



**APPENDIX A**

**MUNICIPAL SIGN PERMIT FEES**

<b>SIGN PERMIT FEES</b>			
<b>City</b>	<b>Type of Sign</b>		<b>Permit Fee</b>
<b>Sudbury 161,531</b>	Portable Sign	---	\$85.00
		More than 6 months & less than 1 year	\$174.00
	Any other sign type	---	\$82 per sign + \$0.50 per sq. ft. of sign
<b>Ajax 119,677</b>	Portable Sign	---	\$60
	Permanent Sign	---	\$150 per sign
<b>Barrie 141,434</b>	Freestanding Sign	---	\$296.80
	Mobile	30 days	\$66.50
		90 days	\$121.00
	Poster Panel	---	\$61.00 + \$24.75 per m <sup>2</sup>
<b>Burlington 183,314</b>	Wall & Ground	Up to 2.5 m <sup>2</sup>	\$178
		2.5 m <sup>2</sup> – 8.0 m <sup>2</sup>	\$356
		Over 8 m <sup>2</sup>	\$535
	Billboard	All sizes	\$560
	Portable Sign	Per 15 day increment	\$46.92
<b>Cambridge 129,920</b>	Permanent Sign	---	\$52.00 per sign + \$52.00 per \$1,000 of sign value, \$124.00 minimum
	Mobile Sign	Same both sides	\$52.00
		Different each side	\$72.00
<b>Guelph 131,794</b>	Permanent Sign	10 m <sup>2</sup> or less	\$200.00
		Over 10 m <sup>2</sup>	\$400.00
	Mobile or Banner Sign	For each 30 days	\$85.00
	Portable Sign	Per calendar year	\$100.00
<b>Kingston 123,796</b>	Permanent Sign	---	\$12.00 per \$1,000.00 value \$35.00 minimum
	Portable Sign	---	\$62.00 per month
	A-Frame	---	\$74.00
	Boulevard Sign	---	\$48.00 per week
<b>Oakville 193,832</b>	Permanent Sign	Under 40 sq. ft.	\$244.00
		Over 40 sq. ft.	\$486.00
	Mobile, Portable & Banner Signs	15 days	\$37.00
	Billboard Sign	---	\$3,878.00
<b>Oshawa 159,458</b>	Sign not regulated by OBC	---	\$107.00
	Sign regulated by OBC	---	\$261.00
<b>Richmond Hill 195,022</b>	Ground & Wall	---	\$225.00
	Mural Sign	---	\$174.00
	Election Sign Fee	---	\$250.00
	Mobile & Portable	45 days	\$109.00
	All Other Signs	---	\$109.00

SIGN PERMIT FEES			
City	Type of Sign		Permit Fee
<b>St. Catharines</b> <b>133,113</b>	Ground, Projecting; Wall Signs	---	\$121.00
	Portable Sign	30 days	\$55.00
		60 days	\$110.00
		90 days	\$136.00
		120 days	\$163.00
<b>Thunder Bay</b> <b>107,909</b>	Mobile Sign	Up to 4 months	\$30.00
	All Other Signs	---	\$3.50 per m <sup>2</sup> of sign face, \$30.00 minimum
<b>Toronto</b> <b>2,731,571</b>	Permanent Sign	---	\$273
	Portable Sign	---	\$139
<b>Waterloo</b> <b>104,986</b>	Permanent Sign	---	\$231.00
	Portable Signs	---	\$54.00
<b>Whitby</b> <b>126,377</b>	Permanent Sign	---	\$115.91
	Mobile Sign	---	\$150.00
<b>Assumption:</b> Permanent sign fee is based on an 8 m <sup>2</sup> ground sign or a sign with a \$10,000 value			

## APPENDIX B

### PUBLIC CONSULTATION COMMENTS

The following is an overview of comments received at the public open houses and at meetings with stakeholders.

- What is Sudbury Council's vision for signs in Sudbury?
- A standard theme would be nice to brand the city
- There are too many signs in Sudbury
- Reduce the number of signs, social media is making signs redundant
- Current sign by-law is difficult to understand
- Regulations should be easy for business owners to access and understand
- The sign by-law is very confusing and hard to decipher
- Sign approvals should be online
- No more black and neon portable signs left for the long term, only allow them for short periods
- Clarification needed on regulations for electronic signs
- Need a standard form for encroachment agreement
- Engineering fees on most signs are ridiculous, eliminate regulations
- City's process for approval of sign permits involves too much red tape
- Posters should not be permitted in the Downtown
- Community bulletin boards should be put up around the city for people to put to put their posters on
- Enforcement needed against illegal posters
- Businesses erect signs without obtaining approval
- By-laws should inhibit marketers as little as possible
- There are too many portable signs in commercial zones along main streets like Notre Dame, the Kingsway and Regent Street
- Too many signs at the Four Corners
- Projecting signs Downtown are a good idea
- Building permit fees for signs subject to the Building Code are too high
- Requirement that an engineer prepare drawings for signs subject to the Building Code is too expensive and not necessary
- In rural areas persons need to be able to advertise they have produce for sale
- Regulations for real estate sign should follow Toronto's approach
- Help our city look pretty again and not like a trashy dollar store city with multiple portable signs
- Persons who follow the sign rules are at a disadvantage to those that don't
- Spacing between portable signs is too restrictive
- Get rid of portable signs and downsize electronic signs
- Eliminate portable sign with removable lettering
- Don't allow too many electronic signs
- Electronic signs are too bright and unreadable
- Posters on utility poles are out of control and unsightly
- Signs are too close to entrances and block views of traffic
- Scrap the current requirement to only place posters on the very long list of poles across Sudbury
- Keep posters a minimum distance from intersections
- Signs must be maintained and repaired quicker
- Sudbury should install area for posters on poles like other cities
- Current sign permit approval process is challenging for first time applicants



- Projecting signs add character to the Downtown
- Sign by-law can only be effective if the City enforces it
- Signs should be safely erected and secured
- Current sign by-law relies too much on the approval of variances
- New sign by-law should focus on reducing the need for variance applications
- Too many regulations for signs
- Hire professional designers for major signs
- Permit fewer signs
- Reduce the amount of advertising, it's tacky
- Excessive signage makes Sudbury look messy
- Require damaged signs to be taken down
- Electronic signs are too bright, distracting to drivers and affect traffic safety
- Flashing electronic signs are a distraction to drivers
- Keep signs from blocking visibility and from being distracting or too bright
- The message change on electronic signs is too quick and distracts drivers
- Electronic billboards are too close to the road
- Limit brightness of electronic signs and turn them off after business hours
- Regulations in new sign by-law should result in better quality signs
- Sign by-law needs to be updated to deal with newer forms of signs
- Application fee should be refunded if sign permit is refused
- City only accepts cheque for sign permit fee, should accept credit card payment
- Need better directional signage to produce sales on farms off the beaten path

## **APPENDIX “B”**

By-law of the City of Greater Sudbury to  
Regulate the Erection of Signs and  
Advertising Devices

## **By-law 201XX**

### **A By-law of the City of Greater Sudbury to Regulate the Erection of Signs and Advertising Devices**

**Whereas** sections 8, 9 and 10 of the *Municipal Act, 2001* authorize a municipality to pass by-laws necessary or desirable for municipal purposes;

**And Whereas** subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting structures including signs;

**And Whereas** sections 99 and 99.1 of the *Municipal Act, 2001*, refer to specific municipal powers with respect to structures and signs;

**And Whereas** sections 9, 10 and 23.1 through 23.5 of the *Municipal Act, 2001*, authorize a municipality to delegate its powers and duties subject to restrictions;

**And Whereas** section 63 of the *Municipal Act, 2001*, provides that a by-law may prohibit or regulate the placing or standing of an object on or near a highway, and may provide for the removal and impounding of any object placed or standing on or near a highway;

**And Whereas** section 425 of the *Municipal Act, 2001*, authorizes a municipality to pass by-laws providing where a person who contravenes a by-law of the municipality under that Act is guilty of an offence;

**And Whereas** Council for the City of Greater Sudbury has determined that it is important to regulate Signs within the geographic limits of the City of Greater Sudbury for the purpose of authorizing only Signs that:

- (a) protect and enhance the aesthetic qualities and visual character of the City of Greater Sudbury;
- (b) are compatible with their context and do not detract from the public realm or contribute to Sign clutter;
- (c) are appropriate in size, number and location to the Property or Premises, activity or use to which they pertain;
- (d) are consistent with the planning and urban design objectives of the City of Greater Sudbury; and
- (e) do not create a distraction or safety hazard for pedestrians or motorists;



**And Whereas** Council for the City of Greater Sudbury has determined that it wishes to regulate the location, size, number, construction, alteration, repair and maintenance of all outdoor signs authorized under this By-law;

**Now Therefore, the Council of the City of Greater Sudbury enacts as follows:**

## **Part 1 – Terminology**

### **Terminology**

1. In this By-law the terms set out below shall have the following meanings:

“Abandoned Sign” means any Sign located on a Property which becomes vacant or unoccupied for a period of ninety days (90) days or more, or any Sign which pertains to a time, date, event or purpose which has passed or no longer applies;

“Advertising Device” means any device or object including a Sign or Sign Structure Erected so as to call attention to something for the purpose of making it known to the public;

“Agricultural Directional Ground Sign” means a form of Permanent Sign used only to advertise and provide directions to a Property from which farm products, produce, trees or plants grown or produced on that Property, are being sold and which is not necessarily located on the Property being advertised or to which directions are being provided;

“Agricultural Directional Sign” means a form of Temporary Sign used only to advertise and provide directions to a Property from which farm products, produce, trees or plants grown or produced on that Property are being sold;

“Alter” means to make a change to a Sign or Sign Structure including to remove and replace the Sign or Sign Structure, to add, remove or rearrange parts of the Sign or Sign Structure but does not include changing Copy or replacing parts of the Sign with similar parts for maintenance purposes. “Alteration” and “Altered” shall have the same meaning as Alter;

“Awning” means a space frame system covered with non-rigid materials designed in a moveable, retractable or fixed position, which is attached to and projecting from a Building or structure but does not form an integral part thereof. Awning does not include a Canopy;

“Awning Sign” means a form of Permanent Sign which is contained within or affixed to the surface of an Awning and which does not project beyond the limits of the surface of the Awning;

“Banner Sign” means a form of Temporary Sign made from cloth, canvas, plastic, or other lightweight, non-rigid material advertising or promoting a special event or an event or activity

which has an educational, religious or charitable purpose and which is secured or mounted to a Building or permanent Ground Sign, but does not include a Poster Sign, Flag Sign, Awning Sign, Canopy Sign, Window Sign or Inflatable Sign;

“Bed and Breakfast” means an establishment that provides sleeping accommodation (including breakfast and other meals, services, facilities and amenities for the exclusive use of guests) for the travelling or vacationing public within a single detached dwelling that is the principal residence of the proprietor of the establishment;

“Bed and Breakfast Sign” means a form of Permanent Sign which is used only to identify or advertise a Bed and Breakfast operating on the Property on which it is Erected;

“Billboard Sign” means a form of Permanent Ground Sign or Wall Sign Erected and maintained by a Person, or Business engaged in the sale or rental of the space on the Sign to a client for the purpose of advertising a Business, goods, or services not necessarily sold, offered or conducted on the Premises where the Sign is located;

“Building” means a Structure consisting of walls, roof and floor or a structural system serving the same purpose as defined in the *Building Code Act*, S.O. 1992, Chapter 23;

“Business” means an establishment in which one or more Persons are employed in conducting, managing, or administering an endeavor or means of livelihood and includes the administrative offices of a government agency, a non-profit organization, or a charitable organization;

“Canopy” means a roof like structure projecting from the exterior face of a Building but does not include an Awning;

“Canopy Sign” means a form of Permanent Sign which is contained within or affixed to the surface of a Canopy and which does not project beyond the limits of the surface of the Canopy;

“Changeable Copy” means that part of a Ground Sign which is designed to convey a temporary message which can be changed mechanically;

“City” means the municipal corporation of the City of Greater Sudbury or the geographic area of the City of Greater Sudbury as the context requires;

“Contractor Sign” means a form of Temporary Sign which is used only to identify a trade or company undertaking renovations or construction at the Property where the Sign is Erected and includes a Lawn Bag Sign;

“Copy” means the words, letters, numerals, graphics, logos, and artwork on the Display Surface whether removable, permanent or movable by physical, mechanical or electronic means;

“Council” means the Council of the City of Greater Sudbury;

“Directional Sign” means a form of Permanent Sign Erected on a Property used only to identify an entrance, exit, or parking area on that Property for the purposes of directing Persons or for regulating the movement of traffic or pedestrians on that Property or for identifying Business name, logo or both of a Business operating on the Property;

“Display Surface” means the surface of a Sign in which, upon which, against which, or through which, the Copy of the Sign is displayed, and includes all those areas within a continuous perimeter enclosing the extreme limits of all the writing, display or presentation constituting such Display Surface, together with any other display material forming an integral part of such Sign or used to differentiate the background against which such Sign is placed, but does not include any structural element used solely for supporting the said Sign;

“Drive-Through Service Facility” means a Building or Structure or part thereof where goods and/or services are offered to the public within a parked or stationery vehicle that is in a designated queuing space by way of a service window, kiosk, or automated machine where goods, money or materials are exchanged;

“Driveway” means a passageway that provides vehicular access to parking areas, loading spaces, Buildings or Structures, on a Property, from a Road Allowance or private access road;

“Election Sign” means a form of Temporary Sign used only to advertise or promote the election of a political party or candidate for public office in a federal, provincial or municipal election or to oppose or take a position with respect to a question, issue, law or by-law submitted to the electors in a federal, provincial or municipal election;

“Electronic Billboard Sign” means a Billboard Sign which is erected and maintained by a Person engaged in the sale or rental of the space on the Sign to a client for the purpose of advertising a Business, person, activity, goods, products or services not necessarily sold, offered or conducted on the Property where the Sign is located, and incorporates a technology or method allowing the information displayed on the Sign to be changed electronically either on or off site, without physically or mechanically replacing the Display Surface or its components;



“Electronic Message Board” means that part of a Ground Sign which is designed to display temporary messages which can be changed by electronic means;

“Erect” means display, attach, affix, post, Alter, construct, place, locate, install or relocate;

“Façade” means the entire exterior Building wall including an parapet, but does not include the Building wall of any structure erected above the top Storey of the Building;

“First Storey” means the Storey of a Building or Structure whose:

- (a) finished ceiling is located at least 1.8 m above finished Grade; and,
- (b) finished floor level is situated closer to finished Grade than that of any other such Storey in the same Building;

“Flag Sign” means a form of Temporary Sign which is double-faced and made of cloth or lightweight non-rigid material that is attached by one edge to a metal or plastic pole which is placed into the ground or a weighted stand;

“Fuel Price Sign” means a part of a form of Permanent Ground Sign that is used only to display the current price of fuel, and on which the price information is changed from time to time manually or electronically;

“Grade” means the average elevation of the finished surface of the ground where it meets the exterior face of a Building or Structure;

“Ground Sign” when used to refer to a Permanent Sign, means a Sign affixed to the ground in a permanent fashion by one or more self-supporting or free-standing Structures and “Ground Sign” when used to refer to a Temporary Sign, means a Sign affixed to or on the ground by a stake, a metal or wire frame, weights placed on the base of the Sign Structure or other such non-permanent means;

“Home Occupation” means an occupation, business, trade or craft conducted for gain or profit as an accessory use to a dwelling unit by one or more Persons residing therein and may include not more than one Person as an employee who does not reside in the dwelling unit;

“Home Occupation Sign” means a form of Permanent Sign which is used only to identify or advertise a Home Occupation operating on the Property on which it is Erected;

“Illuminated” means the lighting of a Sign by artificial means and “Illumination” has a similar meaning;

“Inflatable Sign” means a form of Sign that is an Advertising Device designed to be inflated and which is tethered to the ground, a Building, Structure, or similar support;

“Lawn Bag Sign” is a form of Contractor Sign that is constructed of an opaque plastic bag, cardboard or a similar material that is placed over a metal or wire frame and pushed into the ground, which is used only to identify a trade or company undertaking renovations or construction at the Property where the Sign is Erected;

“Information Sign” means a form of Permanent Sign which states the address of the Building or Property to which the Sign pertains or directs or warns pedestrians or motorists or communicates information or instructions to Persons;

“Menu Board Sign” means a form of Permanent Sign Erected as part of a Drive - Through Service Facility and used only to display and order products and services available at the Business located on the Property and to which the Sign relates;

“Municipal By-law Enforcement Officer” includes any Municipal By-law Enforcement Officer appointed by Council for the enforcement of this By-law and a duly sworn member of the Greater Sudbury Police Service;

“Mural” means a painting, illustration, or decoration applied to a free-standing Sign or the exterior wall of a Building or a Structure and that is otherwise not a Sign as defined by this By-law;

“New Development Sign” means a form of Temporary Sign used only to advertise the development of the Property on which it is Erected;

“New Development Directional Sign” means a form of Temporary Sign used only to advertise and provide directions to a new building project which is offered for sale or lease;

“Official Sign” means a Sign required by and Erected in accordance with any statute, regulation or by-law or other directive of any federal, provincial or municipal government or agency, board or commission thereof;

“Permanent Sign” means a Sign permanently Erected on a Property or permanently affixed to any Structure or Building;

“Permit Issuer” means, in the case of a Permanent Sign, the Person holding the position of Chief Building Official for the City and in the case of a Temporary Sign, the Person holding the position of Manager of Corporate Security and Court Services for the City or any successor

position and includes any Person filling the role in an acting or interim capacity and any authorized designate;

“Person” includes but is not limited to an individual, sole proprietorship, partnership, association, or corporation and any other entity to which the context can apply according to the law;

“Portable Sign” means a form of Temporary Sign which can readily be relocated from one location to another and which does not rely on a building or fixed foundation for its structural support but does not include a Contractor Sign, a Flag Sign, a Sidewalk Sign, an Agricultural Directional Sign or a Real Estate Directional Sign;

“Poster Sign” means a form of Temporary Sign which takes the form of a printed notice conveying information intended to be displayed for a temporary period of time and includes but is not limited to a bill, handbill, leaflet, notice or placard;

“Pre-Menu Board Sign” means a form of Permanent Sign Erected as part of a Drive-Through Service Facility and used only to display products and services available at the Business located on the Property and to which the Sign relates;

“Premises” means an area of a Building occupied or used by a Business or enterprise. In a multiple tenancy Building occupied by more than one (1) Business, each Business area shall be considered a separate Premises. Each individual unit proposed and/or registered in a Plan of Condominium shall also be considered a separate Premise;

“Projecting Sign” means a form of Permanent Sign not directly supported from the ground but generally Erected perpendicular to a supporting Building wall but does not include a Wall Sign;

“Property” means an area of land under one registered ownership, other than a Road Allowance, having specific boundaries, and capable of legal transfer and includes any Building, Structures thereon;

“Property Line” means any boundary of a Property or the vertical projection thereof;

“Property Owner” means a Person who is the registered owner of the Property on which a Sign or Sign Structure is Erected and includes a receiver or manager, or a mortgagee in possession, a beneficial owner of the Property or other similar Person;



“Province” means the Province of Ontario. “Provincial” shall have the same meaning as Province;

“Public Authority” means the City, the Provincial Government, the Federal Government and any board, commission or body established or exercising any power or authority under a statute with respect to the affairs or purposes of the City;

“Real Estate Sign” means a form of Temporary Sign Erected on a Property for the sole purpose of announcing the sale, lease, or rental of that Property or a Building or part of a Building located thereon;

“Real Estate Open House Directional Sign” means a form of Temporary Sign used only to provide directions to a Property or Building that is offered for sale and where an open house is being conducted and to identify the Business holding or sponsoring the open house;

“Roof Sign” means a form of Sign, the entire Display Surface of which is above the lowest point at which the roof meets the Building;

“Road Allowance” means a public thoroughfare for vehicular and pedestrian traffic which is assumed and maintained year-round by and under the jurisdiction of the City of Greater Sudbury or the Province of Ontario;

“Sidewalk” means the area within the Road Allowance that is between the Property Line and the roadway and is constructed for pedestrian travel by the public;

“Sidewalk Sign” means a form of freestanding Temporary Sign with no more than two faces joined at the top of the Sign typically shaped like an “A” or “T” that is intended for temporary use during the hours of the Business to which it applies and that is constructed in a manner and of materials such that it can be placed and moved manually by a Person without mechanical aid;

“Sight Triangle” means the triangular portion of a Property which:

- (a) is situated adjacent to an intersection at grade either of two or more roads or of a road and a railway right-of-way; and
- (b) is delineated by:
  - (i) the two intersecting Property Lines abutting such roads or such road and such railway right-of-way; and
  - (ii) a straight line drawn to connect a pair of points located on said Property Lines at a distance of: 7.5 m for a local road or a railway right-of-way; 9.0

m for an arterial road or a Provincial Highway; 15 m for the an automobile service station;

provided that where the said Property Lines do not intersect at a point, their point of intersection shall be deemed to be the point of intersection of the projected tangents to the said Property Lines, drawn through their extremities; and "Sight Triangle" also means the triangular area of a Property enclosed by a line at grade along the limits of a Driveway and the Street Line measured to a point 3 metres back from the intersection of the Street Line with the Driveway and a diagonal line drawn between these two points;

“Sign” means any visual medium used to convey information by way of words, pictures, images, graphics, emblems, or symbols, or any device used for the purpose of providing direction, identification, advertisement, or the promotion of a Business, Person, product, activity, service, event or idea;

“Sign Area” means:

- (a) in the case of a Sign having one Display Surface, the total area of the Display Surface;
- (b) in the case of a Sign having two Display Surfaces which are separated by the thickness of the Sign structure and the thickness is not used as a Display Surface, the area of one Display Surface;
- (c) in the case of a Sign having three or more Display Surfaces, the total area of all the Display Surfaces, to a maximum Sign Area equal to twice the permitted Sign Area for a Sign with a single Display Surface and provided the Sign Area is divided equally amongst the Display Surfaces;
- (d) in the case of a free-standing number, letter, picture, image, graphic, emblem, symbol, or shape, the area of the smallest rectangle which will enclose the number, letter, picture, image, graphic, emblem, symbol, or shape;

“Sign Owner” includes the Property Owner of the Property on which a Sign is Erected; any Person described on a Sign or whose name, business, address or telephone number appears on the Sign or who has installed the Sign, or who is in lawful control of the Sign, or who benefits from the message on the Sign; and in the case of a Sign for which a Sign Permit has been issued, the Person to whom the Sign Permit was issued. For the purposes of this By-law there may be more than one Sign Owner for any given Sign;

“Sign District” has the meaning in section 35;

“Sign Permit” means a permit issued pursuant to this By-law;

“Sign Structure” means anything used to support or brace a Display Surface and which is placed on or in or attached to the ground and shall include the framework, bracing and support of a Sign;

“Sign Height” means the vertical distance from the Grade below the Sign to the highest physical point of the Sign including any Sign Structure;

“Storey” means a horizontal division of a Building from a floor to the ceiling directly above such floor, regardless of whether or not such floor constitutes an overhanging mezzanine, a gallery or a balcony, and includes an attic, basement or cellar but does not include any crawl space or other area that is unusable by virtue of its inaccessibility;

“Street Line” means a Property Line dividing a Property from a Road Allowance;

“Structure” means anything that is Erected, built or constructed of parts joined together and attached or fixed permanently to the ground or any other structure;

“Temporary Sign” means a Sign not permanently erected on a Property or permanently affixed to any Structure or Building;

“Traffic Control Device” means any Sign, signal-light traffic control system, traffic signal, marking, or device, placed or erected by the authority of Council, for the purpose of regulating, warning or guiding traffic;

“Traffic Control Signal System” means a traffic control signal system as described in Section 13 of the *Highway Traffic Act*;

“Unsafe Sign” means a Sign that is not maintained in a good state of repair or is structurally unsound or otherwise poses a risk or danger to Persons or property;

“User Fee By-law” means the City’s Miscellaneous User Fee By-law 2019-24 as amended, replaced or restated from time to time;

“Utility Pole” includes a light standard or utility pole owned by the City, Greater Sudbury Utilities Inc. or Hydro One, and includes a combination light standard and utility pole;

“Vehicle/Trailer Sign” means a Sign which is painted on or affixed to a motor vehicle or trailer which is parked and visible from a Road Allowance and is intended for use as a Sign,

unless said motor vehicle or trailer is used in the normal day-to-day operation of the Business being identified or advertised by the Sign;

“Wall Sign” means a form of Permanent Sign which is painted on or permanently affixed to a single wall of a Building or Structure but does not include a Mural;

“Window Sign” means a form of Permanent Sign painted, etched, or attached to the interior or exterior surface of a window and which is intended to be seen from off the Property;

“Zone” means a designated area of land use shown on any map of the Zoning By-law; and

“Zoning By-law” means By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury, as amended, restated or replaced from time to time.

## **Part 2 – Interpretation/Conflict/Administration**

### **Interpretation**

**2.-(1)** Whenever this By-law refers to a Person or thing with reference to gender or to gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.

(2) References to items in the plural include the singular, as applicable.

(3) The words “include”, “including” and “includes” are not to be read as limiting the phrases or descriptions that precede them. Any examples provided are intended to be representative examples and not intended to be an exhaustive list.

(4) Headings are inserted for ease of reference only and are not to be used as interpretation aids.

(5) Specific references to laws in the By-law are printed in italic font and are meant to refer to the current laws applicable with the Province of Ontario as at the time the By-law was enacted, as they are amended, restated or replaced from time to time.

(6) Any reference to periods of time, stated in numbers of days, shall be deemed applicable on the first business day after a Sunday or Statutory holiday if the expiration of the time period occurs on a Sunday or statutory holiday.

(7) The obligations imposed by this By-law are in addition to obligations otherwise imposed by law or contract.



(8) All references to dimensions are centimetres “cm” or metres “m” and all references to area are square centimetres “cm<sup>2</sup>” or square metres “m<sup>2</sup>” unless otherwise indicated.

(9) Terms with capitals shall be read with the meaning in section 1, and other words shall be given their ordinary meaning.

### **Severability / Conflict**

**3-(1)** If any section, subsection, part or parts of this By-law is declared by any court of law to be bad, illegal or ultra vires, such section, subsection, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

(2) Nothing in this By-law relieves any Person from complying with any provision of any federal or provincial legislation or any other by-law of the City.

(3) Compliance with this By-law does not relieve a Person from complying with the requirements of applicable provincial or federal statutes or regulations, including but not limited to the relevant provisions of the *Ontario Building Code*.

(4) Signs may also be subject to the provisions of other by-laws in addition to this By-law, as well as restrictions or regulations that are lawfully imposed by any governmental authority having jurisdiction to make such restrictions or regulations.

(5) Where a provision of this By-law conflicts with the provisions of another by-law in force in the City or any of the provisions of any federal or provincial states or regulation, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

(6) Nothing in this By-law shall exempt a Person from the requirement to obtain a Building Permit where the *Ontario Building Code* requires a Building Permit for the Sign proposed to be Erected.

### **Administration/ Delegation**

**4-(1)** The administration of this By-law is assigned to the Permit Issuer who is delegated the authority to:

- (a) take all actions and make all decisions required of the Permit Issuer under this By-law;

- (b) perform all administrative functions and conduct all enquiries, inspections or investigations referred to herein and those incidental to and necessary for the due administration and implementation of this By-law; and
- (c) establish and amend from time to time, such forms, documents, agreements, and such standards, protocols and procedures as the Permit Issuer may determine are required to implement and administer this By-law, and sign such forms, documents and agreements as required.

(2) The Permit Issuer may delegate the performance of any one or more functions under this By-law to one or more Persons from time to time as the occasion requires and may impose conditions upon such delegation and may revoke any such delegation.

(3) Unless specifically provided to the contrary in this By-law, the decisions of the Permit Issuer are final and not subject to appeal.

### **Part 3 - Application of By-law & Exceptions**

#### **Application**

**5.-(1)** Except as expressly provided to the contrary in this By-law, this By-law shall apply to all Signs on all Property within the geographic limits of the City of Greater Sudbury.

(2) Every Person who Erects or uses a Sign or authorizes or causes a Sign to be Erected or continue to be Erected, shall ensure that the Sign complies with all the provisions and requirements of this By-law, the *Building Code Act, 1992*, S.O. 1992, c. 23 as amended, restated or replaced from time to time and any applicable law.

#### **Deemed to Erect**

**6.-(1)** In the absence of evidence to the contrary, satisfactory to the Municipal By-law Enforcement Officer, every Person who is a Sign Owner shall be deemed to have Erected a Sign, caused or authorized a Sign to be Erected or continue to be Erected.

(2) The onus is on a Person who is a Sign Owner to provide evidence satisfactory to the Municipal By-law Enforcement Officer to overcome the assumption in subsection 6(1).

(3) In the absence of evidence to the contrary or satisfactory to the Municipal By-law Enforcement Officer, a Person shall be deemed to have Erected a Sign if the Person is the Property Owner of the Property on which the Sign is Erected.

## **Where By-Law Does Not Apply**

7. Despite subsection 5(1), the provisions of this By-law shall not apply to:
- (a) any Sign that is located totally within a Building and which is not visible from the exterior of the Building;
  - (b) a Sign Erected for the purpose of public safety;
  - (c) an Official Sign;
  - (d) emblems or flags of patriotic, civic, educational or religious organizations;
  - (e) commemorative plaques or cornerstones that do not advertise;
  - (f) Murals; or
  - (g) a Sign erected by or authorized to be erected by a Public Authority on Property owned or occupied by the Public Authority.

## **Exemption - Existing Signs**

**8.-(1)** Despite subsection 5(1), this By-law does not apply to any Sign that is lawfully Erected on the day this By-law or a predecessor by-law comes or came into force, if the Sign or Advertising Device is not substantially Altered, except as provided in subsection 8(5).

(2) Where a Sign referred to in subsection 8(1) is substantially Altered, subsection 8(1) shall no longer apply and that Sign shall be brought into full conformity with this By-law.

(3) For the purposes of subsection 8(1), neither of the following constitute a substantial Alteration of a Sign:

- (a) anything done to preserve the condition of the Sign or to prevent the deterioration of the Sign including the restoration of a Sign by removing or replacing worn out, missing, damaged or broken parts of the Sign; or
- (b) a change to the Copy, provided however that a change from a Sign identifying or advertising a Business operating on the Premises or Property as the case may be, to a Sign identifying or advertising a Business not operating on the Premises or Property as the case may be, shall constitute a substantial Alteration.

(4) Any Person who makes or authorizes a substantial Alteration to a Sign lawfully Erected or displayed on the day this By-law comes into force shall do so in compliance with this By-law.

(5) Subsection 8(1) does not apply to exempt an Electronic Billboard Sign from the requirements of Section 40 or to exempt an Electronic Message Board from the requirement of Section 41 of this By-law.

## **Part 4 - General Rules**

### **Erect in Compliance with By-law**

**9.** No Person shall Erect a Sign, cause or authorize a Sign to be Erected or continue to be Erected unless the Sign is of a type authorized to be Erected under this By-law and the Sign is Erected in accordance with and is otherwise compliant with this By-law.

### **Undertaking Action of Erecting a Sign**

**10-(1)** Only the Property Owner of the Property on which the Sign is to be Erected or a Person holding a valid Sign Painter/Erector License issued by the City of Greater Sudbury pursuant to By-law 2004-350, being A By-Law of the City of Greater Sudbury to Provide for the Licensing and Regulation of Various Businesses, as amended or restated, or any successor by-law may undertake the action of Erecting a Permanent Sign once the Permanent Sign has been authorized by a Sign Permit and any necessary inspections have occurred.

(2) Only the Property Owner of the Property on which the Sign is to be Erected or a Person holding a valid Mobile Sign Dealer License issued by the City of Greater Sudbury pursuant to By-law 2004-350, being A By-Law of the City of Greater Sudbury to Provide for the Licensing and Regulation of Various Businesses, as amended or restated, or any successor by-law may undertake the action of Erecting a Portable Sign once the Portable Sign has been authorized by a Sign Permit.

### **Sign Permit Required / Not Required**

**11.-(1)** Except as provided to the contrary in subsection 11(2), no Person shall Erect a Sign, cause a Sign to be Erected or authorize or permit a Sign, to remain Erected unless a Sign Permit for that Sign was issued pursuant to this By-law.

(2) Notwithstanding subsection 11(1), a Sign Permit is not required to Erect any of the following categories of Signs, provided that both the Sign and the Sign Structure comply with the regulatory provisions of this By-law applicable to the type of Sign Erected and with all maintenance and safety requirements of this and any other applicable by-law:

- (a) Agricultural Directional Sign;
- (b) Agricultural Directional Ground Sign;
- (c) Bed and Breakfast Sign;
- (d) Contractor Sign;
- (e) Election Sign;
- (f) Home Occupation Sign;



- (g) Information Sign less than 0.5 m<sup>2</sup>;
- (h) Lawn Bag Sign;
- (i) New Development Directional Sign;
- (j) Poster Sign;
- (k) Real Estate Sign;
- (l) Real Estate Open House Directional Sign;
- (m) Sidewalk Sign;
- (n) a Sign having a Sign Area less than 650 cm<sup>2</sup>; or
- (o) advertising placed on public transit shelters, City buses, street furniture or street fixtures where such advertising has been approved by the City.

(3) A Sign Permit is not required for maintenance or repair of a Sign using materials identical to the materials of the component being maintained or repaired, provided however, a Sign Permit is required where the foundation or Sign Structure of a Sign is being Altered.

(4) Subject to subsection 11(5), a change in the Copy displayed by a Sign or a change of the Display Surface does not constitute an Alteration so as to require a Sign Permit.

(5) Despite subsection 11(4), a Sign Permit is required to:

- (a) Alter a Ground Sign to include Changeable Copy or an Electronic Message Board; or
- (b) change from a Sign identifying or advertising a Business operating on the Premises or Property on which the Sign is Erected, to a Sign identifying or advertising a Business not operating on the Premises or Property on which the Sign is Erected.

### **Prohibition – Third Party Advertising**

**12-(1)** No Person, shall Erect or cause or authorize a Sign to be Erected or permit a Sign to continue to be Erected if the Sign does not specifically identify or advertise a Business, Person, activity, goods, products or services located on or provided at the Premises or Property as the case maybe, where the Sign is Erected, unless otherwise specified in this By-law.

(2) For clarity, Subsection 12(1) does not prohibit the Erection, in accordance with this By-law of:

- (a) an Electronic Billboard Sign;
- (b) a Billboard Sign;
- (c) an Agricultural Directional Ground Sign;

- (d) a Contractor's Sign or Lawn Bag Sign;
- (e) a Real Estate Sign;
- (f) a Sign authorized to be Erected in a Road Allowance; or
- (g) a Sign for which a Permit has issued pursuant to subsection 24(2).

### **Prohibited Sign Types**

**13.** No Person shall Erect or cause or authorize a Sign to be Erected or permit a Sign to continue to be Erected if the Sign:

- (a) is a Roof Sign;
- (b) is a Vehicle/Trailer Sign;
- (c) is an Abandoned Sign;
- (d) is an Unsafe Sign;
- (e) is an Inflatable Sign;
- (f) may, in the opinion of the Municipal By-law Enforcement Officer, cause confusion with a Traffic Control Device, Sign or signal; or
- (g) is not expressly authorized by this By-law.

### **Prohibitions – Location / Erection**

**14.-(1)** No Person shall Erect a Sign, cause or authorize a Sign to be Erected or continue to be Erected:

- (a) within or overhanging any Road Allowance or other City Property unless the Sign:
  - (i) is Erected with the written consent of the City or pursuant to a written agreement with the City or
  - (ii) is otherwise authorized by this By-law to be Erected within or overhanging a Road Allowance or other City Property;
- (b) within a Sight Triangle;
- (c) in a location or manner which, in the opinion of the Municipal By-law Enforcement Officer, impedes the necessary view of a pedestrian or motorist;
- (d) in a location or in a manner which obstructs or otherwise impedes:
  - (i) any fire escape, fire exit or door, any window required for natural ventilation or natural lighting or required as an emergency escape, or a fire fighter's access panel or skylight, or so as to prevent or impede free access from or to any part of a Building;

- (ii) the utilization of a parking space, loading space, Driveway or aisle unless additional parking spaces or loading spaces are provided to comply with the requirements of the Zoning By-law; or
  - (iii) the functioning of any flue or air intake, or any exhaust system;
- (e) in the case of a Sign with a Sign Height greater than 0.75 metres;
  - (i) within 3.0 metres of any Driveway; or
  - (ii) where the Sign may impede the visibility of an access from any Road Allowance to any Property; or
- (f) by means of nailing, screwing, taping or otherwise fastening to a tree.

(2) No Person shall Erect or cause or authorize a Sign to be Erected on a Property or permit a Sign to remain Erected on a Property unless the Person is the Property Owner or has the written consent of the Property Owner of that Property.

### **Illumination**

**15.-(1)** No Person shall Erect a Sign which is Illuminated or cause or authorize a Sign which is Illuminated to be Erected or continue to be Erected unless:

- (a) the Sign and source of Illumination are designed and located so as to prevent light trespass beyond the Sign Structure and the Display Surface;
- (b) the Sign is illuminated only using down-lighting or back-lighting or both;
- (c) any down-lights used to illuminate the Sign are designed to emit direct light below or at the horizontal, only; and
- (d) the Sign is of a type authorized under this By-law to be Illuminated.

(2) No Person shall Erect a Sign which is Illuminated or cause or authorize a Sign which is Illuminated to be Erected or continue to be Erected, on any non-residential use Premises or Property, in a location that is less than 30 metres from a Zone that permits only residential uses unless;

- (a) the Sign is Erected on the opposite side of the Road Allowance to a Zone Permitting only residential uses; and
- (b) the Sign is a Wall Sign facing a Road Allowance.

### **Electrical**

**16.-(1)** Every Sign Owner shall ensure that where applicable, the Sign, including any wiring and connections, conforms at all times to the regulations of the Ontario Electrical Safety Authority and the *Ontario Electrical Safety Code*.

(2) Every Sign Owner of a Sign Erected within 3.0 metres of any electrical distribution line owned by a public utility shall obtain the approval of the appropriate public utility for the Sign.

### **Maintenance and Good Repair**

**17.-(1)** Every Sign Owner shall maintain or cause its Sign and Sign Structure to be maintained in accordance with the following standards:

- (a) all exposed surfaces of the Sign and Sign Structure are covered or finished with a durable weather resistant protective finish;
- (b) there is no peeling or flaking of paint and no corrosion on the Sign or Sign Structure;
- (c) all electrical and lighting components of the Sign and Sign Structure are continuously operative;
- (d) all Display Surfaces and the Sign Structure are intact and operative and do not contain deteriorating, peeling, broken, torn or cracked parts;
- (e) any Display Surface required to cover and protect any electrical component, lamp, or Sign box from weather elements is intact at all times; and
- (f) in the case of an Electronic Message Board or Electronic Billboard, there is no malfunction which creates a danger or distraction to the public.

(2) Any Sign Owner who removes or causes a Display Surface to be removed for repair or replacement, shall cause the repaired or replacement Display Surface to be installed or re-installed within ten calendar days of its removal.

### **Part 5 – Sign Permits – Application / Issuance / Revocation etc**

#### **Application for Sign Permit**

**18.-(1)** The Permit Issuer shall from time to time, establish one or more forms for use in applying for a Sign Permit to Erect or Alter a Sign.

(2) The application for a Sign Permit shall include the postal address of the applicant and if the applicant is not the Property Owner, shall also include the postal address for the Property Owner of the Property on which the Sign is to be Erected.

(3) Any communication or notice pertaining to the application for a Sign Permit sent by regular post to the postal address on the application for a Sign Permit for the applicant shall be deemed good and sufficient notice, whether or not received, unless the applicant:

- (a) has notified the Sign Permit Issuer in writing of a change of address; or



- (b) directed the Sign Permit Issuer to forward notices to the Property Owner or to any Sign Owner rather than the applicant.

### **Use Proper Form**

**19.-(1)** Every applicant for a Sign Permit shall use the form prescribed by the Permit Issuer for the type of Sign applied for. The application for a Sign Permit shall be executed by the applicant, and in the case of an application by a partnership or a corporation, by an authorized signing officer of the partnership or corporation to verify the correctness of the information submitted.

(2) A separate application shall be required for each Sign for which a Sign Permit is requested.

### **Submission of Application**

**20.-(1)** Every applicant for a Sign Permit shall submit with the application:

- (a) subject to subsections 12(4) and 12(5), the applicable fee in the amount determined in accordance with the User Fees By-law then in effect for the City for the type of Sign to which the Sign Permit application applies;
- (b) a plan of the Property on which the Sign will be situate, drawn to scale showing all measurements in metric and including:
  - (i) the location of all existing Buildings and setbacks from Property Lines;
  - (ii) the location of all entrances to the Property from any abutting Road Allowance;
  - (iii) the location of any entrances to Buildings on the Property;
  - (iv) the proposed location of the proposed Sign on the Property or Building on the Property as the case may be and the location of all existing Signs on the Property; and
  - (v) distance from the centreline of the nearest street intersection;
- (c) drawings showing:
  - (i) Sign dimensions, in metric measure;
  - (ii) Sign Area in metric measure;
  - (iii) Sign Height;
  - (iv) number of Display Surfaces;
  - (v) any Illumination details;
- (d) the proposed Copy for the Sign;

- (e) particulars of the Business or activity to be identified, promoted or advertised by the Sign, indicating whether or not the Business operates on the Property on which the Sign is proposed to be Erected;
- (f) authorization of the Property Owner of the Property on which the Sign is to be Erected, in cases where the Property Owner is not the applicant;
- (g) in the case of a Permanent Sign, complete drawings and specifications covering the construction of the Sign and Sign Structure including but not limited to drawing of the proposed Sign drawn to scale setting out:
  - (i) particulars of the proposed method of attachment of the Sign to the Property or Building as the case may be;
  - (ii) dimensional elevation drawings indicating the Sign Height;
  - (iii) foundation base and column details, if applicable;
  - (iv) the weight of the proposed Sign;
  - (v) the construction materials to be used in the Sign; and
  - (vi) where applicable, such other information as the Permit Issuer may require to determine that the Sign has been designed and will be constructed in compliance with the applicable structural provisions of the *Ontario Building Code*;
- (h) where required by the Permit Issuer, in the case of a Permanent Sign, scaled drawings of any Building upon which it is proposed to locate the Sign and the Sign Structure, as may be necessary to determine whether the structure of such Building will carry the additional loads and stresses imposed by the Erection of such Sign and Sign Structure and where applicable, to determine façade area;
- (i) where the application relates to a Sign which requires structural design in accordance with the *Ontario Building Code*, drawings which have been designed by a registered professional engineer;
- (j) where a Sign is subject to the regulation of a Public Authority other than the City by virtue of the Sign's location or type, the written permission of the Public Authority having jurisdiction;
- (k) where the Sign will be located within 400 metres of a controlled access highway under the jurisdiction of the Province of Ontario, the written approval of the Ministry of Transportation for the Sign; and
- (l) such further and other documents or material as the Permit Issuer may request to process the application and determine compliance with this By-law or other applicable law.

(2) The Permit Issuer may circulate applications to other City departments for review and comment and may consider such input in making a decision on an application.

(3) The application of the *Ontario Building Code* to any Sign Permit application for a Permanent Sign will be considered by the Permit Issuer and where the Permit Issuer determines that the *Ontario Building Code* applies to a Sign, any permit issued pursuant to the *Ontario Building Code* will be deemed to satisfy the requirement for a Sign Permit under this By-law.

(4) Despite paragraph 20(1)(a), any applicant for a Sign requiring a building permit pursuant to the *Ontario Building Code* shall not be required to pay the applicable fee for the Sign Permit in addition to the fee for the building permit, however, a Sign Permit must be applied for and obtained prior to the Erection or Alteration of any Sign in compliance with this By-law.

(5) Despite paragraph 20(1)(a), no fee shall be payable for application for a Sign Permit to erect a Portable Sign:

- (a) for a period not exceeding two days, where the sign is used for non-commercial purposes on a Property which is zoned "Residential" under the Zoning By-law; or
- (b) where the applicant submits with an application for a Sign Permit for a Portable Sign, evidence satisfactory to the Manager, that the applicant is a not-for-profit organization, a not-for-profit corporation or a registered charity.

### **Withdrawal of Application**

**21.** An applicant for a Sign Permit may withdraw the application at any time before the Sign Permit is issued.

### **Expiry of Application**

**22.** Where an application for a Sign Permit remains incomplete or inactive for six (6) months after it is made, the application is deemed to have expired.

### **Refusal to Issue Sign Permit**

**23.-(1)** The Permit Issuer shall refuse to issue any Sign Permit if:

- (a) the application is incomplete;
- (b) the Sign, Sign Structure or in the case of an Awning Sign or Canopy Sign, the Awning or Canopy would not comply with this By-law, the *Ontario Building Code* if applicable, or any other federal or provincial statute or regulation, if the Sign,

Sign Structure, Awning or Canopy were to be Erected in accordance with the application;

- (c) the applicant has any outstanding fees owing to the City with respect to a Sign Permit previously issued to the applicant, or has any unpaid fines or enforcement costs arising out of or resulting from any by-law contravention;
- (d) the proposed Sign is to be Erected on a Property on which an existing Sign is Erected which does not comply with this By-law;
- (e) the application is inconsistent with this By-law or the Permit, if issued, would result in an inconsistency with maximum permitted time periods or frequency or number of Signs, for such Sign as set out in this By-law or otherwise be inconsistent with this By-law;
- (g) in the case of a Sign overhanging a Road Allowance the applicant has not provided evidence of compliance with paragraph 14(a);
- (f) the Sign is identifying or advertising a Business that is in violation of any City by-law; or
- (g) would result in both Flag Signs and Portable Signs being Erected on the same Property.

(2) Where an application is incomplete, the Permit Issuer may notify the applicant orally or in writing, mailed to the address in the application for such purpose, to advise of the deficiency and the date on which the application will expire if the applicant has not remedied the deficiency by the specified date.

(3) The decision of the Permit Issuer to issue or refuse to issue a Sign Permit is final and not subject to appeal.

### **Issuance of Sign Permit**

**24.-(1)** The Permit Issuer shall issue a Sign Permit to the applicant unless the Permit Issuer is satisfied that there is a reason to refuse its issuance in accordance with this By-law.

(2) Despite Subsection 12(1), the Permit Issuer may issue a Sign Permit to a not-for-profit organization, a not-for-profit corporation or a registered charity to Erect a Portable Sign for the purpose of posting a message which promotes an event or activity related to or sponsored by the applicant not-for-profit organization, not-for-profit corporation or corporation or registered



charity, which event or activity will take place on a Property other than the Property on which the Sign is located.

### **Sign Permit - Content**

**25.** The Permit Issuer shall set out on the face of every Sign Permit issued under this By-law:

- (a) the type of Sign authorized by the Sign Permit;
- (b) the by-law under the authority of which the Sign Permit is issued;
- (c) the name of each Sign Permit holder;
- (d) either the municipal address or legal description or both, of the Property and where applicable, the Premises, where the Sign is to be Erected;
- (e) where applicable, the approved location of the Sign on the Property or Premises;
- (f) a description of the Sign authorized under the Sign Permit;
- (g) any special conditions which apply to the Sign Permit;
- (h) the date of issuance of the Sign Permit;
- (i) where applicable, the expiry date of the Sign Permit;
- (j) such other information as the Permit Issuer may determine to be appropriate; and
- (k) the Signature of the Permit Issuer.

### **Limited Term – Portable Signs, Flag Signs and Banner Signs**

**26.** The Permit Issuer shall limit a Sign Permit:

- (a) for a Portable Sign to a term of 1 month, 2 months, 3 months, 4 months, 5 months, 6 months or 12 months and limit the number of Sign Permits issued for a Portable Sign in any calendar year so the maximum number of Portable Signs on a Property, determined in accordance with Section 53, is not exceeded;
- (b) for a Flag Sign to a term of 1 month, 2 months, 3 months, 4 months, 5 months, 6 months or 12 months and limit the number of Sign Permits issued for a Flag Sign in any calendar year so the maximum number of Portable Signs on a Property, determined in accordance with Section 53, is not exceeded;
- (c) for a Banner Sign to a term of 30 consecutive days and limit the number of Sign Permits issued for a Banner Sign to two (2) in any calendar year for any Property.

## **Expiry of Sign Permit**

**27.-(1)** A Sign Permit, if not earlier revoked, shall expire in the event that the Permit Holder does not Erect or Alter the Sign as authorized by the Sign Permit:

- (a) within three (3) months after the date of the issuance of the Sign Permit, in the case of a Sign Permit for a Portable Sign; or
- (b) within six (6) months after the date of issuance of the Sign Permit, in the case of a Sign other than a Portable Sign.

(2) A Sign Permit, if not earlier revoked, shall automatically expire, without any requirement for notice by the City on the earliest of:

- (a) the removal of the Sign for which the Sign Permit was issued or the completion of the Alteration authorized by the Sign Permit;
- (b) the date specified in the Sign Permit as the expiry date; and
- (c) in the case of a Sign which overhangs a Road Allowance, upon the expiry or other termination of any written consent or agreement authorizing the Sign.

## **Revocation of Sign Permit**

**28-(1)** The Permit Issuer may revoke a Sign Permit in any the following circumstances:

- (a) the Sign Permit has been issued in error;
- (b) the Sign to which the Sign Permit relates does not conform to this By-law, or does not conform to the *Building Code* or any other applicable regulation or legislation;
- (c) the Sign Permit has been issued as a result of false, mistaken, incorrect, or misleading statements or undertakings on the application;
- (d) the Sign does not conform with the plans, documents or other information submitted as part of the approved application for the Sign;
- (e) the Sign does not conform with the terms and conditions of the issued Sign Permit;
- (f) a Person to whom an order has been issued pursuant to this By-law has failed or refused to comply with such order;
- (g) the Sign Owner has, in the opinion of the Permit Issuer, contravened this By-law or any other by-law or any applicable law;
- (h) the Business, product, activity or service to which the Sign relates ceased to operate or is no longer available or has expired;
- (i) the Sign Owner requests in writing that the Sign Permit be revoked;

- (j) the Sign Permit was issued on the basis of a variance and the Sign is not compliant with the variance granted or with any terms and conditions imposed as a condition of the variance; or
- (k) the Permit Holder has failed to secure an inspection required pursuant to section 34.

(2) The Permit Issuer shall advise the Sign Permit holder in writing of the revocation of the Sign Permit and the reason for the revocation by mailing notice to the Permit holder at the address for service shown on the application for the Sign Permit. Notice shall be effective on the 5<sup>th</sup> day after mailing, whether or not it is actually received.

(3) Nothing herein shall prevent a Person who held a Sign Permit which was revoked from applying for a new Sign Permit.

### **Effect of Expiry / Revocation**

**29.** Upon the revocation or expiry of a Sign Permit, a Sign Owner shall immediately remove the Sign formerly authorized by the Sign Permit, whether or not a new application for a Sign Permit has been submitted.

### **Refunds**

**30.-(1)** Subject to subsection 30(2) and 30(3), upon the written request of the applicant, the Permit Issuer may issue a refund of:

- (a) such part, if any, of the application fee as the Permit Issuer in their sole discretion determines is appropriate, based on the amount of work done, where the applicant for the Sign Permit requests in writing that the application for a Sign Permit be cancelled, prior to issuance; or
- (b) all of the application fee where the Sign Permit was issued in error.

(2) Despite subsection 30(1), there shall be no refund of the application fee for a Sign Permit where:

- (a) a Sign Permit is revoked on the basis that the Sign Permit was issued as the result of false, mistaken, incorrect or misleading statements, information or undertakings on the application;
- (b) the Sign for which the Sign Permit application is made has been displayed prior to the issuance of a Sign Permit; or
- (c) an application for a Sign Permit is refused.

(3) Despite subsection 30(1), where the application is for a Permanent Sign which requires a building permit, any refund of an application fee shall be determined by By-law 2005-165, Being a By-law of the City of Greater Sudbury Respecting Construction, Demolition, Change of Use Permits, Inspections and Fees, as amended, replaced or restated from time to time, instead of in accordance with subsections 30(1) and 30(2).

### **Effect of Sign Permit**

**31.** The granting of a Sign Permit under this By-law does not authorize any Person to do anything in contravention of any by-law of the City, any provincial or federal statute or any regulation thereunder.

### **Obligation to Produce**

**32.** The Person to whom the Sign Permit is issued shall produce the Sign Permit for inspection on request of a Municipal By-law Enforcement Officer.

### **No Ownership in Sign Permit**

**33.-(1)** No Person shall enjoy a vested right in the continuance of a Sign Permit and whether issued, expired, revoked or otherwise terminated, the Sign Permit and any value of such Sign Permit shall continue to be the Property of the City.

(2) No Person shall be entitled to assign their interest in a Sign Permit.

### **Inspections**

**34.-(1)** No Person shall Erect or cause a Permanent Sign authorized by a Sign Permit to be Erected or remain Erected unless the Permit Issuer has first inspected and approved in writing the excavation and foundation for the Permanent Sign.

(2) Any Person who has Erected or authorized or caused a Permanent Sign to be Erected pursuant to a Sign Permit shall arrange with the Permit Issuer for a final inspection and shall take such steps as may be required by the Permit Issuer to secure final approval of the Erection of the Sign.

(3) The Sign Owner shall bear the onus of scheduling each inspection by the Permit Issuer. The obligation of complying with all requirements to secure the approval of the Permit Issuer shall rest with the Property Owner.



## **Part 6 –Permanent Signs**

### **Sign Districts**

**35.** For the purposes of this By-law, the following Sign Districts are established by reference to the Zone categories as set out in the Zoning By-law and are identified in the Tables in section 37:

<b>RES A</b>	<b>Residential A</b> Zone Categories: R1, R2, RMH
<b>RES B</b>	<b>Residential B</b> Zone Categories: R3, R4
<b>COM</b>	<b>Commercial</b> Zone Categories: C1, C2, , C3, C4, C5, C6, C7
<b>IND</b>	<b>Industrial</b> Zone Categories: M1-1, M1, M2, M3, M4, M5, M6
<b>INS</b>	<b>Institutional</b> Zone Categories: I, P
<b>RA</b>	<b>Rural Area</b> Zone Categories: RU, A, RS, SLS
<b>OS</b>	<b>Open Space</b> Zone Categories: OSC, OSP, OSR, OSW, EP, FD

### **Permanent Signs – Read Together**

**36.** Sections 37 to 45 of this By-law are interdependent and shall be read together.

### **Permanent Signs – Regulation by Type**

**37.-(1)** Tables 1 to 7 of this By-law identify the types of Permanent Signs authorized to be Erected and the regulations applicable to each type of Sign.

(2) No Person shall Erect, cause or authorize a Permanent Sign to be Erected or continue to be Erected unless:

- (a) in the case of Properties in the Sign District identified in the heading of Table 1 to 7 inclusive, the Sign is of a type listed in a column on that table; and

- (b) the Sign complies with the requirements of the rows affecting that column, and all other applicable provisions of this By-law; and
- (c) the Sign relates to a use permitted in the Zone under the Zoning By-law, except where specifically authorized to the contrary under this By-law.

<b>Table 1</b> <b>Residential A Sign District</b> <b>R1, R2, RMH</b>			
<b>Permanent Sign Types</b>	<b>Bed and Breakfast Sign</b>	<b>Home Occupation Sign</b>	<b>Wall Sign for authorized non-residential uses</b>
Zone permitted	R1 (all) R2 (all)	R1 (All) R2 (All) RMH	RMH
Maximum Number of Signs Per Property	1 Ground Sign or 1 Wall Sign	1 Ground Sign or 1 Wall Sign	1
Maximum Sign Height	Ground Sign – 1.2 m	Ground Sign 1.2 m	--
Maximum Sign Area	0.40 m <sup>2</sup>	0.40 m <sup>2</sup>	1.0 m <sup>2</sup>
Illumination Subject to s. 15	Yes	Yes	Yes
Minimum Setback from all Property Lines	Ground Sign 3.0 m	Ground Sign 3.0 m	---
Additional Regulation	---	---	s.44

<b>Table 2</b> <b>Residential B Sign District</b> <b>R3 &amp; R4</b>					
<b>Permanent Sign Types</b>	<b>Awning Sign or Canopy Sign</b>	<b>Bed and Breakfast Sign</b>	<b>Ground Sign</b>	<b>Home Occupation Sign</b>	<b>Wall Sign</b>
Zones permitted	R3 (All) R4	R3 (All)	R3 (All) R4	R3 (All) R4	R3 (All) R4
Maximum Number of Signs Per Property	1 per Premise	1 Ground Sign or 1 Wall Sign	1	1 Ground Sign or 1 Wall Sign	---
Maximum Sign Height	2.75 m minimum clearance above Grade	Ground Sign 1.2 m	4.0 m	Ground Sign 1.2 m	Lesser of 4.5 m or the base of windows on any story above the ground floor
Maximum Sign Area	50% of the area of the Awning or the Canopy	0.40 m <sup>2</sup>	2.0 m <sup>2</sup>	0.40 m <sup>2</sup>	25% of the external Façade of that part of the Building occupied by a Business
Illumination Subject to s.15)	Yes	Yes	Yes	Yes	Yes
Minimum Setback from all Property Lines	---	Ground Sign 3.0 m	3.0 m	Ground Sign 3.0 m	---
Additional Regulation	Footnote 1	---	Footnote 1	---	s. 44 Footnote 1

Footnote to Table 2

1. Only for a permitted Day Care Centre, Long Term Care Facility or Retirement Home.

<b>Table 3</b> <b>Commercial Sign District - Part 1</b> <b>C1, C2, C3, C4, C5, C6 &amp; C7</b>					
<b>Permanent Sign Types</b>	<b>Awning Sign or Canopy Sign</b>	<b>Billboard Sign or Electronic Billboard Sign</b>	<b>Directional Sign</b>	<b>Home Occupation</b>	<b>Electronic Message Board Sign</b>
Zones Permitted	All	C2, C3	All	All except C5, C7	All
Maximum Number of Signs Per Property	1 per Premise	1	---	1 Ground or Wall Sign	1 as part of a Ground Sign
Maximum Sign Height	2.75 m minimum clearance above Grade	8.0 m	---	Ground Sign 1.2 m	---
Maximum Sign Area	50% of the area of the Awning or the Canopy	20.0 m <sup>2</sup>	0.3 m <sup>2</sup>	0.40 m <sup>2</sup>	30% of the maximum area of a Ground Sign
Illumination Subject to s. 15	Yes	Yes	Yes	Yes	Yes
Minimum Setback from all Property Lines	---	3.0 m	---	Ground Sign 3.0 m	3.0 m
Additional Regulation	Footnote 1	Billboard – s. 40 Electronic Billboard – s.41	---	--	s. 42

Footnote to Table 3 Part 1

1. Only permitted non-residential uses

<p align="center"><b>Table 3</b>  <b>Commercial Sign District – Part 2</b>  <b>C1, C2, C3, C4, C5, C6 &amp; C7</b></p>						
<b>Permanent Sign Types</b>	<b>Ground Sign</b>	<b>Menu Board Sign</b>	<b>Pre-Menu Board Sign</b>	<b>Projecting Sign</b>	<b>Wall Sign</b>	<b>Window Sign</b>
Zones permitted	All			All	All	All
Maximum Number of Signs Per Property	1 for each 200 m or less of the Street Line	1 per drive through lane	1 per drive through lane	1 per Premises	---	1 per premises
Maximum Sign Height	7.5 m	3.0 m	3.0 m	Minimum 2.75 m above Grade	Lesser of 4.5 m or the base of windows on any story above the ground floor	---
Maximum Sign Area	0.3 times the length of the Street Line, maximum 15 m <sup>2</sup>	4.0 m <sup>2</sup>	2.0 m <sup>2</sup>	3.0 m <sup>2</sup>	25% of the external Façade of that part of the Building occupied by a Business	0.5 m <sup>2</sup>
Illumination Subject to s. 15	Yes	Yes	Yes	Yes	Yes	Yes
Minimum Setback from all Property Lines	3.0 m	3.0 m	3.0 m	---	---	---
Additional Regulation	Footnote 1 & Footnote 2	---	---	---	s. 44	s. 45

Footnotes to Table 3 Part 2

1. If more than one Ground Sign is permitted on a Property, each Ground Sign shall be located no less than 60 m. from any other Ground Sign on the same Property.
2. Shall be located no less than 15 m from a residential zone in a C2, C3, C5 or C7 zone.



<p style="text-align: center;"><b>Table 4</b>  <b>Industrial Sign District - M1-1, M1, M2, M3, M4, M5 &amp; M6</b></p>						
<b>Permanent Sign Types</b>	<b>Billboard Sign or Electronic Billboard Sign</b>	<b>Directional Sign</b>	<b>Electronic Message Board Sign</b>	<b>Ground Sign</b>	<b>Projecting Sign</b>	<b>Wall Sign</b>
Zones Permitted	M1, M1-1, M3	All	All	All	All except M5 & M6	All
Maximum Number of Signs Per Property	1	---	1 as part of a Ground Sign	1 for each 200 m or less of the Street Line	1 per Premises	---
Maximum Sign Height	8.0 m	1.5 m	---	7.5 m	Minimum 2.75 m above Grade	Lesser of 4.5 m or the base of windows on any Storey above the ground floor
Maximum Sign Area	20.0 m <sup>2</sup>	0.3 m <sup>2</sup>	30% of the maximum Sign Area of a Ground Sign	0.3 times the length of the Street Line, maximum 15 m <sup>2</sup>	1.0 m <sup>2</sup>	25% of the external Façade of that part of the Building occupied by a Business
Illumination Subject to s. 15	Yes	Yes		Yes	Yes	Yes
Minimum Setback from all Property Lines	3.0 m	---	3.0 m	3.0 m	3.0 m	---
Additional Regulation	Billboard –s.40 Electronic Billboard – s.41	---	s. 42	Footnote 1 & Footnote 2	---	s. 44

**Footnotes to Table 4**

1. If more than one Ground Sign is permitted on a Property each Ground Sign shall be located no less than 60 m from any other Ground Sign on the same Property.
2. Shall be located no less than 15 m from a residential zone in a M1-1 or M1 zone.

<b>Table 5</b> <b>Institutional Sign District - I &amp; P</b>					
<b>Permanent Sign Types</b>	<b>Awning Sign or Canopy Sign</b>	<b>Directional Sign</b>	<b>Electronic Message Board Sign</b>	<b>Ground Sign</b>	<b>Wall Sign</b>
Zones permitted	All	All	All	All	All
Maximum Number of Signs Per Property	1 per Premise	---	1 as part of a Ground Sign	1 for each 200 m or less of the Street Line	---
Maximum Sign Height	2.75 m minimum clearance above Grade	---	---	7.5 m	Lesser of 4.5 m or the base of windows on any story above the ground floor
Maximum Sign Area	50% of the area of the Awning or the Canopy	0.3 m <sup>2</sup>	30% of the maximum area of a Ground Sign	0.3 times the length of the Street Line, maximum 15 m <sup>2</sup>	25% of the external Façade of that part of the Building occupied by a business
Illumination Subject to s. 15	Yes	Yes		Yes	Yes
Minimum Setback from all Property Lines	---	---	3.0 m	3.0 m	---
Additional Regulation	---	---	s. 42	Footnote 1	s. 44

Footnote to Table 5

1. If more than one Ground Sign is permitted on a Property, each Ground Sign shall be located no less than 60 m from any other Ground Sign on the same Property.

<b>Table 6</b> <b>Rural Area Sign District</b> <b>RU, A, AS, SLS</b>						
<b>Permanent Sign Types</b>	<b>Agricultural Directional Ground Sign</b>	<b>Bed and Breakfast Sign</b>	<b>Directional Sign</b>	<b>Ground Sign</b>	<b>Home Occupation Sign</b>	<b>Wall Sign</b>
Zones permitted	A, RU	A, RU, RS	A, RU	A, RU	A, RU, RS	A, RU
Maximum Number of Signs Per Property	1	1 Ground or 1 Wall Sign	---	1	1 Ground or 1 Wall Sign	---
Maximum Sign Height	4.0 m		---	3.0 m		---
Maximum Sign Area	3.0 m <sup>2</sup>	0.55 m <sup>2</sup>	0.3 m <sup>2</sup>	4.0 m <sup>2</sup>	0.55 m <sup>2</sup>	2.0 m <sup>2</sup>
Illumination	Yes		Yes	Yes		Yes
Minimum Setback from all Property Lines	3.0 m	Ground Sign 3.0 m	---	3.0 m	Ground Sign 3.0 m	3.0 m
Additional Regulation	s. 39	---	---	Footnote 1	---	s. 44 Footnote 1

Footnote to Table 6

1. Only permitted non-residential uses.

<b>Table 7</b> <b>Open Space Sign District</b> <b>OSC, OSP, OSR, OSW, EP &amp; FD</b>					
<b>Permanent Sign Types</b>	<b>Directional Sign</b>	<b>Electronic Message Board Sign</b>	<b>Home Occupation Sign</b>	<b>Ground Sign</b>	<b>Wall Sign</b>
Zone permitted	OSR, OSC, OSP, FD	OSR, OSC, OSP, FD	FD	OSR, OSC, OSP, FD	OSR, OSC, OSP, FD
Maximum Number of Signs Per Property	---	1 as part of a Ground Sign	1 Ground Sign or 1 Wall Sign	1	---
Maximum Sign Height	---	---	Ground Sign 1.2 m	7.5 m	
Maximum Sign Area	0.3 m <sup>2</sup>	30% of the maximum area of a Ground Sign	0.40 m <sup>2</sup>	4.0 m <sup>2</sup>	25% of the external Façade of that part of the Building occupied by a business
Illumination	Yes		Yes	Yes	Yes
Minimum Setback from all Property Lines	---	Ground Sign 3.0 m	Ground Sign 3.0 m	3.0 m	---
Additional Regulation	Footnote 2	s. 42	Footnote 1	Footnote 2	s.44 Footnote 2

Footnotes to Table 7

1. Only on a legal existing Property.
2. Only for permitted non-residential uses.

### **Additional Regulation**

**38.** All provisions of sections 39 to 45 and all general application provisions of this By-law apply in addition to the requirements of section 37 with respect to that type of Sign, whether or not specified in the section .

### **Agricultural Directional Ground Sign – Additional Regulation**

**39.** No Person shall Erect, cause or authorize an Agricultural Directional Ground Sign to be Erected or continue to be Erected more than 10 kilometres from the Property to which the Agricultural Directional Ground Sign relates.

### **Billboard Sign – Additional Regulation**

**40.** No Person shall Erect, cause or authorize a Billboard Sign to be Erected or continue to be Erected in a location which is:

- (a) within a setback required by the Zoning By-law between a Building and any Property Line;
- (b) less than 100 m from lands Zoned for residential uses; or
- (c) less than 100 m from another Billboard Sign.

### **Electronic Billboard Sign – Additional Regulation**

**41.** No Person shall Erect, cause or authorize an Electronic Billboard Sign to be Erected or continue to be Erected if:

- (a) the Electronic Billboard Sign:
  - (i) displays any visible effects including but not limited to motion, fading, dissolving, fading, flashing, intermittent or blinking light, scrolling or the illusion of such effects;
  - (ii) emits sound;
  - (iii) displays any Copy in an interactive manner; or
  - (iv) takes the form of a Portable Sign;
- (b) any change from one message to another in the Copy of the Electronic Billboard Sign:
  - (i) is not completed in 0.1 second or less;
  - (ii) does not involve a change of the entire Copy; or
  - (iii) includes a partial, incremental or sequential change of Copy;



- (c) the Copy on the Electronic Billboard Sign is not displayed continuously in a static manner without animation and without any change or any visual effects for 10 seconds or less;
- (d) the Electronic Billboard Sign is not equipped with an operating automatic light sensor that is set to control the brightness of the Illumination of the Sign in compliance with the provisions of this By-law;
- (e) the Illumination from the Electronic Billboard Sign:
  - (i) projects onto any adjacent Property or Premise;
  - (ii) increases the light levels within 10.0 metres of any point of the Display Surface by more than 3.0 lux above the ambient lighting level;
  - (iii) exceeds 5,000 nits during the period between sunrise and sunset; and,
  - (iv) exceeds 300 nits during the period between sunset and sunrise; or
- (f) the Electronic Billboard Sign is Erected in a location which is not:
  - (i) 200.0 metres or more from any other Electronic Billboard Sign or any Ground Sign with an Electronic Message Board; or
  - (ii) 120.0 metres or more from the centerline of a street intersection with Traffic Control Devices or an at Grade railway crossing.

#### **Electronic Message Board Sign – Additional Regulation**

**42.** No Person shall Erect, cause or authorize an Electronic Message Board to be Erected or continue to be Erected unless:

- (a) the Electronic Message Board is part of a Permanent Ground Sign;
- (b) the Copy on an Electronic Message Board is displayed continuously in a static manner without animation and without any change or any visual effects for not less than 30 seconds;
- (c) there are no visible effects on the Electronic Message Board including but not limited to motion, fading, dissolving, flashing, intermittent or blinking light, scrolling or the illusion of such effects;
- (d) the intensity of the Illumination of the Electronic Message Board is maintained at a constant level; and
- (e) the Illumination of an electronic message on the Electronic Message Board:
  - (i) does not project onto any adjacent Property or Premises;
  - (ii) does not increase the light levels within 10.0 metres of all points of the Display Surface by more than 3.0 lux above the ambient lighting level;

- (iii) does not exceed 5,000 nits during the period between sunrise and sunset; and,
- (iv) does not exceed 300 nits during the period between sunset and sunrise.

### **Fuel Price Sign**

**43.** Where an automotive service station of gas bar use is authorized within a Zone, an Illuminated Fuel Price Sign with a maximum Sign Area of 1 m<sup>2</sup> is permitted as part of a Ground Sign.

### **Wall Sign – Additional Regulation**

**44.-(1)** No Person shall Erect, cause or authorize a Wall Sign to be Erected or continue to be Erected which:

- (a) is in a location other than the first storey, except as provided in subsection 44(2);
- (b) extends beyond the extremity of the wall to which it is attached;
- (c) extends more than 0.5 m from the wall to which it is attached;
- (d) is not parallel to the wall to which it is attached; or
- (e) is less than 2.75 m above Grade, if the Wall Sign is Erected above an entrance to a Building.

(2) Despite paragraph 44.-(1)(a) a Wall Sign may be Erected on the uppermost Storey of a Building provided the Sign Area of the Wall Sign does not exceed 10% of the area of the uppermost Storey.

### **Window Sign – Additional Regulation**

**45.** No Person shall Erect, cause or authorize a Window Sign to be Erected or continue to be Erected except on the First Storey of a Building.

## **Part 7 - Temporary Signs**

### **Temporary Signs – Read Together**

**46.** Section 47 and section 48 of this By-law are interdependent and shall be read together.

### **Temporary Signs – Regulation by Type**

**47.-(1)** Tables 8 to 13 of this By-law identify the types of Temporary Signs Permitted on a Property and the regulations applicable to a Sign.

(2) No Person shall Erect, cause or authorize a Temporary Sign to be Erected or continue to be Erected unless:

- (a) in the case of Properties in the Sign District Zone identified in the heading of the table, the Sign is of a type listed in a column of that table;
- (b) the Sign complies with the requirements of the rows affecting that column and all other applicable provisions of this By-law; and
- (c) the Sign relates to a use permitted in the Zone under the Zoning By-law, except where specifically authorized to the contrary under this By-law.

<b>Table 8 – Temporary Signs</b> <b>RES A – Residential A Sign District</b> <b>RES B – Residential B Sign District</b>				
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Temporary Sign Type</b>	<b>Number of Signs</b>	<b>Maximum Sign Area</b>	<b>Maximum Ground Sign Height</b>	<b>Additional regulations</b>
Contractor Sign or Lawn Bag Sign	1 per Property Contractor Sign may be a Ground Sign or Wall Sign	0.60 m <sup>2</sup>	1.2 m	s. 50
Election Sign	---	1.50 m <sup>2</sup>	2.0 m	s. 51
Lawn Bag Sign	1 per Property	0.6 m <sup>2</sup>	--	--
New Development Sign	1 per Property or plan of subdivision	10.0 m <sup>2</sup>	7.5 m	s. 52
Real Estate Sign	1 Ground Sign or 1 Wall Sign per Property	1.0 m <sup>2</sup>	---	s. 54

<b>Table 9 – Temporary Sign COM – Commercial Sign District</b>				
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Temporary Sign Type</b>	<b>Number of Signs</b>	<b>Maximum Sign Area</b>	<b>Maximum Ground Sign Height</b>	<b>Additional regulations</b>
Banner Sign	1 per Business	6.0 m <sup>2</sup>	---	s. 26(c) s. 49
Contractor Sign or Lawn Bag Sign	1 per Property Contractor Sign may be Ground Sign or Wall Sign	0.60 m <sup>2</sup>	1.2 m	s. 50
Election Sign	NA	1.50 m <sup>2</sup>	2.0 m	s. 51
Flag Sign	Determined in accordance with subsection 52(3)	1.2m <sup>2</sup>	4.5 m	s. 53 s. 26(b)
New Development Sign	1 per Property or plan of subdivision	10.0 m <sup>2</sup>	7.5 m	s. 52
Portable Sign	Determined in accordance with subsection 52(3)	5.0 m <sup>2</sup>	2.5 m	s. 53 s. 26(a)
Real Estate Sign	1 Ground Sign or 1 Wall Sign per Property	4.0 m <sup>2</sup>	--	s. 54



<b>Table 10 – Temporary Signs</b> <b>IND – Industrial Sign District</b>				
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Temporary Sign Type</b>	<b>Number of Signs</b>	<b>Maximum Sign Area</b>	<b>Maximum Ground Sign Height</b>	<b>Additional regulation</b>
Banner Sign	1 per Business	6.0 m <sup>2</sup>	---	s. 26(c) s. 49
Contractor Sign or Lawn Bag Sign	1 per Property Contractor Sign may be Ground Sign or Wall Sign	0.60 m <sup>2</sup>	1.2 m	s. 50
Election Sign	NA	1.50 m <sup>2</sup>	2.0 m	s. 50
Flag Signs	Determined in accordance with subsection 53(3)	1.2m <sup>2</sup>	4.5 m	s. 53 s.26(b)
New Development Sign	1 per Property or plan of subdivision	10.0 m <sup>2</sup>	7.5 m	s. 51
Portable Sign	Determined in accordance with subsection 53(3)	5.0 m <sup>2</sup>	2.5 m	s. 53 s.26(a)
Real Estate Sign	1 Ground Sign or 1 Wall Sign per Property	4.0 m <sup>2</sup>	--	s. 54

<b>Table 11 – Temporary Signs</b> <b>INS – Institutional Sign District</b>				
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Temporary Sign Type</b>	<b>Number of Signs</b>	<b>Maximum Sign Area</b>	<b>Maximum Ground Sign Height</b>	<b>Additional Regulation</b>
Banner Sign	1 per Business	6.0 m <sup>2</sup>	---	s. 26(c) s. 49
Contractor Sign or Lawn Bag Sign	1 per Property Contractor Sign may be Ground Sign or Wall Sign	0.60 m <sup>2</sup>	1.2 m	s. 50
Election Sign	NA	1.50 m <sup>2</sup>	2.0 m	s. 51
Flag Signs	Determined in accordance with subsection 53(3)	1.2m <sup>2</sup>	4.5 m	s. 53 s.26(b)
Lawn Bag Sign	1 per Property	0.6 m <sup>2</sup>	--	s. 50
Portable Sign	Determined in accordance with subsection 53(3)	5.0 m <sup>2</sup>	2.5 m	s. 53 s. 26(2)
Real Estate Sign	1 Ground Sign or 1 Wall Sign Per Property	4.0 m <sup>2</sup>	---	s. 54

<b>Table 12 – Temporary Signs</b> <b>RA – Rural Area Sign District</b>				
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Temporary Sign Type</b>	<b>Number of Signs</b>	<b>Maximum Sign Area</b>	<b>Maximum Ground Sign Height</b>	<b>Additional Regulation</b>
Banner Sign	1 per Business	6.0 m <sup>2</sup>	---	s. 26(c) s. 49
Contractor Sign or Lawn Bag Sign	1 per Property Contractor Sign may be Ground Sign or Wall Sign	0.60 m <sup>2</sup>	1.2 m	s. 50
Election Sign	NA	1.50 m <sup>2</sup>	2.0 m	s. 51
New Development Sign	1 per Property or plan of subdivision	10.0 m <sup>2</sup>	7.5 m	s. 52
Real Estate Sign	1 Ground Sign or 1 Wall Sign Per Property	4.0 m <sup>2</sup>	--	s. 54

<b>Table 13 – Temporary Signs OS – Open Space Sign District</b>				
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Temporary Sign Type</b>	<b>Number of Signs</b>	<b>Maximum Sign Area</b>	<b>Maximum Ground Sign Height</b>	<b>Additional Regulation</b>
Banner Sign	1 per Business	6.0 m <sup>2</sup>	---	s. 26(c) s. 49
Contractor Sign or Lawn Bag Sign	1 per Property Contractor Sign may be Ground Sign or Wall Sign	0.60 m <sup>2</sup>	1.2 m	s. 50
Election Sign	---	1.50 m <sup>2</sup>	2.0 m	s. 51
New Development Sign	1 per Property or plan of subdivision	10.0 m <sup>2</sup>	7.5 m	s. 52
Real Estate Sign	1 Ground Sign or 1 Wall Sign Per Property	4.0 m <sup>2</sup>	---	s. 54

## **Additional Regulations**

**48.** All provisions of sections 49 to 54 and all general application provisions of this By-law apply in addition to the requirements of section 47 with respect to that type of Sign, whether or not specified in the section.

### **Banner Sign – Additional Regulation**

**49.** No Person shall Erect, cause or authorize a Banner Sign to be Erected or continue to be Erected:

- (a) in a manner other than by hanging the Banner Sign on or from the exterior wall of a Building on the Property;
- (b) on a Property other than the Property on which the event or activity to which the Banner Sign pertains is being held;
- (c) while another Temporary Sign of any type is Erected on the Property; or
- (d) for a purpose other than to advertise or promote a special event or an event or activity which has an educational, religious or charitable purpose.

### **Contractor Sign and Lawn Bag Sign– Additional Regulation**

**50.(1)** No Person shall Erect or authorize or permit the Erection or continuing Erection of a Contractor Sign or a Lawn Bag Sign on a Property for a period longer than the start of the renovations or construction until 5 days after the completion of the renovations or construction on the Property.

(2) No Person shall Erect or authorize or permit the Erection or continuing Erection of both a Lawn Bag Sign and a Contractor Sign other than a Lawn Bag Sign on the same Property at the same time.

### **Election Sign – Additional Regulation**

**51.-(1)** No Person shall Erect, cause or authorize an Election Sign to be Erected or continue to be Erected in a location which is within 50 metres of the exterior main entrance to a polling station or the front façade of the Building which contains the polling station, whichever distance is greater.

(2) No Person shall Erect, cause or authorize an Election Sign to be Erected or continue to be Erected:



- (a) in the case of a federal or provincial election or by-election, for a period longer than the day after the writ of an election or by-election is issued until 72 hours following the end of the voting day for that election; or
- (b) in the case of a municipal election, for a period longer than the day after the nomination date, as determined in accordance with the *Municipal Elections Act, 1996* until 72 hours following the end of the voting day for that election

(3) For the purposes of this section, Sign Owner includes the candidate promoted by the Election Sign.

### **New Development Sign – Additional Regulation**

**52.-(1)** No Person shall Erect, cause or authorize a New Development Sign to be Erected or continue to be Erected in a location other than on the Property under development.

(2) Where a New Development Sign has been Erected on a Property, a maximum of two (2) Ground Signs, each having a maximum individual area of 10 m<sup>2</sup> shall be permitted on a Property adjacent to the street intersection nearest to the Property being advertised on the New Development Sign, in addition to a New Development Sign, provided the Property Owner of the Property on which the Signs are located has consented to each Sign being Erected on the Property.

### **Portable Signs and Flag Signs – Additional Regulation**

**53.-(1)** No Person shall Erect, cause or authorize a Portable Sign or a Flag Sign to be Erected or continue to be Erected unless:

- (a) the Portable Sign or Flag Sign is located 3.0 metres or more from:
  - (i) any adjacent Property Zoned for residential purposes; and
  - (ii) any Driveway;
- (b) in the case of a Portable Sign is located 45.0 metres or more from any other Portable Sign on the same Property;
- (c) in the case of a Flag Sign is located 15.0 metres or more from any other Flag Sign on the same Property; and
- (d) the Portable Sign or Flag Sign is supported or anchored in a secure fashion, but not using concrete blocks, sandbags or other unsightly means.

(2) No Person shall Erect, cause or authorize a Portable Sign or a Flag Sign to be Erected or continue to be Erected which:

- (a) contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted light source; or
- (b) contains more than 2 Display Surfaces.

(3) No Person shall Erect, cause or authorize a Portable Sign to be Erected or continue to be Erected if it would result in:

- (a) more Portable Signs on a Property than the number identified in Column 2 of Table 14 below for a Property which has a Street Line length set out in on the same line in Column 1; or
- (b) more Portable Signs on a Property in a calendar year than the number identified in Column 3 of Table 14 below for a Property which has a Street Line length as set out on the same line in Column 1 for that Property; or
- (c) both Portable Signs and Flag Signs being Erected on the same Property.

(4) No Person shall Erect, cause or authorize a Portable Sign to be Erected or continue to be Erected if it would result in:

- (a) more Portable Signs on a Property than the number identified in Column 4 of Table 14 below for a Property which has a Street Line length set out in on the same line in Column 1; or
- (b) more Portable Signs on a Property in a calendar year than the number identified in Column 5 of Table 14 below for a Property which has a Street Line length as set out on the same line in Column 1 for that Property
- (c) both Portable Signs and Flag Signs being Erected on the same Property.

<b>Table 14</b> <b>Permitted Number of Portable Signs OR Flag Signs Erected on a Property</b> <b>NOTE: only Portable Signs or Flag Signs may be Erected at any one time</b>					
Column 1	Portable Signs			Flag Signs	
	Column 2	Column 3		Column 4	Column 5
Length of Street Line	Maximum Number of Portable Signs on Property at any time	Maximum Number of Portable Signs on a Property in a Calendar Year	OR	Maximum Number of Flag Signs on Property at any time	Maximum Number of Flag Signs on a Property in a Calendar Year
76.0 metres or less	1	2		2	4
76.1 to 137.0 metres	2	4		4	8
137.1 to 183.0 metres	3	6		6	12
183.1 to 244.0 metres	4	8		8	16
244.1 to 305.0 metres	5	10		10	20
over 305.0 metres	6	12		12	24

### **Real Estate Sign – Additional Regulation**

**54.** No Person shall Erect, cause or authorize a Real Estate Sign to be Erected or continue to be Erected on a Property for a period of time longer than 30 days after the sale, lease or rental of the Premises or Property being advertised by the Real Estate Sign.

### **Part 8 – Signs Within a Road Allowance**

#### **Signs Within a Road Allowance – Read Together**

**55.** Sections 56 and 57 of this By-law are interdependent and shall be read together.

#### **Temporary Signs Within a Road Allowance – Regulation by Type**

**56.** Despite paragraph 14(a), the following types of Signs may be Erected within a Road Allowance provided the Sign complies with the requirements of Columns 2 to 5 in the same row in Table 15, and all other applicable provisions of this By-law.

<p align="center"><b>Table 15</b> <b>Temporary Signs within a Road Allowance</b></p>					
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>	<b>Column 6</b>
<b>Sign Type Permitted</b>	<b>Number of Signs</b>	<b>Maximum Sign Area</b>	<b>Maximum Sign Height</b>	<b>Setback</b>	<b>Additional Regulation</b>
Agricultural Directional Sign	1 per agricultural operation	1.5 m <sup>2</sup>	2 m	see s. 58	s. 58
New Development Directional Sign	1 per development	1.5 m <sup>2</sup>	2 m	see s. 59	s. 59
Poster Sign	no limit	45 cm in width 60 cm in length	Maximum 2.14 m above Grade	—	s. 60
Sidewalk Sign	1 per Premise	1.50 m <sup>2</sup>	1.2 m	See s. 61	s. 61
Real Estate Open House Directional Sign	1 per open house	0.6 m <sup>2</sup>	---	See s. 62	s. 62
Signs by Consent or Agreement	In accordance with consent or agreement				

### **Additional Regulations**

**57.** All provisions of sections 58 to 62 and all general application provisions of this By-law apply in addition to the requirements of section 56 with respect to that type of Sign, whether or not specified in the section.

### **Agricultural Directional Sign – Additional Regulation**

**58.** No Person shall Erect, cause or authorize an Agricultural Directional Sign to be Erected or continue to be Erected:

- (a) within the median of a Road Allowance;
- (b) within 50 m of the centerline of a street intersection;
- (c) within 3 m of the edge of the travelled portion of a Road Allowance; or
- (d) within 5 m of a fire hydrant, a transit shelter or bus stop; or

- (e) except during the days and hours that the farm products, produce, trees or plants can be purchased.

### **New Development Directional Sign – Additional Regulation**

**59.-(1)** No Person shall Erect, authorize or permit the Erection or the continuing Erection of a New Development Directional Sign:

- (a) within the median of a Road Allowance;
- (b) within 50 m of the centerline of a street intersection;
- (c) within 3 m of the edge of the travelled portion of a Road Allowance; or
- (d) within 5 m of a fire hydrant, a transit shelter or bus stop;

(2) No Person shall Erect, authorize or permit the Erection or the continuing Erection of a New Development Directional Sign (“NDDS” for the purpose of table 16) for a period that begins prior to the time and date set out in Column 2 or extends longer than the time and date identified in Column 3 of table 16 in the circumstances identified in Column 1 of table 16.

<b>Table 16</b>		
<b>Column 1 Circumstances</b>	<b>Column 2 Earliest Day and Time to Erect a NDDS</b>	<b>Column 3 Latest Day and Time to Remove a NDDS</b>
A statutory holiday falls on a Friday	7:00 p.m. on the Thursday prior to the statutory holiday	6:00 a.m. on the following Monday
A statutory holiday falls on a Monday	7:00 p.m. on a Friday	6:00 a.m. on the following Tuesday
No statutory holiday falls on either a Friday or a Monday	7:00 p.m. on a Friday	6:00 a.m. on the following Monday

(3) No more than three (3) New Development Directional Signs shall be permitted to be located on any one (1) corner of a street intersection.

### **Poster Sign – Additional Regulation**

**60.-(1)** No Person shall Erect, authorize or permit the Erection or the continued Erection of a Poster Sign:

- (a) except on a Utility Pole which is not located in the median of a Road Allowance;
- (b) within the median of a Road Allowance;
- (c) if an Official Sign is already Erected on the Utility Pole;



- (d) on a Traffic Control Sign or any other device used by the City to control traffic and parking;
- (e) in a Sight Triangle;
- (f) for any purpose except to give notice of a non-commercial event or activity, a non-profit event or activity;
- (g) for a period beginning sooner than five (5) days prior to the date of the event or activity of which notice is being given or extending more than forty-eight hours after the date of, or the last day of the event or activity of which notice is being given by the Poster Sign;
- (h) in a manner which covers or overlaps in whole or in part, any other Poster Sign; or
- (i) using any method other than rope, twine, plastic or nylon straps.

(2) Despite anything else herein, the Manager, Greater Sudbury Utilities Inc. or Hydro One Utilities may, remove or authorize the removal of a Poster Sign from a Utility Pole in order to maintain, clean or take down the Utility Pole upon which it is displayed.

### **Sidewalk Sign – Additional Regulation**

**61.** No Person shall Erect, cause or authorize a Sidewalk Sign to be Erected or continue to be Erected:

- (a) except during the actual hours of operation of the Business that it is advertising;
- (b) except in a location which:
  - (i) is on the sidewalk in front of the Premises where the Business it is advertising operates;
  - (ii) is more than two (2) metres from the entrance to the Business being promoted on the Sidewalk Sign;
  - (iii) maintains at all times, an unobstructed 1.5 metres wide clearway for pedestrian movement along the sidewalk on which the Sidewalk Sign is Erected; and
  - (v) does not impede unrestricted free and safe movement for any pedestrian, bicycle, vehicle or other conveyance on any other sidewalk, path, Road Allowance or Driveway near the Sidewalk Sign.
- (c) which has more than two (2) Display Surfaces; or
- (d) which is Illuminated.

## **Real Estate Open House Directional Sign – Additional Regulation**

**62.** No Person shall Erect, authorize or permit the Erection or the continuing Erection of a Real Estate Open House Directional Sign:

- (a) In a location which is
  - (i) within the median of a Road Allowance;
  - (ii) within 50 m of the centerline of a street intersection;
  - (iii) within 3 m of the edge of the travelled portion of a Road Allowance; or
  - (iv) within 5 m of a fire hydrant, a transit shelter or bus stop;
- (b) prior to the day of the open house or after the conclusion of the open house being advertised by the Real Estate Open House Directional Sign; or
- (c) which is Illuminated.

## **Part 9– Variances and Appeals**

**63.-(1)** For the purposes of this section 63 and section 64:

“Sign Variance Committee” shall be the Committee of Adjustments appointed by Council; and

“Variance Official” shall be the person appointed by Council to act as the City’s Consent Official, pursuant to the *Planning Act*, R.S.O. 1990, c. P.13, as amended or replaced from time to time.

(2) Any Person may submit an application for a variance to the regulations in this By-law for Permanent Signs, but not for Temporary Signs. A variance does not include a request:

- (a) for a Sign of a type prohibited by this By-law;
- (b) to authorize a Sign in a Zone not authorized under this By-law;
- (c) to authorize a Sign which directs attention to a business, product, goods, activity or service that is conducted, sold or offered elsewhere than the Premises or Property, if not already authorized by this By-law;
- (d) which alters the rules around brightness, transition times, and restrictions on special effects; or
- (e) which allows messages to be shown in a digital or electronic format except in an Electronic Billboard Sign or an Electronic Message Board.

(3) An application for a variance from any provision of this By-law pertaining to Permanent Signs shall be submitted to the Variance Official, in the form established by the Variance Official and accompanied by the applicable fee determined in accordance with the User Fee By-law and

such additional documents, plans or other material as the Variance Official in their sole discretion, determines is necessary to assess the application

(4) The Variance Official shall reject any application which refers to a form of Temporary Sign, is incomplete or contains a request of a type identified in subsection 63(2) as not being a variance.

(5) The Variance Official shall circulate the application for a variance to the Permit Issuer and may in their discretion, circulate the application for a variance to such other City departments as the Variance Official determines to be appropriate, for review and comment and may consider such comments in making a decision on the application.

(6) The Variance Official may authorize a variance from a requirement of this By-law, where in the opinion of the Variance Official, after consideration of any comments received on the circulation in subsection 63(5):

- (a) approval of the variance maintains the general intent and purpose of this By-law;
- (b) approval of the variance will not adversely affect public safety;
- (c) approval of the variance will not adversely affect adjacent Properties;
- (e) approval of the variance will not Alter the character of the area where it is located;
- (f) approval of the variance is not contrary to the public interest;
- (f) the variance is not a significant variance from this By-law;
- (g) approval of the variance has regard for any design guidelines or other policies of the City related to area character;
- (h) there are special circumstances or conditions applicable to the Property or Building where the Sign is proposed to be Erected and these circumstances or conditions are not shared by others with similar Properties or Buildings and the special circumstances or conditions were not created by the applicant; and
- (i) strict application of the provisions of this By-law would create practical difficulties or unusual hardship for the applicant.

(7) The onus shall be on the applicant to provide all information in support of the application for a variance.

(8) Where the Variance Official approves a variance from the provisions of this By-law the Variance Official may impose such conditions as the Variance Official in their sole discretion determines must be satisfied before a Sign Permit can be issued. The Variance Official shall give notice in writing of their decision to the applicant at the address in application for variance

and to the Permit Issuer. If the application is approved, the Variance Official shall advise the applicant of any conditions imposed. If the application is refused, the Variance Official shall advise the applicant of any right and the process to appeal the decision to the Sign Variance Committee.

(9) If a variance is approved, the Permit Issuer may issue a Sign Permit reflecting the variance and any conditions imposed by the Variance Official.

(10) The approval of a variance shall expire upon the earlier of:

- (a) six (6) months from the date of the issuance of the Sign Permit associated with the variance unless the Sign has been Erected in accordance with the Sign Permit; and
- (b) the removal or substantial Alteration of the Sign.

### **Appeal of Refusal to Grant Variance**

**64.-(1)** Where the Variance Official refuses an application for variance, the applicant may apply in writing to the Variance Official for a hearing before the Sign Variance Committee, within thirty (30) days of the refusal and shall submit with such application, an administrative fee in an amount determined in accordance with the User Fee By-law.

(2) On receipt of a request for a hearing, the Variance Official shall review the request to determine if the request is timely, applies to a variance and that the administrative fee in an amount determined in accordance with the User Fee By-law has been paid.

(3) If the application is complete and the applicable fee paid, the Variance Official shall set a date, time and place for a hearing of the appeal before the Sign Variance Committee and give notice of the date, time and place of the hearing to the applicant for the hearing.

(4) On the date and time scheduled for the hearing, or such later date as may be set or consented to by the Sign Variance Committee, the Sign Variance Committee may hear and view any evidence provided by the Variance Official and by the applicant for the hearing and may:

- (a) uphold or deny the refusal to grant a variance on the grounds open to the Variance Official; and
- (b) in the event that the refusal to grant a variance is overturned, impose conditions on the approval of a variance as if the Sign Variance Committee were the Permit Issuer.

(5) The onus is on the applicant for the variance to provide evidence satisfactory to the Sign Variance Committee that the variance being applied for should be approved.

(6) If a variance is approved by the Sign Variance Committee, the Permit Issuer may issue a Sign Permit reflecting the variance and any conditions established by the Sign Variance Committee.

(7) The approval of a variance by the Sign Variance Committee shall expire upon the earlier of:

- (a) six (6) months from the date of the issuance of the Sign Permit associated with the variance unless the Sign has been Erected in accordance with the Sign Permit; and,
- (b) the removal or substantial Alteration of the Sign.

(8) The decision of the Sign Variance Committee shall be final.

## **Part 10 - Penalties and Enforcement**

### **False Statement - Deemed Violation**

**65.** The making of a false or intentionally misleading recital of fact, statement or representation in any application form required by this By-law shall be deemed to be a violation of the provisions of this By-law.

### **Enforcement - No Obstruction Etc.**

**66.** This By-law may be enforced by any Municipal By-Law Enforcement Officer.

### **Right of Entry - Inspection**

**67.-(1)** A Municipal By-law Enforcement Officer acting pursuant to this By-law may, at any reasonable time, enter and inspect any Property, for the purpose of carrying out an inspection to determine whether there is compliance with any one or more of the following:

- (a) the requirements of this By-law;
- (b) an order made pursuant to this By-law or the *Municipal Act, 2001*; or
- (c) an order made pursuant to section 431 of the *Municipal Act, 2001*.

(2) A Municipal By-law Enforcement Officer shall not enter a place being used as a dwelling unless:

- (a) the consent of the owner or occupant is first obtained, ensuring the owner or occupant is first advised that entry may be denied and, in such circumstance, entry can only occur thereafter under authority of a warrant;
- (b) a warrant issued under section 158 of the *Provincial Offences Act* is obtained;
- (c) a warrant issued under section 439 of the *Municipal Act, 2001* is obtained;
- (d) a warrant is issued under subsection 386.3 of the *Municipal Act, 2001* is obtained;
- (e) an order issued under section 438 of the *Municipal Act, 2001* is obtained; or
- (f) the delay necessary to obtain a warrant or the consent of the Owner or occupant would result in the immediate danger to the health or safety of any Person.

(3) For the purposes of conducting an inspection, a Municipal By-law Enforcement Officer may, in accordance with the provisions of section 436 of the *Municipal Act, 2001*:

- (a) require the production for inspection of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) require information from any Person concerning a matter related to the inspection; and
- (d) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.

(4) A Municipal By-law Enforcement Officer performing a duty under this By-law may be accompanied by a Person under their direction.

### **No Obstruction**

**68.-(1)** No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person exercising a power or performing a duty under this By-law.

(2) Any Person who provides false information to a Person exercising a power or performing a duty under this By-law shall be deemed to have hindered or obstructed such Person in the performance of their duty.

(3) No Person shall fail to identify themselves to a Municipal By-law Enforcement Officer when requested to do so.



## **Offence**

**69-(1)** Every Person who contravenes any of the provisions of this By-law and any director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*.

(2) For the purposes of subsection 69(1), each day on which a Person contravenes any of the provisions of this By-law shall be deemed to constitute a separate offence under this By-law.

(3) If an order has been issued under this By-law and the order has not been complied with, the contravention of the order shall be designated as a continuing offence for each day that the order is not complied with.

(4) For purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered for the same offence at an earlier date.

(5) The levying and payment of any fine as provided for under the *Provincial Offences Act* shall not relieve a Person from the necessity of compliance with the obligations under this By-law.

## **Removal of Sign**

**70.-(1)** Where a Sign is Erected in contravention of this By-law, is not removed on the expiry of the Permit, is not removed on the expiry of a time frame set out in this By-law, or is otherwise in contravention of this By-law, a Municipal By-law Enforcement Officer may, where in the opinion of the Municipal By-law Enforcement Officer, it is practical to do so in the circumstances, immediately pull down or remove the Sign or cause the Sign to be pulled down, removed and stored or disposed of at the expense of the Sign Owner and without liability to the City.

(2) The City or the owner of a Utility Pole on which a Poster Sign is Erected may remove or authorize the removal and disposal of any Poster Sign which is not Erected in accordance with this By-law or remains Erected beyond the time permitted by this By-law, without notice or compensation to any Person.

(3) Where a Sign is Erected in contravention of this By-law or is otherwise in contravention of this By-law and in the opinion of the Municipal By-law Enforcement Officer, it is not practical in the circumstances to follow the process in subsection 70(1), or the Municipal By-law Enforcement Officer, in their discretion, chooses to not follow the process in subsection 70(1), may forward or cause to be forwarded, an order by personal service or regular post, to any Sign

Owner or Sign Owners. The order may require that the Sign be permanently removed and not replaced with any Sign in contravention of this By-law or that the Sign be made to comply with this By-law not later than the date and time stipulated in the order. The order may advise that if the Sign is not so removed or made to comply within the specified period of time, then the City may pull down and remove the Sign without any further notice.

(4) If the order set out in subsection 70(3) is not complied with within the specified period of time, the Municipal By-law Enforcement Officer may direct City forces or an independent contractor to enter upon the Property or Premises to pull down and remove the Sign.

(5) Any Sign removed in accordance with subsection 70(1) or 70(3) may, in the sole discretion of the Municipal By-law Enforcement Officer, be disposed of or be stored by the City or an independent contractor for a period of not less than thirty days. In the event the Municipal By-law Enforcement Officer chooses to store the Sign, then during the storage period the Sign Owner or their agent, during the storage period is entitled to redeem such Sign, upon completing a Signed acknowledgment and release in the form prescribed by the Municipal By-law Enforcement Officer and upon making payment satisfactory to the City of the amounts set out in the User Fee By-law then in effect.

(6) The City may, without notice or liability, destroy or otherwise dispose of any Sign which has been removed has been removed and stored for thirty days without being redeemed in accordance with subsection 70(5) or which was removed and not stored by the City.

(7) Nothing in this By-law shall limit the City from enforcing the provisions of this By-law by any other action or remedy permitted in law.

(8) The City, its officers, agents, employees and contractors shall not be responsible for any damage that may result from the tearing down, removal, storage or disposition of any Sign pursuant to this By-law.

(9) Where the City incurs costs pursuant to this section, the cost thereof including interest thereon at the rate established under the User Fee By-law as the interest rate payable on overdue accounts, from the date the costs were incurred until payment in full, may be recovered from the Property Owner of the Property on which the contravention occurred, by action or by adding same to the property tax rolls for the Property and collecting them in the same manner as property taxes.

## **Service of Orders**

**71.** Service of an order issued under section 70(3) shall be given to each Person, by delivering personally to the Person or by mailing to an Owner by registered mail at the address shown in the tax records for the City as the address for mailing tax bills. Service will be deemed effective upon delivery, or on the fifth day after mailing, whether or not it is actually received.

## **Comply with Order**

**72.** Every Person who is served with an order under this By-law shall comply with the requirements of the order within the time period specified in the order.

## **Prohibition Order**

**73.** When a Person has been convicted of an offence under this By-law, the Ontario Court (Provincial Division), or any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the Person convicted, issue an order prohibiting the continuation of the offence or doing of any act or thing by the Person convicted directed towards the continuation of the offence.

## **Attendance Fee**

**74.-(1)** An enforcement attendance fee in an amount determined in accordance with the User Fee By-law then in effect shall be payable on a time spent basis:

- (a) for the second and each subsequent inspection conducted by a Municipal By-law Enforcement Officer to ascertain compliance with a notice, direction or order pursuant to this By-law, which is conducted after the specified date for compliance; and,
- (b) in the event that a Municipal By-law Enforcement Officer attends any remediation directed by or conducted by the City, pursuant to this By-law as a result of a failure to comply with an order made pursuant to this By-law.

(2) Any fee under subsection 74(1) shall be payable:

- (a) in accordance with the provisions of the User Fee By-law; and,
- (b) in addition to any fine levied upon conviction of an offence under this By-law, and whether or not there is a charge laid, and whether or not any charge laid leads to a conviction.

## **Part 11 - General**

### **Confidential Information**

**75.-(1)** The Permit Issuer is authorized to collect personal information for the purposes of administering this By-law.

(2) All information submitted to and collected by the City in accordance with this By-law shall, unless the City Clerk determines otherwise, be available for disclosure to the public in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 (MFIPPA).

(3) In the event that any Person is submitting information to the City or to the Permit Issuer in any form, as required under this By-law, where such information is confidential or proprietary or otherwise may be exempt from disclosure under the MFIPPA, the Person submitting the information shall so identify that information upon its submission to the City or the Permit Issuer and shall provide sufficient details as to the reason for its purported exemption from disclosure.

### **Short Title**

**76.** This By-law and any amendments hereto may be referred to as the "Sign By-law".

### **Repeal**

**77.** By-law 2007-250 and every By-law amending By-law 2007-250 are hereby repealed.

### **Effective Date**

**78.** This By-law shall come into full force and effect on January 1<sup>st</sup>, 2020.

**Read and Passed in Open Council** this XX day of XX

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk