

BY-LAW 2010-**

**A BY-LAW OF THE CITY OF GREATER SUDBURY TO
AMEND BY-LAW 2007-250 A BY-LAW TO REGULATE THE ERECTION OF SIGNS
AND ADVERTISING DEVICES**

WHEREAS the City of Greater Sudbury wishes to amend By-law 2007-250, as amended, being a By-law to Regulate the Erection of Signs and Advertising Devices;

**NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY
HEREBY ENACTS AS FOLLOWS:**

1. By-law 2007-250, a By-law of the City of Greater Sudbury to Regulate the Erection of Signs and Advertising Devices, as amended, is hereby amended by adding the following definitions to Section 1 thereof:

“Abandoned Sign” means a sign located on property which becomes vacant and unoccupied for a period of ninety days or more, or any sign which pertains to a time, event or purpose which no longer applies;

“Advertising Device” means any device or object erected or located so as to attract public attention to any goods or services or facilities or events and includes flags, banners, pennants and lights;

“Animated Sign” means any kinetic or illusionary motion or video of all or any part of a sign and includes the rotation of a sign, but does not include a sign which revolves or appears to revolve, in whole or in part, at a rate not exceeding eight revolutions per minute or which changes its image not more than eight times a minute, provided such sign is not animated in any other way and does not include an electronic variable message centre;

“awning” means a space frame system, moveable or fixed, covered with fabric or like material attached and projecting from a building or structure, but not forming an integral part thereof, and includes a canopy;

“awning sign” means a sign with copy painted or affixed flat to the surface of an awning which does not extend vertically or horizontally beyond the limits of such awning;

“business identification sign” means 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 premises or to an activity occurring in conjunction with such use;

“canopy” means a roof-like structure projecting from the exterior face of a building;

“changing copy sign” means a sign constructed so that the message or copy can be changed by manual, electronic, or electro-mechanical means;

“copy” means the graphic content of a sign surface in either permanent or removable letter, pictorial, symbolic or numeric form;

“directory sign” means a sign listing the tenants of a multi-tenant industrial building containing at least two distinct tenant units which sign includes only the municipal address and a list of tenants or occupancies for identification purposes;

“double faced sign” means a sign having two sign faces of equal area and proportions which are located exactly opposite each other on the sign structure;

“electronic variable message centre” means an illuminated sign or part thereof which is computer controlled and which displays information to the public by way of a prearranged or variable sequence of electronically generated letters, words, light patterns or shapes but does not include an animated sign;

“fascia sign” means a sign attached to, marked and inscribed on, erected or placed against a wall forming part of a building, or supported by or through a wall of a building and having the exposed face thereof on a plane approximately parallel to the plane of such wall and includes a painted wall sign and an awning sign;

“flashing sign” means a sign which 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 but does not include an automatic changing sign or electronically variable message centre;

“frontage” means the length of the property line of any one lot parallel to and along each legally accessible public street;

“ground sign” means a sign supported by a pole, pylon or other structure embedded directly in the ground;

“height” means the vertical distance measured from the average elevation of the finished grade immediately below a sign to the highest point of the sign and includes any support structure;

“highway” means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

“illuminated” when used in reference to a sign or advertising device, shall mean lighted by any artificial means whatsoever, and shall include direct, indirect, internal or external sources of illumination;

“menu board” means a ground sign erected as part of a drive-through facility and used to display and order products and services available in association with a drive-through business;

“multi-faced sign” means a ground sign having more than two sign faces up to a maximum of four faces, each face being of equal area and proportion to the other;

“mural” means a painting, illustration or decoration applied or affixed directly to any external façade of a building or structure which may not include any words of advertisement or any other direct or indirect promotional message or content;

“name plate sign” means a sign identifying the name, address or occupation of an occupant or owner of a dwelling or dwelling unit;

“permanent sign” is a sign that is not a temporary sign;

“place of worship” means any building used primarily as a place of public worship and is also used for administrative offices in conjunction with the place of worship as well as a place of conduct of social, recreational and charitable activities;

“premises” means a lot under registered ownership and includes all buildings and structures thereon;

“projecting sign” means a sign which is affixed to, and projects from, a wall of a building;

“public property” means property, land, or buildings owned by the City, or a local board as defined in the *Municipal Affairs Act*, R.S.O. 1990, c.M.46, as amended, or owned by a Federal or Provincial government;

“pump island sign” means a fascia sign on top of gasoline service pumps or on the columns of a gas bar canopy, on guard posts or freestanding on a gasoline pump apron;

“roof sign” means a sign supported by a structure erected upon the roof-top of a building;

“sight triangle” means in the case of a corner lot, the triangular space formed by the street lines and a line drawn from a point in one street line to a point in the other street line, as set out in a relevant section of the Zoning By-law, or in a site plan agreement, or in a sight triangle otherwise approved by the City;

“storey” means a horizontal division of a building floor 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, for all intents and purposes, unusable by virtue of its inaccessibility;

“unsafe” means a sign which is structurally unsafe, or which constitutes a fire or safety hazard, impedes the movement of vehicular or pedestrian traffic, or which otherwise constitutes a risk to the safety of persons or premises;

“zone” means the area of a defined land use zone in the Zoning By-law;
and

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

2. By-law 2007-250, as amended, being a By-law of the City of Greater Sudbury to Regulate the Erection of Signs and Advertising Devices is hereby amended by repealing Paragraph 10(b).

3. By-law 2007-250, as amended, being a By-law of the City of Greater Sudbury to Regulate the Erection of Signs and Advertising Devices is hereby amended by repealing enacting the following Sections 15A – 15G immediately after Section 15 and before Section 16.

Prohibitions

“15A (1) No person being the owner of a property shall fail to remove from his or her property:

(a) an abandoned sign located thereon; or

(b) an unsafe sign located thereon.

(2) No person shall erect, display, alter, maintain or cause or authorize the erection, display, alteration, or maintenance of a flashing or animated sign unless expressly permitted by this By-law;

(3) No person shall erect, display, alter, maintain or cause or authorize the erection, display, alteration, or maintenance of an illuminated sign or lighting fixtures providing exterior illumination of a sign except in a manner:

(a) as to direct or deflect glare or spill-over light away from adjacent lots and roads; and

(b) so as to not impair the vision of person driving vehicles on roads in the City.

(4) No person shall erect, display, alter, maintain or cause or authorize the erection, display, alteration, or maintenance of a sign in proximity to overhead electric power lines unless done so in compliance with all applicable standards of the public utility having jurisdiction.

(5) No person shall erect, display, alter, maintain or cause or authorize the erection, display, alteration, or maintenance of a sign in a location which may interfere with or damage any above or below ground municipal or utility services which have been lawfully placed at the location.

Establishment of Sign Classes by Zoning Category

15B The zone categories and terms set put below and used herein shall have the same meaning as in the Zoning By-law

Zone Categories

where zones have the same meaning as in the Zoning By-law

Residential Zones

| | |
|-----|-----------------------------|
| R1 | Low Density Residential One |
| R2 | Low Density Residential Two |
| R3 | Medium Density Residential |
| R4 | High Density Residential |
| RMH | Residential Mobile Home |

Commercial Zones

| | |
|----|----------------------------|
| C1 | Local Commercial |
| C2 | General Commercial |
| C3 | Limited General Commercial |
| C4 | Office Commercial |
| C5 | Shopping Centre Commercial |
| C6 | Downtown Commercial |
| C7 | Resort Commercial |

Mixed Light Industrial / Service Commercial Zones

| | |
|------|-----------------------|
| M1-1 | Business Industrial |
| M2 | Light Industrial |
| M3 | Heavy Industrial |
| M4 | Mining Industrial |
| M5 | Extractive Industrial |
| M6 | Disposal Industrial |

Rural Zones

| | |
|-----|--------------------------|
| A | Agricultural |
| RU | Rural |
| RS | Rural Shoreline |
| SLS | Seasonal Limited Service |

Other Zones

| | |
|-----|---------------------------|
| 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 |

Requirements for Permanent Signs

- 15C.** No person shall erect, display, alter, maintain or allow the erection, display, alteration, or maintenance of any permanent sign on a property unless the sign:
- (a) is permitted in that Zoning Category for that property in accordance with Schedule A; and
 - (b) is compliant with the regulations and standards applicable to that type of sign within the applicable class of sign as set out in Schedule E for Residential Class Signs, Schedule F for Commercial Class Signs, Schedule G for Industrial Class Signs, Schedule H for Rural Class Signs or Schedule I for Other Class Signs; and
 - (c) is compliant with any other applicable provisions of this By-law.

GENERAL PROVISIONS – PERMANENT SIGNS

Ground Signs

15D-(1) No person shall erect, display, alter, maintain or allow the erection, display, alteration, or maintenance of a ground sign except on a property within the permitted zoning categories determined in accordance with Schedule A for a ground sign.

- (2) No person shall erect, display, alter, maintain or allow the erection, display, alteration, or maintenance of a ground sign unless the ground sign meets each of the following criteria:
- (a) the ground sign does not have a height in excess of 7.5 metres;
 - (b) if the ground sign is double-faced or multi-faced, the total sign area does not exceed double the area permitted for one sign face;
 - (c) if the ground sign is double-sided or multi-faced each sign face is attached to the adjacent sign face at an angle no greater than 90 degrees;
 - (d) if the ground sign is in a commercial or industrial zone, the municipal address number is displayed on the ground sign in numerals and letters that are no less than 150 millimetres in height;
 - (e) if the ground sign has an electronic variable message centre, the electronic variable message centre does not occupy more than 50% of each sign face;
 - (f) the ground sign is not located within 3 metres of a driveway entrance or exit;
 - (g) the ground sign is not located in the rear or side yard of a lot in a commercial or industrial zoned located adjacent to a Provincial Highway; and

- (h) the ground sign is compliant with any applicable provisions for ground signs set out on Schedules B - F for the zoning category applicable to the property on which the sign is erected or displayed.

Fascia Signs

15E No person shall erect, display, alter, maintain or allow the erection, display, alteration, or maintenance of a fascia sign on a except on a property within the permitted zoning categories determined in accordance with Schedule A for a fascia sign.

(2) No person shall erect, display, alter, maintain or allow the erection, display, alteration, or maintenance of a fascia sign unless the fascia sign meets each of the following criteria:

- (a) the fascia sign does not project out from a building by more than 30 centimetres;
- (b) the fascia sign is attached to the building façade which was used to calculate the maximum sign area of the sign;
- (c) the fascia sign is not erected higher than the upper limit of the first storey of a building, unless otherwise permitted in this By-law, or unless the fascia sign is attached to an enclosed shopping centre; and
- (d) the fascia sign is compliant with any applicable provisions for fascia signs set out on Schedules B - F for the zoning category applicable to the property on which the sign is erected or displayed.

(2) Where a building is located in a commercial or industrial zone on a lot that is adjacent to a Provincial Highway, the Provincial Highway shall be considered a street for the purposes of permitting a fascia sign in compliance with this By-law.

Advertising Signs

15F-(1) Where an advertising sign is permitted, it may be illuminated or non-illuminated.

(2) No person shall erect, display, alter, maintain or allow the erection, display, alteration, or maintenance of an advertising sign except on a property within the permitted zoning categories identified on Schedule A for an advertising sign.

(3) No person shall erect, display, alter, maintain or allow the erection, display, alteration, or maintenance of an advertising sign unless the advertising sign meets each of the following criteria:

- (a) the advertising sign has no more than two faces;
- (b) no part of the advertising sign is located closer than 300 metres in any direction to another advertising sign;

- (c) no part of the advertising sign is located closer than 60 metres measured in a straight line from a residential zone, determined in accordance with the Zoning By-law;
- (d) no part of the advertising sign is more than 7.5 metres in height; and
- (e) the advertising sign is compliant with any applicable provisions for advertising signs set out on Schedules B - F for the zoning category applicable to the property on which the sign is erected or displayed.

Roof Signs

15H No person shall erect, display, alter, maintain or allow the erection, display, alteration, or maintenance of a roof sign except on a property within the permitted zoning categories determined in accordance with Schedule A for a roof sign.

- (2) No person shall erect, display, alter, maintain or allow the erection, display, alteration, or maintenance of a roof sign unless the roof sign meets each of the following criteria:
 - (a) the roof sign is the only roof sign on the lot and the lot does not abut a Residential Zone, determined in accordance with the Zoning By-law.
 - (b) the roof sign is compliant with any applicable provisions for roof signs set out on Schedules B - F for the zoning category applicable to the property on which the sign is erected or displayed.

Maintenance of Signs

15G.-(1) No person being the owner of a sign shall fail to maintain or cause such sign to be maintained in a proper state of repair.

- (2) No person being the owner of property on which a sign is placed, erected or constructed shall fail to maintain or cause such sign to be maintained in a proper state of repair.
- (3) A sign shall be deemed to not be in a proper state of repair if the sign is:
 - (a) not completely operative at all times; or
 - (b) unsafe;
 - (c) defective; or
 - (d) dangerous.
- (4) Maintenance or repairs using materials identical to the materials of the component being maintained or repaired does not constitute an alteration so as to require a permit to be issued.

Interpretation

4.(1) Whenever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender or gender neutral 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.

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

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

(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.

Schedule

5. The following Schedules attached here, are incorporated into and form as part of this By-law:

- Schedule A Sign Classes by Zoning Category being Schedule B to By-law 2007-250;
- Schedule B Residential Class Signs Regulations and Standards being Schedule C to By-law 2007-250;
- Schedule C Commercial Class Signs Regulations and Standards being Schedule D to By-law 2007-250;
- Schedule D Industrial Class Signs Regulations and Standards being Schedule E to By-law 2007-250;
- Schedule E Rural Class Signs Regulations and Standards being Schedule F to By-law 2007-250; and
- Schedule F Other Class Signs Regulations and Standards being Schedule G to By-law 2007-250

Enactment

5. This By-law shall come into force and take effect on *****

READ AND PASSED IN OPEN COUNCIL this day of

_____ Mayor

_____ Clerk