Economic Development and Planning Committee

AMENDED REPORT 10-003

Sign By-law
Tuesday, February 16, 2010
9:30 a.m.
Albion Room, Convention Centre
1 Summer’s Lane
Hamilton, Ontario

Present:
Chair: L. Ferguson
Vice Chairs: Councillors B. Bratina, R. Pasuta
Councillors: S. Duvall, B. McHattie, D. Mitchell, M. Pearson, T. Whitehead

Absent:
Councillor B. Bratina – Bereavement
Councillor B. Clark – Personal business
Councillor T. Whitehead – Illness

Staff Present:
M. Hazell, J. Xamin, V. Ormond – Planning and Economic Development
L. Pasternak – Legal Services
A. Rawlings – City Clerk’s Office

THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS REPORT 10-003 AND RESPECTFULLY RECOMMENDS:

AT THEIR MEETING OF FEBRUARY 24, 2010, COUNCIL AMENDED THE REPORT BY RECEIVING ITEM 1

1. Comprehensive Review of the Sign By-law (PED05172(g)) (City Wide) (Outstanding Business List Item) (Item 3.1)

(a) That the following changes to the City’s approach to dealing with signs be approved:

i) To address concerns of the agricultural community, for lands designated Agricultural or Rural in the City’s Official Plan (non-settlement regulations):

 Council – February 24, 2010
- that A-frame signs (to a maximum of 0.48 m²) be allowed on road allowance and not require a permit
- that reactive enforcement of the sign by-law in rural communities be endorsed, provided that such signs do not in any way constitute a safety hazard or visual obstruction to the travelling public

ii) To provide for more effective administration and enforcement:

- update various terms, wording and definitions to clarify the by-law intent
- incorporate Schedules A, B and C into the main body of the by-law
- include signs advertising “new commercial developments” (Construction Information Signs) into the ground sign section of the by-law, and require a permit for these signs
- define “brand” type signs in the by-law
- permit third party advertising on ground signs and wall signs (except electronic signs) to a maximum amount of 25% of the sign surface.

iii) To address the increased use of corrugated plastic signs:

- establish a “Corrugated Plastic Sign” category in the by-law with a maximum allowed size of 2.2 m².

iv) To address concerns regarding the regulation of mobile signs:

- increase the number of businesses (tenants) allowed to display on a sign during the permit period (i.e. different tenant on each side or more than one tenant on a single side) as well as allowing a change in tenant during the permit period
- remove the 10 m separation requirement between a mobile and ground sign
- remove the colour restrictions on lettering and business logo size limits.

v) To address concerns about enforcement of banners:

- allow only one banner per building face and not require a permit for banners less than 1 m².

vi) To further regulate postering across the City:

- require a 200 m separation between posters advertising the same activity or event
- allow only one poster per post/utility pole and require that posters be of biodegradable material for ease of removal.

(b) That the amending by-law attached as Appendix “C” to Report PED05172(g) which is in a form satisfactory to the City Solicitor, and which repeals and
replaces Sign By-law 06-243 with a by-law that incorporates the changes set out in recommendation (a) and incorporating the following revisions directed by Committee on February 16, 2010 be enacted;

(i) requirement for a “location plan” instead of a “site plan” in section 3.2.3

(ii) change in allowance for ground signs for institutional uses, to permit a maximum of 75% of the sign face to be a readograph or electronic message, in section 5.2.2(g)

(c) That the amending by-law attached as Appendix “D” to report PED05172(g) which is in a form satisfactory to the City Solicitor, and which repeals and replaces Schedule 26 (Mobile Sign Leasing or Renting) of the Licensing By-law No. 07-170 be enacted.

(d) That a $125 yearly fee per business per property be established for a "Corrugated Plastic Sign" permit and added to the 2010 User Fees and Charges By-law when the By-law is enacted by City Council upon completion of the budget process.

(e) That staff be directed to develop a kiosk pilot program for poster locations in consultation with the Westdale, International Village and Downtown Business Improvement Areas, Public Works and the Wards 1 and 2 City Councillors and report back with a recommended plan to the Economic Development and Planning Committee by August 2010.

(f) That the Item “Review of the City Sign By-law”, be identified as completed and removed from the Economic Development and Planning Committee’s Outstanding Business List.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised that there were no changes to the agenda:

On a Motion, the agenda for the February 16, 2010 meeting of the Economic Development & Planning Committee was approved

(b) DECLARATIONS OF INTEREST (Item 2)

None
The Chair advised that this was a Public Meeting, under the Municipal Act, to hear from the public on the proposed changes to the Sign By-law. He noted that the meeting had been advertised in the newspapers, on the City web-site, and had been the subject of extensive public consultation, since the last meeting on the matter on September 22, 2009.

Chair Ferguson advised that the meeting would hear an overview from staff and then hear from the public.

Marty Hazell provided an overview of the staff report with the aid of a powerpoint presentation. A copy of the presentation was provided to members. Highlights included but were not limited to the following:

Background;

- This report fulfills 2006 directive for comprehensive recommendations on overall effectiveness of Sign By-law, as well as April 2007 postering directives
- enforcement efforts increased in 2008/2009
- Hamilton’s approach to regulating signs and permit fees generally in line with Province
- Sept 22, 2009 – staff report recommended changes to Sign By-law (Report PED05172(g))
- 16 delegations provided input/feedback
- Committee directed staff to conduct further public consultation and report back
- Education focus; Until 2008 - education, warnings, impounding
- Judicial Order for “set fines” March 2008
- 2008 budget - $110,000 shortfall in permit revenues
- Raised concerns about proliferation of signs across City
− Enforcement re-prioritized last Fall – now “top priority” of Licensing & Permits Team - proactive and reactive enforcement daily; periodic, proactive blitzes of “hotspots”

Consultations took place with the following groups;

− Hamilton Agricultural & Rural Affairs Advisory Committee
− Hamilton Association of Business Improvement Areas (HABIA)
− Hamilton Chamber of Commerce
− Hamilton-Halton Home Builders Association (HHHBA)
− Licensed mobile sign companies
− Realtors’ Association of Hamilton-Burlington
− 30 day public notice to provide feedback

Proposed changes in rural areas;

− A-frame signs (max 0.48 m2) be allowed on road allowance and not require a permit
− reactive enforcement of sign by-law in rural communities except for public safety concerns
− letter from Hamilton Agricultural & Rural Affairs Advisory Committee stating that they are in full support of recommendations

Proposed changes in by-law;

− increase number of businesses allowed to display and allow change in tenant during permit period
− remove 10 m separation requirement between mobile and ground sign
− remove colour restrictions on lettering and business logo size limits
− no longer recommending increasing permit period from max 28 to 45 days or corresponding increase in permit fees
− no longer recommending reducing 15m side line separation from residential
− define “brand” type signs in by-law
− permit 3rd party advertising on ground signs and wall signs (except electronic signs) to max 25% of sign surface
− continue to work on streamlining permit process including pre-approved sign placement locations
− update terms/wording/definitions to clarify intent

− require a 200 m separation between posters advertising same activity/event

− allow only one poster per post/utility pole

− require biodegradable material

- develop kiosk pilot program in consultation with Westdale, International Village and Downtown BIAs, Public Works and Wards 1 and 2 City Councillors

- report back with recommended plan to Committee by August 2010

- The City only regulates content relating to third party advertising. Complaints concerning inappropriate content are regulated by the Federal Government

- during CBBES development in Fall/08 signs a priority of virtually all Councillors; Corporate “image” theme

Staff is committed to work towards a more consistent approach to sign enforcement

− enforcement efforts still being refined; new tools being developed

− once amendments approved and By-Law strengthened, enforcement to be increased up to/including “show-cause” hearings for licensed operators; “fee for service” to repeat offenders

The Chair asked the following Speakers who had registered with Clerks to come to the podium in order, and to sign their name, address and their phone number, in the book provided. He noted that each would have a maximum of 5 minutes to address Committee.

Jim Lamond, Magnet Signs, 17 Hillgarden Drive, addressed Committee. His points included, but were not limited to, the following;

His group represents the following companies
All Ontario Signs
Advantage Signs
Acclaim Signs
Magnetsigns Hamilton
Magnetsigns Stoney Creek
Eyemark Signs
Active Media
Their requests are as follows;

- Simplify the by-law, Permit process and enforcement for all parties involved.
  - Hiatus period be applied to the business not the property.
  - Allow common sense placement between sidewalk and parking lot, outside of daylight triangle.
  - This mirrors the surrounding communities' by-laws.

- Sign Permit Period of 168 days (14 or 28 day periods) per business, not 84 as per recent enforcement.

Doug Gorr, All Ontario Sign Rentals, 715 Arvin Avenue, Stoney Creek, addressed Committee. His points included, but were not limited to, the following;

- requested that his legal non-conforming sign problem be fixed, a mistake has been made, his customer should not be treated in this manner. Can this item be dealt with now? Requested that he be directed to an appropriate staff person to fix the problem.

- suggested a committee be formed to formulate a proper, enforceable By-Law with Sign Company owners and council members to assist the Economic Development And Planning Committee, to make a good workable By-law.

- suggested suspension of the current proposed by-law going back to the 6 - 28 days or 6 - 14 days with a hiatus per customer not per property. This will insure that the signs are moved after the permit expires, if the by-law is enforced and followed properly. The City has been issuing 6 - 28 day permit for the last 3 years because they did not understand there own by-law and made a mistake. This is working very well, very difficult to go back to our customers and explain this to them.

- Permit costs to be examined.

- approximately 50% of the sign seen out there are privately owned with no permits on them.

John Schouten, Eyemark Signs, 940 Concession 5 West, Waterdown, addressed Committee. His points included, but were not limited to, the following;

- permit process too cumbersome that’s why City loses money, not a question of the by-law itself
- suggested City use Burlington approach, specify location of sign, don’t include individual measurement for each sign.
Mr. Hazell noted that sidewalk widths are greater and setbacks from roads are different in Burlington, this approach may not suit Hamilton.

Don McPhail, Advantage Signs and Graphics, 4391 Harvester, Burlington, addressed Committee. His points included, but were not limited to, the following;

- City is largest third party advertiser in Hamilton
- Sign companies in business to make money, follow rules, display best signs
- Two main elements of Sign By-law are safety and aesthetics
- Oakville and Burlington use common sense approach to mobile signs, so a pleasure to do business there, but no common sense in Hamilton approach
- Suggested City should use Burlington/Oakville approach – staff on the road check permits by radio with departmental office
- Suggested areas such as downtown Ancaster be exempt, not permit any mobile signs, like Campbellville
- Sign businesses need to make money, small “mom and pop” businesses need to advertise, these are the mobile sign business mail customers.

The Chair asked if there were any further members of the public who would like to come forward to address the Committee.

John Hawker, 202-33 Robinson Street, addressed Committee. His points included, but were not limited to, the following;

- As member of the Clean City Liaison Committee, his Committee has concerns regarding postering, if he sees a poster he considered illegal, can he remove it?
- Who do public call when see problems with signs?
- Requested status update on poster kiosks.

Lisa Pasternak advised that the proposed by-law does not speak to removal of signs by individuals, and that city would not get involved.

Marty Hazell advised that public should call his group with problems

Mr. Hazell advised that an update on poster kiosks will be brought to Committee in August.

No other members of the public came forward to address Committee.

On a Motion Committee received the delegations.

On a Motion Committee, the staff recommendation was placed on the floor.
Committee discussed the issues raised by the delegations. Their comments included, but were not limited to the following:

- in what ways are Burlington and Oakville easier to deal with
- was consultation held with mobile sign companies
- does by-law permit adequate signage for “mom and pop” businesses
- has the timing on mobile sign display changed
- how many mobile sign companies operate in City of Hamilton
- can mobile sign sections of by-law be referred back for further consultation, while balance of by-law proceeds
- public has concerns respecting signage, particularly the amount of mobile signage
- need for hiatus period between mobile sign displays
- need for control on postering
- small businesses are allowed to have permanent signage, do not have to rely on mobile signage.

Staff responses included the following:

- Burlington has similar sign controls, but not enforcing these as yet
- consultation carried on with mobile sign companies
- current proposals are not changing time allowed for mobiles, not changing hiatus period, not adding any restrictions
- changes are relaxing some regulations, allowing additional colour
- errors had been made in interpreting by-law, these now fixed and sign companies advised
- 12-14 mobile sign companies operating in City of Hamilton
- sign companies will need to be strategic in buying permits

Councillor Pearson, seconded by Councillor Mitchell, moved an amendment respecting the details of display for non-profit organizations. Committee approved the amendment.

Councillor Pearson, seconded by Councillor Mitchell, moved an amendment respecting the details of corrugated signs. Committee approved the amendment.

Councillor McHattie requested his opposition be recorded.

Councillor Pearson, seconded by Councillor Mitchell, moved an amendment to change the requirement for the provision of a “site plan” for a sign, to a “location plan”. Committee approved the amendment.

Councillor Mitchell, seconded by Councillor Pasuta, moved a referral motion respecting the mobile signage regulations, to permit additional meetings with the mobile sign companies.
Staff explained that the way the by-law was structured would not permit the mobile sign posters to be referred back, since the by-law addressed the entire sign issue, and included the repeal of current sign by-laws.

Councillor Ferguson suggested staff should report back on operation of mobile sign parts of by-law, within 6 months.

Councillor Mitchell withdrew his referral Motion.

Committee approved the staff recommendation, as amended.

Councillor Mitchell, seconded by Councillor Pasuta, moved that staff should report back on all the issues raised by the delegates, within 90 days.

Mr. Hazell explained that the legal non-conforming problem raised by Mr. Gorr is being investigated by staff.

(f) Motions (Item 4)

None

(g) Notices of Motion (Item 5)

None

(h) GENERAL INFORMATION (Item 6)

None

(i) PRIVATE AND CONFIDENTIAL (Item 7)

None

(j) ADJOURNMENT (Item 8)

The meeting adjourned at 11.50 a.m.

Respectfully submitted

Lloyd Ferguson, Chair
Economic Development & Planning Committee

Council – February 24, 2010
Alexandra Rawlings
Co-ordinator
February 16, 2010