SUBJECT: Removal of Sign Regulations from City of Hamilton Zoning By-law No. 6593 (PED07001) (City Wide)

RECOMMENDATION:

(a) That approval be given to City Initiative CI-06-J to remove the regulations relating to signage from the City of Hamilton Zoning By-law No. 6593.

(b) That the attached Zoning By-law, marked as Appendix “A” to Report PED07001, which has been prepared in a form satisfactory to City Solicitor, be enacted by City Council.

(c) That the proposed changes in zoning are in conformity with the Official Plans for the Region of Hamilton-Wentworth and the City of Hamilton.

EXECUTIVE SUMMARY:

The new Hamilton Sign By-law will come into effect on February 1, 2007. As such, existing sign regulations in the City of Hamilton Zoning By-law must be removed. The attached By-law (Appendix “A”) removes all regulations relating to signage from the City of Hamilton Zoning By-law No. 6593.
BACKGROUND:

City Council approved a new Sign By-law (06-243) under the Municipal Act for the City of Hamilton on August 9, 2006, with an effective date of February 1, 2007. The new Sign By-law replaces the existing Sign By-laws of Ancaster, Dundas, Flamborough, Glanbrook and Stoney Creek.

Unlike the other former municipalities, the former City of Hamilton regulated signage through its Zoning By-law No. 6593. With the passage of the new Sign By-law, these regulations are no longer required in, and must be removed from, the Zoning By-law. The attached By-law (Appendix “A”) removes regulations relating to all types of signage from By-law No. 6593.

As the new Sign By-law has an effective date of February 1, 2007, the attached By-law to remove the sign regulations from By-law No. 6593 (Appendix “A”) will not come into force and effect until February 1, 2007. This will ensure a smooth transition between the old and new regulations, and avoid any period of overlap.

ANALYSIS/RATIONALE:

The new Hamilton Sign By-law will introduce regulations that will regulate all types of signage throughout the City of Hamilton. These new regulations will replace the regulations that are currently found in the City of Hamilton Zoning By-law No. 6593. In order to avoid confusion over two sets of contradictory sign regulations, it is imperative that all sign regulations be removed from Zoning By-law No. 6593.

ALTERNATIVES FOR CONSIDERATION:

If the regulations relating to signs are not removed from the City of Hamilton Zoning By-law when the new Sign By-law comes into effect, there will be two different sets of sign regulations for the former City of Hamilton. This would lead to confusion due to contradictory regulations, and could negatively impact the implementation of the new Council-approved Sign By-law.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: N/A.

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an amendment to the Zoning By-law.

POLICIES AFFECTING PROPOSAL:

The proposed Zoning By-law amendments are not affected by any policy.
RELEVANT CONSULTATION:

Extensive public consultation was included as part of the preparation of the new Sign By-law. As the proposed zoning amendments are implementing the new Sign By-law through the removal of the old sign regulations from the City of Hamilton Zoning By-law, further public consultation is not required.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

- Community Well-Being is enhanced. ☐ Yes ☒ No
- Environmental Well-Being is enhanced. ☐ Yes ☒ No
- Economic Well-Being is enhanced.  ☐ Yes ☒ No

Does the option you are recommending create value across all three bottom lines?  ☐ Yes ☒ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?  ☒ Yes  ☐ No

Removing the signage provisions from By-law No. 6593 will avoid duplication in sign regulations, thereby allowing for easier interpretation for employees.

:HT
Attach. (1)
CITY OF HAMILTON

BY-LAW No. ______

To Amend By-law No. 6593 to Remove Sign Regulations

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Hamilton” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the City of Hamilton passed a new Hamilton Sign By-law to regulate signs throughout the City of Hamilton on August 9, 2006, with an effective date of February 1, 2007;

AND WHEREAS it is desirable to remove the sign provisions from the City of Hamilton Zoning By-law No. 6593 once the Hamilton Sign By-law comes into effect to avoid duplication;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That the following Sections of By-law No. 6593 are deleted in their entirety: Section 2.(2)H(viea); Section 2.(2)H(vif); Section 2.(2)H(vig); Section 3.(3)(ix); Section 3.(3)(xx); Section 3.(3)(xxv); Section 3.(3)(xxvii); Section
3. Section 3.7; Section 3.7a; Section 11.1(x)(f); Section 11.1(xi); Section 11.1(xii)(k); Section 11A.1(iii)(c); Section 11A.1(iv); Section 12C.1B(d)2; Section 12C.3; Section 12D.1B(d)2; Section 12D.3; Section 13.1(xv); Section 13A.1(x); Section 13A.1(xi); Section 13A.1(xii); Section 13C.1(iii); Section 13D.1B(xvii); Section 14.1(xvi); Section 15A.1(xviii); Section 15B.3(b)18; Section 15B.(5); Section 16.1(ivb); Section 16A.1(f); Section 16A.1(fa); Section 17A.1(d); Section 17A.1(dd); Section 17A.1(dd); Section 17B.(1)(d)3; Section 17C.(1)(d)3; Section 17C.(3); Section 17E.(1)(e)3; Section 17E.(3); Section 17F.(1)(d)3; Section 17F.(3); Section 17G.1(d)3; Section 17G.(3); Section 17G.(3); Section 18.(3)(vi)(eee); Section 18.(15); and Section 19A.

2. Section 2.(2)D of By-law No. 6593 is amended by deleting the phrase “and shall also include any billboard, roof sign, overhanging sign or other sign or notice except an announcement sign of a public or an institutional use, or one exempted from the operation of this By-Law as a public sign by Section 3”.

3. Section 2.(2)H(iii)(b) of By-law No. 6593 is deleted and replaced with the following:

"there is no sign or notice posted on the premises except in accordance with the Sign By-law; and".

4. Section 2.(2)H(vid) of By-law No. 6593 is amended by deleting the following:

“Sign, Business Identification" shall mean a sign identifying a business operated on a lot, displaying only one or more of the following content:

1. The name of the business.
2. The registered trademark of the business.
3. The ownership of the business.
4. The name of the activity, product or service available on the premises. (81-30)".

5. Section 3.(3)(xxii) of By-law No. 6593 is amended by deleting the phrase “and which may include one sign of an area of not more than 1.2 square metres (12.92 square feet), for advertising such products, which sign is at least 3.0 metres (9.84 feet) from the nearest street”.

6. Section 11B.(1)(vii) of By-law No. 6593 is amended by deleting the phrase “and in connection therewith one ground sign, wall sign, or projecting sign, of an area of not more than 0.4 square metres (4.31 square feet), non
illuminated or illuminated by non-flashing, indirect, or interior means only, located at least 1.5 metres (4.92 feet) from the nearest street line. (10575/64) (79-288) (80-049)"

7. Section 11B.(1)(ix)2nd(c) of By-law No. 6593 is amended by deleting the phrase "no indication of the existence or availability of any such use whether by way of sign, display, or otherwise shall be visible from the outside of the building. (10698/65)"

8. Section 13A.(4)(b) of By-law No. 6593 is amended by deleting the 2nd paragraph and replacing it with the following:

"Provided that in the case of an automobile service station, fuel pump islands may also be located at a distance of not less than 4.5 metres (14.76 feet) from the nearest street line."

9. Section 14A.(1)(c) of By-law No. 6593 is amended by deleting the 2nd paragraph which starts with "Provided" and ends with "of the lot".

10. Section 14A.(3)(a) of By-law No. 6593 is amended by deleting the 2nd and 3rd paragraphs, and replacing them with the following:

"And that in the case of an automobile service station, fuel pump islands, including a canopy, may also be located at a distance of not less than 3.0 metres (9.84 feet) from the nearest street line."

11. Section 15.(1)(ii) of By-law No. 6593 is amended by deleting the phrase "or a third party/billboard sign".

12. Section 17C.(2) of By-law No. 6593 is amended by deleting the phrase "except a sign, ".

13. Section 17D.(2) of By-law No. 6593 is amended by deleting the phrase "except a sign, ".

14. Section 17E.(2) of By-law No. 6593 is amended by deleting the phrase "except a sign, ".

15. Section 17F.(2) of By-law No. 6593 is amended by deleting the phrase "except a sign, ".

16. Section 17G.(2) of By-law No. 6593 is amended by deleting the phrase "except a sign, ".

17. Section 18.(3)(ivc)(e) of By-law No. 6593 is amended by deleting the following phrases:
“sign or”; and,

“nor shall any sign be located within 3.0 metres (9.84 feet) of any lands designated for residential purposes”.

18. Section 18.(3)(ive)(c) of By-law No. 6593 is amended by deleting the following phrases:

“sign or”; and,

“nor shall any sign be located within 3.0 metres (9.84 feet) of any lands designated for residential purposes”.

19. Section 20.(1) of By-law No. 6593 is amended by deleting the phrase “(including a sign)”.

20. The Clerk be hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this __ day of ________, 2007.

_________________________  _________________________
MAYOR     CLERK

CI-06-J