TO: Chair and Members Planning Committee

WARD(S) AFFECTED: CITY WIDE

COMMITTEE DATE: December 7, 2010

SUBJECT/REPORT NO:
Amendments to the Sign By-law 10-197 (PED05172(j)) (City Wide)

SUBMITTED BY:
Tim McCabe
General Manager
Planning and Economic Development Department

PREPARED BY:
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Vincent Ormond 905-546-2424 Ext 1358

SIGNATURE:

RECOMMENDATION:

That the technical and housekeeping changes to the Sign By-law 10-197, detailed in the proposed amending by-law attached as Appendix "A" to Report PED05172(j), which has been prepared in a form satisfactory to the City Solicitor, be passed.

EXECUTIVE SUMMARY

Staff have identified three important changes needed to clarify imprecise language and technical improvements to preserve the intent of the Sign By-law 10-197 enacted by Council on August 12, 2010. The recommended changes in no way affect the By-law intent, but will correct problems with the application of the By-law and prevent possible litigation from non-compliant sign owners that have erected signs or modified signs under a building permit.

Alternatives for Consideration – N/A
FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial/Staffing: N/A

Legal: Amending the Sign By-law to require a separate sign permit application reduces the City’s exposure to liability from errors that could arise from building permits being used as sign permits and how applicable law is reviewed/applied in the application review process.

HISTORICAL BACKGROUND (Chronology of events)

The City’s current Sign By-law enacted August 12, 2010 repealed and replaced the former Sign By-law 06-243 following extensive review and consultation with stakeholders and the public.

POLICY IMPLICATIONS

N/A

RELEVANT CONSULTATION

Legal Services, Building Services and the Ministry of Transportation were consulted in the preparation of this Report.

ANALYSIS / RATIONALE FOR RECOMMENDATION
(include Performance Measurement/Benchmarking Data, if applicable)

The City’s current Sign By-law 10-197 was enacted August 12, 2010. Staff have identified three important changes needed to clarify imprecise language and technical improvements to preserve the intent as originally approved and enacted by Council, as follows:

- Allow signs to be displayed where they are not visible from the right of way (travelled portion) of Highway 403, the Queen Elizabeth Way, the Lincoln M. Alexander Parkway or the Red Hill Valley Parkway,

This recommended change relaxes a current Sign By-law provision to align it with the Ministry of Transportation’s Corridor Sign Policy.

- Allow construction information signs on all properties where approval for construction/development has been given;
The current By-law unnecessarily restricts this sign type to vacant property in residential and commercial zones and failed to consider that development or construction can occur on non-vacant property in any zone.

- Require signs erected under a building permit to also require a sign permit;

In an effort to streamline customer service, the long-standing practice has been, for permanent signs requiring a building permit, to have the building permit also serve as the sign permit. While the Sign By-Law requirements are considered as part of the building permit, Legal Services advise that having a building permit serve as a sign permit exposes the City to possible litigation and increases the opportunity for signs to be changed without conforming to the Sign By-Law. Therefore, it is recommended that this practice be discontinued. Staff are working on process improvements to eliminate any inconvenience to applicants having to apply for two permits.

The amending By-law deletes the section that implies that the building permit includes the sign permit review and allows for the processes to be independent of each other.

**ALTERNATIVES FOR CONSIDERATION:**

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

N/A

**CORPORATE STRATEGIC PLAN** (Linkage to Desired End Results)


**Financial Sustainability**

♦ Delivery of municipal services and management capital assets/liabilities in a sustainable, innovative and cost effective manner

**Growing Our Economy**

♦ An improved customer service

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Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
APPENDICES / SCHEDULES

- Appendix “A” to Report PED05172(j) – Amending by-law

MH/VO/dt
Attachs. (1)
CITY OF HAMILTON

BY-LAW NO. __________

To Amend By-law No. 10-197, a By-law Respecting Signs within the City of Hamilton

WHEREAS Council enacted a by-law respecting signs being City of Hamilton By-law No. 10-197;

AND WHEREAS this By-law provides for technical and housekeeping amendments to City of Hamilton By-law No. 10-197;

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

1. Paragraphs 3.2.4 and 3.2.5 of By-law No. 10-197 are deleted and replaced with the following new paragraph:
   
   **3.2.4 No person shall alter a sign for which a sign permit has been obtained without the prior written permission of the Director and, where a building permit also has been obtained, the prior written permission of the Chief Building Official. Such permission may be conditional on a new sign permit or building permit or both being applied for and obtained.**

2. Subparagraph 5.1.1(f) of By-law No. 10-197 is amended by adding the words “that is visible from the travelled portion of the right of way” after “the Red Hill Valley Parkway”.

3. Subparagraph 5.2.2(l) of By-law No. 10-97 is deleted and replace with following new subparagraph:

   **(l) notwithstanding (k):**
   (i) 1 Construction Information Ground Sign;
   (ii) 1 Ground Sign which provides courtesy or directional information only, such as a menu board or clearance sign;
(iii) or both, are permitted;

4. Subparagraph 5.2.2(m) of By-law No. 10-97 is deleted and the following subparagraphs relettered accordingly.

5. This By-law is deemed to have come into force on August 12, 2010.

**PASSED** this day of , 20.

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<td>Bob Bratina</td>
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