

## COMMUNICATION 132003

Received From: Lennox Smith, Chief Building Official  
Addressed To: Committee of the Whole  
Date: December 8, 2020  
Topic: Sign By-Law Amendments

### SUMMARY

Staff received an application for a sign permit for Giardino Lifestyle Salon which has not been issued due to current non-conformity to the Sign By-law. The By-law is dated and due for review, however, in the interest of time, the following amendments are being proposed to address the most pressing matters in order to facilitate pending permits.

### BACKGROUND

In several recent sign permit applications, issues have emerged regarding awning installations, projecting signs, encroachment agreements, and hold harmless requirements. The current By-law is quite restrictive in nature when it comes to these requirements and installation practices. After hearing these concerns from businesses and property owners, the Chief Building Official (CBO) and the Director of Development Services (Director) reviewed the document together and concluded that certain amendments were warranted.

### DISCUSSION

#### Awnings

##### *Definition*

Awning signs are regulated in the current Sign By-law, are specifically defined and have specific installation details. The current definition is:

*“**Awning** means a roof or covering for protection from sun or rain as the season dictates, and that can be quickly and easily folded or removed from a building as climate and seasons dictate. Further, an awning shall be defined as being constructed, except for its supporting structure, of canvas or other cloth-like material having flexibility and being foldable and removable”*

This definition requires all erected awnings be temporary in nature and easily removable. Most modern awnings are constructed of lightweight yet strong designed aluminum frames and are anchored with significant fasteners to withstand the weather patterns of all four (4) seasons. The removable nature of the investment or wind-in and wind-out awnings is no longer the norm in the industry. It is proposed that the temporary or retractable nature be an option of installation and not mandatory and therefore staff recommends the following new definition:

*“**Awning** means a roof or covering, **or a group of roofs or coverings, erected** for protection from sun, rain **or snow as the season dictates**, and that **may** be quickly and easily folded or removed from a building as climate and seasons dictate. Further, an awning shall be defined as being constructed **except for its supporting structure, in a manner to***

*support the required seasonal rain, snow and wind loads and has a covering that is of canvas or other cloth-like material having flexibility and the ability to be foldable and removable”*

#### *Limit on number of “signs”*

Awnings are limited by the current wording to only one (1) awning installed per commercial frontage. Staff feel this restriction is inappropriate and contrary to the heritage feel of the downtown. Traditionally, awnings would be located over all windows and doors on a façade to promote a consistent aesthetic appearance. Additionally, the current by-law considers an awning as a “sign” however, if there is no advertising on the covering, the awning should not contribute to the number of signs permitted for commercial designations. It is recommended that Section 6.2.1 be amended to read as follows:

*“6.2.1. - For each place of business in a commercial designation, only one permanent type sign/structure of the following: awning (**having advertising other than a name on its face**), fascia, ground, multiple faced type signs, standard/pylon sign, wall sign, mural, or projecting overhead sign may be erected for every 7.5 metres of continuous property, or fraction thereof”*

#### *Height clearances (private lands)*

The current By-law requires a minimum of 2.4m of clearance under an awning. The primary purpose of this clearance is facilitating clearances for Municipal maintenance equipment on public right of ways. While staff is not recommending the removal of the 2.4m clearance requirement over Town-owned sidewalks, it is proposed that there be no such clearance requirement on private sidewalks in commercial plazas. It is staff’s opinion that a private property owner should regulate signage clearances and rules and requirements on their own property. Staff therefore recommends the following statement be added:

*7.1.6 All requirements for clearances below awnings referenced in Section 7.1 do not apply to private sidewalks not maintained by the Town.*

#### **Projecting Signs**

Similar to the requirements for awnings, projecting signs require a minimum 2.4m clearance over sidewalks to provide clearances for municipal maintenance equipment. It is therefore recommended that for consistency with clearances on private property that a clarifying statement be inserted into Section 7.10 regulating Projecting Signs as follows:

*7.10.9 All requirements for clearances below projecting signs referenced in Section 7.10 do not apply to private sidewalks not maintained by the Town.*

Staff believe the proposed Sign By-law amendments will create a more reasonable policy to manage and regulate awnings and projecting signs. However it should be acknowledged that this is an interim measure and does not negate the need to update the Sign By-law comprehensively.

**FINANCIAL IMPLICATIONS**

None

**STAFF RECOMMENDATION**

THAT the awning and projecting sign provisions of Sign By-Law 65-2008 be amended as outlined in the Chief Building Official's report dated December 8, 2020.