



PLANNING AND BUILDING SERVICES MEMORANDUM

TO: MAYOR J. LEHMAN, AND MEMBERS OF COUNCIL

**FROM: R. WHITE, ZONING ADMINISTRATIVE OFFICER
C. GREXTON, PLANS EXAMINER**

**NOTED: A. BOURRIE, RPP, DIRECTOR OF PLANNING AND BUILDING SERVICES

R. FORWARD, MBA, M.Sc., P. ENG.
GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT

M. PROWSE, CHIEF ADMINISTRATIVE OFFICER**

RE: SIGN BY-LAW AND ENFORCEMENT OF TRAILER SIGNS

DATE: JANUARY 15, 2018

The purpose of this memorandum is to provide members of Council with technical information in support of discussions related to proposed changes to the Sign By-law (specifically, trailers/vehicles used as signs) and the relationship between the Sign By-law, the Zoning By-law and the Building Code.

The current challenge, among other things, relates to how the Ontario Building Code and the City's Zoning By-law and Sign By-law deal with trailer signs and other mobile signs. The Sign By-law refers to sections of a Zoning By-law that is no longer in effect and the current Zoning By-law is silent on signs. This has created a regulatory and enforcement vacuum, allowing the proliferation of these signs, particularly along major roads and highway corridors.

The approach to date has been to issue a Building Permit for trailer signs, provided the trailer sign is designed by a licensed professional architect or engineer and appropriate supporting drawings and information is provided in support of the Permit. The reason for the approach is an interpretation that if a sign is affixed to or supported by a foundation, it is a "structure" under the Ontario Building Code (refer to OBC Sections 1(1), 1.3.1.1 of Div A – Part 1 and 3.15 of Div B.). In the case of trailer signs, a pre-cast foundation has been mounted to the bottom of the trailer such that the axel, which is essentially a beam, rest on the pre-cast block and the tires are essentially aesthetic, providing no structural support. Building Services staff have been instructed to review the approach to ensure consistency of interpretation for the definition of foundation and structure in situations other than signs however, for the purposes of the current discussion, sign trailers that meet the standard of "designed by an architect with appropriate supporting information" are deemed to be a structure.

The City's Sign By-law 2005-093 includes a number of references to the Barrie Zoning By-law with regards to location, number of signs permitted, and signs for home occupations. These Sign By-law provisions reference sections of Zoning By-law 85-95, which is no longer in effect. To further complicate things, current Zoning By-law 2009-141 does not contain specific provisions relating to signs. As such, mobile signs and ground signs (as defined in Sign By-law 2005-093) would be considered accessory structures under the Zoning By-law. Accessory structures are required to comply with the accessory building/structure provisions for the zone in which the sign is located.

In the case of a trailer sign (which is deemed to be a structure), Building Permit approval is required. Under the Ontario Building Code, a Building Permit cannot be approved until all applicable law has been met; which includes compliance with the Zoning By-law. Zoning By-law 2009-141's accessory building/structure provisions for the zone in which the sign is located would apply. Most of the locations of interest in the current discussion have a "Highway Industrial" (HI) Zone and corresponding accessory building/structure provisions such as setbacks to property lines and maximum height. Staff will begin to document and review existing trailer signs to determine if they comply with the accessory building/structure provisions of the



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Zoning By-law. It is staffs' opinion that many of the existing signs will not comply. An appropriate enforcement/transition approach will need to be explored going forward.

In addition, staff will investigate the merits of specific provisions for "signs" in the Zoning By-law as they relate to the existing reference in the Sign By-law and report back at a future date. Staff will also review the Building By-law to ensure appropriate definition, interpretation and consistency is in place.