



LEGISLATIVE AND COURT SERVICES
MEMORANDUM

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TO: FINANCE AND CORPORATE SERVICES COMMITTEE

FROM: T. BANTING, MANAGER OF ENFORCEMENT SERVICES

NOTED: W. COOKE, DIRECTOR OF LEGISLATIVE AND COURT SERVICES / CITY CLERK
D. MCALPINE, GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES
M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RE: 465 BAYFIELD ST / 509 BAYFIELD ST. – RIO CAN
ELECTRONIC GROUND SIGN – HISTORICAL VARIANCE / EXEMPTION REQUESTS

DATE: September 14, 2021

The purpose of this Memorandum is to provide members of the Finance and Corporate Services Committee with historical information regarding the original construction of the ground sign at the Georgian Mall in 2017 up to and including the most recent variance request in May of 2021.

In 2017, the City received a building permit for a new ground sign to be located at 465 Bayfield St (Georgian Mall). The ground sign was to include an electronic display board incorporated within the overall sign structure. The proposed electronic display did not meet the overall size requirements of the Sign By-law and therefore required a variance. In addition to the size variance request put forward, the representative at the time also requested the use of the sign change to allow Third Party Advertising, which in fact would change the classification of the sign under the by-law to a Poster Panel Sign.

Excerpt from Sign By-law

Definitions:

- 2.1.6.0.0. **Ground Sign** – means a permanent sign in a fixed location, wholly supported by one or more uprights, poles, braces or located on a structural base placed in the ground, and includes soft landscape treatment at the base of the sign or supporting structure. For the purposes of this by-law, a pylon sign is considered to be a ground sign
- 2.1.12.0.0 **Poster Panel Sign** – means a permanent sign that advertises goods, products, services or facilities that are not available at the location where the sign is situated or that directs persons to a location different from that where the sign is located, and shall include free standing structures and signs attached in any manner to the wall of a building or structure and includes a standardized sign structure erected and maintained by a business engaged in the sale or rental of space upon which advertising copy is displayed advertising goods or services that are not necessarily conducted within or upon the lot upon which the sign is located
- 2.1.23.0.0 **Third Party** - means advertising which identifies or provides information on goods, products, services or facilities that are not available at the location where the advertising device or signs is located



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As per the Sign By-law, third-party advertising is only permitted on a Poster Panel Sign whereas a Ground Sign is designed to advertise good, products or services available on the property for which the sign has been erected.

In addition, the setback requirements are very different between a Ground Sign and a Poster Panel Sign, as identified in Appendix "A" to this memorandum. These setbacks have been developed and designed to ensure conformity and to mitigate negative impacts of signs that are installed and updated on the surrounding neighbourhood.

The placement of the Ground Sign on the Georgian Mall property falls within the ground sign regulations as per the 2017 permit, however does not meet any requirements needed for a Poster Panel Sign.

As permitted under the Sign By-law, a variance was granted in 2017 by the City Clerk to allow for the electronic message board section of the ground sign to exceed the City's size standards by a minor amount, at the time of construction. However, it was clearly stated that they were not permitted to display any third-party advertising.

In May 2021, a variance request was once again received requesting that the electronic message board located at 465 Bayfield St. (Georgian Mall) be permitted to advertise third party goods, products and services that are not on the Georgian Mall property.

This request was reviewed by staff and the City Clerk who determined that the request was not minor in nature as it would be a significant change to the sign definition and use under the municipal regulations. This request well exceeded the intent and integrity of the By-law

A letter was provided to the applicant on May 4, 2021 advising that the request for variance was denied and that all advertising on the signage must pertain to the goods, products, services or facilities available at the property known as the Georgian Mall.

Staff believe that an exemption of this nature would erode the intent of the by-law and set precedent for further variance requests being brought forward in the future throughout the City.

Appendix "A"

Excerpt from Sign By-law

GROUND SIGNS

12.3.1.0.0 Maximum Height for Ground Signs:

12.3.1.1.0 No ground sign shall:

12.3.1.1.1 exceed 7.5 m in height measured from the finished level at the base of the supporting structure at grade;

12.3.2.0.0 Setbacks for Ground Signs:

12.3.2.1.0 Every ground sign shall be set back a minimum of:

12.3.2.1.1 1.0m from any City property line;

12.3.2.1.2 1.5m from any private property line;

12.3.2.1.3 1.5m from any driveway, aisle or walkway or parking space;

12.3.2.1.4 1.5 m from any other ground sign located on the same side of the street;

12.3.2.1.5 6.0m from the private property line where an adjacent lot contains a residential use;

12.3.2.1.6 notwithstanding the above, every ground sign shall comply with section 8.1.0.0.0 of this by-law.

12.3.3.0.0 No ground sign shall be located within the sight triangle of a corner lot.

12.3.4.0.0 Landscape Treatment for Ground Signs:

12.3.4.1.0 Ground signs shall include soft landscape treatment at the base of the sign or supporting structure. The boundaries of such sign shall be defined by a line measuring a minimum of 1.0m from all sides of the sign or supporting structure.

12.3.5.0.0 Digital Display / Electronic Message Board

12.3.5.1.0 For the purposes of this section only:

12.3.5.1.1 Digital Display / Electronic Message Boards are permitted to be on or incorporated within a ground sign which is lawfully erected, located or displayed subject to the following:

12.3.5.1.2 a maximum of 50% of the overall sign area may be used for the purpose of a digital display / electronic message board;

12.3.5.1.3 the intensity of illumination of the digital display / electronic message board shall be maintained at a constant level and there shall be no flashing or variation in colour;

- 12.3.5.1.4 notwithstanding section 12.3.5.1.3 the digital display / electronic message board must be equipped with functioning automatic dimming technology which will automatically adjust the intensity of the illumination in direct correlation with the ambient light conditions;
- 12.3.5.1.5 advertisements will have a minimum dwell time (time on the ad) of 8 seconds and an average transition time (time to change ad) of 1 second;
- 12.3.5.1.6 a maximum of one (1) ground sign containing a digital display / electronic message board may be permitted per lot or property;
- 12.3.5.1.7 notwithstanding section 12.3.5.1.4, where a lot abuts two or more streets, one (1) ground sign containing an digital display / electronic message board may be erected on each street frontage provided that the said street frontage is greater than 15.0m.

POSTER PANEL SIGNS

- 12.1.1.0.0 **Areas where Poster Panel Signs are Permitted:**
- 12.1.1.1.0 Poster panel signs are permitted in all vacant undeveloped lots zoned Commercial or Industrial and on all lands zoned Agricultural, according to the Zoning By-law.
- 12.1.1.2.0 In addition to section 12.1.1.1.0 and notwithstanding section 11.1.5.0.0, poster panel signs shall be permitted on all City owned lands along the Barrie Collingwood Railway corridor in accordance with all other provisions of this by-law.
- 12.1.2.0.0 **Number of Poster Panel Signs Permitted:**
- 12.1.2.1.0 No more than one (1) poster panel sign is permitted to be located on any vacant undeveloped lots zoned Commercial or Industrial and on all lands zoned Agricultural, according to the Zoning By-law.
- 12.1.3.0.0 **Maximum Height and Area for Poster Panel Signs:**
- 12.1.3.1.0 No poster panel sign shall:
 - 12.1.3.1.1 exceed 7.5m in height measured from the finished level at the base of the supporting structure at grade;
 - 12.1.3.1.2 exceed a maximum sign area of 20.0 square metres for any single face or exceed a total area of 40.0 square metres for all faces combined.
- 12.1.4.0.0 **Setbacks for Poster Panel Signs:**
- 12.1.4.1.0 Every poster panel sign shall be set back a minimum of:
 - 12.1.4.1.1 15.0m from all City property lines;
 - 12.1.4.1.2 15.0m from any private property line;
 - 12.1.4.1.3 3.0m from any driveway;
 - 12.1.4.1.4 500.0m from any other poster panel sign located on the same side of the street;
 - 12.1.4.1.5 100.0m from any land zoned residential.

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- 12.1.4.1.6 notwithstanding the above, every poster panel sign shall comply with section 8.1.0.0.0 of this by-law.
- 12.1.5.0.0 **Exemption for Third Party Poster Panel Signs for Subdivisions:**
- 12.1.5.1.0 Third party poster panel signs indicating new subdivisions are exempt from poster panel provisions of this By-law, but remain subject to the remaining provisions of this By-law and to any other applicable legislation. Such signs shall be removed forthwith upon completion of construction of the subdivision.
- 12.1.6.0.0 **Digital Display/Electronic Message Board Poster Panel Signs:**
- 12.1.6.1.0 Digital Display/Electronic Message Board Poster Panel sign faces are permitted to be on or incorporated within a Poster Panel sign which is erected, located or displayed in accordance with this by-law subject to the following:
- 12.1.6.1.1 the intensity of an illumination of the digital display / electronic message board shall be maintained at a constant level and depict only static images that do not contain any motion, animation, flashing or scrolling;
- 12.1.6.1.2 notwithstanding section 12.1.6.1.1 Digital Display/Electronic Message Board Poster Panel signs must be equipped with functioning automatic dimming technology which will automatically adjust the intensity of the illumination in direct correlation with the ambient light conditions.
- 12.1.6.1.3 the intensity of an illumination of the digital display / electronic message board shall not exceed 6,000 nits during the period between sunrise and sunset and further shall not exceed 500 nits during the period between sunset and sunrise, as provided by industry standards and may be amended from time to time;
- 12.1.6.1.4 advertisements will have a minimum dwell time (time on the ad) of 8 seconds and an average transition time (time to change ad) of 1 second.