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**TO:** GENERAL COMMITTEE

**SUBJECT:** REQUEST FOR EXEMPTION FROM SIGN BY-LAW 2018-029 FOR PMT18-01600 (BUILDING PERMIT APPLICATION) - 335 BAYFIELD STREET

**WARD:** 3

**PREPARED BY AND KEY CONTACT:** J. FORGRAVE, SUPERVISOR OF ENFORCEMENT SERVICES #4330  
T. BANTING, MANAGER OF ENFORCEMENT SERVICES #4336

**SUBMITTED BY:** W. COOKE, CITY CLERK/DIRECTOR OF LEGISLATIVE AND COURT SERVICES

**GENERAL MANAGER APPROVAL:** D. MCALPINE, GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES

**CHIEF ADMINISTRATIVE OFFICER APPROVAL:** M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

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#### **RECOMMENDED MOTION**

1. That the exemption request from Aird & Berlis LLP acting on behalf of Pattison Outdoor to Sign By-law 2018-029, section 12.1.4.1.5 to permit a poster panel sign with two digital displays to be erected with a maximum setback of 200.0 metres from another poster panel sign to the north and a maximum setback of 60.0 metres from another poster panel sign to the south located on the same side of the street, whereas the prescribed setback in By-law 2018-028 is 500.0 metres, at the property municipally known as 335 Bayfield Street, Barrie, be denied.

#### **PURPOSE & BACKGROUND**

##### Report Overview

2. On March 26<sup>th</sup>, 2018 City council adopted By-law 2018-029, a By-law of the Corporation of the City of Barrie to regulate advertising devices, including signs.
3. Section 2.1.12.0.0 of City of Barrie By-law 2018-029 states:

**“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.*”

Section 12.1.4.0.0 of City of Barrie By-law 2018-029 further prescribes mandatory setbacks for the placement of all poster panel signs for the safety of citizens and motorists and limit the number of poster panel signs erected in certain areas of the City and states:

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**"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. "

4. Staff in Legislative and Court Services (Enforcement Services) have been in communications with Pattison Outdoor since 2015 concerning their desire to place a poster panel sign on the vacant property municipally known as 335 Bayfield Street. Staff have always communicated to Pattison Outdoor that this proposed location did not meet the prescribed setbacks as set out in the Sign By-law, specifically the sections related to a minimum setback of 500.0m from any other poster panel sign located on the same side of the street, as there is an existing poster panel sign at the property municipally known as 331 Bayfield Street to the south, a setback of 60.0m and an existing poster panel sign at the property municipally known as 355 Bayfield Street to the north, a setback of 200.0m from the proposed location.
5. The representatives of Pattison Outdoor have always disagreed that the setbacks were insufficient as the existing poster panel signs were located on the rooftops of the buildings at those addresses and therefore did not fall into the definition of poster panel sign. Further that the closer of the two existing signs at 331 Bayfield Street was not in fact on the same side of the street as the proposed sign was to be on the north side of Ferris Lane, the cross street, and not located on Bayfield Street (see Appendix "A" to Staff Report LCS011-19).
6. Previously, staff in Enforcement Services reviewed the By-law with Prosecution Services who agreed that the existing poster panel signs were poster panel signs by definition and further that the existing sign on the property of 331 Bayfield Street was indeed on the same side of the street on Bayfield Street as the proposed sign would be located.
7. Staff in Enforcement Services received a request for a "minor variance" from Aird & Berlis LLP acting on behalf of Pattison Outdoor dated February 8, 2019 to construct a 7.5m (24.6') tall poster panel sign with two 20 square metres digital display faces at 335 Bayfield Street. This was the first formal request for minor variance that was received from Pattison Outdoor.
8. Staff have consulted with Legal Services and based on the preliminary review, it is their view that the interpretation and application of the By-law by Enforcement staff that the existing poster panel signs located on the adjacent properties were poster panel signs by definition and further that the existing sign on the property of 331 Bayfield Street was indeed on the same side of the street on Bayfield Street as the proposed sign would be located, is appropriate.

**ANALYSIS**

9. Enforcement Services staff is of the opinion that this request is not minor in nature, due to the requested setback variance. As required by the Sign By-law, staff have submitted this Staff Report for General Committee's review and consideration.

10. The proposed poster panel sign would be 7.5m (24.6') in height with two 20 square metre digital display faces in a V-shaped design.
11. The proposed poster panel sign would be setback 60.0m from an existing poster panel sign located at 331 Bayfield Street to the south and 200.0m from an existing poster panel sign located at 355 Bayfield Street to the north (see Appendix "A" to Staff Report LCS011-19).
12. Bayfield Street is a considerably busy commercial corridor already containing a substantial number of advertising devices of multiple sizes and styles. The existing poster panel signs are in a 587 metre stretch of Bayfield Street from the Highway 400 to Cundles Road. This area currently houses 17 permanent ground signs, the 2 existing poster panel signs and numerous smaller advertising devices.
13. The property where the proposed poster panel sign is to be erected is a vacant undeveloped lot zoned "General Commercial" which does allow for such a structure to be erected providing the provisions of the By-law are satisfied. The poster panel sign is proposed to contain third party advertising for goods, products, services or facilities that are not available at that address and not for a commercial business at that address.
14. The proposed poster panel sign would meet or exceed the remaining prescribed setbacks as set out in the Sign By-law.
15. The existing poster panel signs at 331 Bayfield Street and 355 Bayfield Street are considered Legal Non-Conforming as they were constructed in 1993 and 1999 respectively under City of Barrie Building Permits.
16. The proposed poster panel sign would be located with a maximum setback of 60.0m from another poster panel sign located on the same side of the street, on a particularly busy commercial section of Bayfield Street. The minimum setback prescribed in the by-law is 500.0m for the safety of citizens and motorists and to limit the number of poster panel signs erected in certain areas as proliferation of signs in a contained area could diminish the aesthetic value in areas of the City and therefore would not maintain the general integrity of the By-law.

## **ENVIRONMENTAL MATTERS**

17. There are no environmental matters related to the recommendation.

## **ALTERNATIVES**

18. There is one alternative available for consideration by General Committee:

### **Alternative #1**

That an exemption be granted from City of Barrie By-law 2018-029 Section 12.1.4.1.4 permitting the proposed poster panel sign be erected at 335 Bayfield Street with a maximum setback of 60.0m from an existing poster panel sign located on the same side of the street and must comply with all remaining section of the by-law.

This alternative is not recommended as it is not minor in nature and if approved, is not in keeping with the overall intent of the Sign By-law which was enacted with the prescribed setbacks for the safety of citizens and to limit or reduce the number of poster panel signs within areas of the City of Barrie.



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**FINANCIAL**

19. There are no financial implications associated with the recommended motion.

**LINKAGE TO 2018-2022 STRATEGIC PLAN**

22. The recommendation(s) included in this Staff Report are not specifically related to the goals identified in the 2018-2022 Strategic Plan.



APPENDIX "A"  
SIGN LOCATIONS REGARDING 335 BAYFIELD STREET EXEMPTION REQUEST

