

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2010-43

**BEING A BY-LAW TO AMEND BY-LAW 2006-143 TO
RESTRICT AND REGULATE SIGNS AND OTHER
ADVERTISING DEVICES, INCLUDING BILLBOARDS
AND FASCIA SIGNS WITHIN THE CITY OF NORTH BAY.**

WHEREAS Section 99 of the Municipal Act, 2001, subsections 1 to 5, authorizes the Council to pass By-laws regulating signs and other advertising devices;

AND WHEREAS to further this objective Council passed By-law 2006-143 being a By-law to regulate signs and other devices;

AND WHEREAS Council deems it desirable to amend By-law 2006-143 to regulate Billboard signs for the purpose of avoiding traffic hazards, unsightly appearance and maintaining aesthetic and architectural integration of all City streetscapes and abutting properties;

AND WHEREAS Council deems it desirable to pass a By-law regulating Billboard Signs;

AND WHEREAS Notice of the Public Meeting in the matter of the amendment to the Sign By-law was given by way of advertisement in the North Bay Nugget on the 14th day of November, 2009 and on the 21st day of November, 2009;

AND WHEREAS a Public Meeting under the *Municipal Act* in the matter of the amendment to the Sign By-law was held on the 7th day of December, 2009;

AND WHEREAS Council approved the amendment to the Sign By-law pursuant to Community Services Committee Report No. 2010-05 passed on the 22nd day of March 2010;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. Section 1.4, Animated Sign, is amended by adding the following new sentence at the end thereof:

“An animated sign does not include a Tri-Vision sign.”

2. Section 1.8 is amended by deleting and inserting in lieu thereof the following:

1.8 **“Billboard”** means a sign, which is free standing or attached to a building, which has copy fastened in such a manner so as to permit its periodic replacement which advertises goods, products, services or facilities that are not present or sold on the property on which the sign is located. A Billboard sign shall include a tri-vision sign, and any Freestanding Sign larger than permitted by this By-law.

3. Section 1.16 is amended by deleting and inserting in lieu thereof the following:

1.16 **“Fascia Sign”** shall mean a sign which is in any manner affixed to any exterior wall of a building or structure, and which does not project from the building or structure wall and does not extend above the parapet, eaves or building facade of the building on which it is located. A fascia sign shall only advertise goods, products, services or facilities that are present or sold on the building on which the sign is located.

4. Section 1.17, Freestanding Signs, is amended by deleting the last sentence and inserting in lieu thereof the following:

“Freestanding signs shall only advertise the business, goods or services which are available on the property where the sign is located.”

5. Section 1 is amended by inserting the following new definition:
 - 1.29 **Property Standards Committee** means the Property Standards Committee as appointed by Council.

6. Section 1 is amended by adding the following new definition:
 - 1.38 **Tri-Vision Sign** means a sign with vertical louvers that simultaneously rotate at set intervals so that one of three faces of the sign is visible at each interval.

7. Section 1.41 is amended by deleting and inserting in lieu thereof the following new definition:
 - 1.41 **Zone** means a zone designation contained in North Bay Zoning By-law 28-80, as amended.

8. Section 1 is amended by inserting the following new definitions:
 - 1.42 **Zone, Commercial** means any Commercial Zone as set out in Zoning By-law 28-80, as amended.
 - 1.43 **Zone, Industrial** means any Industrial Zone as set out in Zoning By-law 28-80, as amended.
 - 1.44 **Zone, Residential** means any Residential Zone as set out in Zoning By-law 28-80, as amended.
 - 1.45 **Zone, Rural** means any Rural Zone as set out in Zoning By-law 28-80, as amended.
 - 1.46 **Zoning By-law** means Zoning By-law 28-80 and any successor By-laws thereto.

9. Section 2.0 is amended by adding the word “alter” after “erect” and by the following new subsections:
 - e) Animated signs, except by variance to this By-law.
 - f) A sign on a freight container, storage trailer or trailer of any kind.

10. Section 2.6 is amended by adding the following to the end thereof: “as defined under the Criminal Code for obscenity and the Canadian Advertising Standards Code for offensiveness”.

11. Section 8.3, Signs Permitted in Rural Zones is amended by deleting subsection (b) and inserting in lieu thereof the following:
 - b) In the case of the Rural zones located along any Ministry of Transportation controlled corridors, a sign permit is required from both the City of North Bay and the Ministry of Transportation. Where the regulations of both the City of North Bay and the Ministry of Transportations Sign regulations cannot be complied with, the stricter regulations shall apply.

12. Section 8.3.1, Billboards in Rural Areas, is amended by deleting the subsection in its entirety and replacing it with the following:
 - 8.3.1 Billboards in Rural Area

 Billboards are permitted provided that they are only located on existing Billboard Sign sites in the Rural Area where those Billboard Signs were erected legally and the Billboard Sign sites complied with the Sign By-law as it read prior to May 19, 2009.

 Where a Billboard is permitted, the following regulations shall apply:

- a) maximum height of billboards is restricted to 8 metres above the finished grade at ground level;
- b) maximum area of billboard sign is 20.5 square metres;
- c) Illumination of the billboard sign is permitted.
- d) Billboards shall not be attached to buildings in any way or fashion.
- e) A billboard may be double sided
- f) A billboard cannot be attached to another billboard

13. Section 8.4.2, Fascia Signs, permitted in the Commercial and Industrial Zones, is amended by deleting the subsection in its entirety and replacing it with the following:

8.4.2 Fascia Signs

Fascia Signs are permitted on a maximum of two (2) building faces only provided that:

- a) A maximum of 25% of the front of the building's first storey face is used for signage
- b) in the case of a corner lot, the maximum area of fascia signs is 25% of the front of the building's first storey face and 25% for the first storey flankage side face;
- c) in the case of an interior lot, the maximum area of fascia sign is 25% of the front of the building's first storey face and a maximum area of 3 square metres on the interior side face or rear face;
- d) maximum projection of .5 metres from building face;
- e) minimum height is restricted to 2.5 metres from grade to any part of the sign;
- f) fascia signs must not extend above the eaves of the building;
- f) fascia signs are prohibited on public property unless approved by way of an encroachment agreement; and
- g) fascia signs must advertise the business or service conducted on the property where the sign is located.

8.4.2.1 Illumination on fascia signs is permitted.

14. Section 8.4.3(f) is amended by deleting the subsection and inserting in lieu thereof the following:

- f) freestanding signs shall only advertise the business, goods or services which are available on the property where the sign is located. .

15. Section 8.4.6, Billboard Signs, permitted in the Commercial and Industrial Zones, is amended by deleting the subsection in its entirety and replacing it with the following:

8.4.6 Billboards are permitted provided that they are located along Main Street West, Algonquin Avenue, McKeown Avenue West, Cassells Street, Fisher Street, McIntyre Street, Lakeshore Drive, Pinewood Park Drive, Trout Lake Road, Booth Road, Birches Road, Gormanville Road, Seymour Street, and Airport Road between Algonquin Avenue and O'Brien Street, within a Commercial or Industrial Zone. Where a Billboard is permitted the following regulations apply:

- a) maximum height of billboards is restricted to 8 metres above the finished grade at ground level;
- b) maximum area of billboard sign is 20.5 square metres. The sign may be double sided;
- c) minimum distance billboards located from any Residential zone is restricted to 30 metres (100 feet) from the zone boundary;
- d) minimum distance billboards located from a Park, Cemetery or Conservation Area is restricted to 100 metres (330 feet) from the property boundary;
- e) minimum distance between billboards in any Commercial or Industrial zone is 300 metres (984 feet) in either direction, on either side of the street;
- f) maximum of one sign on any Commercial or Industrial property which may be double sided and not contiguous;
- g) any part of the billboard sign must be setback 3 metres from the front all property line.
- h) the sign must be kept in good condition and maintained at all times, which includes the messages or the advertisement; and
- i) if the sign is not in use, the face area of the billboard sign must not be left in an untidy state.

8.4.6.1 Illumination of billboard signs is permitted.

8.4.6.2 Billboards shall not be attached to buildings in any way or fashion.

16. Section 11 (c) to By-law 2006-143 is amended by deleting the subsection in its entirety and inserting in lieu thereof the following:

Recreational Facility Field Advertising Signs

- (i) Field advertising signs are exempt from By-law regulations provided:
 - i. Signs shall be attached to fencing surrounding the playfield area;
 - ii. Signs shall be designed to reflect the size and location as shown on Schedule D to the Sign By-law;
 - iii. Advertising signs will not be permitted on ball field backstops;
 - iv. The sign shall be located in a manner approved by the Director of Parks, Recreation and Leisure Services; and
 - v. Signs shall only be permitted when advertising is being conducted through an agreement with the City and a local sporting group.

17. By-law 2006-143 is amended by inserting the following new section:

VARIANCE

- 15.0 The City of North Bay may authorize variances from this By-law if in the opinion of the City the general intent and purpose of this By-law are maintained.
- 15.1 Applications for variances shall be submitted to the Zoning Administrator and shall be made by completing and submitting:
 - a) The application form as shown on Schedule E to this By-law

- b) The applicable drawings, plans or specifications for the proposed sign(s)
 - c) The full application fees as set out on Schedule A, and
- 15.2 Where an application under Section 15.1 is incomplete, the Zoning Administrator may refuse to accept the application. For the purpose of this section, an application is incomplete where:
- a) It is not in the form set out on Schedule E
 - b) It is not accompanied by:
 - i. The full application fees for a variance
 - ii. A completed Sign Permit application including such information as the applicant is required to provide under Section 3.2
- 15.3 Council hereby delegates the authority to authorize variances from the provisions of this By-law to the Property Standards Committee.
- 15.4 Where Council has delegated authorization to vary the Sign By-law the applicant or any person who made oral or written submissions to the Property Standards Committee may appeal the decision of the Property Standards Committee, through a letter to the Zoning Administrator. The Zoning Administrator will forward the letter of appeal and any information considered by the Property Standards Committee to City Council for their consideration. Council may uphold or vary the decision of the Property Standards Committee or do any act or make any decision that it might have done had it conducted the hearing itself and the application shall not be entitled to a further hearing on the matter before Council and the decision of Council shall be final.
- 15.5 In considering the application for variance, the City shall have regard for:
- a) special circumstances or conditions applying to the land, building or use referred to in the variance application;
 - b) whether strict application of the provisions of this By-law in the context of special circumstances applying to the land, building or use would result in practical difficulties or unnecessary and unusual hardship for the applicant that is inconsistent with the general intent and purpose of this By-law;
 - c) whether such special circumstance or conditions are pre-existing and not created by the Sign Owner or applicant; and
 - d) whether the sign that is subject of the variance application will negatively alter the character of the general area in which the sign will be located.
18. Section 15 of the Sign By-law, Variances, shall come into force and effect on December 1, 2010.
19. Schedule A to By-law 2006-143 is amended by increasing the required fee for Billboard Signs from \$100 to \$500 per sign.
20. Schedule B to By-law 2006-143 shall be amended to include the following statement at the end of Section 2 “The Site Plan shall also identify the location of the sign on the property, including setbacks from all property lines.”
21. By-law 2006-143 is amended by inserting the attached Schedule A as Schedule D to Sign By-law 2006-143.
22. By-law 2006-143 is amended by inserting the attached Schedule B as Schedule E to Sign By-law 2006-143.

READ A FIRST TIME IN OPEN COUNCIL THE 22nd DAY OF MARCH 2010.

READ A SECOND TIME IN OPEN COUNCIL THE 22nd DAY OF MARCH 2010.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 22nd DAY OF MARCH 2010.

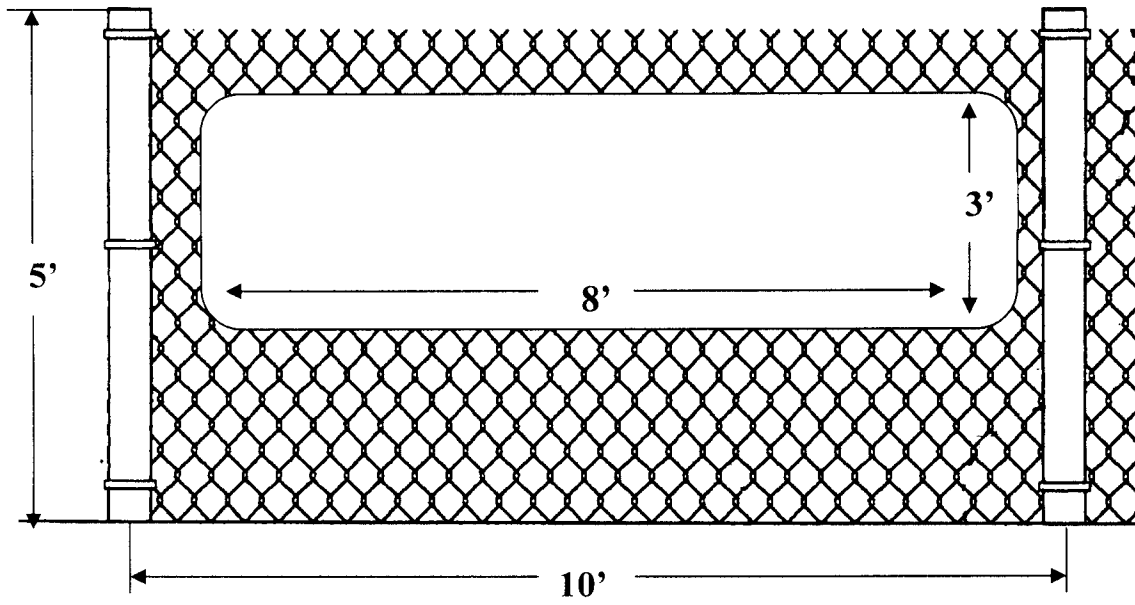
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Schedule D to Sign By-law 2006-143

Location and Design of Field Advertising Signs



Schedule E to By-law 2006-143

APPLICATION FOR SIGN BY-LAW VARIANCE

Property Owner:

Name: _____ Mailing Address: _____
City: _____ Postal Code: _____
Phone: _____ Fax: _____ Email: _____

Applicant:

Name: _____ Mailing Address: _____
City: _____ Postal Code: _____
Phone: _____ Fax: _____ Email: _____

Property Address: _____

Explain in detail your reasons why it is not possible to comply with the provisions of the Sign By-law (please attach further information if required):

What type of Sign is being proposed: _____

What is the Zoning of the subject property: _____

Has the owner previously applied for variances in respect of the subject land?

YES___ NO___

If Yes, describe briefly: _____

Extension or Enlargement of a Legal Non-Conforming Sign:

If you are requesting consideration of an enlargement or extension of an existing sign that is not in conformity with the By-law, but, was legally established prior to the By-law, answer the following:

What type of Sign is it: _____

How long has the sign been in existence: _____

What is the reason for the extension or enlargement: _____

Describe how the proposed extension or enlargement has had regard to existing by-law regulations: _____

The undersigned hereby requests the City of North Bay to consider this application for a variance to the provisions of the City of North Bay Sign By-law. I certify the information, on which this application is based, to be true and the owner is aware of this exemption request.

Signature of applicant or agent

Date