

# Municipality of Lakeshore – Report to Council

## Growth & Sustainability

### By-law Services



**To:** Mayor & Members of Council

**From:** Rob Sassine, Division Leader – By-law

**Date:** February 13, 2023

**Subject:** Relief from Sign Bylaw 107-2007, being a By-law to Regulate the Erection of Signs, Other Advertising Devices and the Posting of Notices – 197 Auburn

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### Recommendation

Deny the request for relief from the Sign By-law at 197 Auburn, as presented at the March 7, 2023, Council meeting.

### Background

The purpose of the Sign By-law is to regulate the location, size, number, construction, alteration or repair of all outdoor signs in the Municipality of Lakeshore. Section 19 of Sign By-law 107-2007 states that “a person may apply and Council may refuse to grant relief from the regulations contained in this by-law or may grant such relief as it considers appropriate, either absolutely or subject to conditions, provided that, in the opinion of Council, the relief is minor and the general intent and purpose of this by-law are maintained.”

Currently, the Sign By-law, as amended by By-law 7-2015, does not permit a sign to be erected that directs attention to products, goods and services, activities or facilities not provided on the premises on which the sign is located.

### Comments

By-law 7-2015 was adopted as an amendment to Sign By-law 107-2007 to reduce the proliferation of signs throughout the Municipality. (Attachments 3, and 4)

In response to a complaint, By-law Officers conducted a site inspection and observed a violation to Sign By-law 107-2007 at 197 Auburn Avenue. (Attachment 2). The property owner complied with an Order issued by the By-law Officer and removed the signs attached to the fence facing County Road 22.

A request has been received from the property owner, a corporation represented by Dan Dimitrievski, (Attachment 1) for relief from the Sign By-law 107-2007 to erect signs

along the fence at 197 Auburn Avenue. The property is used as a Day Care and has frontage on County Road 22. It is understood that the property owner is requesting to place advertising signs on the fence to advertise for third parties and not for the Day Care to collect revenue from third parties. The owner wishes to obtain relief from the Sign By-law in order to collect revenue.

The Sign By-law provides that individuals may apply to Council for relief of the provisions of the Sign By-law. There are no previous requests to Council for this type of relief. There are some existing signs on other properties within the Municipality advertising third parties, however, it is believed that these signs pre-date the Sign By-law Amendment adoption in 2015. The By-law Compliance Division regularly responds to complaints regarding signs advertising third parties and requires these types of signs to be removed.

In situations where relief is requested, Council has authority to grant relief as follows:

Section 19(a): A person may apply and Council may refuse to grant relief from the regulations contained in this by-law or may grant such relief as it considers appropriate, either absolutely or subject to conditions, provided that, in the opinion of Council, the relief is minor and the general intent and purpose of this by-law are maintained.

(b) Applications for relief from the regulations contained in this By-law shall be in writing in on the form provided by the Town and shall indicate the relief requested and the reasons such relief is required.

The proposal is for the property owner to sell approximately 48 signs along County Road 22 and an additional 28 signs along Auburn Avenue. The maximum size of the signs will be 5 feet wide by 3 feet high.

Signs are controlled in order to reduce unsightliness, particularly in residential areas, and to reduce distractions for drivers. Administration does not support the request for relief from the By-law as Administration is of the opinion that a total of 76 signs does not meet the test of being minor in nature, and does not maintain the general intent and purpose of the By-law. Approval of relief would create a precedent to permit further proliferation of signs along County Road 22. Therefore, Administration is recommending that Council deny the request, as per Section 19 of Sign By-law 107-2007 (quoted above).

The request contravenes the Sign By-law in two ways and therefore is not minor and not in keeping with the general intent and purpose:

- The proposed signs would be advertising the businesses or services not located on the property. A total of 76 signs is not minor in nature.
- There are no third party signs permitted in the Sign By-law. Therefore the proposal for 76 signs is not in keeping with the intent of the general purpose and intent of the By-law.

Should Council wish to support the request, Administration would recommend limiting the number of signs to 2-3 with a maximum size of 5 feet wide by 3 feet high, only on the fence that faces County Road 22.

In addition, Administration recommends that the Hearing Committee be delegated the authority to provide relief on the Sign By-law to review these requests in the future. Alternatively, Council could direct that Section 19 of the Sign By-law 107-2007 be removed to prevent future relief applications from being considered.

### **Financial Impacts**

There are no financial impacts resulting from the recommendation.

### **Attachments**

1. Request for relief Dimitrievski.
2. Photos of signs observed during site inspection.
3. Copy of Sign By-law 107-2007
4. Copy of Sign By-law Amendment 7-2015

### **Report Approval Details**

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|----------------------|---|
| Document Title:      | Relief from Sign Bylaw - 197 Auburn Avenue.docx   |
| Attachments:         | - Request for Relief Dimitrievski.pdf<br>- 197 Auburn Ave - Nov 17.pdf<br>- 107-2007 - Regulate the Erection of Signs.pdf<br>- 007-2015 - Sign By-law Amendment.pdf<br>- Council Report - Amendments to By-law 107-2007 - Erection of Signs.pdf |
| Final Approval Date: | Mar 2, 2023   |

This report and all of its attachments were approved and signed as outlined below:

Prepared by Rob Sassine

Submitted by Tammie Ryall

Approved by Justin Rousseau and Truper McBride