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HALIFAX
REGIONAL MUNICIPALITY

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Harbour East Community Council
March 3, 2011

TO: Chair and Members of Harbour East Community Council

SUBMITTED BY: Paul Dunphy

Paul Dunphy, Director of Community Development

DATE: February 4, 2011

SUBJECT: **Case 16411, Downtown Dartmouth Sign Requirements**

ORIGIN

Motion of Harbour East Community Council, August 5, 2010:

> *"MOVED by Councillor Karsten, seconded by Councillor Nicoll, that Harbour East Community Council request that staff undertake a review of requirements for commercial signs under the Land Use By-law for Downtown Dartmouth, specifically regarding size, permitted materials and placement. MOTION PUT AND PASSED."*

RECOMMENDATION

It is recommended that Harbour East Community Council:

1. Give First Reading to the proposed amendments to the Land Use By-law for Downtown Dartmouth regarding commercial signs, as set out in Attachment A of this report, and schedule a public hearing; and

2. Approve the proposed amendments regarding signs to the Land Use By-law for Downtown Dartmouth, as set out in Attachment A of this report.

BACKGROUND

The current sign regulations in Downtown Dartmouth's land use bylaw (LUB) were originally adopted in 2000, with several minor amendments being approved since then. The sign regulations are intended to complement architectural design standards for new or renovated buildings. The standards are intended to enhance the visual appearance and character of the area. However, area businesses and the Downtown Dartmouth Business Commission have recently expressed concern about limitations on permissible sign materials. In response Harbour East Community Council directed staff to undertake a review of these standards to see what amendments might be appropriate, relative to permitted materials, size and placement.

Municipal Planning Strategy (MPS) Policy

The provisions arise directly from MPS policy which requires traditional architectural design elements and traditional building materials, to enhance the unique character of the downtown commercial area. This goal was established based on extensive input from area businesses and residents, who collectively agreed that higher design standards were needed to help address both the appearance and image of the area. Related to signs, Policy D-3 in the Urban Design chapter of the MPS therefore says:

> *Council should encourage signs that are consistent with the traditional character of the downtown area. The Land Use By-law shall set out requirements for the design, size, placement and lighting of signs throughout the downtown area.*

Land Use By-law Provisions

Based on this policy, the LUB has a section which prescribes design requirements. Regarding sign materials, the LUB states:

> *Commercial signs are to be constructed of wood or wrought iron, with exterior shielded illumination.*

The bylaw also limits the number and placement of various types of signs, as well as the height of lettering.

DISCUSSION

The range of permitted materials for signs was intended to be limiting, based on public and business community feedback on what constituted attractive signs. The desire was to keep signs smaller scale and attractive, with an emphasis on complementing the area's heritage and pedestrian character rather than using designs more suited to a highway commercial or industrial area. However, there has been evolution in materials available for sign construction and amendments are appropriate to provide for these. In addition, experience with administration of the requirements over the past 10 years, and recent public consultation, indicates that a number of revisions are appropriate. Staff recommend:

-allowing a wider range of sign materials,
-increase in the allowable size of signs,
-emphasis on sign spacing and placement rather than limiting the number of signs,
-clarification of prohibited signs.

As part of the amendments, the adoption of general sign provisions is proposed, that are consistent with those adopted for Downtown Halifax under HRMbyDesign. This will improve ease of administration and increase the level of harmonization within the Capital District.

This summary table provides an overview of the main changes:

Subject Area	Existing Requirements	Proposed Requirements
Encroaching signs	Enabled	Establishes need for encroachment license, sets greater minimum height above sidewalks
Government Signs	Same as other signs	Provides greater flexibility for official signage
Signs on heritage properties	Same as other buildings	Prohibits stretch skin plastic awnings and canopies
Murals	Treated as a sign	Artwork is not a sign – only any advertising text or commercial image that is part of the mural
Sign materials	Wood only	Wider range – wood, metals, any material that is treated to look like wood
Sign Size	Maximum letter height 12"	Increased to 15"
Number of Signs	2 per business facade	No limit on number, instead tied to width of facade
Projecting signs	Permitted	Increase in allowable size, greater # permitted for wider facades, also smaller secondary signs permitted
Ground signs	Permitted	Slight increase in size enabled in DB zone
Awning & canopy signs	No limit on amount used for advertising	Restricts total sign on awning or canopy to 25% of the surface area

Internally Lit Signs

The amendments do not provide for internally illuminated signs, due to the restrictions imposed by MPS policy. However, there are certain types of illuminated signs which may be compatible with community expectations for higher quality design. One is a newer style of cabinet/box signs that uses a metal face with the letters individually cut out and backlit directly or through a semi-transparent acrylic material. Another is the use of individual, small, internally lit letters, attached

directly to a wall. Should Council wish to provide for internally lit signs on an as of right basis, however, MPS amendments would be required.

BUDGET IMPLICATIONS

The costs to process this planning application can be accommodated within the approved 2010/11 operating budget for C310 Planning & Applications.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a public information meeting held on October 13, 2010. Council must also hold a public hearing prior to making a decision on the proposed amendments.

For the public information meeting, notices were posted on the HRM website and in the newspaper. The Downtown Dartmouth Business Commission circulated, via its email list, the meeting notice to its business membership. Attachment B contains a copy of the minutes from the meeting. Should Council decide to proceed with a Public Hearing on this application, in addition to the published newspaper advertisements, persons that signed the sign-up sheet at PIM will be notified directly by mail.

The proposed amendments will potentially impact the following stakeholders: downtown businesses, sign companies, and local residents.

ALTERNATIVES

1. Council may choose to approve the proposed amendments to the Land Use By-law. This is the recommended course of action.

2. Council may choose to revise the proposed amendments to the Land Use By-law. This may necessitate further report(s). In the event revisions are requested an additional public hearing may be required.

3. Council may choose to refuse the proposed amendments to the Land Use By-law, and in doing so Council must provide reasons for the refusal based upon a conflict with MPS policies.

ATTACHMENTS

Attachment A	Amendments to the Downtown Dartmouth Land Use Bylaw
Attachment B	Minutes of Public Information Meeting, October 13, 2010

A copy of this report can be obtained online at http://www.halifax.ca/commcoun/cc.html then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Mitch Dickey, Planner, 490-5719

Report Approved by: Austin French, Manager of Planning Services, 490-6717

Attachment A
Amendments to the Land Use Bylaw for Downtown Dartmouth

BE IT ENACTED by Regional Council of the Halifax Regional Municipality that the Land Use By-law for Downtown Dartmouth as adopted by the Council of Halifax Regional Municipality on the 11th day of July, 2000, and approved by the Minister of Municipal Affairs including all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect is hereby amended as follows:

Section 7 Sign Requirements is hereby deleted and replaced by the following:

"SIGNS

Permit Requirements

7 (1) **No person shall erect a sign without first obtaining a development permit.**

(2) **Except as provided for in subsection (5), an owner shall have at all times a valid permit for every sign(s) on any premise.**

Temporary Sign By-law

(3) **This By-law shall not apply to any sign regulated under HRM By-law S-800, A By-law Respecting Requirements for the Licensing of Temporary Signs.**

Encroaching Signs

(4) **In addition to the provisions of this section, if a sign or advertising structure is intended to project or extend over any portion of any street, no permit for such sign or advertising structure shall be granted until the applicant obtains approval under the Encroachment By-law permitting such applicant to maintain such sign or advertising structure so projecting or extending over a portion of a street.**

(5) **No sign that encroaches into a street shall be less than 3.1 metres (10.2 feet) above the surface of a sidewalk, and shall meet all requirements of the Encroachment Bylaw.**

Permitted Signs

(6) **The following signs shall be permitted and do not require a development permit:**

(a) **Name and street number of residential and non-residential buildings provided that they are not internally lit;**

(b) "No Trespassing" signs and other such signs regulating the use of a property, provided said signs do not exceed 0.2 square metres (2 sq ft) in area;

(c) non-illuminated real estate signs less than 2 square metres (21.5 sq ft) in area pertaining to the sale, rental, or lease of the premises on which the sign is displayed. A sign so erected shall be removed within 14 days after the referenced sale, rental or lease;

(d) signs regulating traffic within the lot or giving direction or identifying the function of part or all of a building, provided that such signs do not exceed 0.5 square metres (5.4 sq ft) in area;

(e) signs erected by a governmental body or public authority;

(f) memorial signs or tablets and signs denoting the date or erection of a building as well as signs identifying historic sites;

(g) non-illuminated signs which are incidental to construction and are located on the same lot, provided that such sign shall not exceed 3 square metres (32 sq ft) in area. A sign so erected shall be removed within 14 days after conclusion of the activity; and

(h) any sign bearing the name, announcements or events of a church, public or private school or other permanent institution and erected on the site of the institution.

Prohibited Signs

(7) Notwithstanding any other Section of this By-law, the following signs shall not be permitted or erected in any zone:

(a) signs which create a hazard to public safety;

(b) signs located within the viewing triangle of a street, this being the triangular area included within the street lines for a distance of 6.1m (20 feet) from their point of intersection;

(c) signs which may obstruct the vision of drivers whether by virtue of their location, appearance or illumination, or which obscure or obstruct any traffic control sign or device of any public authority;

(d) signs which obstruct access to or from a fire escape, door, window, or other required fire exit;

(e) signs which resemble traffic control signs of any public authority, whether by shape, colour, message or location which would interfere with or confuse traffic along a public road;

(f) signs which advertise a product which is no longer sold or a business which is no longer in operation;

(g) signs that are unrelated to the product, service or business that is upon a lot;

(h) signs on public property or public rights-of-way unless erected by a public authority or specifically permitted by the Municipality;

(i) signs located on or affixed to the roof of any structure;

(j) signs which project above a roof line;

(k) signs which project above a streetwall stepback;

(l) billboards;

(m) signs affixed to natural objects excepting rock as part of landscaping where ground signs are allowed;

(n) signs which use fluorescent colours for either background or individual characters;

(o) internally illuminated cabinet and box style signs; and

(p) internally illuminated signs consisting of individual letters.

Signs on Registered Heritage Properties

(8) The following types of signs are prohibited on registered heritage properties:

(a) internally-illuminated fascia signs or awning signs; and

(b) stretch skin plastics for awning or canopy signs.

General Design Requirements for All Signs

(9) Cabinet or box signs are not permitted.

(10) Lettering shall not exceed 38 cm (15 inches) in height,

(11) Signs are to be constructed of opaque materials only, with no plastic or vinyl faces. Permissible sign face materials are:

(a) wood;

(b) wood-look composites in a carved/textured style, including individual raised letters applied to a wall or signboard;

(c) iron, steel, aluminum, or other metal-based composites; and

(d) paint applied directly to a building wall where the sign is part of a mural.

Illumination of Signs

(12) Internally illuminated cabinet or box style signs are not permitted. Illuminated signs shall:

(a) utilize only shielded, non-fluorescent, exterior illumination; and

(b) be illuminated in such a manner not to cause a glare or hazard to motorists, pedestrians or neighbouring premises.

Canopies and Awning Signs

(13) Signs on awnings shall not cover more than 25% of the area of the awning and the length of the text shall not exceed 80% of the length of the front valance.

Fascia Signs

(14) Fascia signs, including changeable letter signs, shall:

(a) not extend beyond the extremities of a wall on which they are affixed;

(b) Fascia signs shall not have an area greater than one square metre per lineal metre (one sq ft per lineal foot) of building wall;

(c) Fascia signs shall be located at the first floor level of a building, or between the first and second floors; and

(d) Not include banners mounted flush against a building wall.

Ground Signs

(15) Ground signs shall only be permitted in the Downtown Business District Zone, Waterfront Zone, and Marine Business Zone subject to the following:

(a) the maximum number of sign faces shall be two, placed back to back;

(b) the maximum height shall be 2.4 m (8 feet) (inclusive of posts) in the MB Zone, and 1.83 m (6 feet) in the W and DB zones;

(c) the maximum area per sign face shall be 2.23 sq m (24 sq ft) in the MB and W zones, and 1.67 sq m (18 sq ft) in the DB Zone;

(e) minimum setback from a property line shall be 0.61 m (2 feet); and

(d) only one ground sign per street frontage shall be permitted.

Projecting Signs

(16) One primary projecting sign of up to 2.0 sq m (21.5 sq ft) per side is permitted for each storefront. For storefronts with longer facades, one per 10 m (32.8 ft) of building width shall be permitted.

(17) One secondary projecting sign of up to 0.28 sq m (3 sq ft) per side is permitted for each storefront. For storefronts with longer facades, one per 10 m (32.8 ft) of building façade width shall be permitted.

(18) All projecting signs shall be separated a minimum distance of 2.5 m (8.2 ft) from other projecting signs.

Roof Signs

(19) Roof signs, including signs mounted on rooftop mechanical equipment, are not permitted.

Window Signs

(20) The aggregate area of all window signs shall not exceed 25% of the window, or glass area of a door, to which they are affixed.

Signs on Existing Mid/High Rise Buildings

(21) Notwithstanding any other provision of this by-law, internally illuminated fascia signs with plastic/vinyl faces shall be permitted on upper levels of existing buildings located at 33 Alderney Drive, 40 Alderney Drive, 45 Alderney Drive, 46 Portland Street, 176 Portland Street, and 65 Queen Street, in addition to any other permitted signs, subject to the following:

(a) Excepting 65 Queen Street, any such sign shall only be located at the top storey level of the main building wall between the uppermost storey windows and the roof line, and may not extend above the roof line or below the top of the window line;

(b) **Only one sign per building side shall be permitted, excepting 46 Portland Street, where no signs are permitted on the Prince Street-facing elevation;**

(c) **The maximum ratio of sign width to sign height shall be 6.5 to 1;**

(d) **Lettering may exceed 38 cm (15 inches) in height; and**

(e) **Signs must be used only for company/agency identification.**

I HEREBY CERTIFY that the amendment to the Land Use By-law for Downtown Dartmouth as set out above, was passed by a majority vote of the Harbour East Community Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2011

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this___ day of _____, 2011

_____
Cathy Mellett
Municipal Clerk

Attachment B
Minutes of Public Information Meeting

PUBLIC INFORMATION MEETING
CASE 16411 - DOWNTOWN DARTMOUTH SIGNS
LAND USE BY-LAW AMENDMENT

October 13, 2010
Alderney Library, Dartmouth
7:00 p.m.

STAFF IN ATTENDANCE: Mitch Dickey, Planner
Holly Kent, Technician
Jennifer Little, Planning Controller

OTHER: Gloria McCluskey, Local Councillor

MEMBERS OF THE PUBLIC: 7

PRESENTATION/ OVERVIEW

Mr. Mitch Dickey, Planner, Planning Applications, called the meeting to order at approximately 7:06 p.m. in the Alderney Gate Library, Helen Creighton Room, 60 Alderney Gate, Dartmouth.

Mr. Dickey welcomed residents to the meeting and thanked them for attending. He introduced Councillor Gloria McCluskey, Holly Kent as the Planning Technician and Jennifer Little as the Planning Controller.

He explained that the purpose of the meeting is to discuss an application initiated by HRM to review the current rules for signs in Downtown Dartmouth. He advised that the purpose of the meeting is to share information with the residents and to receive feedback as well. No decisions will be made during this meeting.

Existing rules had been approved in 2000, and it is now time to review. The intent of the local plan regarding signage is to encourage quality, character signage that enhances the area and to make sure that the sign regulations work well in conjunction with the new archeological guidelines.

Mr. Dickey at this time read through the goal for signs written out in the Municipal Planning Strategy. To implement the Municipal Planning Strategy, the Land Use By-Law shall set out the design, size, placement, construction materials and lighting for the signs in the Downtown Dartmouth Area. The Land Use By-Law sets out prohibited sign size, defines allowable signs and establishes requirements for maximum signs. Key issues regarding signs are that the only materials acceptable were wood and wrought iron; and that the only allowable lighting was spot lighting. He

added that these requirements are overly restrictive given the current materials and design options now available.

Mr. Dickey at this time reviewed slides showing examples of:
Signs that are not permitted,
Allowable sign styles - Fascia
Allowable sign styles - Awning / Canopy
Allowable sign styles - Ground Signs
Allowable sign styles - Projecting

He added that any signs that were in place when the rules come into effect will be grandfathered.

QUESTIONS AND COMMENTS

Mr. Dickey asked the attendees at the meeting what recommendations / thoughts they had regarding the design.

Ms. Ursula Prossegger, Urchin Holdings, Dartmouth, explained that she has properties in the Downtown Dartmouth area and agreed that there should be more flexibility regarding the materials and lighting allowed for signs. She explained that there are currently better quality materials now on the market that would be more beneficial than the materials currently required listed in the Municipal Planning Strategy. The By-Law should be flexible enough to incorporate business brand signs to market themselves with other than a wood or heritage look. She explained that because of the location and the structure of her property, she has been having some difficulty with being able to hang a sign.

She gave an example of a rod iron sign on Portland Street that previously blown off, she expressed concern with the safety for pedestrians and damage of property.

Mr. Dickey agreed that the particular property Ms. Prossegger referred to was a unique situation and is the only one in Downtown Dartmouth.

Ms. Prossegger added that a lot of the businesses that are relocating to the Downtown Dartmouth area are small business owners and expressed concern regarding the high setup costs for them. She added that a sandwich board may be more suitable.

Mr. Dickey explained that when these rules were originally adopted there was an allowance for sandwich board signs, however since then, they have been deleted and are now under the temporary sign by-law which is under review.

Councillor McCluskey agreed that the small businesses should have an option that is affordable. She asked if there are some businesses that have a neon sign inside the window.

Mr. Dickey explained that there are still a small portion of businesses that have neon signs in their windows. The by-law addresses window signs and limits the coverage to 25% of the window.

Mr. Jeff McLatchy, Dartmouth, asked if existing illumination requirements under the by-law will be reviewed on a by case by case basis.

Mr. Dickey explained that writing the by-law properly is to ensure that the terminology is right. Reviewing what phrases other sign companies are using at this time vs. ten years ago. He explained that he would like to see diagrams placed in the Land Use By-Law that sets out what is acceptable.

Ms. Trudy Wells, Dartmouth, explained that Heritage Credit Union has a tasteful sign that isn't too bright, however the building is very large and people have a hard time finding it. Because of this they have received a lot of negative feedback. She explained that if different options are available in the by-law, it will allow better visibility of their building and easier for people trying to find it.

Mr. McLatchy agreed and asked how to advertise people about the future options available.

At this time some discussion was had on the location of the Heritage Union Building.

Councillor McCluskey explained that it is very important to keep into consideration the branding of signs some business have throughout HRM, such as the Credit Union or Super 8 Hotel.

Ms. Jennifer MacLeod, Dartmouth, explained that it is also important to keep the core vibrant and to keep and attract businesses in the downtown area. She added that having these regulations too restrictive may cause business owners to look other places.

Mr. Dickey explained that there had been issues in the past with larger companies explaining that they didn't want to follow the sign guidelines because their signage is the same across Canada. Usually there is a way to tailor for that brand having the same font/colors etc. just at a smaller scale or in different materials.

Ms. MacLeod explained their building has a grandfathered sign which protrudes from their building. She added that there is a second sign on the porch. Their intention is to remove the two signs and to develop something that fit with the quality character signage respecting traditional character of Downtown Dartmouth. However, the materials they were considering using were not allowed under the by-law. When they looked at creating the same sign in wood to meet the requirements the cost of the sign increased significantly and was approximately $6000 compared to a newer material on the market called Alupanel which cost approximately $1800. She gave a brief description on the material adding that the life expectancy on it is approximately 20-25 years.

Councillor McCluskey asked how long the Vet sign had been there?

Mr. Dickey explained that it has been there for approximately 2-3 years.

Ms. MacLeod explained that there is no maintenance except to wash it over these 20-25 years. She suggested that the wording in the by-law should focus more on the character of the sign rather than the materials. She explained that they would like to have a sign that is tasteful but, do not want to pay the expense of it.

Ms. Cher Grosch, Kings Wharf, suggested that another thing to take into consideration is the use of green materials. The potential risk of rotting board and added concern regarding the liability of it falling down. She explained that Kings Wharf will be following a "greener" route that are energy and environmentally friendly.

Mr. Dickey explained that that in the by-law it states which of the taller buildings in the Downtown Dartmouth area have acceptable upper signs.

Mr. McLatchy suggested some research go into what other sign materials options are available prior to approving new wording.

Mr. Dickey ensured that a lot of thought and research will be reviewed prior to an approval of the new wording.

It was suggested that the wording may include a clause that allows staff to review the wording every couple of years.

Mr. Dickey explained that he anticipates that a public hearing may be held in January 2011 sometime. The HRM Design process may begin in the meantime, which will result in zoning changes.

Mr. McLatchy asked what the status of the swinging signs in this plan area is.

Mr. Dickey explained that they are not permitted mechanically. It has to be a minimum of about 9 feet above the sidewalk and ask long as a permit has been issued and signed off by an Architect or Engineer, it is acceptable.

Mr. Dickey thanked everyone for coming and sharing their comments and concerns.

MEETING ADJOURNMENT
Meeting adjourned at approximately 7:51 p.m.