



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

7.1(i)

Halifax Regional Council
September 26, 2006

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:

Dan English, Chief Administrative Officer

Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: September 20, 2006

SUBJECT: **Project 00327: By-law S-800 - A By-law Respecting Requirements for the Licensing of Temporary Signs**

SUPPLEMENTARY REPORT

ORIGIN

- Staff Reports dated June 20 and June 28, 2006
- September 12, 2006, Public Hearing on proposed By-law S- 800 "Temporary Sign By-law"

RECOMMENDATION:

It is recommended that Regional Council approve:

1. By-law S-800 "A By-law Respecting Requirements for the Licensing of Temporary Signs", as shown in Attachment 1 of the staff report dated June 28, 2006;
2. Amendment to By-law S-800 "A By-law Respecting Requirements for the Licensing of Temporary Signs", as shown in Attachment 1 of this staff report;
3. Amendments to all Municipal Planning Strategies and Land Use By-laws to reference By-law S-800, as shown in Attachments 2 to 42 of the staff report dated June 20, 2006;
4. By-law E-201, a By-law to amend "The Encroachment By-law" as shown in Attachment 43 of the staff report dated June 20, 2006; and
5. Amend Administrative Order 15 "Respecting License, Permit, and Processing Fees", upon adoption of By-law S-800, to adopt license fees for temporary signs and permit fees for permanent signs as shown in Attachment 44 of the staff report dated June 20, 2006.

BACKGROUND

On September 12, 2006, Regional Council held a public hearing on the proposed Temporary Sign By-law. During the public hearing, 22 people spoke on various aspects of the proposed By-law with some speaking in favor while others spoke against. The public hearing ad for the Draft Temporary Sign By-law was designed to provide Council with flexibility when considering amendments to the By-law before adoption.

For clarification, the draft Temporary Sign By-law primarily maintains and/or applies sign provisions currently used throughout HRM, with the primary exceptions being:

Regulatory	Administration
more restrictive mobile sign provisions within Sackville and Cole Harbour plan areas	stronger and more effective enforcement
duration of signs	consolidation of provisions into one document
separation distances between signs	standard fee structure
simplified siting measures	licensing requirements
posters	uniform administration
banners	
signs within HRM right-of-ways	

The draft By-law provides uniform standards and administration for temporary signs except for mobile signs as per Council's direction.

DISCUSSION

During the public hearing, a number of statements/comments were made by the various speakers and Council asked staff for clarification of the issues raised before debating the By-law. These matters of clarification are as follows:

1. Where and how long have mobile signs been restricted and why, continue the restriction?

Within HRM, the idea of controlling or restricting the use of signage is not new. Prior to amalgamation, Bedford adopted restrictive mobile sign provisions. Since amalgamation, HRM Regional Council has adopted restrictive mobile sign provisions on three occasions as outlined below:

Plan Area	Restriction	Adoption
Bedford	once per new business opening	October 1991
Eastern Passage: only lands zoned C-2	once per new business opening	April 1998
Cole Harbour/Westphal: only lands zoned C-1	banned	May 1999
Downtown Dartmouth	banned	July 2000

On April 12, 2005, Council passed a motion confirming that the draft By-law would continue to apply the current more restrictive mobile signs provisions in the above areas.

2. Why does the Draft By-law propose to restrict mobile signs within Sackville and Cole Harbour/Westphal plan areas?

On May 9, 2006, Regional Council passed a motion requesting staff to include, within the draft By-law, the entire Sackville and Cole Harbour/Westphal plan areas under the more restrictive mobile sign provisions.

3. By-law is confusing and complex

The current sign provisions vary throughout HRM making it confusing for businesses and industry to understand and comply with HRM sign standards. The draft By-law represents a consolidation and simplification of existing temporary sign provisions into a single document. The draft By-law replaces temporary sign provisions currently contained in 20 Land Use By-laws, 2 Sign Ordinances and 1 Sign By-law.

Since staff presentation of a draft Temporary Sign By-law to Regional Council on February 14, 2006, a number of changes have been made which has increased the level of detail within the By-law and its complexity. The additional detail is largely due to changes requested by Regional Council (such as inflatable signs, use of multiple signs, provision for movie companies, banners, etc.) and the temporary sign industry (planter box signs, apartment building signs, short term event signs, multi special event signs, grand opening and moving signs, etc.) to provide clarity and flexibility relative to the use of temporary signs.

4. What percentage of commercial/industrial/institutional areas will be affected by the more restrictive mobile sign provisions?

Within HRM's Urban Core Boundary, there are 6, 258 ha of land zoned either commercial, industrial, or institutional. Of this land area, 1,161 ha (18.6%) are currently subject to the more restrictive mobile sign provisions such as in Bedford. If Council approves the addition of the Sackville and Cole Harbour/Westphal plan areas under the more restrictive mobile sign provisions, this would include an additional 259 ha (4.1%) of commercial, industrial, and institutional land. Therefore, the more restrictive mobile sign provisions would impact upon 22.7% of the lands within the HRM's Urban Core Boundary.

5. Duration of Mobile and Planter Box Signs is too long

A speaker expressed concern with the length of time a mobile sign and planter box sign can be used per license (duration is too long to be considered as temporary signage). The time duration for both sign types was debated by Regional Council and a motion was passed limiting mobile signs to 4 months up and one month down per license (April 12, 2006, Committee-the-Whole) and planter box type signs to a yearly license (May 9, 2006, Committee-the-Whole).

6. Planter Box Type Signs should be Engineered

Due to the time duration for planter box type signs (up to 1 year per license) and the ability to renew yearly, concern was expressed that some planter box signs can in effect be permanent signs, not temporary. Therefore, the speaker indicated that planter box signs should be treated the same as

permanent signage and required to be engineered to address safety issues. If Council wishes to require planter box signs to be engineered, each planter box design would have to be engineered and the resulting drawing could be used each time an application is submitted for a license.

7. Sackville Drive Business Association (SDBA)

Some speakers and councillors requested clarification on whether or not the Sackville Drive Business Association was in support of the Temporary Sign By-law and its provision to restrict mobile signs along Sackville Drive. On Friday September 22, 2006, staff attended the SDBA executive board meeting and requested clarification from the Board's position. The Board passed a motion supporting the provisions of the Temporary Sign Bylaw with one suggested amendment, that mobile signs be permitted in the Sackville Drive Secondary Plan Area for a maximum of sixty days within a calendar year.

8. Sandwich Boards within HRM Right-of-ways

A concern was raised with the placement of sandwich boards within HRM right-of-ways relative to safe pedestrian movement. Under the proposed by-law, sandwich boards are permitted within HRM right-of-ways subject to siting criteria that specifically addresses safe pedestrian movement along sidewalks.

9. Mobile Signs situated in Parking Spaces

Concern was expressed that mobile signs would not be able to be placed in parking spaces. Under current sign provisions and the draft By-law, you are able to use parking spaces but you still must comply with all of the required parking regulations of the various Land Use By-laws.

10. License Fees

A few speakers questioned the amount of money HRM would need to spend to support the By-law and that the license fees are only a tax grab. During the public hearing, staff and two members of the temporary sign industry spoke on the importance of enforcement to the success of the By-law. The proposed fee structure is designed to enable HRM to hire one additional community standard officer which will increase the level of enforcement. In addition to the new community standards officer, the By-law provides for additional enforcement tools which will increase the speed at which community standards officers can act on signage complaints.

If Council wishes to reduce the proposed fee structure, which will reduce estimated revenues, alternatives are:

- i) not hire an additional community standard officer - this would result in a lower level of enforcement of the By-law; or
- ii) fund the additional community standard officer out of general revenue which would spread the cost of enforcement to all taxpayers.

11. Not-for-Profit Organizations - Fund Raising

Concern was expressed by certain non-profit groups that the proposed restrictions on mobile signs may hinder their ability to use mobile signs to raise funds or promote community events throughout HRM. Section 6.1 of the proposed Temporary Sign By-law addresses this type of signage. However, Section

6.1 does not apply to those areas that have more restrictive mobile signs provisions, except for the Capital District. Staff are recommending that Council amend Part 6 of the By-law to allow for the use of mobile signs for special events and fund-raisers throughout HRM as outlined in Attachment 1 (Recommendation #2).

BUDGET IMPLICATIONS:

The adoption of this By-law does not in itself have an impact upon the budget. Similar by-laws already exist within HRM. It should be noted however that the adoption of this By-law carries expectations of a higher level of service and enforcement than can not be accommodated under current budget and staff resources.

In order to improve the level of service and enforcement of existing land use compliance issues and in anticipation of the proposed By-law, an additional two Community Standards Officers were hired under the previous budget year for a total of 5 officers. To properly administer this By-Law, one additional Community Standards Officer is required. It is estimated that \$60,000 will be generated during the 2007/08 budget year from the proposed license fee. This will not be sufficient to fund the additional officer. Staff will strive to find sufficient funds within the existing Planning & Development budget. The additional FTE will not be added unless or until these funds are identified.

Costs associated with sign removal and impounding will be recovered when the sign is released to the owner or failing that a lien will be placed on the property to recover the costs from the property owner.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN:

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

ALTERNATIVES:

The following alternatives are identified:

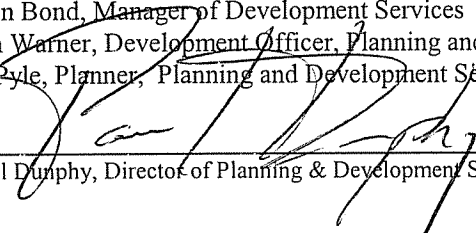
1. Regional Council can adopt staff's recommendations. Staff recommendation has been amended to addresses mobile signage for non-profit organizations. This is the recommended course of action.
2. Regional Council may amend staff's recommendations. Depending upon the extent of amendments, a Supplementary Report may be necessary in order to draft the new By-law amendments.
3. Regional Council may wish to reject the By-law and continue to regulate temporary signs under the various land use by-laws and sign ordinances. This is NOT the recommended course of action.

ATTACHMENTS:

Attachment 1: Amendment to Draft Temporary Sign By-law

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Prepared by: Sharon Bond, Manager of Development Services
Kevin Warner, Development Officer, Planning and Development Services
Kurt Pyle, Planner, Planning and Development Services

Report Approved by: 
Paul Dunphy, Director of Planning & Development Services

Report Approved by: _____
Catherine Sanderson, Sr. Manager, Financial Services, 490-1562

Attachment 1

**Amendment the Draft Temporary Sign By-law (S-800)
(Special Event Signs)**

Amend the draft Temporary Sign By-law (S-800) by:

- i) deleting Section 6.1 and replacing it with a new section as follows:

“Special Event Signs

6.1 A license is required for Sandwich Boards, Mobile Signs, and banners erected temporarily on a commercially, industrially, or institutionally zoned or used property and on public property owned by HRM. These signs can be used by a public or private grade school, university, Provincial community college, church or other religious facility, or not-for-profit organization for the purpose of notifying the public of special events, festivals, performances and displays to be undertaken by that body or society and the Sign shall not be placed for a period longer than thirty consecutive days within a 60 day period and no license fee is required for such signage.”

- ii) deleting Section 6.2 (g) and (h) and replace it with new provisions as follows:

“ **6.2(g) notwithstanding any of the foregoing, Mobile Signs shall:**

- (i) not be permitted within the Capital District, as defined in Schedule A of this By-law, except for Mobile Signs for public events and festivals as per Section 6.1; and**
- (ii) be permitted only once per business for a maximum period of sixty days for new business openings, within a commercial and industrial zone within the boundaries of the Bedford Municipal Planning Strategy, Sackville Drive Secondary Planning Strategy, Sackville Municipal Planning Strategy, Cole Harbour/Westphal Municipal Planning Strategy, lands abutting Highway No. 7/Main Street from Salmon River to Montague Road, or the areas zoned C-2 within the Eastern Passage/Cow Bay Municipal Planning Strategy, except for Mobile Signs for public events and festivals as per Section 6.1.**

6.2(h) notwithstanding section g(ii), within:

- (i) Cole Harbour/Westphal Municipal Planning Strategy boundary Mobile Signs are not permitted within the C-1 Zone, except for Mobile Signs for public events and festivals as per Section 6.1; and**
- (ii) Downtown Dartmouth Secondary Planning Strategy boundary Mobile Signs are not permitted within any zone, except for Mobile Signs for public events and festivals as per Section 6.1.”**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the ____ day of ____, A.D. 2006.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this ____ day of _____, A.D., 2006.

Jan Gibson
Municipal Clerk