


# HALIFAX

P.O. Box 1749  
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**Item No.**  
**Halifax Regional Council**  
**October 21, 2014**

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:** Original signed by   
Richard Butts, Chief Administrative Officer

Original Signed by   
Mike Labrecque, Deputy Chief Administrative Officer

**DATE:** October 10, 2014

**SUBJECT:** Temporary Sign By-law Amendments

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## Supplementary Report

### ORIGIN

- October 24, 2006, Regional Council motion directing staff to prepare amendments limiting the use of mobile signs within the Cole Harbour / Westphal and Sackville Drive plan areas and the period of time that Mobile Signs may be permitted;
- November 13, 2007, Regional Council motion directing staff to review the sandwich boards signs provisions of the Temporary Sign By-law;
- June 10, 2008, Regional Council received an Information Report update on the status of the amendments to the Temporary sign By-law;
- August 4, 2009, Regional Council initiation of amendments of By-law S-800 respecting requirements for the licencing of temporary signs;
- September 11, 2012, Regional Council deferral of amendments to the Temporary Sign By-law regarding election signs.
- December 10, 2013, Regional Council motion to refer the Temporary Sign By-law Amendments recommendation report to Committee of the Whole;
- April 15, 2014, Committee of the Whole motion to refer First Reading of Proposed By-law S-801 to Regional Council, upon receipt of a supplemental staff report;

### LEGISLATIVE AUTHORITY

- *Halifax Regional Municipality Charter*, Part VII, Section 186 – the power to “(a) license, includes the power to regulate; (b) regulate, includes the power to license; and (c) regulate includes the power to prohibit”.
- *Halifax Regional Municipality Charter*, Part VII, Section 188 including “The Council may make by-laws, for municipal purposes, respecting (a). (c) persons, activities and things in, on or near a public place or place that is open to the public;

## **RECOMMENDATIONS**

It is recommended that Halifax Regional Council:

1. Move first reading and schedule a public hearing to consider the adoption of the proposed By-law S-801 – A By-law Respecting Licensing of Temporary Signs, as contained in Attachment A, to replace By-law S-800 – A By-law Respecting the Requirements for the Licensing of Temporary Signs;
2. Repeal By-law S-800 – A By-law Respecting Requirements for the Licensing of Temporary Signs, the existing by-law that regulates temporary signs; and
3. Adopt the proposed amendments to Administrative Order 15, as contained in Attachment E.

## **BACKGROUND**

At the April 15<sup>th</sup> meeting of the Committee of the Whole, Staff made a presentation to Council regarding the proposed By-law S-801 – A By-law Respecting Licensing of Temporary Signs.

Following the discussion at Committee of the Whole, the Committee recommended that Halifax Regional

**MOVED by Councillor Karsten, seconded by Councillor Whitman, that Committee of the Whole recommend that Halifax Regional Council:**

1. **Request a staff report and a draft amendment permitting additional temporary signage on private property of a business which is separate and apart from the property that the business is located.**
2. **Amend Section 12, subsection (5) to add the words after Community Event ‘other than a license for box signs under subsection (4)’.**
3. **Request a supplementary report with regard to Section 12(2), to address the possibility of including wrap around type advertising banners on light standards in commercial parking lots.**
4. **Request a supplementary report with definition of what is a poster and what is a business advertisement and what enforcement capability HRM has in this regard. Committee of the Whole Minutes**
5. **Request a supplementary report identifying what has changed from By-law S-800 to the proposed By-law S-801, and to include a discussion of possible amendments to control standards for aesthetics for box and mobile signs.**
6. **Direct staff to amend proposed By-law S801 to provide that election signs not be placed between the sidewalk and street curb during HRM municipal elections.**
7. **Direct staff to engage in industry stakeholder consultation before bringing the supplementary report back to Council.**

## **MOTION PUT AND PASSED**

Further action relative to First Reading was deferred until the supplementary staff report is tabled with Regional Council.

## **DISCUSSION**

***1. Request a staff report and a draft amendment, permitting additional temporary signage on private property of a business which is separate and apart from the property that the business is located.***

The discussion on this item was focused around the example of a business purchasing property at a different location from where the business is located and installing signage on that parcel. The originally proposed language in S-801 would not have allowed that because of the provisions in Clause 10 (2) (b) which stated "No person shall place or permit a sign that advertises a premises other than that for which the license has been issued".

A new subsection was added to the proposed by-law, entitled "Off-Site Signs", and new definitions were added to clarify this term. Under provisions of the new section, a box sign or a mobile sign may be placed on a vacant lot owned by that business or company. The new subsection 12(6) is found in the proposed By-law set out as Attachment A to this report.

***2. Amend Subsection 12 (5), to add the words "other than a license for box signs under subsection (4)" after the words "Community Event".***

As per Council's request, these words were added to the subsection dealing with Community Event Signs. Due to the addition of other subsections (for Multiple Resident Signs and Off-Site Signs), the subsection dealing with Community Event Signs is renumbered subsection 12(7) as found in the proposed By-law set out as Attachment A to this report.

***3. Request a supplementary report, with reference to Section 12 (2), to address the possibility of including wrap around type advertising banners on light standards in commercial parking lots.***

The following two new definitions were added to section 2 of the proposed by-law being: "Light Standard Sign", and "Light Standard Banner". These new definitions, along with new language in subsection 13 (3) exempts these two types of signs from the provisions of this by-law. This should allow the current practices with respect to these types of signs to continue.

***4. Request a supplementary report with definition of what is a poster and what is a business advertisement and what enforcement capability HRM has in this regard.***

Staff completed a rigorous cross-jurisdictional review of poster restrictions in other By-laws. A tabulated comparison of the results is included in Attachment B of this report. The new proposed language dealing with posters is included and begins at section 16 of the proposed By-law set out as Attachment A. In summary, the proposed postering section sets out size limitations, material allowed, poster placement and when posters must be taken down.

With respect to the Council concern of what is a poster versus a business advertisement, the proposed language is silent with respect to the content of a poster. All posters are treated the same in order to not infringe on freedom of expression. It is important to note that the definition of a poster requires that a poster be made of non-rigid materials. Signs made of rigid materials would not be considered posters, and therefore the postering exemptions would not apply to them.

***5. Request a supplementary report identifying what has changed from S-800 to the proposed By-law S-801, and to include a discussion of possible amendments to control standards for aesthetics for box and mobile signs.***

There are two parts to this request. The first is the comparison of what has changed from the existing By-law S-800 to S-801. The table below summarizes the changes to the licensing requirements:

<b>Existing S-800</b>	<b>Proposed S-801</b>
<p><b><u>Signs that do not Require a License:</u></b> Right-of-Way Advertising Posters Inflatable Signs</p>	<p><b><u>Signs that do not Require a License:</u></b> Sandwich Board Signs on private property Short Term Signs on private property Light Standard Signs on private property Light Standard Banners on private property Posters Election Signs</p>
<p><b><u>Private Property, License Required:</u></b> Special Event Signs Mobile Signs Banner Signs Planter Box Signs Grand Opening Signs Moving Signs Multiple Special Event Signs Apartment Building (for rent) Signs</p>	<p><b><u>Private Property, License Required:</u></b> Inflatable Signs Banner Signs Mobile Signs Box Signs Community Event Signs Multiple Resident Signs Off-Site Sign</p>
<p><b><u>Municipal Property, License Required:</u></b> Posters on Municipal Kiosks/Notice Boards Sandwich Board</p>	<p><b><u>Municipal Property, License Required:</u></b> Community Event Signs Right-of-Way Sandwich Board Signs</p>

With respect to the concern about the aesthetics of signs, the ability to enforce is available through Section 9 (3) and (4) which requires the owner of a sign to keep the sign in good repair. If a property owner does not comply, HRM has the ability to issue an Order and ultimately remove the sign. If a complaint is filed about the aesthetic condition of a sign, staff will conduct a site inspection, evaluate the condition of the sign and take action as required.

***6. Direct staff to amend proposed By-law S-801 to provide that election signs not be placed between the sidewalk and the curb during a municipal election.***

The addition to the proposed By-law S-801, in keeping with the amendment passed by Halifax Regional Council on April 15, 2014 is included as the new section 25A found in the proposed By-law set out as Attachment A to this report.

For the reasons outlined in the legal advice contained in the October 21, 2014 Private and Confidential Staff In Camera Recommendation Report, staff do not recommend that Regional Council adopt the addition as proposed.

Regional Council has an alternative that they may consider. The alternative is provided in the alternative section of this supplementary staff report.

***7. Direct staff to engage in industry stakeholder consultation before bringing the report back to Halifax Regional Council.***

As per Council direction, Staff held two sessions with industry stakeholders (see below).

**Multiple Resident Signs**

In the proposed By-law S-801 that was presented to COW on April 15, 2014 there was no section dealing with Multiple Resident Signs. The by-law currently in force, S-800, has a section dealing with Apartment Building Signs (section 6.8). With the exception of minor housekeeping changes, the provisions of the section dealing with Multiple Resident Signs (section 12(5)) are substantially the same as Apartment Building Signs from By-law S-800.

Please note: all changes made to the proposed by-law in conjunction with these requests are highlighted in the versions attached to this report. Highlighting will be removed in the final published version.

## **FINANCIAL IMPLICATIONS**

Implementation of the proposed By-law S-801 can be achieved with minimal cost implications using existing resources, provided enforcement continue to be on a reactive basis.

## **COMMUNITY ENGAGEMENT**

As per item #8 in the Discussion section of this report, industry stakeholder meetings were held on May 14, 2014 and May 28, 2014. These meetings were attended by representatives from the Temporary Sign industry and the Permanent Sign industry. During the meetings, staff presented the proposed changes to the By-law. The key points for Council's consideration based on the feedback and comments received are as follows:

- 1. Removing the "up and down" time for mobile signs is contrary to the intent of a temporary sign and could be considered permanent.**  
This comment originated from a representative from the permanent sign industry. The proposed fee structure would not make it economical to license a mobile for an extended period at \$30 per month (\$360 per year) versus and box sign at \$100 annually. Further, mobile signs, as defined, cannot be permanently fixed to the ground.
- 2. Amending the current setback requirements of 15 feet from a curb or 23 feet where there's no curb, to a standard 20 feet would create a hardship for those signs that are placed in accordance with the current 15 foot requirement.**  
Staff recommends this amendment and changes have been incorporated in the proposed bylaw as Attachment A.
- 3. Request to permit a similar duration for inflatable signs as mobile signs. The amended by-law proposes an increase to 30 days with a license verses the current requirement of 14 day without a license.**  
Staff believe the increase to 30 days is adequate but will consider Councils direction on this item.
- 4. Maintain the current requirement for calculating the maximum size of a banner at 10% of the building wall to which it is affixed. The amended bylaw proposes a maximum to 100 square feet.**  
Staff recommends this amendment and changes have been incorporated in the proposed bylaw as Attachment A.
- 5. Include provisions to permit temporary signage for future development or "coming soon" signs for multi-unit residential, industrial, commercial or institutional projects. Currently, most land use by-laws permit signage that is incidental to construction in progress.**  
Staff do not recommend this change to the bylaw. Permitting signs of this nature to be placed is pre-determining that a development is authorized before any review has been completed through the permitting process or Council decision has been made though the planning process.
- 6. Request that the separation distance between signs be reduced to 30m (100') rather than the proposed 38m (125').**  
Staff believe the proposed 125' separation distance is adequate and provides a consistent measurement between mobiles and box signs. Any further reduction would permit additional signs on properties with extensive street frontage and would result in further sign clutter.

**7. Request that Multi Special Event signs not be removed from the by-law.**

Under the current bylaw, Section 6.7 permits up to 10 mobile signs for fourteen (14) days, twice a year, on larger commercial zoned properties. This was removed in the proposed bylaw as very few, if any, licenses were issued under this section. Staff to consider Councils direction on this item.

**8. Request that mobile signs be allowed for larger buildings along Bedford Hwy, Bayer's Road, Barrington Street, Highfield Park, South Park, etc.**

Staff recommends maintaining a consistent approach to the size of temporary signs for all areas.

**9. With respect to restrictions on temporary signs, the industry expressed a desire for uniformity of land-use by-laws throughout all of HRM.**

Staff to consider Councils direction on this item to either maintain the proposed restriction in specific plan areas or remove them from the bylaw.

**ENVIRONMENTAL IMPLICATIONS**

Implications not identified.

**ALTERNATIVES**

1. Council could rescind the amendment banning the placement of election signs between the curb and the sidewalk during municipal elections, made by motion of April 15, 2014, and move first reading and schedule a public hearing to consider the adoption of the proposed By-law S-801 – A By-law Respecting Licensing of Temporary Signs, as set out in Attachment C, to replace By-law S-800 – A By-law Respecting the Requirements for the Licensing of Temporary Signs

**ATTACHMENTS**

- Attachment A – Proposed By-law S-801
- Attachment B – Cross-jurisdictional Comparison of Poster Restrictions
- Attachment C – Proposed By-law S-801 removing reference to municipal election sign placement
- Attachment D – Proposed Changes to AO 15
- Attachment E – Amending AO
- Attachment F – Incorporating Proposed Changes to AO15

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A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

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