



**City of Kingston**  
**Report to Administrative Policies Committee**  
**Report Number AP-17-001**

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**To:** Chair and Members of the Administrative Policies Committee  
**From:** Lanie Hurdle, Commissioner, Community Services  
**Resource Staff:** Paige Agnew, Director, Planning, Building & Licensing Services  
**Date of Meeting:** December 7, 2016  
**Subject:** Review of Sign By-Law Number 2009-140

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**Executive Summary:**

Staff has conducted a review of the City's Sign By-Law Number 2009-140, which was last reviewed when the by-law was harmonized in 2009. The by-law was identified by staff for review as a result of issues arising from administering and enforcing its regulations in response to new technology in the types of signs appearing in Kingston. Staff consulted with stakeholder groups including Kingston's development and construction industry, the BIA, sign companies and the public as well as other municipalities to determine best practices. Staff are proposing amendments to the by-law; some amendments relate to policy and others are regarded as housekeeping in nature.

The policy related changes being proposed by staff include:

1. Adding two whereas clauses after the first whereas clause for contravention of the by-law and establishing a system of fines for offences;
2. Adding, deleting and revising definitions to provide additional clarity and consistency in the wording;
3. Exempting signs displayed by or on behalf of the City or any federal or provincial authority from the by-law;
4. Adding additional clauses for administration noting that all provincial offences officers with authority to enforce the by-laws of the City are responsible for enforcing the provisions of this by-law, and the Director or an officer may enter upon any property at any reasonable time to inspect a sign for the purpose of determining or affecting its compliance with this by-law;

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5. Adding additional clauses for the revocation of sign permits where the business, product, activity or service to which the sign relates ceases to operate or is no longer available, the sign owner requests in writing that the sign permit be revoked, or where the sign permit was issued on the basis of a minor variance granted with terms and conditions and there has not been compliance with the terms and conditions imposed;
6. Adding approvals by the Minister of Transportation where a sign is within 400 metres of a controlled access highway under provincial jurisdiction;
7. Adding a clause for uniformity of signs where two or more signs are displayed on a building the sign owner shall ensure that those signs are of uniform height and arrangement;
8. Adding a distance for illuminated signs from residentially zoned properties to reduce night light pollution;
9. Adding a clause for combination of forms of signs noting where any sign proposed to be displayed may be considered as more than one form of sign permitted by this by-law or as a combination of forms of signs permitted by this by-law, such sign shall conform to the most restrictive provisions of this by-law;
10. Delegating authority to the Appeals Committee to grant sign exemptions through a minor variance without a report to Council;
11. Adding additional enforcement provisions to provide for the removal and storage of signs;
12. Revising the reference to the provincial legislation under the Offence and Penalty Provisions section from the *Provincial Offences Act* to the *Municipal Act*, to allow for increased maximum fine amounts for violations of the sign by-law;
13. Adding a clause that no person shall fail to comply, or fail to allow compliance with an order issued pursuant to the by-law; and
14. Adding a conflict clause to the by-law to establish that where there is a conflict with this by-law and any other by-law, the higher standard to protect the health, safety and welfare of the general public shall prevail.

**Recommendation:**

**That** it be recommended to Council that the draft by-law attached as Exhibit E to Report Number AP-17-001 be presented to Council to amend By-Law Number 2009-140, A By-Law to Provide for the Prohibition and Regulation of Signs and Other Advertising Devices in the City of Kingston, as amended.

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**Authorizing Signatures:**

ORIGINAL SIGNED BY COMMISSIONER

**Lanie Hurdle, Commissioner, Community Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Gerard Hunt, Chief Administrative Officer**

**Consultation with the following Members of the Corporate Management Team:**

Denis Leger, Commissioner, Corporate & Emergency Services

Jim Keech, President and CEO, Utilities Kingston

Desiree Kennedy, Chief Financial Officer & City Treasurer

Not required

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**Options/Discussion:**

The City of Kingston's Sign By-Law Number 2009-140 was harmonized in 2009. In the last 7 years, the by-law has been amended four times and Council has approved four variances to the Sign By-Law.

These variances are contained in the respective reports to Council, attached as Exhibit A, include allowing 4 ground signs at [1636 Highway 15](#); additional wall signage at [86 Dalton Avenue](#); allowing a ground sign closer than 3 metres to the street line at [1292 Highway 15](#); and allowing an additional projecting sign on the building façade at [172 Ontario Street](#).

The general public and stakeholders were consulted to gather input on the regulations that had been identified as either too restrictive or not restrictive enough. A copy of the current by-law, the proposed by-law, and a review of the changes were provided during the consultation process to allow the public and stakeholders an opportunity to identify and comment on regulations that may be of concern. Meetings were held with the home builders and construction industry, sign companies and staff researched sign by-laws in other communities (Exhibit B).

Public input was sought through various avenues including an online survey and two public meetings held on December 2, 2015 and July 28, 2016. The opportunities for public input on the sign by-law review were communicated via the City's web page, the Director of Planning, Building & Licensing Services' blog, newspaper advertisements, and through Facebook and Twitter. Public meetings were attended with an average of 10 people; there were 790 page views, 652 unique page views on the City's website and 12 people responded through email (Exhibit C).

Staff are proposing amendments to the by-law, attached as Exhibits D and E, based on input during the consultation process from stakeholders and the general public, and on best practices in other municipalities. Some proposed amendments are related to policy and others are housekeeping in nature.

The following changes are deemed housekeeping in nature:

1. Revise the title of the by-law from "A By-Law to Provide for the Prohibition and Regulation of Signs and other Advertising Devices in the City of Kingston" to "A By-Law to Regulate Signs in the City of Kingston";
2. Revise wording for definitions and remove definitions for terms not referenced elsewhere in the by-law;
3. Update the name of the organizational units responsible for administering the sign by-law from "Building and Licensing Department" to "Planning, Building & Licensing Services", to reflect organizational changes;
4. Separate section 3. "Administration" into two distinct sections of 3. "Administration and 4. "Permits" and renumber respective affected subsections;
5. Revise wording throughout the by-law for consistency and remove repetitive information;
6. Renumber sections, subsections and paragraphs within schedules;

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7. Group like sentences together in paragraphs and charts within schedules;
8. Incorporate provisions pertaining to the Business Improvement Area from schedule Z-1 into the respective affected schedules;
9. Incorporate distance to overhead electrical distribution conductors and overhead electrical transmission conductors from general provisions into the respective affected schedules;
10. Incorporate provisions pertaining to encroachment permits from general provisions into the respective affected schedules;
11. Move amendments from each affected schedule into a specific schedule Z-2 entitled Council approved amendments; and
12. Revise the map for the Business Improvement Area.

The following changes are considered to be policy related:

Add two whereas clauses after the first whereas clause:

“And whereas section 425 of the *Municipal Act*, 2001 authorizes the council of every local municipality to pass By-Laws providing that a Person who contravenes a by-law of the municipality passed under this Act is guilty of an offence;

And whereas section 429 of the *Municipal Act*, 2001 authorizes the council of every local municipality to establish a system of fines for offenses of a by-law of the municipality passed under this Act;”

### Definitions

Add the following definitions:

- a. Define Appeals Committee and Committee to mean the Committee established by the City’s By-Law Number 2010-1, Council Procedural By-Law, and includes any successor Committee designated by City Council to carry out the Committee’s responsibilities under this by-law;
- b. Define “Balloon Sign” to mean any inflatable sign or balloon regardless of size that is designed for the purpose of advertising any business or promotional event;
- c. Define “Banner Sign” to mean a sign composed of lightweight, non-rigid material such as cloth, plastic, canvas or other similar material that is mounted so as to allow movement by atmospheric conditions;
- d. Define “Display” to mean erect, locate, or affix to any building, or structure, or to the ground;
- e. Define “Distribution Conductors” to mean conductors operated at a nominal voltage of 46kV or less;
- f. Define “Double Sided Sign” to mean a sign having two sides of equal area and proportions, which are located exactly opposite each other on the sign structure, and both sign areas shall constitute only one sign;
- g. Define “Entrance Gate Sign” to mean a sign used to indicate the entrance to a community and shall not be used for the purpose of advertising a place of business, organization,

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- project, product, service, event or otherwise promote the sale of objects or services. This definition was added to differentiate entrance gate signs from construction site signs;
- h. Define “First Storey” to mean the storey that has its floor closest to grade and its ceiling more than 1.8 metres (5.9 feet) above grade;
  - i. Define “Flag Sign” to mean an on-premise rectangular shaped flag, feather shaped flag, teardrop shaped flag or similar design made of non-rigid material attached to a pole or rod, devoted to advertising but shall not include a Mast Arm Sign. This definition was added due to the increasing number of flag signs;
  - j. Define “Frontage” to mean the length of a property line abutting a street or public thoroughfare;
  - k. Define “Grade” to mean the average elevation of the finished surface of the ground where it meets the sign structure, or the wall of the building to which the sign is displayed;
  - l. Define “Height” to mean the vertical distance between grade and the highest point of the sign or sign structure;
  - m. Define “Heritage Attribute” to have the meaning set out in the *Ontario Heritage Act*, R.S.O. 1990, c.0. 18;
  - n. Define “Maintenance” to mean anything done to preserve a sign or to prevent its deterioration but does not include the alteration or restoration of a sign; shall also include “maintenance” as defined in the City’s By-Law Number 2013-141, A Procedural By-Law For Heritage, and any other work defined as maintenance in a part IV designation by-law, or in a part V heritage conservation district plan, under the authority of the *Ontario Heritage Act*;
  - o. Define “Marquee” to mean a tall permanent roof like canopy projection above an entrance door and over a sidewalk, walkway or terrace typically distinguishable by a surrounding row of light bulbs;
  - p. Define “Person” to include any individual, association, proprietorship, partnership, company, corporation, firm, business, authorized agent, trustee and heirs, executors or other legal representatives;
  - q. Define “Premise” to mean a property and all buildings or structures thereon;
  - r. Define “Property Line” to mean a legal boundary of a property;
  - s. Define “Protected Heritage Property” to mean property designated under part IV, V or VI of the *Ontario Heritage Act*; property subject to a heritage conservation easement under parts II or IV of the *Ontario Heritage Act*; property identified by the province and prescribed public bodies as provincial heritage property under the standards and guidelines for conservation of provincial heritage properties; property protected under federal legislation; and UNESCO world heritage sites;
  - t. Define “Self Service Storage Facility” to mean a facility designed and used for the purpose of providing individual secured storage units and other spaces to persons who are to have access to such units and spaces for the purpose of storing and removing property;
  - u. Define “Sign Owner” to include any person who owns the sign or holds the permit for the sign and includes any person whose name, address or telephone number appears on the sign, who displayed the sign, or who benefits from the message or information conveyed by the sign, and for the purposes of this definition, there may be more than one sign owner;

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- v. Define “Sign Permit” to mean a permit issued by the Director pursuant to the provisions of this by-law to display a sign;
- w. Define “Snap Frame Sign” to mean a temporary sign not permanently attached to or affixed into the ground, to a building, or a structure, which is double sided and is self-supporting;
- x. Define “Temporary Sign” to mean a sign that is not permanently attached to or affixed into the ground, to a building, or a structure, in which a timeframe or condition has been established for its removal or renewal and shall include construction site signs, portable signs, sandwich board signs, boulevard signs, projected display signs, balloon signs, snap frame signs, real estate signs, election signs and searchlight signs; and
- y. Define “Transmission Conductors” to mean conductors operated at a nominal voltage of greater than 69kV.

Remove and revise the following definitions to provide additional clarity, including:

- a. Remove the definition for “Advertising Device” from the by-law, and incorporate its content into the definition for “Sign”;
- b. Expand the definition of “Alter” to include approvals under the *Ontario Heritage Act*;
- c. Revise the definition of “Area” to “Sign Area”;
- d. Revise the definition of “Awning” to “Awning Sign” and expand to include marquee signs;
- e. Revise the definition of “Billboard” to “Billboard Sign” and expand to include “primarily displayed along high traffic areas such as Arterial Roads and freeways”;
- f. Expand the definition of “Building” to include the structure consisting of a wall, roof and floor or a structural system;
- g. Expand the definition of “Building Façade” to include a mansard roof;
- h. Remove the definition for “Building Occupancy” from the by-law, as this term is not referenced throughout the by-law;
- i. Expand the definition of “Business Improvement Area” to include the premise for all civic addresses contained therein;
- j. Revise the definition of “Construction Sign” to “Construction Site Sign” and expand to include construction of a development including a sub-division but shall not include an entrance gate sign. Temporary construction signs are exempt from permit requirements and entrance gate signs require a permit under provincial legislation;
- k. Remove the definition for “Copy Area” from the by-law. This definition is incorporated into the definition for “Sign Area”;
- l. Expand the definition of “Director” to include his or her designate;
- m. Expand the definition of “Election Sign” to include reference to By-Law Number 2014-16, a by-law to regulate election signs in the City of Kingston;
- n. Remove metal or wood construction only from the definition of “Mast Arm Sign” to allow other composite materials to be used;
- o. Revise the definition of “Building and Licensing Department ” to “Planning, Building & Licensing Services”;
- p. Expand the definition of “Portable Sign” to include on-premise and off-premise signs;
- q. Remove the definition for “Posturn” from the by-law;

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- r. Expand the definition of “Projecting Sign” to include the requirement to be double sided and supported by the wall of the building;
- s. Remove the definition for “Public Information Sign” from the by-law;
- t. Remove the definition for “Public Office” from the by-law, and incorporate its content into the definition for “Election Sign”;
- u. Revise the definition of “Public Thoroughfare” to include pedestrian passage, and all water passage not just Lake Ontario and the St. Lawrence River;
- v. Revise the definition of “Public Utility Pole” to “Utility Pole”;
- w. Expand the definition of “Readograph Sign” to include on-premise signs;
- x. Revise the definition of “Real Estate Sign” to exclude signs related to self-service storage facilities;
- y. Remove the definition for “Road Allowance” from the by-law. This is no longer referenced in the Street Line definition;
- z. Expand the definition of “Roof Sign” to include on-premise and off-premise signs;
- aa. Revise the definition of “Street Line” to remove road allowance and replace with property line; and
- bb. Revise the definition of “Wall Sign” to include signs projected onto or painted on a wall.

A concern was raised during the public consultation process regarding the exclusion of self-service storage facilities from what is permitted to be advertised by way of a Real Estate Sign. It is staff’s position that the services that are provided by a self-service storage facility do not equate to the leasing or renting of property. A Real Estate Sign does not require a permit or the payment of any fees.

### **Proposed Changes to the Following Sections of the By-Law**

#### **Applicability**

1. Add provisions to exempt signs displayed by or on behalf of the City or any federal or provincial authority from the by-law; and
2. Add a provision to exempt election signs from the by-law. Election signs are regulated under the Election Signs By-Law Number 2014-16 “A By-Law to Regulate Election Signs in the City of Kingston”.

#### **Administration**

1. Add provisions to include responsibility of enforcement and inspection to determine compliance with the by-law:  
 “All Officers with authority to enforce the by-laws of the City are responsible for enforcing the provisions of this by-law.  
 The Director or an Officer may enter upon any property at any reasonable time to inspect a Sign for the purpose of determining or affecting its compliance with this by-law.”
2. Add a new section for Permits and re-number subsections from Administration and General provisions;
3. Add additional clarity for sign permit submission requirements to include paperwork, plot plan, drawings, engineering and fees;



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4. Add additional clauses where the Director may revoke a sign permit:  
“The business, product, activity or service to which the Sign relates ceases to operate or is no longer available;  
The Sign Owner requests in writing that the Sign Permit be revoked; or  
The Sign Permit was issued on the basis of a minor variance granted with terms and conditions and there has not been compliance with the terms and conditions imposed”;
5. Remove inspection requirements from the by-law. These are regulated with the sign permit;
6. Add the provision “a sign owner shall immediately upon the expiration or revocation of the sign permit remove the sign”; and
7. Add the provision “notwithstanding any other provision of this by-law, where a sign that is within 400 metres of a controlled access highway under provincial jurisdiction is visible from and oriented toward that highway, the approval of the minister of transportation (Ontario) shall accompany the sign permit application.”

#### General Provisions

1. Add the provision “where two or more signs are displayed on a building, the sign owner shall ensure that those signs are of uniform height and arrangement”. Wall sign provisions previously allowed one wall sign for each building façade facing a street and did not account for multiple signs on a building façade with multiple businesses;
2. Add provisions for illuminated signs to direct light away from adjacent premises, downward to reduce night light pollution and shall not be located within 30 metres of a residentially zoned property. This provision is consistent with other municipalities to control spillover of lighting onto adjacent residential properties;
3. Remove the reference to home occupation signs. These must comply with the applicable zoning requirements and are referenced in the zoning by-law;
4. Add the provision “where any sign proposed to be displayed may be considered as more than one form of sign permitted by this by-law or as a combination of forms of signs permitted by this by-law, such signs shall conform to the most restrictive provisions of this by-law”. This provision was added in response to the City receiving applications for sign combinations on the same sign structure using two different schedule provisions resulting in larger signage than the by-law otherwise permits; and
5. Remove provisions for height of signs above grade from 2.1 metres (7 feet), 2.4 metres (8 feet) and 2.74 metres (9 feet) and standardize these to 2.74 metres (9 feet) throughout the by-law.

A concern was raised during the public consultation process regarding the combination of two forms of signs and the requirement to meet the most restrictive provisions of the by-law. For example, a combination of a ground sign and a billboard sign on one supporting structure. It is staffs' position that the combined sign area would double the area otherwise permitted by each schedule and does not maintain an appropriate scale for the signage.

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### Exemptions

1. Remove the reference to signs erected by or on behalf of the City or any federal or provincial authority and election signs. These have been exempted in clauses under applicability;
2. Incorporate warning signs within the exemption for directional signs;
3. Remove reference to memorial and historical interest signs and tablets from the by-law. These are incorporated within the exemption for directional signs;
4. Remove reference to entrance gate signs from the by-law. These ground signs would require a permit under the Ontario Building Code;
5. Revise the reference to schedule R-3 to schedule R-1 for Real Estate Signs. This was an incorrect schedule reference in the original by-law; and
6. Add provisions for flag signs as per schedule F-1.

### Prohibited Signs

1. Add the provision “where a sign is not expressly permitted by this by-law, it shall be deemed to be prohibited”;
2. Add the provision “without limiting the scope or applicability of section 7.1, the following signs are expressly prohibited”;
3. Add the provisions “Roof Signs, Portable Signs, Billboard Signs, Revolving Signs, Projected Display Signs, Flag Signs, Off-Premise Signs and Electric Spectacular Signs Displayed in the Business Improvement Area”. This has been moved from schedule Z-1 special regulation area - business improvement area.

### Enforcement

1. Add the provisions for the removal and storage of signs:

“A Sign which is Displayed, Altered or Maintained in such a way that, in the opinion of the Director, interferes with any City operations may be removed without notice.

Where a Boulevard Sign or Construction Site Sign has been removed by the City, such Signs may be destroyed or otherwise disposed of by the City without notice or compensation.

Any Sign, other than a Boulevard Sign or a Construction Site Sign, removed by the City shall be stored for thirty days, during which time the Sign owner may redeem such Sign upon payment of the applicable fees prescribed in the City’s By-Law Number 2005-10, a By-Law to Establish Fees and Charges.

Where a Sign has been removed by the City and stored for a period of thirty days and has not been reclaimed by the Sign owner, such Sign may be destroyed or otherwise disposed of by the City without notice or compensation.”

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## Offence and Penalty Provisions

1. Revise the reference to the provincial legislation under the Offence and Penalty Provisions section from the *Provincial Offences Act* to the *Municipal Act*. In 2006, the Province amended the *Municipal Act* to establish a system of fines for offences under municipal by-laws, including a range of minimum and maximum fine amounts. The fine amounts far exceed the maximum \$5,000 penalty available under the *Provincial Offences Act* (POA). Consequently, many municipalities, including Kingston, have started substituting references to the POA's maximum fine in their respective by-laws with references to the minimum and/or maximum fine amounts contained in the *Municipal Act*. Staff are proposing the following maximum fine amounts replace the \$5,000 maximum fine currently available under the *Provincial Offences Act*.

“Every person, other than a corporation, who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 for a first offence and \$25,000 for any subsequent offence, as provided for in subsection 429 (2) (c) of the *Municipal Act*, 2001.

Every corporation that contravenes any provision of this by-law and every officer or Director of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 for a first offence and \$100,000 for any subsequent offence, as provided for in subsections 425(3) and 429(2) (a) of the *Municipal Act*, 2001.”

2. Add the provisions “no person shall fail to comply, or fail to allow compliance with an order issued pursuant to section 8.1 of this by-law”.

## New Conflict Section

1. Add a section for Conflict and the provisions “where a provision of this by-law conflicts with a provision of any other by-law or any federal or provincial statute or regulation, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail”.

## Validity

1. Add the provision “references to any statute or by-law or any provision thereof include such statute or by-law or provision, as amended, revised, re-enacted and or consolidated from time to time, and any successor statute or by-law”.

## Schedule A-1 Permit Fees

1. Revise the title “Permit Fees” to “Awning Signs”; and
2. Replace the table for Permit Fees with the schedule for Awning Signs incorporating awning sign references from schedule W-1, Wall Signs and schedule P-2, Projecting Signs.

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## Schedule B-1 Billboard Signs

1. Add the provisions “Billboard Signs shall not be Displayed within a Heritage Conservation District and Billboard Signs shall not be Displayed or caused to be Displayed within the boundaries of the Business Improvement Area”. These have been moved from schedule Z-1 special regulation area - Business Improvement Area;
2. Incorporate the reference for minimum distance to street lines and maximum sign area for billboard signs into chart B1;
3. Revise the square metres for maximum sign area from 23.2 square metres (200 square feet) to 18.5 square metres (200 square feet). This was an incorrect conversion from imperial to metric in the original by-law;
4. Revise the square metres for maximum sign area from 46.5 square metres (500 square feet) to 37.2 square metres (400 square feet) to provide consistency with distance to street line referenced in the original by-law;
5. Remove the radius distance of 304.8 metres (1,000 feet) from another off-premise sign. This conflicts with the distance between off-premise signs of 100 metres (328 feet);
6. Remove the reference to roof signs as these are covered in the schedule R-3 roof signs;
7. Remove the number of signs permitted. The distance between signs will manage sign proliferation;
8. Revise the reference for the distance between billboard signs to include the minimum distance to roof signs, other off-premise signs, residentially zoned properties or an intersection; and
9. Clarify the requirements for when a billboard sign can replace a second ground sign.

## Schedule B-2 Boulevard Signs

1. Add the provision “Boulevard signs shall not be displayed in medians separating opposing lanes of traffic”; and
2. Add the title “Diagram B2 and Boulevard Signs.” to diagram B2.

## Schedule C-1 Construction Signs

1. Revise the title “Construction Signs” to “Construction Site Signs”;
2. Revise the maximum sign area where the sign is a “v” shaped sign to reduce the area from 18.58 square metres (200 square feet) to 9.29 square metres (100 square feet) per side; and
3. Revise the requirement for the removal of signs after one year to include the removal and disposal of signs without notice as referenced in section 8 of the by-law.

## Schedule F-1 Flag Signs

1. Add a new schedule for Flag Signs. The proliferation of this new type of sign has created a need to ensure that Flag Signs are not displayed on the City Boulevard and that they do not encroach onto a sidewalk or present a safety hazard for pedestrians. Regulations are also being proposed stipulating the maximum number of Flag Signs permitted on a property, the maximum size of the sign, and a prohibition on such signs being displayed

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in the BIA zone, similar to how Portable Signs are regulated. However, it is not proposed that a Flag Sign require a permit or payment of a fee.

#### Schedule G-1 Ground Signs

1. Incorporate the respective references for distance to street lines, maximum height and maximum area of ground signs into new chart G1;
2. Add the provision to reduce the minimum distance to 1.5 metres (5 feet) from street lines where the maximum sign height and maximum sign area have been reduced;
3. Move notwithstanding clauses for 76 Stuart Street, 610 Montreal Street and 55 Warne Crescent to a new schedule Z-2 Council Approved Amendments;
4. Add the provision "Ground Signs or any part of a Ground Sign shall be a minimum distance of 100 metres (328 feet) from another Ground Sign on the same Premise, and 1.5 metres (5 feet) from any Property Line other than a Street Line";
5. Revise provisions to clarify when a roof sign or billboard sign can replace a second ground sign where the frontage permits two ground signs; and
6. Add provisions to include number of signs, sign area and distance to street lines for the Business Improvement Area. This has been moved from schedule Z-1 special regulation area - Business Improvement Area.

#### Schedule P-1 Portable Signs

1. Incorporate the references for frontage on a street and maximum number of portable signs into new chart P1; and
2. Add provisions to include portable signs displayed in the Business Improvement Area. This has been moved from schedule Z-1 special regulation area - Business Improvement Area.

#### Schedule P-2 Projecting Signs

1. Add provisions to include a maximum sign area of 10% of the building façade, and to include the area of wall signs and awning signs within the total aggregate area calculation for wall signs permitted in schedule W-1;
2. Revise the reference of "one projecting sign for each side of a premise fronting on a street" to each main entrance of a business fronting on a street and limit the location to the first and second storey. This will allow each business in a building to have a sign without limiting one per building;
3. Increase the sign area for projecting signs from 1.8 square metres (19.37 square feet) to 2 square metres (21.5 square feet);
4. Revise the distance from the lowest part of the projecting sign from 2.4 metres (8 feet) to 2.74 metres (9 feet). This distance has been consistently noted throughout the by-law;
5. Remove the reference prohibiting ground signs and projecting signs on the same side of a premise;
6. Remove specific Mast Arm Sign provisions. The definition for projecting signs has been revised to include Mast Arm Signs; and

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7. Add the provision "Projecting Sign supports shall not be permitted on public property".

#### Schedule P-3 Projected Display Signs

1. Add the provision "Projected Display Signs shall be a minimum distance of 100 metres (328 feet) from any other Projected Display Sign"; and
2. Include provisions for projection of light onto intended surfaces and not onto adjacent premises.

#### Schedule R-1 Real Estate Signs

1. Add a maximum sign area provision of 7.4 square metres (80 square feet) for industrial and commercial type zones. This will allow for larger signs than permitted for residential type zones; and
2. Add the provision "Real Estate Signs shall only be displayed on the Premise for which the land, building or portion thereof is being offered for sale, rent or lease".

#### Schedule R-2 Revolving Signs

1. Add the provision "Revolving Signs shall meet the applicable requirements of this by-law based on location and type of sign including Ground Signs, Wall Signs and Roof Signs". This will provide restrictions for area, height and setbacks associated with this type of sign as previously there were none.

#### Schedule R-3 Roof Signs

1. Add the provision "Roof Signs are prohibited on all Protected Heritage Properties and Roof Signs shall not be Displayed or caused to be Displayed within the boundaries of the Business Improvement Area". These have been moved from schedule Z-1 special regulation area - Business Improvement Area; and
2. Clarify requirements for where a roof sign can replace a second ground sign.

#### Schedule S-1 Sandwich Board Signs

1. Revise the title "Sandwich Board Signs commonly referred to as an A-Frame Sign" to "Sandwich Board Signs and Snap Frame Signs";
2. Add reference to snap frame signs within paragraphs. Snap Frame Sign refers to a new type of temporary sign typically displayed on a sidewalk and which is similar in size to, and serves the same purpose as, a Sandwich Board Sign; and
3. Add provisions to include sandwich board and snap frame signs displayed within the boundaries of the Business Improvement Area. This has been moved from schedule Z-1 special regulation area - Business Improvement Area.

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## Schedule S-2 Searchlight Signs and Balloon Signs

1. Add a distance to overhead electrical distribution conductors and overhead electrical transmission conductors. This was formerly under general provisions.

## Schedule W-1 Wall Signs

1. Remove the reference to “a wall sign includes an awning or canopy”;
2. Remove the provision that one wall sign may be displayed on the side of a premise fronting on a street. This will allow additional signage on a building façade with multiple businesses;
3. Revise the maximum area of a wall sign to include a percentage and total aggregate area of all wall signs on a building façade, and to include an area for each suite where a building contains multiple suites;
4. Revise the distance from the lowest part of the wall sign from 2.1 metres (7 feet) to 2.74 metres (9 feet). This distance has been consistently noted throughout the by-law;
5. Add the provision “A projecting Sign or Awning Sign shall be permitted in place of, or in combination with, a Wall Sign up to the Total Aggregate Area permitted by paragraph 2 of this schedule”;
6. Remove respective references to canopy signs or awning signs as these are now referenced in schedule A-1 Awning Signs;
7. Remove the notwithstanding clause for the sign amendment at 658 King Street West. This has been added to schedule Z-2 Council approved amendments; and
8. Add references to include wall signs displayed within the boundaries of the Business Improvement Area. This has been moved from schedule Z-1 special regulation area - Business Improvement Area.

A concern was raised during the public consultation process regarding wall signs only permitted to be on-premise signs and the public felt these should be permitted to be off-premise signs as well. Wall signs as an on-premise sign, are consistent with by-laws in other municipalities.

## Schedule Z-1 Special Regulation Area – Business Improvement Area

1. Revise the title “Special Regulation Area – Business Improvement Area” to “Map of Business Improvement Area”; and
2. Replace text with map of the Business Improvement Area as a schedule to the by-law.

## Schedule Z-2 Map of Business Improvement Area

1. Revise the title “Map of Business Improvement Area” to “Council Approved Amendments”; and
2. Remove map and add references from existing schedules where amendments are referenced throughout the by-law.

December 7, 2016

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**Delegation of Authority for Sign Exemptions**

Delegate the authority to the Appeals Committee to grant minor variance exemptions from the Sign By-Law in place of Council approved amendments to the by-law. This is currently the process used for exemptions to the Fence By-Law.

Planning, Building & Licensing Services receives requests to grant sign by-law exemptions for sign area, number of signs, distance below signs and height restrictions. In each case, Council approval is required for these exemption requests.

Staff recommends Council delegate authority for the Appeals Committee to grant a minor variance with terms and conditions and to exempt signs from a specific requirement of the by-law where the Appeals Committee has granted a minor variance:

“The Committee may grant a minor variance if, in its opinion, the general intent and purpose of the by-law are maintained or if the Committee is satisfied, after allowing input from the applicant and property owners within 100 metres (328 feet), that the variance is appropriate.

The Committee may attach terms and conditions to the minor variance, including the dates for which it is to be in effect and the minor variance shall be invalid if these terms and conditions are contravened.

A requirement of this by-law does not apply to a Sign that has been exempted from that requirement by a minor variance granted by the Appeals Committee and such Sign shall be deemed to be in compliance with this by-law for as long as the minor variance and any attached terms and conditions remain valid”.

Delegating authority for the granting of exemptions for signs would provide more flexibility to the public and provide a quicker turnaround time as the process for a sign amendment request takes 6 to 8 weeks to complete before making a recommendation to Council.

Staff believes the approach outlined above will be effective in managing and resolving sign exemptions of this nature.

**Existing Policy/By-Law:**

By-Law Number 2009-140 A Bylaw to Provide for the Prohibition and Regulation of Signs and Other Advertising Devices in the City of Kingston

**Notice Provisions:**

The general public was made aware of the review of the Sign By-Law and the opportunity to provide input was provided through various avenues including two public meetings held on December 2, 2015 and July 28, 2016, the City’s website, the Director of Planning, Building & Licensing Services’ blog, newspaper advertisements, and via Facebook and Twitter. The general public was also invited to send written correspondence to the Supervisor of Building Services in cases where there was otherwise no opportunity to provide comment. Stakeholders



December 7, 2016

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including Kingston's development and construction industry, the BIA and sign companies were also consulted to gather input on the regulations.

**Accessibility Considerations:**

Not applicable

**Financial Considerations:**

No changes to fees for sign permits are being proposed beyond the annual increase applied to all fees in the Fees and Charges By-Law.

**Contacts:**

Paige Agnew, Director, Planning, Building & Licensing Services 613-546-4291 extension 3252

Lisa Capener-Hunt, Supervisor, Building Services 613-546-4291 extension 3225

Greg McLean, Policy and Program Coordinator 613-546-4291 extension 1336

**Other City of Kingston Staff Consulted:**

Kim Brown, Manager, Infrastructure and Development, Engineering Department

Andrew Reeson, Associate Legal Counsel, Legal Services Department

Ryan Leary, Senior Planner, Planning, Building & Licensing Services

**Exhibits Attached:**

Exhibit A Council Approved Variances

Exhibit B Review of Select Sign By-Laws in other Ontario Municipalities

Exhibit C Correspondence, Emails and Public Meeting Comments

Exhibit D Proposed By-Law

Exhibit E Amending By-Law – Schedule E

## Sign By-Laws Exemptions

### **1. Report To Council – May 19, 2015 – Application made by FOTENN for Great Oak Montessori Private School at 1292 Highway 15**

Council Resolution

**That** Council approve an exemption from By-Law Number 2009-140 to permit the owners of Great Oak Montessori Private School, located at 1292 Highway 15, to permit their proposed ground sign to have a reduced setback from the property line of 0.3 metres from the required 3 metres; and

**That** the exemption to By-Law Number 2009-140 will expire following 30 days written notice from the City to the owner of the property that the City Engineer has determined that Highway 15 will be widened at that municipal address or on the date that the use of the property as a Montessori School ceases or for any reason at the City's sole discretion upon providing 30 days written notice; and

**That** the owner shall pay all costs associated with moving the sign to meet the sign by-law requirements, in place at the time, should this exemption expire for any reason.

### **2. Report to Council – March 22, 2016 – Application made by Atec Signs Inc. for the Beer Store at 86 Dalton Avenue**

Council Resolution

**That** Council approve an exemption from By-Law Number 2009-140 to permit the tenants of 86 Dalton Avenue to erect one additional wall sign and four awnings on the south elevation, and two additional wall signs and three awnings on the west elevation.

### **3. Report to Council – March 22, 2016 – Application made by Murray Josselyn, for Mac's convenience store and gas bar at 1636 Highway 15**

Council Resolution

**That** Council approve an exemption from By-Law Number 2009-140 to permit the tenants of 1636 Highway 15 to erect a total of four ground signs (three facing Highway 15 and one facing Highway 401) when only two are permitted as per Sign By-Law Number 2009-140, as amended.

### **4. Report to Council – September 6, 2016 – Application made by Dessert Indulgence for 172 Ontario Street**

Council Resolution

**That** Council approve an exemption from By-Law Number 2009-140, A By-Law to Provide for the Prohibition and Regulation of Signs and other Advertising Devices in the City of Kingston, to permit the tenants of 172 Ontario Street to install one additional projecting mast arm sign at the corner of Ontario and Johnson Streets on the Ontario Street façade.

## Review of Select Sign By-law Regulations in Other Ontario Municipalities

Municipality	Illuminated Sign locations	Uniform height and arrangement	Combination forms of Signs	Distance between Signs and to lot lines	Delegated Authority
Brampton	Illuminated signs shall be permitted facing lands zoned residential provided the land on which the sign is located is separated from the lands zoned residential by a distance of at least 36 metres (118 feet) and illumination shall be fully shielded and oriented downward	All signs on units in a commercial or industrial plaza shall be a uniform style, except where the unit in such plaza occupies more than 300 square metres (32,292 square feet)	Not currently regulated in the by-law	1.5 metres (5 feet) to the property line and 30 metres (98 feet) between signs	Variances through Sign variance committee

Municipality	Illuminated Sign locations	Uniform height and arrangement	Combination forms of Signs	Distance between Signs and to lot lines	Delegated Authority
Hamilton	No person shall display or permit to be displayed a sign which illuminates any adjacent property or the path of vehicular traffic	Not currently regulated in the by-law	a ground sign may allocate a maximum 25% of the sign area or 1.2 square metres, whichever is lesser, to advertising a business that is not on the property on which the sign is displayed or an activity, product or service that is not available on that property	Not within 1.5 metres or a distance equal to 75% of the height of the ground sign, whichever is greater, of any property line	Variances through the Economic development and planning committee or any successor committee

Municipality	Illuminated Sign locations	Uniform height and arrangement	Combination forms of Signs	Distance between Signs and to lot lines	Delegated Authority
Kitchener	No sign in any zone that directs light towards a residential property, or is within 30 metres of a residential property shall be illuminated between the hours of 10 p.m. and 6:00 a.m.	No restrictions for style or aesthetics. These are subject to landlords lease requirements	Off-premise third party signs are not permitted except for charitable use	Ground signs shall have a minimum setback of .4 metres (1.3 feet) from any lot line. Ground signs are prohibited within 50 metres (164 feet) of another ground sign on the same property and 15 metres (49.21 feet) of a ground sign on an abutting property	Variances through the Committee of Adjustment

Municipality	Illuminated Sign locations	Uniform height and arrangement	Combination forms of Signs	Distance between Signs and to lot lines	Delegated Authority
London	30 metres from any residential use zone except where the residential use zone is on the opposite side of a street	Subject to sign uniformity plan submission defining the arrangement of signs erected and to be erected on a premises, detailing the sign type, height, location and area of signage in relation to the architectural features of the building, and of the premises in relation to the streetscape	Prohibited Signs: a sign that falls into more than one sign type unless such sign complies with the provisions applicable to each sign type, and where a sign is prohibited anywhere in this by-law, the prohibition shall apply notwithstanding that the sign may be permitted by other provisions of this by-law	No part of any ground sign shall be within 1.5 metres of any side lot line other than one that abuts a street; within 6 metres of a ground sign on an adjacent lot, and within 50 metres of a ground sign on the same lot	Appeal to the Hearings Officer for variances to the Sign By-Law

Municipality	Illuminated Sign locations	Uniform height and arrangement	Combination forms of Signs	Distance between Signs and to lot lines	Delegated Authority
Markham	Light sources which illuminate signs shall be shielded so that the light source is not visible from off the property on which the sign is located	Subject to sign uniformity plan submission	Not currently regulated in the by-law	Where this by-law permits more than one ground sign along a street frontage, ground sign shall be located within 45 metres of another ground sign on the same lot	Variances through a recommendation to Council
New Market	Illuminated signs shall be designed, erected and operated so that the light from such signs does not project onto any adjacent premises.	Not currently regulated in the by-law	Where any sign proposed to be erected may be considered as more than one form of sign permitted by this by-law or as a combination of forms of signs and/or sign copy permitted by this bylaw, such signs shall conform to the most restrictive provisions of this by-law	Ground signs shall not be located within .6 metres (2.0 feet) of a property line	Variances through the Appeals committee

Municipality	Illuminated Sign locations	Uniform height and arrangement	Combination forms of Signs	Distance between Signs and to lot lines	Delegated Authority
Ottawa	No person shall erect, cause to be erected, operate or maintain an illuminated sign within 30 metres of a residential zone, if it is visible from that residential use	Not currently regulated in the by-law	Ground signs and wall signs are permitted as on-premise signs only. A combination of on-premise signs and off-premise signs are not permitted.	Where two or more identification ground signs are on the same premises and on the same street frontage, the signs must be located at least 30 metres apart	Variances through the Standing Committee of Council
Toronto	No sign shall be illuminated between the hours of 9:00 p.m. and 7:00 a.m. where the sign is located within 30 metres of a premises in an R sign district  The sign shall not be erected within 60.0 metres of any R, RA, CR, I or OS sign district	Preliminary project review through sign department  OR  Signage Master Plan reviewed on an individual basis	Not currently regulated in the bylaw	The sign shall not be erected within 2.0 metres of any property line	Variances through the Sign Variance Committee



**From:**  
**To:** [Stowe, Del](#)  
**Subject:** RE: Sign By-law review  
**Date:** Wednesday, November 04, 2015 11:51:57 AM

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Greetings Del,

Have received no feedback at present and I really haven't had an opportunity to review in detail. Hence, please indicate the KCA as no response and complete your draft.

Thanks,  
Harry.

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**From:** Stowe, Del [mailto: [DStowe@cityofkingston.ca](mailto:DStowe@cityofkingston.ca)]  
**Sent:** November 4, 2015 8:27 AM  
**To:**  
**Subject:** FW: Sign By-law review

Harry:

Please advise if you have any comments regarding changes your association would like to see to the sign by-law. I am hoping to have a draft completed by week's end.

Thanks.

Regards,

Del Stowe,  
Manager of Building  
Chief Building Official  
Community Services Group  
City of Kingston  
216 Ontario Street  
Kingston, ON K7L 2Z3  
613-546-4291 ext. 3261  
[www.cityofkingston.ca](http://www.cityofkingston.ca)

From: [Stowe,Del](#)  
To:  
Subject: RE: Sign By-law  
Date: Friday, November 06, 2015 3:27:41 PM

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Rob:

Thanks for the comments:

- 1.) **“ANIMATED SIGN”** means a sign with action or motion, flashing, colour changes requiring electrical energy, electronic or manufactured sources of supply, but not including wind actuated elements such as flags, banners, electric spectacular signs or specialty items; public service signs such as time and temperature, revolving or changeable message signs.  
**“ELECTRIC SPECTACULAR SIGN”** means an animated sign having a message change more frequently than once every 5 seconds.

There is no definition for an electronic billboard. It would be considered a wall sign.

The electric Spectacular Signs are not permitted anywhere in the City of Kingston.

The present by-law and the proposed by-law will continue to prohibit electric Spectacular Signs. 6.3 of the new by-law indicates which signs are prohibited in the BIA and is written as follows “6.3 Roof sign, Portable or Billboard sign, Ground sign, Revolving Sign or Projected Display or Electric Spectacular Sign in the Business Improvement Area as per appendix Map Z-1. There is nothing proposed to prohibit Animated signs provided they are in compliance with the applicable schedule which in most cases will be Schedule W-1 Wall signs in which we have the following which relates strictly to the BIA: \_\_\_\_\_

-  
**Notwithstanding the provisions of the foregoing subsections hereof, the following shall apply to Wall Signs in the BIA as per map Schedule “Z-1”**

1. The sign face area of a wall sign shall not to exceed 15% of the wall it is attached to. Wall signs are permitted on each side of a building that faces a street or public thoroughfare.
2. Where a business has a main entrance on more than one elevation of the building, such secondary frontage may contain a wall sign of the same limitations as prescribed for the primary frontage.
3. Where a business has a secondary frontage but does not have a main entrance to the secondary frontage, such frontage may contain a wall sign not to exceed 15% of the secondary frontage.
4. Where wall signs are located on the top storey of a building in excess of 6 storeys, the total aggregate area of all wall signs shall not exceed 10% of the area of the facade to which the signs are attached in the storey in which the signs are located.
5. Wall signs shall not project beyond the building facade or extend above the parapet to which they are attached.
6. A wall sign attached to stairwells or elevator/mechanical room penthouses shall be permitted provided such signs do not project beyond the walls, roof or parapet of the stairwell or penthouse and shall not exceed 35% of the area of the wall to which they are attached.
7. Notwithstanding the provisions of the foregoing subsections hereof, a permit for any sign or advertising device which projects or is located, in whole or in part, over or on property of the City, and such sign is permitted by the City and complies with this by-law, shall be subject to an

encroachment permit through the Engineering Division.

- 3.) It is my understanding that those signs were installed as wall signs, but may be in breach of changing within 5 seconds which would make them electric spectacular signs by definition. They would in fact be grandfathered in under any new or revised by-law. What we will need to do in the future with the revised by-law is ensure that any wall sign that is electronic would have to show its message for a minimum of 5 seconds before changing to a new message. The Holiday Inn Roof top sign is and will be grandfathered in. The City of Kingston is exempt presently from having to comply with the requirement for sign permits and will probably be exempt moving forward. They do however have to obtain a building permit for certain signs regulated under the Ontario Building Code.
- 4.) That will continue to be exempt.

A final point.

The use of electronic signs on Heritage Buildings or in Heritage districts will require Heritage Approval.

If you have any further comments or questions let me know. I will send you an updated draft soon for your perusal.

Are most of the businesses concerned with the electronic signage in the BIA?

Thanks.

Regards,

Del Stowe,  
Manager of Building  
Chief Building Official  
Community Services Group  
City of Kingston  
216 Ontario Street  
Kingston, ON K7L 2Z3  
613-546-4291 ext. 3261  
[www.cityofkingston.ca](http://www.cityofkingston.ca)

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**From:**  
**Sent:** Friday, November 06, 2015 11:38 AM  
**To:** Stowe,Del  
**Cc:**  
**Subject:** RE: Sign By-law

Hi Del – we've had a chance to review and have a few questions:

1. Can you clarify the differences between “animated”, “spectacular” and “electronic billboard” signs? Are they all basically the same thing?
2. Does the bylaw prohibit all of the above from being within the BIA boundary?
3. Are the signs currently in the boundary that seem to be on the prohibited list grandfathered in? (Holiday Inn rooftop, Professional Building electronic, K-Rock Centre electronic, electronic sign in Confed Park, billboard at King/Queen parking lot, etc.)
4. Section 5.7 – Banners for Special Events...

Thanks Del!

Rob

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**From:** Stowe,Del [mailto:DStowe@cityofkingston.ca]  
**Sent:** Wednesday, November 04, 2015 8:20 AM  
**To:**  
**Subject:** Sign By-law

Rob:

The draft is not complete, as I am still waiting on licensing and legal to forward their proposed changes. However, we did make some changes to the BIA section of the by-law. I have attached the draft we are working on for your perusal.

I am not sure if you have had time to review the by-law I previously sent yet, but if you have, please send your comments to me as soon as possible as I am trying to wrap up the first draft this week.

Thanks.

Regards,

Del Stowe,  
Manager of Building  
Chief Building Official  
Community Services Group  
City of Kingston  
216 Ontario Street  
Kingston, ON K7L 2Z3  
613-546-4291 ext. 3261  
[www.cityofkingston.ca](http://www.cityofkingston.ca)

**From:**  
**To:** [Stowe, Del](#)  
**Subject:** RE: Sign Bylaw  
**Date:** Friday, November 20, 2015 8:36:18 AM

---

Hi Del

Thanks for this.

There are only a few categories which really pertain to us ( our main focus ) which is wall signs, projecting signs, dimensional signs and ground signs. The changes you've suggested are great.

Our main concern regarding all the above signage is a clear understanding of the what is required for the sign permit acquisition.

As you know, the building code has a few grey areas when it comes to determining when and where engineered drawings are required.

Some building officials require them and others don't.

There are some of us that have been in the sign business for quite a few years that don't have a BCIN #, but have the knowledge and hands on, in the field experience to know when and where engineers are needed.

If height, weight and size restrictions **were stipulated in the sign bylaw, as per the building code**, and without individual interpretation ( agreed on by all building officials) then there would be no issues for anyone attaining a sign permit, and incurred costs and time delays would be avoided.

That being said, we've been treated well over the years by yourself and the Kingston Building Department and have abided by the sign bylaws that are in place. Eskerod Signs has put up a lot of signage over the years and knowing that our signage is built and installed properly and of no safety concern to the public, is our main concern.

Thanks for your time.

---

**From:** Stowe, Del [mailto:DStowe@cityofkingston.ca]  
**Sent:** Thursday, November 19, 2015 3:58 PM  
**To:**  
**Subject:** Sign Bylaw

Please find attached a copy of the existing Sign By-law and the Proposed Sign By-law.

Please forward any comments to me.

Regards,

**From:**  
**To:** [Stowe, Del](#)  
**Subject:** RE: Sign By-law  
**Date:** Tuesday, November 24, 2015 2:11:30 PM  
**Attachments:** [image004.jpg](#)  
[image003.jpg](#)

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Hi Del,

Following are my comments

Schedule F-1 top right corner should be page 23 and say Schedule "F-1"

Page 24 item 7, should say "per **business** location"

For mast arm projection signs what is the maximum size?

Can the bylaw clarify the conditions for larger real estate for sale/lease signs such as those generally placed on vacant or commercial/industrial properties as these are generally temporary in nature, but as we know sometimes become somewhat permanent which I believe would then fall under billboard signs.

Thanks for the opportunity to comment.

Regards,  
Robert

**From:**  
**To:** [Stowe, Del](#)  
**Subject:** Sign Bylaw Review  
**Date:** Tuesday, December 01, 2015 11:52:39 AM

---

I submit the following comments as part of the public input requested..

The definition and permitting of electronically illuminated signs appears to be inadequate. "A sign for displaying electronic animated images".

I am concerned about the proliferation of signs using scrolling text that are appearing beside our roadways. They are very distracting to drivers, are a safety issue, and some of them should be banned. It is one thing to have a still picture or logo constructed with hundreds of LED lights, as it can be glanced at by a driver and the information therein can be quickly recognized and digested. It is another thing to have a moving picture or text that scrolls vertically or horizontally to display a phrase or even a sentence. Many of these new electronic scrolling signs, because they are LED lights, and so bright, attract drivers attention much more easily than a regular static sign. He might read the first 2 or 3 words of the message, look back at the road, then he is tempted to look again at the sign to get the remainder of the message. The drivers eyes can be diverted from the road for a very long time compared to a still picture on a normal sign.

Safety organizations everywhere are working to keep drivers eyes and minds on the road ahead. It is an elementary part of safe driving. We have all heard the campaigns against use of phones, texting and other distractions. Scrolling text signs and animated cartoon signs beside roads are defeating this effort.

I do not object to static electronic signs, but when it comes to animation, I believe the size of the font needs to be regulated and sized relative to the speed of the road in question, and the number of words should be limited to two.

They should not be flashing and the message should not be changing every 2 seconds. While these machines are wonderful advertising tools from a store owner's point of view, some of them are creating unsafe situations.

The Kingston Police station has a scrolling text sign on Division Street, a busy 50 kph road. One has to take ones eyes off the road for far too long to read the message. I glanced at the sign recently, in 50 kph traffic, and had enough time to focus on one word before returning my eyes to refocus on the road and the vehicles ahead. The word was DISTRACTED, apparently part of a distracted driving message! The police motivation is applauded, but the medium is a mistake and a danger to drivers.

In modifying your bylaw regulations, I suggest you regulate font size and animation (taking road speed into account) to achieve the end objective which is that drivers , if they are to be distracted by advertisements or other signage, need only to just glance momentarily at the sign, the same way one glances in the rear view mirror. If such regulations are too complicated to put into effect, then animated/scrolling text signs should be banned.

Perhaps a simple addition to section 6 Prohibited signs would suffice. I suggest 6.4 - "Electronic scrolling text messages or lengthy animated videos or cartoons which excessively distract operators of motor vehicles". Or something similar. Of course, someone has to determine what is excessive. I have suggested some guidelines above, but perhaps the provincial regulators already have some?

Yours sincerely,



**From:**  
**To:** [Stowe, Del](#)  
**Cc:**  
**Subject:** Thank you - Sign By-law Presentation  
**Date:** Thursday, December 03, 2015 5:33:15 PM

---

Hi Del

I wanted to take a minute to thank you for the session at the Invista Center last night. I filled out the Questionnaire, but then forgot to hand it in. But it was all good!

I appreciate the city offering a 2-way info sharing session on a topic that is of course something important to us. And something we like to keep current with.

I did expect (as I'm sure you did) that it would be better attended by both the sign industry, and concerned public. But still worth holding.

Regards,

**From:**  
**To:** [Stowe, Del](#)  
**Cc:**  
**Subject:** confirmation from meeting with the City regarding proposed changes to the sign by-law  
**Date:** Friday, December 04, 2015 3:44:08 PM  
**Attachments:** [image001.jpg](#)

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Mr. Stowe,

Thank you for taking the time to clarify the City's intent with respect to the proposed changes to the sign by-law. Below I clarify what we understand is proposed and make some additional comments and suggestions to improve the by-law. Please circulate us with the next draft as we are interested in making the by-law work well for everyone.

- 1) As we read the proposed by-law, we interpret section 2 to mean that all signs that we currently own and operate, which were installed with permits, can continue to be operated by us even if the by-law amendments make that existing sign non-complaint with the by-law. Further, we can maintain the sign to ensure that it does not deteriorate (see definition of "maintain"). We interpret "maintain" to include replacing the electric components of an electronic sign, but not removing and replacing the entire sign. The definition of "restore" includes "repair" but not replacement of the sign, which reinforces our interpretation that maintain and repair includes most actions with the exception of removing the sign and replacing it with a new sign.

Maintenance and repairs would of course not restrict our ability to change the message of the sign, provided that changing the message did not convert an on premise sign into an off premise sign.

If this interpretation is incorrect please advise, as our ability to ensure that existing signs continue to function in their current locations is critical.

- 2) We recommend that the City address the definition section which attempts to include regulations within definitions. For example, a "wall sign" is defined as an on premise sign with certain specifications. Therefore, by definition a wall sign can never be an off premise sign. In addition, a billboard sign is defined as an off premise ground sign. But a ground sign is defined as an on premise sign – these two definitions are mutually inconsistent. This adds confusion and restrictions to the by-law that make compliance difficult to understand and reduces flexibility within the industry. We are unsure of the purpose, if any, of these restrictions.
- 3) Section 2.2 is not a complete sentence. It is unclear whether the City and other governments are immune or must comply with the sign by-law. If it is the City's

intent that it need not comply with the by-law we feel that to be an unfair advantage for City properties which has the potential to create an un-level playing field for advertising. We agree for certain types of signs that there may be a justification for an exemption from the by-law for the City, but not where the City is using a sign to advertise.

- 4) We require clarification that an on premise ground sign and an off premise billboard sign can be installed on the same structure. We have worked with City staff to obtain approval for this type of sign, but the by-law does not contemplate this installation directly. It would be beneficial to have this type of installation specifically approved in the by-law to avoid confusion in the future.
- 5) We note that “animated sign” is defined, but not used in the by-law. This creates confusion and potentially inconsistencies within the by-law.
- 6) The definitions for “ electronic illuminated signs”, “animated signs”, “illuminated signs” and even “read-o-graph” signs are vague and have the potential to cause confusion. They should be better defined, especially to clearly determine how digital billboards are regulated.

Kevin.

**From:**  
**To:** [Stowe, Del](#)  
**Subject:** Fwd: Sign By-Law  
**Date:** Sunday, December 06, 2015 3:20:01 PM

---

> Good afternoon Mr. Stowe,  
>  
> I have a few comments regarding the proposed sign by-law with the respect to real estate signs.  
>  
> 1). Signs should only be permitted on the property listed for sale and not scattered about on nearby street corners or other public places.  
>  
> 2). Open house signs put out only on the day on which the open house is being held and removed the same day.  
>  
> 3). Open house signs should not impede pedestrian traffic.  
>  
> 4). No open house directional signs on medians and agents should only be able to put one sign on any given corner and not two of the same beside each other.  
>  
> In general, I have noticed a proliferation of temporary type signs for many businesses scattered about street corners which in my opinion is the equivalent of visual pollution. Often these signs end up being blown into someone's yard or ditch resulting in more garbage. Some of the points I have noted above apply to any business.  
>  
> Please feel free to call me if you would like to discuss.  
>  
> Thank you.  
>  
> Don

**From:** [Building Department](#)  
**To:** [Capener-Hunt,Lisa](#)  
**Subject:** FW: Bylaw sign information as per the media release  
**Date:** Monday, July 25, 2016 9:02:20 AM  
**Importance:** High

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**From:**  
**Sent:** Monday, July 18, 2016 5:46 PM  
**To:** Building Department  
**Subject:** Bylaw sign information as per the media release

Hello,

Please accept this as input for the sign bylaw information session... I know you will get many opinions, maybe this will help, maybe it won't!!:)☺

Having travelled the east coast of the states where shoreline towns and city signs all have a common theme of historic seafaring design and or a 'feeling' that represents where you are and what you are looking at has always impressed me. Over all, Kingston has done a good job in preventing large corporate signs not to over shadow the city's 'look' ie: Jack Astors downtown, well blended into the décor, good job by council.

Overall, if there could be a common thread using the city's moto 'Where History and Innovation Thrive' where the viewer of the sign gets a consistent feeling no matter what the sign says or what it is telling you or where anyone sees it, there should be a consistent, possibly artistic, historic or innovative common denominator approach throughout each sign.

Many signs in the state of Vermont have the same theme throughout each one with engraved lettering or, all made of wood or, must have a boarder or must incorporate a certain color... hope you get the idea. I must say the recent highway signs that were put up (1 -2 years ago) describing each Kingston 'borough' could be a little more pleasing to the eye.

Thanks,  
Sandy

**From:** [Building Department](#)  
**To:** [Capener-Hunt,Lisa](#)  
**Subject:** FW: Sign bylaw changes  
**Date:** Monday, July 25, 2016 9:02:10 AM  
**Importance:** High

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## Comments from Sign companies

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**From:**  
**Sent:** Monday, July 18, 2016 12:54 PM  
**To:** Building Department  
**Subject:** Sign bylaw changes

Lisa,

After quickly reviewing your changes to the bylaws the only one that sticks out to me is below.

*External and internal lighting to be directed away from adjacent properties and streets and oriented downward to minimize effects on adjacent uses.*

- *Illuminated signs located within 30 metres of a residential zone will be prohibited to address resident concerns.*

Internally illuminated signs are lit thru a translucent lense commonly referred to as the face. This distributes the light evenly thru the front of the sign and across its internal surface. Limiting the use of illuminated signs within 30 meters of a residential zone might make it hard for a business to advertise as well as illuminate the front of their business thru the use of their signage, essentially fulfilling both an advertising and safety concern. Security lighting itself presents more spare ambient light than any internally illuminated sign.

When a business fills the requirement to operate in a correctly zoned facility that happens to border on a residential zone the owners are made aware of any changes to the zoning which they should be able to address through the variance proposal. Otherwise when they purchased the property they would be aware of the local businesses.

Please take this into consideration when you are finalizing the new draft.

I would have happily attended your meeting however I am out of the country that week.

**Paul**

**From:**  
**To:** [Capener-Hunt,Lisa](#)  
**Cc:**  
**Subject:** Clarity on current sign By-Law  
**Date:** Monday, August 22, 2016 2:55:38 PM

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Hello Lisa,

I wanted to send you an email in the hopes of getting clarity on a opportunity we are currently exploring. As we all have discovered the current by-law does not very clearly outline and define the differences between wall signs and billboards. Can they be the same thing (billboard installed on a wall) and specifically if one or both can be or can't be on-premise or off-premise.

What I am specifically looking for clarity on as it relates to the current by-law is:

We are in discussions with a landlord to take over a location that currently has a billboard/wall sign? that is used to show off-premise advertising. (advertising goods and services that are not related to the nature or the business that occupy the premises). The location is in the BIA.

Currently I would define this as a wall sign as it is installed on a wall but it is also an off-premise billboard. We need clarity on what to actually define this as based on current by-law.

We need to know if the sign was removed can we put the exact same sign back up based on current by-law. If the structure remained but changed ownership could we continue to use the current structure as it is being used for today?

We have noticed that similar signs have been installed on walls in the BIA in the past few months. Are these permitted or are these in violation of the current by-law. They clearly are installed on walls, but they have off-premise advertising on them. So are these billboards?

I look forward to hearing from you soon.

Sincerely,  
Kevin

October 20, 2016

**Lisa Capener-Hunt**

*Building Services - City of Kingston  
216 Ontario St.  
Kingston, ON  
K7L 2Z3*

**RE: City of Kingston Bylaw Number 2009-140**

**BILLBOARD** sign" means a large, outdoor, off-premises advertising "static faces" including tri visions sign that is mounted on a wall or on the ground, but does not include a digital billboard sign;

Where a part of the message component of a billboard rectangular billboard, the sign face area of that sign may be increased by up to 10%. Extension

A billboard sign with sign copy that changes mechanically (Tri vision) shall not be considered to be a Digital sign for the purpose of this By-law.

**DIGITAL** billboard sign" means a large, outdoor, off-premises advertising ground or wall sign that displays information or images on a digital or electronic screen;

**RULES APPLICABLE TO ALL BILLBOARD SIGNS AND DIGITAL BILLBOARD SIGNS**

Where a billboard/ or digital billboard is visible from a residential use in residential zone and there is no visible obstruction or barrier provided by an existing building or structure that would mitigate the impact of the billboard and its illumination, the owners of the billboard sign shall ensure that the sign is at least 100 meters from the lot having on it that residential use.

Definition of "grade" in respect of a billboard or digital billboard sign means the average of, the mean elevation of the natural or finished level of the ground at the base of a sign, and the crown of the street at the nearest point to the sign.

**BILLBOARD**



No person shall erect or cause to be erected or maintain a billboard sign that is illuminated by or contains flashing, intermittent illumination, rotating or changing light, beam or contains readograph

No owner of a billboard sign shall reduce the separation distance between billboard signs to be less than 100 meters if the billboard sign is visible from any other billboard sign in any direction measured from the nearest part of the billboard sign.

**DIGITAL BILLBOARD**

- digital billboard sign is permitted in the following zones BIA (commercial) (industrial)

No person shall erect or maintain a digital billboard sign unless,

- it has a minimum 15 meter setback from intersections as defined by the nearest intersection
- it has a 100 meter setback from :other digital billboards; and static billboards  
3 meters from any front or rear property line, ;  
1.5 meters from an interior side property line;

No person shall erect or cause to be erected or maintain a digital billboard sign with displays or uses animation, video, movement, flashing effects, odors, gases, pyrotechnics or interactive devices

Normand



**DRAFT**

City of Kingston

Ontario

By-Law Number 2009-140

A By-Law to Regulate Signs in the City of Kingston

Passed: October 20, 2009

As amended by:

By-Law Number	Date Passed
By-law Number 2012-111	August 14, 2012
By-Law Number 2013-89	April 23, 2013
By-Law Number 2013-157	July 17, 2013
By-Law Number 2014-84	June 3, 2014

*AUGUST 9-2016*  
*NJA*

(Office Consolidation)  
(Printed: June 3, 2014)

## By-Law Number 2009-140

## A By-Law to Regulate Signs in the City of Kingston

Passed: October 20, 2009

**Whereas** Section 99 of the Municipal Act, 2001, S.O., c. 25 authorizes the council of every local municipality to pass By-Laws for prohibiting and regulating Signs within the municipality;

**And whereas** section 425 of the Municipal Act, 2001 authorizes the council of every local municipality to pass By-Laws providing that a Person who contravenes a By-Law of the municipality passed under this Act is guilty of an offence;

**And whereas** section 429 of the Municipal Act, 2001 authorizes the council of every local municipality to establish a system of fines for offenses of a By-Law of the municipality passed under this Act;

**And whereas** the Council of the Corporation of the City of Kingston considers it desirable to enact such a By-Law;

**Now therefore the Council of the Corporation of the City of Kingston enacts as follows:**

**1. Definitions:**

For the purposes of this By-Law,

**Alter means** any change to the Sign structure or the Sign Area, but does not include Maintenance or a change in the message Displayed by a Sign, unless the change is from an On-Premise Sign to an Off-Premise Sign. For the purposes of approvals under the Ontario Heritage Act, Alter shall also mean to change in any manner and includes restore, renovate, repair, or disturb. Altered and alteration shall have a corresponding meaning.

**Animated Sign means** an On-Premise or Off-Premise Sign with movement, motion, or the appearance of motion by way of motion picture, streaming video, television, LED screens or other technology that remains unmoved or unchanged for periods of at least five seconds, but does not include wind actuated elements such as flags, banners or Revolving Signs and Electric Spectacular Signs.

**Appeals Committee and Committee means** the Committee established by the City's By-Law number 2010-1, Council Procedural By-Law, as amended, or any successor By-

(By-law Number 2009-140)

Law thereto, and includes any successor Committee designated by City Council to carry out the Committee's responsibilities under this By-Law.

**Awning Sign** means a retractable or fixed roof-like cover or a canopy made of rigid or non-rigid material, attached or projecting from a Building or structure, normally extending over a doorway or window, with lettering (other than civic address number) or advertising, on or affixed to it and may have supports on the ground, and includes Marquee Signs.

**Balloon Sign** means any inflatable Sign or balloon regardless of size that is designed for the purpose of advertising any business or promotional event.

**Banner Sign** means a Sign composed of lightweight, non-rigid material such as cloth, plastic, canvas or other similar material that is mounted so as to allow movement by atmospheric conditions.

**Billboard Sign** means a large format Off-Premise Sign, primarily Displayed along high traffic areas such as arterial roads and freeways. *STATIC - LEDS.*

**Boulevard Sign** means a privately owned Temporary Sign supported on the ground and located on the municipal boulevard between the Street and the Street Line.

**Building** means a structure consisting of a wall, roof and floor or a structural system serving the function thereof and also means the place of business including the property address that the business may be located on.

**Building Facade** means that portion of any exterior elevation of a Building extending from Grade to the top of the Parapet wall or eaves and the entire width of the Building elevation, and shall include a mansard roof.

**Business Improvement Area** means the geographic area bounded by the Streets outlined in map schedule Z-1, including the Premise for all civic addresses contained therein.

**City and City of Kingston** means the Corporation of the City of Kingston, as incorporated on January 1, 1998.

**Construction Site Sign** means a Temporary Sign Displayed on private property to advise construction of a development including a sub-division and shall not include an Entrance Gate Sign.

**Council and City Council** means the Council of the City of Kingston.

**Designate** means a Person who is an employee of the Corporation of the City of Kingston and who has been appointed by the Director to administer all or part of this By-Law on behalf of the Director.

**Director** means the Director of Planning, Building and Licensing Services for the City of Kingston, his or her designate or, in the event of organizational changes, another employee designated by Council.

**Display** means erect, locate, attach or affix to any Building, or structure, or to the ground.

**Distribution Conductors** means conductors operated at a nominal voltage of 46kV or less.

**Double sided Sign** means a Sign having two sides of equal area and proportions, which are located exactly opposite each other on the Sign Structure, and both Sign Areas shall constitute only one Sign.

**Election Sign** means any Sign advertising or promoting of a candidate in a federal, provincial or municipal election, including an election of a local board or commission, or any Sign intended to influence Persons to vote for or against any candidate or any question or By-Law submitted to the electors under section 8 of the Municipal Elections Act, 1996. Election Signs are regulated under the City's By-Law number 2014-16, a By-Law to regulate election signs in the City of Kingston as amended, or any successor By-Law thereto.

**Electric Spectacular Sign** means a Sign having a message change more frequently than once every five seconds.

**Entrance Gate Sign** means a Sign used to indicate the entrance to a community and shall not be used for the purpose of advertising a place of business, organization, project, product, service, event or otherwise promote the sale of objects or services.

**First Storey** means the storey that has its floor closest to Grade and its ceiling more than 1.8 metres (5.9 feet) above Grade.

**Flag Sign** means an On-Premise rectangular shaped flag, feather shaped flag, teardrop shaped flag or a similar design made of non-rigid material attached to a pole or rod, devoted to advertising but shall not include a Mast Arm Sign.

**Frontage** means the length of a Property Line abutting a Street or Public Thoroughfare.

**Grade** means the average elevation of the finished surface of the ground where it meets the Sign Structure, or the wall of the Building onto which the Sign is Displayed.

**Ground Sign** means an On-Premise Sign including a Readograph Sign which is permanently affixed to and supported from the ground, and not attached to or supported in any manner by a Building.

**Height** means the vertical distance between Grade and the highest point of the Sign or Sign Structure.

**Heritage Attribute** shall have the meaning set out in the Ontario Heritage Act, R.S.O. 1990, c.O. 18, as amended.

**Highway** means a common and public Highway, which is under the jurisdiction of the City, and includes any Street, lane, bridge, trestle, viaduct or other structure that forms part of the Highway and all lands between the lateral Street Lines thereof.

**Illuminated Sign** means a Sign in which a source of light is used in order to make the message readable, including an internally and externally lighted Sign and a reflecting, flowing and radiating Sign.

**Intersection** means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary line of two or more Highways that join one another at an angle, whether or not one Highway crosses the other.

**Mast Arm Sign** means a Projecting Sign where the support pole or mast shall be of wrought iron or wrought aluminum construction, has a sway chain, and may be illuminated with external lighting.

**Maintenance** means anything done to preserve a Sign or to prevent its deterioration but does not include the Alteration or Restoration of a Sign; shall also include "Maintenance" as defined in the City's By-Law number 2013-141, a procedural By-Law for heritage, as amended, or any successor By-Law thereto, and any other work defined as Maintenance in a part IV designation By-Law, or in a part V heritage conservation district plan, under the authority of the Ontario Heritage Act.

**Marquee** means a tall permanent roof like canopy projection above an entrance door and over a sidewalk, walkway, or terrace typically distinguishable by a surrounding row of light bulbs.

**Officer** means a Provincial Offences Officer of the City who has been assigned the responsibility of administering and enforcing this By-Law.

**Off-Premise Sign** means any Sign identifying or advertising a business, Person, activity, goods, product or service, which is not related to or available at the premise where the Sign is located.

SMALLER  
THAN

10' x 20'

(By-law Number 2009-140)

**Real Estate Sign** means a Temporary Sign used to advertise Buildings, or properties, or units within the Building for sale or lease at the point of sale but does not include any Sign used to advertise a product or service related to a self-service storage facility.

**Restoration** means the repair of a Sign in whole or in part but shall not include the removal or replacement of the Sign.

**Revolving Sign** means a Sign that revolves three hundred and sixty degrees but shall not exceed eight revolutions per minute.

**Road Allowance** means the allowance for a public road and includes the traveled and untraveled portions of the road allowance, the road shoulders, ditches, boulevards and sidewalks.

**Roof Sign** means an On-Premise or Off-Premise Sign Displayed entirely upon or above the main roof or Parapet wall of a Building and is wholly or partially supported by the Building.

**Sandwich-Board Sign** means a Temporary Sign not permanently attached to or affixed into the ground, to a Building, or a structure, which is hinged or otherwise attached enabling the two sides to be extended into an A shape so as to support the said Sign in an upright position.

**Searchlight Sign** means an apparatus containing a light source and a reflector for projecting a high-intensity beam of approximately parallel rays of light.

**Self-Service Storage Facility** means a facility designed and used for the purpose of providing individual secured storage units and other spaces to Persons who are to have access to such units for the purpose of storing and removing property.

**Sign** means any device, object or visual medium used to convey information by way of color, form, graphic, illumination, symbol or writing, Displayed or intended to be Displayed on any property to attract attention to a specific subject matter for identification, information or advertising purposes, and shall include the Sign Structure and all other component parts.

**Sign Area** means the number of square metres on the surface of a Sign including the border or frame. Where there is no border or frame or the Sign is composed of individually installed letters, numerals or shapes, the Sign Area includes the total area within the outermost perimeter bounding the limit of all individual components. In the case of a Double Sided or multi-sided Sign, the Sign Area will be based on the sum of the area of all sides.

**Sign Owner** means any Person who owns the Sign or holds the Sign Permit for the Sign and includes any Person whose name, address, or telephone number appears on the Sign, who Displayed the Sign, or who benefits from the message or information conveyed by the Sign, and for the purposes of this definition, there may be more than one Sign Owner.

**Sign Permit** means a permit issued by the Director pursuant to the provisions of this By-Law to Display a Sign.

**Sign Structure** means the supports, uprights, bracing and framework for a Sign.

**Snap Frame Sign** means a Temporary Sign not permanently attached to or affixed into the ground, to a Building, or a structure, which is double sided and is self-supporting.

**Street** means the portion of a Highway that is used for vehicular traffic.

**Street Line** means a property line that divides a property from a Street.

**Temporary Sign** means a Sign that is not permanently attached to or affixed into the ground, to a Building, or a structure, in which a timeframe or condition has been established for its removal or renewal and shall include Construction Site Signs, Portable Signs, Sandwich Board Signs, Boulevard Signs, Projected Display Signs, Balloon Signs, Snap Frame Signs, Real Estate Signs, Election Signs and Searchlight Signs.

**Total Aggregate Area** means the sum total of all individual Sign Areas located on the Building Facade.

**Transmission Conductors** means conductors operated at a nominal voltage of greater than 69kV.

**Utility Pole** means a pole owned or controlled by an entity which provides a municipal utility service, including but not limited to the City of Kingston, Kingston Hydro, Bell Canada, Hydro One, Eastern Ontario Power, the Ontario Electric Services Corporation, and any subsidiaries thereof.

**Wall Sign** means an On-Premise Sign, parallel to and attached to the exterior wall of a Building and includes Signs projected onto or painted on a wall.

**Zoning or Land Use** means the permitted land use established by the applicable zoning By-Laws under the Ontario Planning Act.



- h. Searchlight Signs pursuant to schedule S-2, blimps or models Displayed no more than once per year per Premise for a maximum period of fourteen days;
  - i. Flags, emblems, decorations or insignia used only for the identification of a nation, province, country, municipality, school, religious group or holiday; and
  - j. Signs that may be painted on, or applied to the inside surface of a window, or Signs placed inside of a window.
- 6.2 Any Person may seek an exemption from any of the provisions of this By-Law by applying to the Appeals Committee for a minor variance.
- a. The Appeal must be accompanied with information that includes the By-Law section to be considered, as well as any plot plans, elevations and details of the Sign showing the construction including fastening and ground support, footings, photographs of the site etc. The documentation to be provided must also include the reason why the Sign cannot be installed in a manner that would meet the By-Law. If the Committee determines that they will consider the application, any additional information that the Committee requires must be provided.
  - b. The Committee may grant a minor variance if, in its opinion, the general intent and purpose of the By-Law are maintained or if the Committee is satisfied, after allowing input from the applicant and property owners within 100 metres (328 feet), that the variance is appropriate.
  - c. The Committee may attach terms and conditions to the minor variance, including the dates for which it is to be in effect and the minor variance shall be invalid if these terms and conditions are contravened.
- 6.3 A requirement of this By-Law does not apply to a Sign that has been exempted from that requirement by a minor variance granted by the Appeals Committee and such Sign shall be deemed to be in compliance with this By-Law as long as the minor variance and any attached terms and conditions remain valid.

## **7. Prohibited Signs**

- 7.1 Where a Sign is not expressly permitted by this By-Law, it shall be deemed to be prohibited.
- 7.2 Without limiting the scope or applicability of section 7.1, the following Signs are expressly prohibited:

- LESS  
5 SEC.
- Bill
- a. Electric Spectacular Signs or any Sign where the message changes more frequently than once every five seconds;
  - b. Vehicles or trailers parked solely for the purpose of advertising a service or business as determined by the Director;
  - c. Billboard Signs in designated heritage conservation districts under part V of the Ontario Heritage Act; and
  - d. Roof Signs, Portable Signs, Billboard Signs, Revolving Signs, Projected Display Signs, Flag Signs, Off-Premise Signs and Electric Spectacular Signs Displayed in the Business Improvement Area.

## 8. Enforcement

- 8.1 The Director may issue an Order requiring the Sign Owner or the lessee of the land or Building upon which the Sign is Displayed to stop any work related to the Sign, to remove the Sign, to place the Sign in a proper state of repair, or to do any work necessary in the opinion of the Director to bring the Sign into compliance with this By-Law forthwith and at the sole expense of the Person named in the Order where:
  - a. A Sign Permit has been revoked or has expired;
  - b. A Sign Owner has contravened any provision of this By-Law;
  - c. A Sign is contravening any provision of this By-Law; or
  - d. A Sign is in dangerous or defective condition.
- 8.2 An Order shall set out reasonable particulars of the contravention adequate to identify the contravention, the location of the contravention and the date by which there must be compliance with the Order.
- 8.3 An Order may provide that if the Person named in the Order fails to comply with the Order, the City shall have the right to enter upon the land affected by the Order at any reasonable time to complete the work specified in the Order or to remove the Sign specified in the Order at the sole expense of the Person named in the Order.
- 8.4 An Order may be served personally by an Officer, may be posted on the property upon which the Sign is Displayed, or may be sent by registered mail to the Sign Owner.

Schedule B-1 – Sign By-Law Number 2009-140

Billboard Signs

1. Billboard Signs shall only be permitted on private property in commercial, industrial, agricultural, rural and development type zones as defined by the applicable zoning By-Law.
2. Billboard Signs shall not be Displayed or caused to be Displayed within the boundaries of the Business Improvement Area.
3. Billboard Signs shall not be Displayed within a Heritage Conservation District.
4. Single sided Billboard Signs shall not exceed the maximum area based on Frontage and distance from Street Line restrictions as defined in chart B1:

Chart B1

Maximum area per Sign	Minimum Frontage per Sign	Minimum distance from Street Line
18.5 square metres (200 square feet)	30.5 metres (100 feet)	3 metres (10 feet)
37.2 square metres (400 square feet)	<del>304.8 metres</del> (1000 feet)	<del>9.1 metres</del> (30 feet)
65.0 square metres (700 square feet)	<del>610 metres</del> (2000 feet)	<del>30.4 metres</del> (100 feet)

5. Double sided Billboard Signs shall have a maximum Sign Area of 18.5 square metres (200 square feet) per side with a total Sign Area for both sides not exceeding 37 square metres (400 square feet) subject to Frontage and distance from Street Line restrictions as defined in chart B1.

6. Billboard Signs shall be a minimum distance of 100 metres (328 feet) from another Billboard Sign, ~~Roof Sign, another Off-Premise Sign, any residentially zoned property or an intersection.~~

7. Billboard Signs or any part of a Billboard Sign shall not exceed 15.2 metres (50 feet) in height, measured from Grade, or 7.6 metres (25 feet), measured from the centre line of the abutting Street.

8. Billboard Signs shall not be Displayed so that the rear part of the Sign is or will be exposed or visible to any Street when it is not a Double Sided Sign.

14+48  
FUTURE

30 FEET  
50 FEET

300'

IF VISIBLE

- 9. One Billboard Sign is permitted in place of, but not in addition to, a second Ground Sign in accordance with schedule G-1, where the Frontage permits two Ground Signs.
- 10. Billboard Signs or any part of a Billboard Sign shall be a minimum distance of 3 metres (10 feet) to overhead Electrical Distribution Conductors or 3.7 metres (12 feet) to overhead Electrical Transmission Conductors. ✓

11. A BILLBOARD ON A WALL IS PERMITTED IN THE B.I.M. AND COMMERCIAL AND INDUSTRIAL ZONES ONLY.

OK. 4 — SCHEDULE W-1  
 MINIMUM DISTANCE (9 FEET)  
 FROM BOTTOM OF THE SIGN TO GRADE.

OK. 5 —

OK. 7 —

Schedule G-1 – Sign By-Law Number 2009-140

Ground Signs

- SPECIFIC*
- ON PREMISE ON*
1. Ground Signs shall only be permitted in commercial, industrial, agricultural, rural, development or institutional type zones as defined by the applicable zoning By-Law.
  2. Ground Signs are permitted an area per side of 0.1 square metres (1 square foot) for each linear 0.3 metres (1 foot) of Frontage on a Street, but shall not exceed the maximum Sign Area per side or maximum height based on the distance from Street Line restrictions as defined in chart G1:

Chart G1

Minimum distance from Street Line	Maximum height	Maximum Sign Area per side
1.5 metres (5 feet)	5.3 metres (17.5 feet)	7 square metres (75 square feet)
2.3 metres (7.5 feet)	8 metres (26 feet)	7 square metres (75 square feet)
Greater than 3.0 metres (10 feet)	10.6 metres (35 feet)	14 square metres (150 square feet)

3. In addition to the maximum Sign Area provisions of this schedule, an additional area of 5 square metres (54 square feet) shall be permitted for use as a Readograph Sign only.
4. A maximum of one Ground Sign may be Displayed for a property having Frontage up to 91.4 metres (300 feet). A second Ground Sign is permitted for Frontage in excess of 91.4 metres (300 feet) subject to restrictions as defined in paragraph 2 and chart G1 of this schedule.
5. The location of Ground Signs shall comply with the following:
  - a. The Sign Structure for a Ground Sign shall be located only on private property and shall be designed to prevent overturning.
  - b. On corner lots, only one Ground Sign may be Displayed in the triangular space formed by the Street Lines for a distance of 15.2 metres (50 feet) from their point of intersection. These Ground Signs must have a minimum clear space below exclusive of supports of 4.25 metres (14 feet), measured from Grade.

(By-law Number 2009-140)

- c. Ground Signs or any part of a Ground Sign shall be a minimum distance of 100 metres (328 feet) from another Ground Sign on the same Premise, and 1.5 metres (5 feet) from any Property Line other than a Street Line.
  - d. Ground Signs or any part of a Ground Sign shall be a minimum distance of 3 metres (10 feet) to overhead Electrical Distribution Conductors or 3.7 metres (12 feet) to overhead Electrical Transmission Conductors.
6. Ground Signs may be illuminated internally or externally but shall not be of the flasher type, and shall be subject to the provisions of this By-Law.
7. ~~Where the Frontage permits two Ground Signs, either one Billboard Sign, in accordance with schedule B-1, or one Roof Sign, in accordance with schedule R-3 may be Displayed in place of, but not in addition to the second Ground Sign.~~
8. In the Business Improvement Area, there may be a maximum of one Ground Sign for each Street Frontage, with a maximum Sign Area of 0.3 square metres (3.2 square feet) for each linear 1 metre (3.3 feet) of Frontage. These Ground Signs shall be a minimum distance of 0.45 metres (1.6 feet) from the edge of pavement and the Sign Structure shall be located only on private property.

## Schedule R-3 – Sign By-Law Number 2009-140

## Roof Signs

1. Roof Signs shall only be permitted in commercial, industrial or institutional type zones as defined by the applicable zoning By-Law.
2. Roof Signs are prohibited on all Protected Heritage Properties.
3. Roof Signs shall not be Displayed or caused to be Displayed within the boundaries of the Business Improvement Area.
4. Roof Signs shall not exceed 6.1 metres (20 feet) in height above the roof to which the Sign is mounted provided the Roof Sign does not exceed the height regulations set out in the applicable zoning By-Law.
5. Roof Signs shall have a maximum Sign Area of 18.58 square metres (200 square feet) per side. In the case of a V-shaped Roof Sign, the angle between each side shall not exceed sixty degrees.
6. The location of Roof Signs shall comply with the following:
  - a. Roof Signs shall be a minimum distance of 100 metres (328 feet) from another Roof Sign, Billboard Sign or another Off-Premise Sign. 50 SAUE
  - b. Roof Signs or any part of a Roof Sign shall be a minimum distance of 3 metres (10 feet) to overhead Electrical Distribution Conductors or 3.7 metres (12 feet) to overhead Electrical Transmission Conductors.
7. A maximum of one Roof Sign may be Displayed per Premise.
8. The Sign Structure of a Roof Sign shall appear to be free of any extra bracing, angle iron, guy wires or cables and the supports shall appear to be an architectural and integral part of the Building. Supporting columns of round, square, or shaped steel members may be Displayed if required bracing, visible to the public, is minimized or covered.
9. One Roof Sign is permitted in place of, but not in addition to, a second Ground Sign in accordance with schedule G-1, where the Frontage permits two Ground Signs.

## Sign By-Law review public meeting December 2, 2015

### Questions/Comments

1. Definition of portable sign. Remove the last phrase contradictory
2. 2.1 Applicability – Illegal signs (even ones that have been there 10 years) should be removed not grandfathered in.
3. Painted signs on a wall. How do we regulate in terms of sign area – Signs on a wall of a heritage building eg. Johnson and Victoria (was removed on complaint).
4. 5.9 Change “cannot direct” light to spillage of light.
5. Window graphic style should be regulated – no permit but comply with by-law
6. 4.7 City council not the heritage committee would approve this.
7. 6. Prohibited signs – 6.2 (b) add flag signs in BIA and electric spectacular signs everywhere
8. Replace “as determined by the director” to “at the discretion of the director”
9. Definition of billboard sign - should remove “ground sign” from the definition
10. Need definition of electronic illumination billboard sign “on-premise” in the BIA
11. Billboard sign - minimum distance between or is it radius of 1000 feet? Not fair if not in line of sight.
12. Billboard signs could be regulated depending on the area
13. Differentiate “boulevard” to “median”
14. Provide another word for “construction sign” to differentiate from road traffic construction signs
15. Construction signs – hoarding regulation to provide for a legal use of. Eg. advertising on
16. “either or” to control sign proliferation
17. Definition of “readograph” could be a digital sign? Implication for “on-premise” versus “off-premise”.
18. Can a ground sign and a billboard sign be on one structure together?
19. Should there be a minimum distance between a ground sign and a billboard sign?
20. Is “open space” defined where ground signs are permitted? Check zoning bylaw definition.
21. Should revisit the “temporary nature” of portable signs
22. Should discourage relocation of mast arm sign structure on heritage buildings to prevent damage to stone or brick façade. Same issue with awning signs.
23. Real estate signs stay up too long. Eg. “now renting” especially for student rentals
24. New snap frame sign when base is covered with snow could pose a trip hazard. Sandwich board signs placed in middle of sidewalk.
25. Why are wall signs on-premise signs only. Continuity of terminology re: wall sign definition
26. Animated sign definition – use elsewhere in the by-law.



**Sign By-Law review public meeting July 28, 2016**

**Questions/Comments**

1. Combination signs, new provision. Feels that they should be able to have a billboard sign on top of a ground sign with the schedule provision for each. Why should they have to provide two signs structures to have the larger sign?
2. Wall signs should be able to be off-premise as well
3. Real estate signs should not discriminate against one business type with excluding self-service storage
4. Electric Spectacular Sign still prohibited. Most signs display a video changing more frequently than once every 5 seconds and there are many across the City including the K rock Center. These should be permitted.
5. Definition of restoration – confusing with Maintenance
6. The BIA only permits animated walls signs that are on-premise. Why are off-premise signs not permitted, and what was the rationale behind this?
7. Can we confirm how much the permit revenue is for signage



**City of Kingston**

**Ontario**

**By-Law Number 2009-140**

**A By-Law to Regulate Signs in the City of Kingston**

**Passed:** October 20, 2009

As amended by:

<b>By-Law Number</b>	<b>Date Passed</b>
By-law Number 2012-111	August 14, 2012
By-Law Number 2013-89	April 23, 2013
By-Law Number 2013-157	July 17, 2013
By-Law Number 2014-84	June 3, 2014

**(Office Consolidation)**

(Printed: June 3, 2014)

**By-Law Number 2009-140****A By-Law to Regulate Signs in the City of Kingston**

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**By-Law Number 2009-140**

**A By-Law to Regulate Signs in the City of Kingston**

**Passed:** October 20, 2009

**Whereas** Section 99 of the Municipal Act, 2001, S.O. 2001, c. 25 authorizes the council of every local municipality to pass By-Laws for prohibiting and regulating Signs within the municipality;

**And whereas** section 425 of the Municipal Act, 2001 authorizes the council of every local municipality to pass By-Laws providing that a Person who contravenes a By-Law of the municipality passed under this Act is guilty of an offence;

**And whereas** section 429 of the Municipal Act, 2001 authorizes the council of every local municipality to establish a system of fines for offenses of a By-Law of the municipality passed under this Act;

**And whereas** the Council of the Corporation of the City of Kingston considers it desirable to enact such a By-Law;

**Now therefore the Council of the Corporation of the City of Kingston enacts** as follows:

**1. Definitions:**

For the purposes of this By-Law,

**Alter** means any change to the Sign structure or the Sign Area, but does not include Maintenance or a change in the message Displayed by a Sign, unless the change is from an On-Premise Sign to an Off-Premise Sign. For the purposes of approvals under the Ontario Heritage Act, Alter shall also mean to change in any manner and includes restore, renovate, repair, or disturb. Altered and alteration shall have a corresponding meaning.

**Animated Sign** means an On-Premise or Off-Premise Sign with movement, motion, or the appearance of motion by way of motion picture, streaming video, television, LED screens or other technology that remains unmoved or unchanged for periods of at least five seconds, but does not include wind actuated elements such as flags, banners or Revolving Signs and Electric Spectacular Signs.

**Appeals Committee** and **Committee** means the Committee established by the City's By-Law Number 2010-1, Council Procedural By-Law, and includes any successor

Committee designated by City Council to carry out the Committee's responsibilities under this By-Law.

**Awning Sign** means a retractable or fixed roof-like cover or a canopy made of rigid or non-rigid material, attached or projecting from a Building or structure, normally extending over a doorway or window, with lettering (other than civic address number) or advertising, on or affixed to it and may have supports on the ground, and includes Marquee Signs.

**Balloon Sign** means any inflatable Sign or balloon regardless of size that is designed for the purpose of advertising any business or promotional event.

**Banner Sign** means a Sign composed of lightweight, non-rigid material such as cloth, plastic, canvas or other similar material that is mounted so as to allow movement by atmospheric conditions.

**Billboard Sign** means a large format Off-Premise Sign, primarily Displayed along high traffic areas such as arterial roads and freeways.

**Boulevard Sign** means a privately owned Temporary Sign supported on the ground and located on the municipal boulevard between the Street and the Street Line.

**Building** means a structure consisting of a wall, roof and floor or a structural system serving the function thereof and also means the place of business including the property address that the business may be located on.

**Building Façade** means that portion of any exterior elevation of a Building extending from Grade to the top of the Parapet wall or eaves and the entire width of the Building elevation, and shall include a mansard roof.

**Business Improvement Area** means the geographic area bounded by the Streets outlined in map Schedule Z-1, including the Premise for all civic addresses contained therein.

**City and City of Kingston** means the Corporation of the City of Kingston, as incorporated on January 1, 1998.

**Construction Site Sign** means a Temporary Sign Displayed on private property to advise construction of a development including a sub-division and shall not include an Entrance Gate Sign.

**Council and City Council** means the Council of the City of Kingston.

**Designate** means a Person who is an employee of the Corporation of the City of Kingston and who has been appointed by the Director to administer all or part of this By-Law on behalf of the Director.

**Director** means the Director of Planning, Building and Licensing Services for the City of Kingston, his or her designate or, in the event of organizational changes, another employee designated by Council.

**Display** means erect, locate, attach or affix to any Building, or structure, or to the ground.

**Distribution Conductors** means conductors operated at a nominal voltage of 46kV or less.

**Double sided Sign** means a Sign having two sides of equal area and proportions, which are located exactly opposite each other on the Sign Structure, and both Sign Areas shall constitute only one Sign.

**Election Sign** means any Sign advertising or promoting of a candidate in a Federal, Provincial or Municipal election, including an election of a local board or commission, or any Sign intended to influence Persons to vote for or against any candidate or any question or By-Law submitted to the electors under section 8 of the Municipal Elections Act, 1996. Election Signs are regulated under the City's By-Law Number 2014-16, a By-Law to regulate election signs in the City of Kingston.

**Electric Spectacular Sign** means a Sign having a message change more frequently than once every five seconds.

**Entrance Gate Sign** means a Sign used to indicate the entrance to a community and shall not be used for the purpose of advertising a place of business, organization, project, product, service, event or otherwise promote the sale of objects or services.

**First Storey** means the storey that has its floor closest to Grade and its ceiling more than 1.8 metres (5.9 feet) above Grade.

**Flag Sign** means an On-Premise rectangular shaped flag, feather shaped flag, teardrop shaped flag or a similar design made of non-rigid material attached to a pole or rod, devoted to advertising but shall not include a Mast Arm Sign.

**Frontage** means the length of a Property Line abutting a Street or Public Thoroughfare.

**Grade** means the average elevation of the finished surface of the ground where it meets the Sign Structure, or the wall of the Building onto which the Sign is Displayed.

**Ground Sign** means an On-Premise Sign including a Readograph Sign which is permanently affixed to and supported from the ground, and not attached to or supported in any manner by a Building.

**Height** means the vertical distance between Grade and the highest point of the Sign or Sign Structure.

**Heritage Attribute** shall have the meaning set out in the Ontario Heritage Act, R.S.O. 1990, c.O. 18.

**Highway** means a common and public Highway, which is under the jurisdiction of the City, and includes any Street, lane, bridge, trestle, viaduct or other structure that forms part of the Highway and all lands between the lateral Street Lines thereof.

**Illuminated Sign** means a Sign in which a source of light is used in order to make readable the message, including an internally and externally lighted Sign and a reflecting, flowing and radiating Sign.

**Intersection** means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary line of two or more Highways that join one another at an angle, whether or not one Highway crosses the other.

**Mast Arm Sign** means a Projecting Sign where the support pole or mast shall be of wrought iron or wrought aluminum construction, has a sway chain, and may be illuminated with external lighting.

**Maintenance** means anything done to preserve a Sign or to prevent its deterioration but does not include the Alteration of a Sign; shall also include "Maintenance" as defined in the City's By-Law Number 2013-141, a procedural By-Law for heritage, and any other work defined as Maintenance in a part IV designation By-Law, or in a part V heritage conservation district plan, under the authority of the Ontario Heritage Act.

**Marquee** means a tall permanent roof like canopy projection above an entrance door and over a sidewalk, walkway, or terrace typically distinguishable by a surrounding row of light bulbs.

**Officer** means a Provincial Offences Officer of the City who has been assigned the responsibility of administering or enforcing this By-Law and includes all City of Kingston employees of Planning, Building and Licensing Services.

**Off-Premise Sign** means any Sign identifying or advertising a business, Person, activity, goods, product or service, which is not related to or available at the Premise where the Sign is located.

**On-Premise Sign** means any Sign identifying or advertising a business, Person, activity, goods, product or service available at the Premise where the Sign is located.

**Parapet** means an extension of the wall above the actual roof level.

**Person** includes any individual, association, proprietorship, partnership, company, corporation, firm, business, authorized agent, trustee and heirs, executors or other legal representatives.

**Planning, Building and Licensing Services** means the Planning, Building and Licensing Services Department, Community Services Group, or in the event of organizational changes, another unit designated by Council to carry out the Department's responsibilities for the administration and enforcement of this By-Law.

**Portable Sign** means a temporary Off-Premise or On-Premise Sign not permanently attached to or affixed into the ground, to a Building or a structure, or any Sign resting upon or attached to any moveable device.

**Premise** means a property and all Buildings or structures thereon.

**Projected Display Sign** means a Sign which projects light from a Premise to any surface for advertising and includes holograms.

**Projecting Sign** means a double sided On-Premise Sign which is perpendicular to and entirely supported by the wall of the Building, and includes Mast Arm Signs.

**Property Line** means a legal boundary of a property.

**Protected Heritage Property** means property designated under part IV, V or VI of the Ontario Heritage Act; property subject to a heritage conservation easement under parts II or IV of the Ontario Heritage Act; property identified by the province and prescribed public bodies as provincial heritage property under the standards and guidelines for conservation of provincial heritage properties; property protected under Federal legislation; and UNESCO world heritage sites.

**Public Thoroughfare** means that portion of private property over which the general public has the right to vehicular or pedestrian passage for the purpose of accessing the premise and includes roadways, laneways and public parking areas. This definition also includes water passage.

**Readograph Sign** means a permanent On-Premise Sign composed of manually or electronically interchangeable letters or images intended to convey a temporary message that remains unmoved or unchanged for periods of at least five seconds.



**Real Estate Sign** means a Temporary Sign used to advertise Buildings, or properties, or units within the Building for sale or lease at the point of sale but does not include any Sign used to advertise a product or service related to a Self-Service Storage Facility.

**Revolving Sign** means a Sign that revolves three hundred and sixty degrees but shall not exceed eight revolutions per minute.

**Roof Sign** means an On-Premise or Off-Premise Sign Displayed entirely upon or above the main roof or Parapet wall of a Building and is wholly or partially supported by the Building.

**Sandwich-Board Sign** means a Temporary Sign not permanently attached to or affixed into the ground, to a Building, or a structure, which is hinged or otherwise attached enabling the two sides to be extended into an A shape so as to support the said Sign in an upright position.

**Searchlight Sign** means an apparatus containing a light source and a reflector for projecting a high-intensity beam of approximately parallel rays of light.

**Self-Service Storage Facility** means a facility designed and used for the purpose of providing individual secured storage units and other spaces to Persons who are to have access to such units for the purpose of storing and removing property.

**Sign** means any device, object or visual medium used to convey information by way of color, form, graphic, illumination, symbol or writing, Displayed or intended to be Displayed on any property to attract attention to a specific subject matter for identification, information or advertising purposes, and shall include the Sign Structure and all other component parts.

**Sign Area** means the number of square metres on the surface of a Sign including the border or frame. Where there is no border or frame or the Sign is composed of individually installed letters, numerals or shapes, the Sign Area includes the total area within the outermost perimeter bounding the limit of all individual components. In the case of a Double Sided or multi-sided Sign, the Sign Area will be based on the sum of the area of all sides.

**Sign Owner** includes any Person who owns the Sign or holds the Sign Permit for the Sign and includes any Person whose name, address, or telephone number appears on the Sign, who Displayed the Sign, or who benefits from the message or information conveyed by the Sign, and for the purposes of this definition, there may be more than one Sign Owner.

**Sign Permit** means a permit issued by the Director pursuant to the provisions of this By-Law to Display a Sign.

**Sign Structure** means the supports, uprights, bracing and framework for a Sign.

**Snap Frame Sign** means a Temporary Sign not permanently attached to or affixed into the ground, to a Building, or a structure, which is double sided and is self-supporting.

**Street** means the portion of a Highway that is used for vehicular traffic.

**Street Line** means a property line that divides a property from a Street.

**Temporary Sign** means a Sign that is not permanently attached to or affixed into the ground, to a Building, or a structure, in which a timeframe or condition has been established for its removal or renewal and shall include Construction Site Signs, Portable Signs, Sandwich Board Signs, Boulevard Signs, Projected Display Signs, Balloon Signs, Snap Frame Signs, Real Estate Signs, Election Signs and Searchlight Signs.

**Total Aggregate Area** means the sum total of all individual Sign Areas located on the Building Façade.

**Transmission Conductors** means conductors operated at a nominal voltage of greater than 69kV.

**Utility Pole** means a pole owned or controlled by an entity which provides a municipal utility service, including but not limited to the City of Kingston, Kingston Hydro, Bell Canada, Hydro One, Eastern Ontario Power, the Ontario Electric Services Corporation, and any subsidiaries thereof.

**Wall Sign** means an On-Premise Sign, parallel to and attached to the exterior wall of a Building and includes Signs projected onto or painted on a wall.

**Zoning or Land Use** means the permitted land use established by the applicable zoning By-Laws under the Ontario Planning Act.

**2. Applicability**

- 2.1 Any Sign that is lawfully Displayed on or before the day this By-Law or any subsequent amendments to this By-Law comes into force, but does not comply with this By-Law, shall be allowed to remain and may be Maintained but shall not be Altered or changed from an On-Premise Sign to an Off-Premise Sign.
- 2.2 This By-Law does not apply to Signs Displayed by or on behalf of the City or any Federal or Provincial authority.
- 2.3 All Signs Displayed, Altered or Maintained in the City shall comply with this By-Law and any attached schedules, the Ontario Building Code, Fire Code and their regulations, as well as any other Act, regulation, By-Law or site plan requirement regardless of the requirement for a Sign Permit.
- 2.4 This By-Law does not apply to Election Signs.

**3. Administration**

- 3.1 The Director is responsible for the administration and enforcement of this By-law.
- 3.2 All Officers with authority to enforce the By-Laws of the City are responsible for enforcing the provisions of this By-Law.
- 3.3 The Director or an Officer may enter upon any property at any reasonable time to inspect a Sign for the purpose of determining or affecting its compliance with this By-Law.

**4. Permits**

- 4.1 Unless otherwise specifically provided in this By-Law, no Person shall Display, cause to be Displayed, or permit to be Displayed a Sign or Sign Structure unless the Director has issued a Sign Permit.
- 4.2 Applications for a Sign Permit or an amendment to an existing Sign Permit shall be submitted to Planning, Building and Licensing Services upon a form as prescribed by the Director for review and approval with the following information:
  - a. Agent of record letter where the Person applying for the Sign Permit is not the owner of the property where the Sign will be Displayed.
  - b. A survey or plot plan showing the Street Lines upon the property which the Sign will be Displayed and the location of the proposed Sign in relation to the Property Lines, other structures and other Signs upon the Premise.

- c. Drawings and information with respect to the Building upon which the Sign is to be Displayed including the size, area, height and location of all other existing Signs.
  - d. Complete drawings and specifications covering the construction of the Sign and Sign Structure, including but not limited to, dimensioned elevation drawings indicating the height of the Sign above Grade, base and column details, connection and fastening details, weight of proposed Sign and construction materials to be used.
  - e. A certificate of review from a Professional Engineer where required by the Ontario Building Code.
  - f. All applicable fees as set out in the City's By-Law Number 2005-10, a By-Law to establish fees and charges.
- 4.3 Where an application for a Sign Permit is submitted by a registered charity, the Director shall waive all applicable permit fees, but all other provisions of this By-Law and the Ontario Building Code shall continue to apply.
- 4.4 Applications for a Sign Permit may be circulated to other City departments for review and comment.
- 4.5 The Director may refuse to issue a Sign Permit under the following circumstances:
- a. The application for a Sign Permit, including any plans, specifications, documents or other information is incomplete, or any fees due are unpaid; or
  - b. The proposed Sign, or any other Sign Displayed on the property does not comply with this By-Law, any other By-Law, or any Federal or Provincial legislation or regulation.
- 4.6 If an application for a Sign Permit is refused, the Director will refund any permit fees paid by the applicant.
- 4.7 The Director may revoke a Sign Permit under the following circumstances:
- a. The Sign Permit was issued in error or issued on mistaken, false or misleading information;
  - b. The Display or Alteration of the Sign in respect of which the Sign Permit was issued has not commenced to the satisfaction of the Director within

six months after the issuance of the Sign Permit or construction has not been substantially completed within twelve months after the date of issuance of the Sign Permit;

- c. A Person to whom an Order has been issued pursuant to this By-Law has failed or refused to comply with such Order;
  - d. A Person has, in the opinion of the Director, contravened this By-Law or any other By-Law or any applicable law;
  - e. The business, product, activity, or service to which the Sign relates ceases to operate or is no longer available;
  - f. The Sign Owner requests in writing that the Sign Permit be revoked; or
  - g. The Sign Permit was issued on the basis of a minor variance granted with terms and conditions and there has not been compliance with the terms and conditions imposed.
- 4.8 A Sign Owner shall immediately upon the expiration or revocation of the Sign Permit remove the Sign.
- 4.9 A Sign Permit may be renewed for an additional specified period, subject to the payment of all applicable fees as set out in the City's By-Law Number 2005-10, a By-Law to establish fees and charges, provided that renewal is applied for prior to the expiration of the original Sign Permit.
- 4.10 Notwithstanding any other provision of this By-Law, where a Sign that is within 400 metres of a controlled access Highway under Provincial jurisdiction is visible from and oriented toward that Highway, the approval of the Minister of Transportation (Ontario) shall accompany the Sign Permit application.
- 4.11 All Signs Altered or Displayed on a Protected Heritage Property shall be compatible with the cultural heritage value and character of the Premise and require approval from City Council in accordance with the Ontario Heritage Act prior to the issuance of a Sign Permit. No Sign on a Protected Heritage Property shall Alter, obstruct or conceal a Heritage Attribute.

**5. General Provisions**

- 5.1 The provisions of this section apply to all Signs.
- 5.2 Sign Owners shall be solely responsible and pay for any damage to Persons or property caused by the Alteration, Display, Maintenance, use or removal of the Sign or any other cause whatsoever related to the Sign.
- 5.3 Sign Owners shall ensure Signs and Sign Structures are maintained in a proper state of repair at all times such that Signs do not become unsafe, structurally unsound, unsightly or dangerous.
- 5.4 A Sign or any part of a Sign shall not be Displayed on a property without the approval or consent of the owner of that property.
- 5.5 Sign Owners shall ensure that, regardless of the requirement for a Sign Permit, each Sign, including its Alteration, Display and Maintenance, complies with the following:
- a. All applicable provisions and regulations of this By-Law or any other By-Law or site plan requirements;
  - b. Rules of the Ontario Electric Safety Code and the electrical authority having jurisdiction;
  - c. All applicable Provincial and Federal legislation and regulations; and
  - d. Every instrument of a legislative nature made or issued under Provincial and Federal legislation and regulations.
- 5.6 Applicants shall indemnify the City, its officers, and agents from all loss, damages, costs, or proceedings of any nature arising from the Maintenance, Display, removal or use of any Sign.
- 5.7 Where two or more Signs are Displayed on a Building, the Sign Owner shall ensure that those signs are of uniform height and arrangement.
- 5.8 Illuminated Signs shall be designed to direct light away from adjacent Premises and Streets and downward so as to reduce night light pollution, and shall not be located within 30 metres (100 feet) of a residentially zoned property.
- 5.9 Signs shall not be Displayed, Altered or Maintained in such a way that, in the opinion of the Director, the Sign interferes with any City operations.

- 5.10 Any Person possessing any Premise, and any Person owning any Premise, for which a Sign Permit has been issued shall remove the Sign or cover over any Sign with a suitable opaque covering or replacement Sign within thirty days of vacating the Premise.
- 5.11 Where any Sign proposed to be Displayed may be considered as more than one form of Sign permitted by this By-Law or as a combination of forms of Signs permitted by this By-Law, such Sign shall conform to the most restrictive provisions of this By-Law.

**6. Exemptions**

- 6.1 The following Signs may be Displayed without a Sign Permit but all such Signs shall comply with all other requirements of this By-Law:
- a. Temporary Signs for the identification of a garage sale provided that such sales are in accordance with the City's By-Law Number 2006-213, a By-Law to license, regulate and govern certain businesses, and any other By-Laws, and that all Signs are removed at the end of the sale;
  - b. Signs having a Sign Area not greater than 0.18 square metres (2 square feet) Displayed on a Building on private property, including a home occupation Sign;
  - c. Civic addressing Signs having a Sign Area not greater than 0.18 square metres (2 square feet) that include the name of the owner or occupant of the property or civic address of the property, in accordance with the City's By-Law Number 2005-98, a By-Law to direct the orderly addressing of Buildings and properties and appropriate naming of roads within the City of Kingston;
  - d. Directional Signs Displayed on private property for the purpose of directing traffic, directing parking, or directing or prohibiting certain uses of the property provided no side has a Sign Area greater than 0.55 square metres (6 square feet) to a maximum total for all sides not greater than 2.22 square metres (24 square feet);
  - e. Signs consisting entirely of landscaping material;
  - f. Banner Signs that have been authorized by the City used to identify a special event;
  - g. Real Estate Signs as per Schedule R-1;

- h. Construction Site Signs as per Schedule C-1;
- i. Searchlight Signs and Balloon Signs as per Schedule S-2;
- j. Flag Signs as per Schedule F-1;
- k. Flags, emblems, decorations or insignia used only for the identification of a nation, province, country, municipality, school, religious group or holiday; and
- l. Signs that may be painted on, or applied to the inside surface of a window, or Signs placed inside of a window.

6.2 Any Person may seek an exemption from any of the provisions of this By-Law by applying to the Appeals Committee for a minor variance.

- a. The Appeal must be accompanied with information that includes the By-Law section to be considered, as well as any plot plans, elevations and details of the Sign showing the construction including fastening and ground support, footings, photographs of the site etc. The documentation to be provided must also include the reason why the Sign cannot be installed in a manner that would meet the By-Law. If the Committee determines that they will consider the application, any additional information that the Committee requires must be provided.
- b. The Committee may grant a minor variance if, in its opinion, the general intent and purpose of the By-Law are maintained or if the Committee is satisfied, after allowing input from the applicant and property owners within 100 metres (328 feet), that the variance is appropriate.
- c. The Committee may attach terms and conditions to the minor variance, including the dates for which it is to be in effect and the minor variance shall be invalid if these terms and conditions are contravened.

6.3 A requirement of this By-Law does not apply to a Sign that has been exempted from that requirement by a minor variance granted by the Appeals Committee and such Sign shall be deemed to be in compliance with this By-Law as long as the minor variance and any attached terms and conditions remain valid.

## **7. Prohibited Signs**

7.1 Where a Sign is not expressly permitted by this By-Law, it shall be deemed to be prohibited.

7.2 Without limiting the scope or applicability of section 7.1, the following Signs are expressly prohibited:



- a. Electric Spectacular Signs or any Sign where the message changes more frequently than once every five seconds;
- b. Vehicles or trailers parked solely for the purpose of advertising a service or business as determined by the Director;
- c. Billboard Signs in designated heritage conservation districts under part V of the Ontario Heritage Act; and
- d. Roof Signs, Portable Signs, Billboard Signs, Revolving Signs, Projected Display Signs, Flag Signs, Off-Premise Signs and Electric Spectacular Signs Displayed in the Business Improvement Area.

## **8. Enforcement**

- 8.1 The Director may issue an Order requiring the Sign Owner or the lessee of the land or Building upon which the Sign is Displayed to stop any work related to the Sign, to remove the Sign, to place the Sign in a proper state of repair, or to do any work necessary in the opinion of the Director to bring the Sign into compliance with this By-Law forthwith and at the sole expense of the Person named in the Order where:
  - a. A Sign Permit has been revoked or has expired;
  - b. A Sign Owner has contravened any provision of this By-Law;
  - c. A Sign is contravening any provision of this By-Law; or
  - d. A Sign is in dangerous or defective condition.
- 8.2 An Order shall set out reasonable particulars of the contravention adequate to identify the contravention, the location of the contravention and the date by which there must be compliance with the Order.
- 8.3 An Order may provide that if the Person named in the Order fails to comply with the Order, the City shall have the right to enter upon the land affected by the Order at any reasonable time to complete the work specified in the Order or to remove the Sign specified in the Order at the sole expense of the Person named in the Order.
- 8.4 An Order may be served personally by an Officer, may be posted on the Premise upon which the Sign is Displayed, or may be sent by registered mail to the Sign Owner.

- a. Where an Order is served personally by an Officer, it shall be deemed to have been served on the date of delivery to the Person named in the Order.
- b. Where an Order is sent by registered mail, it shall be sent to the last known address of the Person named in the Order and shall be deemed to have been served on the fifth day after the Order is mailed.

#### 8.5 Removal of Signs

- a. A Sign on or over Municipal property may be removed without notice.
- b. A Sign which is Displayed, Altered or Maintained in such a way that, in the opinion of the Director, interferes with any City operations may be removed without notice.
- c. Where a Boulevard Sign or Construction Site Sign has been removed by the City, such Signs may be destroyed or otherwise disposed of by the City without notice or compensation.
- d. Any Sign, other than a Boulevard Sign or a Construction Site Sign, removed by the City shall be stored for thirty days, during which time the Sign Owner may redeem such Sign upon payment of the applicable fees prescribed in the City's By-Law Number 2005-10, a By-Law to establish fees and charges.
- e. Where a Sign has been removed by the City and stored for a period of thirty days and has not been redeemed by the Sign Owner, such Sign may be destroyed or otherwise disposed of by the City without notice or compensation.

8.6 The cost incurred by the City in completing the work, removing a Sign, destroying a Sign or disposing of a Sign or storing a Sign is deemed to be Municipal taxes and may be added to the tax roll and collected in the same manner as Municipal taxes, and not limiting the foregoing is a debt payable to the City and may be recovered in any court of competent jurisdiction.

#### **9. Offence and Penalty Provisions**

9.1 Every Person, other than a corporation, who contravenes any provision of this By-Law is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 for a first offence and \$25,000 for any subsequent offence, as provided for in subsection 429(2)(c) of the Municipal Act, 2001.

- 9.2 Every corporation that contravenes any provision of this By-Law, and every officer or director of a corporation who knowingly concurs in such contravention, is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 for a first offence and \$100,000 for any subsequent offence, as provided for in subsections 425(3) and 429(2)(c) of the Municipal Act, 2001.
- 9.3 When a Person has been convicted of an offence under this By-Law, the superior court of justice, or any court of competent jurisdiction may, in addition to any penalty imposed on the Person convicted, issue an Order prohibiting the continuation or repetition of the offence by the Person convicted, and requiring the Person convicted to correct the contravention in the manner and within the period that the court considers appropriate.
- 9.4 No Person shall hinder or obstruct, or attempt to hinder or obstruct any Person who is discharging their duties under this By-Law.
- 9.5 No Person shall fail to comply, or fail to allow compliance with an Order issued pursuant to section 8.1 of this By-Law.

**10. Conflict**

- 10.1 Where a provision of this By-Law conflicts with a provision of any other By-Law or any Federal or Provincial statute or regulation, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

**11. Validity**

- 11.1 If a court of competent jurisdiction declares any provision, or any part of a provision of this By-Law invalid, or to be of no force and effect, it is the intention of Council in enacting this By-Law that each and every provision of this By-Law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.
- 11.2 References to any statute or By-Law or any provision thereof include such statute or By-Law or provision as amended, revised, re-enacted and or consolidated from time to time, and any successor statute or By-Law.

**12. Commencement:**

- 12.1 This By-Law shall come into force and take effect on the date of its passing.

**Schedule A-1 – Sign By-Law Number 2009-140**

**Awning Signs**

1. Awning Signs shall only be permitted in commercial, industrial, agricultural, rural or institutional type zones as defined by the applicable zoning By-Law.
2. Each Awning Sign area shall not exceed ten percent (10%) of the Building Façade to which the sign is Displayed and which forms part of the occupants area within the Premise but shall not exceed two square metres (21.5 square feet). Where a Wall Sign or Projecting Sign is also advertising for tenants on the same Building Façade; the area of the Awning Sign shall contribute to the Total Aggregate Area for Wall Signs permitted in schedule W-1.
3. The location of Awning Signs shall comply with the following:
  - a. Awning Signs, including supports or any attachments that project over a sidewalk shall be a minimum distance of 2.74 metres (9 feet) above Grade and shall be measured to the bottom of any advertising that may be suspended.
  - b. Awning Signs, or any part of the Sign Structure shall not extend above or beyond the sides of the Building Façade.
  - c. Awning Signs and any attachments shall be a minimum distance of 0.45 metres (1.5 feet) from the edge of the pavement of the Street.
  - d. Awning Sign supports shall not be permitted on public property.
4. Signs Displayed on a Marquee shall be limited to one for each business entrance located on a Premise.
5. Notwithstanding the provisions of the foregoing subsections hereof, a Sign Permit for an Awning Sign which projects onto or is located, in whole or in part, over or on property owned by the City, and such Sign is permitted by the City and complies with this By-Law, shall be subject to an encroachment permit in accordance with the City's By-Law Number 2004-107, a By-Law to protect the City's Highways from unauthorized encroachments.

**Schedule B-1 – Sign By-Law Number 2009-140**

**Billboard Signs**

1. Billboard Signs shall only be permitted on private property in commercial, industrial, agricultural, rural and development type zones as defined by the applicable zoning By-Law.
2. Billboard Signs shall not be Displayed or caused to be Displayed within the boundaries of the Business Improvement Area.
3. Billboard Signs shall not be Displayed within a Heritage Conservation District.
4. Single sided Billboard Signs shall not exceed the maximum area based on Frontage and distance from Street Line restrictions as defined in chart B1:

**Chart B1**

<b>Maximum area per Sign</b>	<b>Minimum Frontage per Sign</b>	<b>Minimum distance from Street Line</b>
18.5 square metres (200 square feet)	30.5 metres (100 feet)	3 metres (10 feet)
37.2 square metres (400 square feet)	304.8 metres (1000 feet)	9.1 metres (30 feet)
65.0 square metres (700 square feet)	610 metres (2000 feet)	30.4 metres (100 feet)

5. Double sided Billboard Signs shall have a maximum Sign Area of 18.5 square metres (200 square feet) per side with a total Sign Area for both sides not exceeding 37 square metres (400 square feet) subject to Frontage and distance from Street Line restrictions as defined in chart B1.
6. Billboard Signs shall be a minimum distance of 100 metres (328 feet) from another Billboard Sign, Roof Sign, another Off-Premise Sign, any residentially zoned property or an intersection.
7. Billboard Signs or any part of a Billboard Sign shall not exceed 15.2 metres (50 feet) in height, measured from Grade, or 7.6 metres (25 feet), measured from the centre line of the abutting Street.
8. Billboard Signs shall not be Displayed so that the rear part of the Sign is or will be exposed or visible to any Street when it is not a Double Sided Sign.

9. One Billboard Sign is permitted in place of, but not in addition to, a second Ground Sign in accordance with schedule G-1, where the Frontage permits two Ground Signs.
  
10. Billboard Signs or any part of a Billboard Sign shall be a minimum distance of 3 metres (10 feet) to overhead Electrical Distribution Conductors or 3.7 metres (12 feet) to overhead Electrical Transmission Conductors.

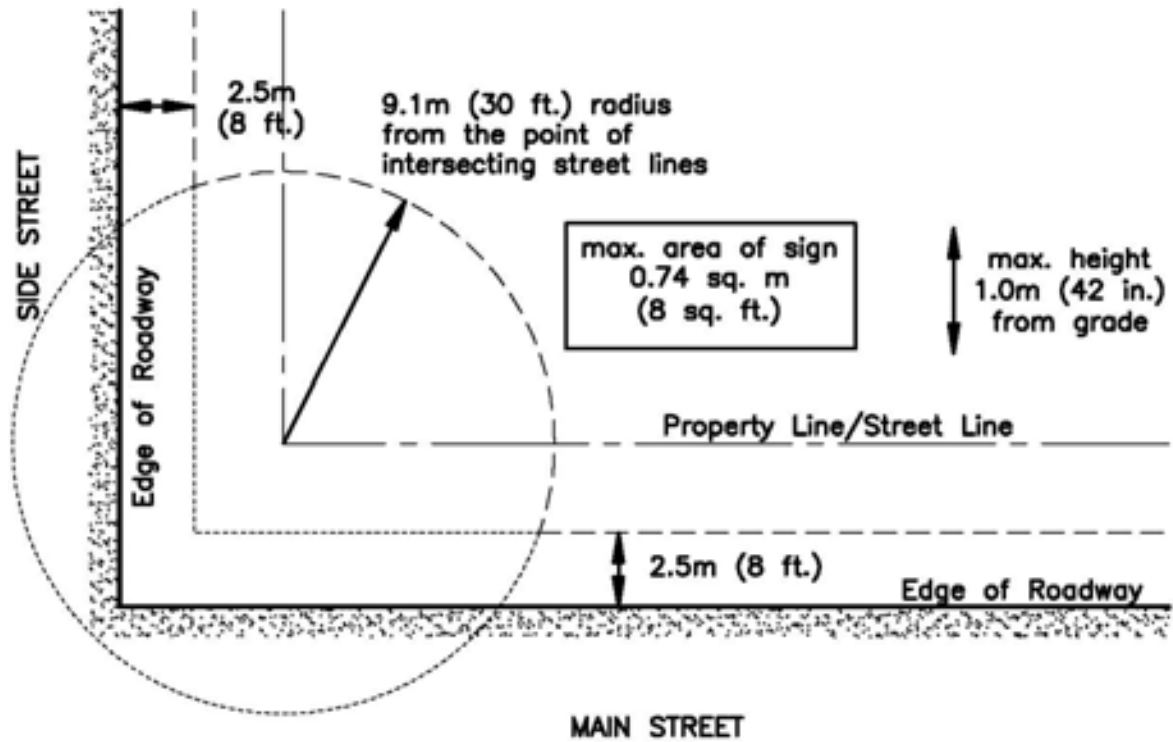
**Schedule B-2 – Sign By-Law Number 2009-140**

**Boulevard Signs**

1. Boulevard Signs shall only be permitted in commercial, industrial, agricultural, rural, development or institutional type zones as defined by the applicable zoning By-Law.
2. A maximum of one boulevard sign may be Displayed on a boulevard between intersections.
3. Boulevard Signs shall have a maximum Sign Area of 0.74 square metres (8 square feet).
4. The location of Boulevard Signs shall comply with the following:
  - a. Boulevard Signs shall be a minimum distance of 2.4 metres (8 feet) from the paved or gravel edge of a Street as per diagram B2.
  - b. Boulevard Signs shall not be Displayed within a 9.1 metre (30 foot) radius of the point of intersecting Street Lines as per diagram B2.
  - c. Boulevard Signs shall not be placed in such a way as to impede pedestrian traffic.
  - d. Boulevard Signs shall not be Displayed in medians separating opposing lanes of traffic.
5. Boulevard Signs shall not exceed 1 metre (3.5 feet) in height, measured from Grade.
6. Boulevard Signs shall not be illuminated.
7. Boulevard Signs shall be Displayed for a maximum of seven consecutive days per Sign Permit.

Diagram B2 – Sign By-Law Number 2009-140

Boulevard Signs





**Schedule C-1 – Sign By-Law Number 2009-140**

**Construction Site Signs**

1. Construction Site Signs shall be permitted in all zone types as defined by the applicable zoning By-Law.
2. Construction Site Signs shall have a maximum Sign Area of 18.58 square metres (200 square feet) per side or in the case of a V shaped Sign, the maximum Sign Area shall be 9.29 square metres (100 square feet) per side.
3. Construction Site Signs are exempt from Sign Permit requirements provided that:
  - a. All Construction Site Signs are Displayed on the Premise upon which the construction is occurring and in accordance with the City's By-Law Number 2004-107, a By-Law to protect the City's Highways from unauthorized encroachments.
  - b. Construction Site Signs are removed within six months of substantial completion of the Building or subdivision, to the satisfaction of the Director.
4. Where no construction has taken place within one year of Displaying the construction site sign, any Construction Site Sign shall be removed and disposed of without notice in accordance with sections 8.5 and 8.6 of this By-Law.
5. A maximum of one Construction Site Sign may be Displayed at the main entrance to a subdivision or construction site to identify all contractors who are working on the construction site or within the subdivision, provided the Sign complies with the provisions of this schedule.
6. Signs used to identify construction trailers are permitted provided the trailer is approved by Planning, Building and Licensing Services to be on site.

## Schedule F-1 – Sign By-Law Number 2009-140

### Flag Signs

1. Flag Signs shall only be permitted in commercial, industrial, agricultural, rural, development, open space or institutional type zones as defined by the applicable zoning By-Law.
2. Flag Signs shall only be permitted on private property in residential type zones for advertising purposes for places of worship, schools, or institutions.
3. Flag Signs shall not be Displayed or caused to be Displayed within the boundaries of the Business Improvement Area.
4. Flag Signs shall have a maximum Sign Area of 4.6 square metres (50 square feet).
5. The number of Flag Signs permitted per Premise shall comply with chart F1:

**Chart F1**

Frontage on a Street	Maximum number of Flag Signs
Less than 91.4 metres (300 feet)	Two
Between 91.4 metres (300 feet) and 182.8 metres (600 feet)	Four
Greater than 182.8 metres (600 feet)	Six
More than one Frontage each greater than 182.8 metres (600 feet)	Four on each Street Frontage

6. The location of Flag Signs shall comply with the following:
  - a. Flag Signs shall be a minimum distance of 15 metres (50 feet) from another Flag Sign on an adjacent Premise.
  - b. Flag Signs shall not be Displayed in a required parking space in accordance with the applicable zoning By-Law.
  - c. Flag Signs shall be a minimum distance of 3 metres (10 feet) from any Street or Public Thoroughfare.

**Schedule G-1 – Sign By-Law Number 2009-140****Ground Signs**

1. Ground Signs shall only be permitted in commercial, industrial, agricultural, rural, development or institutional type zones as defined by the applicable zoning By-Law.
2. Ground Signs are permitted an area per side of 0.1 square metres (1 square foot) for each linear 0.3 metres (1 foot) of Frontage on a Street, but shall not exceed the maximum Sign Area per side or maximum height based on the distance from Street Line restrictions as defined in chart G1:

**Chart G1**

<b>Minimum distance from Street Line</b>	<b>Maximum height</b>	<b>Maximum Sign Area per side</b>
1.5 metres (5 feet)	5.3 metres (17.5 feet)	7 square metres (75 square feet)
2.3 metres (7.5 feet)	8 metres (26 feet)	7 square metres (75 square feet)
Greater than 3.0 metres (10 feet)	10.6 metres (35 feet)	14 square metres (150 square feet)

3. In addition to the maximum Sign Area provisions of this schedule, an additional area of 5 square metres (54 square feet) shall be permitted for use as a Readograph Sign only.
4. A maximum of one Ground Sign may be Displayed for a property having Frontage up to 91.4 metres (300 feet). A second Ground Sign is permitted for Frontage in excess of 91.4 metres (300 feet) subject to restrictions as defined in paragraph 2 and chart G1 of this schedule.
5. The location of Ground Signs shall comply with the following:
  - a. The Sign Structure for a Ground Sign shall be located only on private property and shall be designed to prevent overturning.
  - b. On corner lots, only one Ground Sign may be Displayed in the triangular space formed by the Street Lines for a distance of 15.2 metres (50 feet) from their point of intersection. These Ground Signs must have a minimum clear space below exclusive of supports of 4.25 metres (14 feet), measured from Grade.

- c. Ground Signs or any part of a Ground Sign shall be a minimum distance of 100 metres (328 feet) from another Ground Sign on the same Premise, and 1.5 metres (5 feet) from any Property Line other than a Street Line.
  - d. Ground Signs or any part of a Ground Sign shall be a minimum distance of 3 metres (10 feet) to overhead Electrical Distribution Conductors or 3.7 metres (12 feet) to overhead Electrical Transmission Conductors.
6. Ground Signs may be illuminated internally or externally but shall not be of the flasher type, and shall be subject to the provisions of this By-Law.
7. Where the Frontage permits two Ground Signs, either one Billboard Sign, in accordance with schedule B-1, or one Roof Sign, in accordance with schedule R-3 may be Displayed in place of, but not in addition to the second Ground Sign.
8. In the Business Improvement Area, there may be a maximum of one Ground Sign for each Street Frontage, with a maximum Sign Area of 0.3 square metres (3.2 square feet) for each linear 1 metre (3.3 feet) of Frontage. These Ground Signs shall be a minimum distance of 0.45 metres (1.6 feet) from the edge of pavement and the Sign Structure shall be located only on private property.

## Schedule P-1 – Sign By-Law Number 2009-140

### Portable Signs

1. Portable Signs shall only be permitted in commercial, industrial, agricultural, rural, development or institutional type zones as defined by the applicable zoning By-Law.
2. Portable Signs shall only be permitted on private property in residential type zones for advertising purposes for places of worship, schools or institutions.
3. Portable Signs shall not be Displayed or caused to be Displayed within the boundaries of the Business Improvement Area.
4. Portable Signs shall have a maximum Sign Area of 5.57 square metres (60 square feet) per side.
5. Portable Signs shall not have any flashing or moving lights.
6. Portable Signs shall not exceed 2.7 metres (9 feet) in height, measured from Grade.
7. A maximum of one Portable Sign may be Displayed per business location at any given time.
8. The number of Portable Signs permitted per premise based on Street Frontage shall comply with chart P1:

**Chart P1**

<b>Frontage on a Street</b>	<b>Maximum number of Portable Signs</b>
Less than 91.4 metres (300 feet)	One
91.4 metres (300 feet) to 182.8 metres (600 feet)	Two
Greater than 182.8 metres (600 feet)	Three
More than one Frontage each greater than 182.8 metres (600 feet)	Four

9. The location of Portable Signs shall comply with the following:
  - a. Portable Signs shall be a minimum distance of 60.9 metres (200 feet) from another Portable Sign on the same Premise.
  - b. Portable Signs shall be a minimum distance of 30.4 metres (100 feet) from another Portable Sign on an adjacent Premise.
  - c. Portable Signs or any part of a Portable Sign shall be a minimum distance of 0.3 metres (1 foot) from the Street Line.
  - d. Portable Signs shall be a minimum distance of 3 metres (10 feet) from any Street or Public Thoroughfare.
  - e. Portable Signs shall not be Displayed in a required parking space in accordance with the applicable zoning By-Law.
10. The duration of a Sign Permit for a Portable Sign shall be a minimum of thirty days to a maximum of ninety days at which time the Sign Permit shall be subject to renewal.

**Schedule P-2 – Sign By-Law Number 2009-140****Projecting Signs**

1. Projecting Signs shall only be permitted in commercial, industrial, agricultural, rural, development or institutional type zones as defined by the applicable zoning By-Law.
2. Each Projecting Sign area shall not exceed ten percent (10%) of the Building Façade to which the Sign is Displayed and which forms part of the occupants area within the Premise but shall not exceed 2 square metres (21.5 square feet). Where a Wall Sign or Awning Sign is also advertising for tenants on the same Building Façade; the area of the Projecting Sign shall contribute to the Total Aggregate Area for Wall Signs permitted in schedule W-1.
3. A maximum of one Projecting Sign may be Displayed on the First Storey or second storey for each main entrance of a business fronting on a Street or Public Thoroughfare.
4. The location of Projecting Signs shall comply with the following:
  - a. Projecting Signs or any part of the Sign Structure shall not extend above or beyond the sides of the Building Façade.
  - b. Projecting Signs may project out perpendicular from the wall of the Building up to a maximum distance of 0.76 metres (2.5 feet) over public property.
  - c. Projecting Signs shall be a minimum distance of 2.74 metres (9 feet), measured from the bottom of the Sign to Grade.
  - d. Projecting Sign supports shall not be permitted on public property.
5. Notwithstanding the provisions of the foregoing subsections hereof, a Sign Permit for a Projecting Sign which projects or is located, in whole or in part, over or on property owned by the City, and such Sign is permitted by the City and complies with this By-Law, shall be subject to an encroachment permit in accordance with the City's By-Law Number 2004-107, a By-Law to protect the City's Highways from unauthorized encroachments.

**Schedule P-3 – Sign By-Law Number 2009-140****Projected Display Signs**

1. Projected Display Signs shall only be permitted in commercial, development, institutional or industrial type zones as defined by the applicable zoning By-Law.
2. A maximum of one Projected Display Sign is permitted to be projected from or onto any property.
3. Projected Display Signs shall be a minimum distance of 100 metres (328 feet) from any other Projected Display Sign.
4. Projected Display Signs shall be designed and located to only project light onto the intended surface. Excessive overflow of light shall not project onto any adjacent Premise, and shall be subject to the provisions of this By-Law.



**Schedule R-1 – Sign By-Law Number 2009-140****Real Estate Signs**

1. Real Estate Signs on privately owned property shall be permitted in all zone types as defined by the applicable zoning By-Law.
2. Real Estate Signs shall not be Displayed on a Premise unless such Sign is Displayed by:
  - a. the owner of the Premise or their authorized agent or contractor;
  - b. an occupant of the Premise with the owner's permission to do so; or
  - c. a registered real estate broker or auctioneer in contractual agreement with the owner, or with an occupant authorized by the owner to enter into such agreement.
3. Real Estate Signs shall be removed within twenty-one days of the closing date of the sale or lease.
4. Real Estate Signs shall have a maximum Sign Area of:
  - a. 1.85 square metres (20 square feet) for residential type zones; and
  - b. 7.4 square metres (80 square feet) for industrial and commercial type zones.
5. Real Estate Signs shall not interfere with the safe operation of vehicular or pedestrian traffic.
6. A maximum of two Real Estate Signs shall be Displayed per Premise.
7. Real Estate Signs shall only be Displayed on the Premise for which the land, Building or portion thereof is being offered for sale, rent or lease.

**Schedule R-2 – Sign By-Law Number 2009-140**

**Revolving Signs**

1. Revolving Signs shall only be permitted in commercial or industrial type zones as defined by the applicable zoning By-Law.
2. Revolving Signs shall not revolve more than eight revolutions per minute.
3. Revolving Signs shall meet the applicable requirements of this By-Law based on location and type of Sign including Ground Signs, Wall Signs and Roof Signs.

**Schedule R-3 – Sign By-Law Number 2009-140****Roof Signs**

1. Roof Signs shall only be permitted in commercial, industrial or institutional type zones as defined by the applicable zoning By-Law.
2. Roof Signs are prohibited on all Protected Heritage Properties.
3. Roof Signs shall not be Displayed or caused to be Displayed within the boundaries of the Business Improvement Area.
4. Roof Signs shall not exceed 6.1 metres (20 feet) in height above the roof to which the Sign is mounted provided the Roof Sign does not exceed the height regulations set out in the applicable zoning By-Law.
5. Roof Signs shall have a maximum Sign Area of 18.58 square metres (200 square feet) per side. In the case of a V-shaped Roof Sign, the angle between each side shall not exceed sixty degrees.
6. The location of Roof Signs shall comply with the following:
  - a. Roof Signs shall be a minimum distance of 100 metres (328 feet) from another Roof Sign, Billboard Sign or another Off-Premise Sign.
  - b. Roof Signs or any part of a Roof Sign shall be a minimum distance of 3 metres (10 feet) to overhead Electrical Distribution Conductors or 3.7 metres (12 feet) to overhead Electrical Transmission Conductors.
7. A maximum of one Roof Sign may be Displayed per Premise.
8. The Sign Structure of a Roof Sign shall appear to be free of any extra bracing, angle iron, guy wires or cables and the supports shall appear to be an architectural and integral part of the Building. Supporting columns of round, square, or shaped steel members may be Displayed if required bracing, visible to the public, is minimized or covered.
9. One Roof Sign is permitted in place of, but not in addition to, a second Ground Sign in accordance with schedule G-1, where the Frontage permits two Ground Signs.

**Schedule S-1 – Sign By-Law Number 2009-140****Sandwich Board Signs and Snap Frame Signs**

1. Sandwich Board Signs and Snap Frame Signs shall only be permitted in commercial zones as defined by the applicable zoning By-Law.
2. A maximum of one Sandwich Board Sign or Snap Frame Sign may be Displayed for any one business location or use.
3. Snap Frame Signs shall have a maximum Sign Area of 0.6 square metres (6.5 square feet).
4. Sandwich Board Signs shall comply with the following dimensions:
  - a. Maximum height of 0.92 metres (3 feet) between the top of the Sign and the surface on which the Sign is located when the sides are extended.
  - b. Maximum width of 0.61 metres (2 feet) across the horizontal distance of the Sign.
  - c. Maximum length of 0.61 metres (2 feet) between the two sides when fully extended, measured at the surface on which the Sign is located.
5. Sandwich Board Signs and Snap Frame Signs shall be located on the same Premise as the business or use to which the Sign is accessory, and where it is impossible to locate the Sign entirely on the same Premise as the business or use, the Sign may be placed on the City sidewalk which abuts the Premise where the business is located provided that:
  - a. The Sign is placed as close as possible to the curb of the Street or Public Thoroughfare where the business is located;
  - b. A minimum unobstructed sidewalk width of 1.5 metres (4.9 feet) can be maintained;
  - c. The Signs shall be removed from the City sidewalk at the close of business hours; and
  - d. The Sign is located in such a manner so as to provide clear and free pedestrian movement at all times.
6. Applications for Sandwich Board Signs and Snap Frame Signs shall be made annually.

7. Sandwich Board Signs and Snap Frame Signs shall not be Displayed on any tree, post, pole or support located on a sidewalk or on any part of a Highway.
8. In the Business Improvement Area, Sandwich Board Signs and Snap Frame Signs shall be Displayed, where possible, on the extended portion of the sidewalk. Should placing of a Sandwich Board Sign or Snap Frame Sign on the extended portion of a sidewalk not be possible, the Sign shall be located otherwise in accordance with the provisions of paragraph 5 of this schedule.

**Schedule S-2 – Sign By-Law Number 2009-140****Searchlight Signs and Balloon Signs**

1. Searchlight Signs shall only be permitted in commercial, development, industrial or institutional type zones as defined by the applicable zoning By-Law.
2. Balloon Signs shall only be permitted in commercial, industrial, agricultural, rural or institutional type zones as defined by the applicable zoning By-Law.
3. In addition to any other provision of this By-Law, the following restrictions shall apply to Searchlight Signs and Balloon Signs, blimps or models Displayed more than once per year per Premise:
  - a. Searchlight Signs shall not be Displayed for a period exceeding fourteen days.
  - b. Balloon Signs shall not be Displayed for more than fourteen days in any calendar year.
  - c. Searchlight Signs shall be designed and located to direct light away from any adjacent Premise, and shall be subject to the provisions of this By-Law.
4. Balloon Signs or any part of a Balloon Sign shall be a minimum distance of 3 metres (10 feet) to overhead Electrical Distribution Conductors or 3.7 metres (12 feet) to overhead Electrical Transmission Conductors.

**Schedule W-1 – Sign By-Law Number 2009-140****Wall Signs**

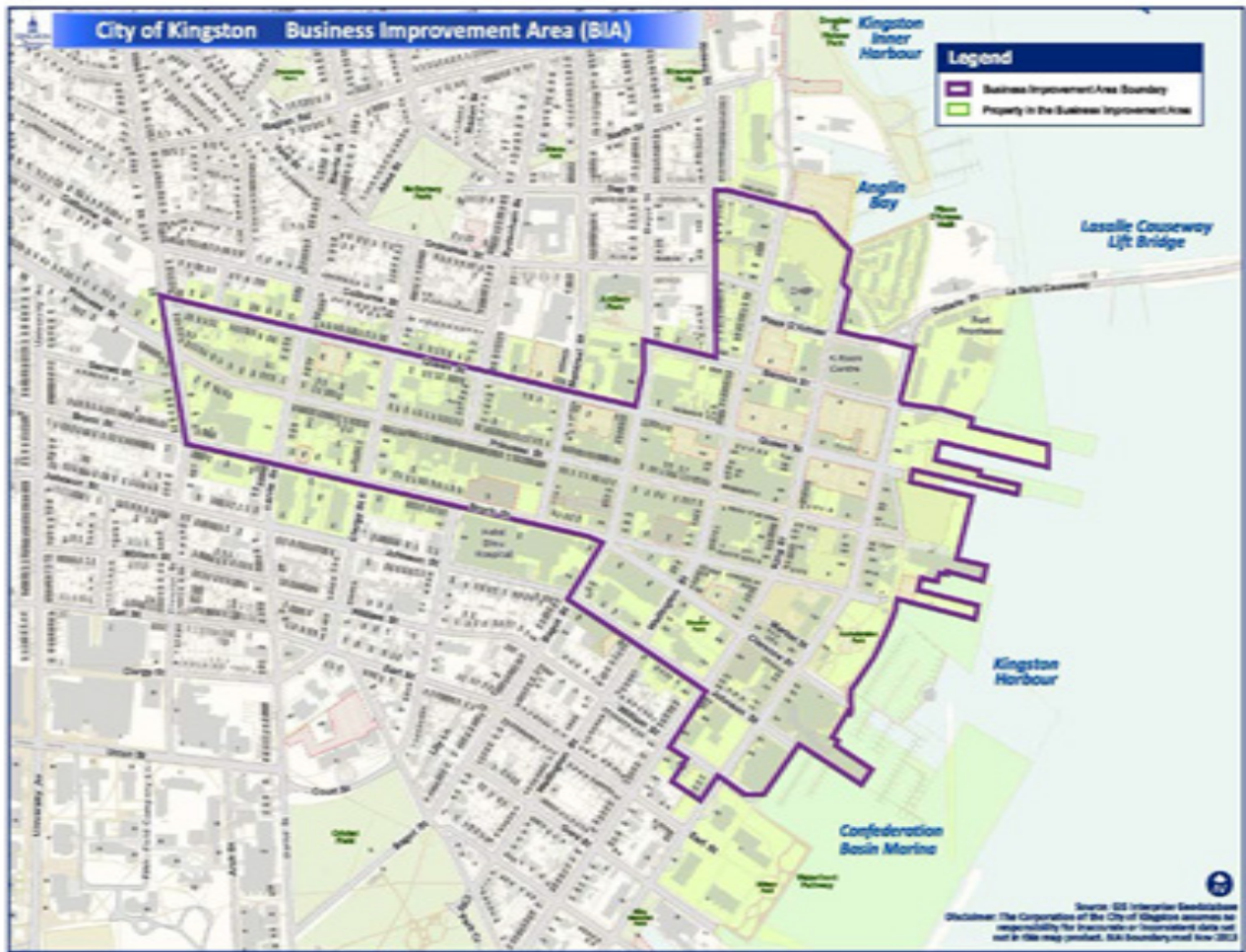
1. Wall Signs shall only be permitted in commercial, industrial, agricultural, rural or institutional type zones as defined by the applicable zoning By-Law.
2. The maximum Total Aggregate Area of all Wall Signs located on a Premise and fronting on a Street or Public Thoroughfare shall not exceed twenty percent (20%) of the Building Façade to which the Signs are Displayed to a maximum of 28 square metres (300 square feet). Where a Building contains multiple suites requiring multiple Signs, each suite is permitted twenty percent (20%) of the exterior wall area forming part of such suite.
3. Where Wall Signs are located on the wall of the top storey of a Building in excess of six storeys, the Total Aggregate Area of all Wall Signs shall not exceed ten percent (10%) of the wall area of the top storey to which the Signs are Displayed.
4. Wall Signs shall be a minimum distance of 2.47 metres (9 feet), measured from the bottom of the Sign to Grade, or 4.72 metres (15.5 feet) to Grade of any alley.
5. Wall Signs or any part of a Wall Sign shall not extend above or beyond the sides of the Building Façade.
6. A Projecting Sign or Awning Sign shall be permitted in place of, or in combination with, a Wall Sign up to the Total Aggregate Area permitted by paragraph 2 of this schedule.
7. Notwithstanding the provisions of the foregoing subsections hereof, a Sign Permit for a Wall Sign which projects or is located, in whole or in part, over or on property owned by the City, and such Sign is permitted by the City and complies with this By-Law, shall be subject to an encroachment permit in accordance with the City's By-Law Number 2004-107, a By-Law to protect the City's Highways from unauthorized encroachments.
8. Notwithstanding the provisions of the foregoing subsections hereof, the following shall apply to Wall Signs in the Business Improvement Area:
  - a. The maximum Total Aggregate Area of all Wall Signs located on a premise and fronting on a Street or Public Thoroughfare shall not exceed fifteen percent (15%) of the Building Façade to which the Signs are Displayed.

- b. A Wall Sign attached to stairwells or elevator/mechanical room penthouses shall be permitted provided such Signs do not project beyond the walls, roof, or Parapet of the stairwell or penthouse and does not exceed thirty-five percent (35%) of the area of the wall on which the Sign is Displayed.
- c. A Projecting Sign or Awning Sign shall be permitted in place of, or in combination with, a Wall Sign up to the Total Aggregate Area permitted by paragraph 8 a. of this schedule.



### Schedule Z-1 – Sign By-Law Number 2009-140

### Map of Business Improvement Area



**Schedule Z-2 – Sign By-Law Number 2009-140****Council Approved Amendments**

1. Notwithstanding anything contained in this By-Law to the contrary, the owner of 76 Stuart Street shall be permitted to Display seven Ground Signs less than 3 metres (10 feet) from any Street Line.
2. Notwithstanding anything contained in this By-Law to the contrary, the owner of 55 Warne Crescent shall be permitted to Display a Ground Sign not exceeding 17.67 metres (58 feet) in height. (By-law Number 2009-140; 2012-111)
3. Notwithstanding anything contained in this By-Law to the contrary, the owner of 76 Stuart Street shall be permitted to Display four Ground Signs providing less than 4.25 metres (13.9 feet) of clear space below the Sign within the triangular space formed by the Street property lines for a distance of 15.2 metres from their point of intersection.
4. Notwithstanding anything contained in this By-Law to the contrary, the owner of 610 Montreal Street West shall be permitted to Display one Ground Sign with less than 4.25 metres (13.9 feet) of clear space below the Sign exclusive of supports within the triangular space formed by the Street property lines for a distance of 15.2 metres (49.8 feet) from their point of intersection. (By-Law Number 2009-140; 2014-84)
5. Notwithstanding anything contained in this By-Law to the contrary, the owner of 658 King Street West shall be permitted to Display two Wall Signs less than 2.1 metres (6.8 feet) above Grade.

**Bylaw Number 2016-XX**

**A Bylaw to Amend Bylaw Number 2009-140 “A Bylaw to Provide for the Prohibition and Regulation of Signs and Other Advertising Devices in the City of Kingston”**

**Passed:** Meeting date, 2016

The Council of The Corporation of the City of Kingston hereby enacts as follows:

Bylaw Number 2009-140 of the Corporation of the City of Kingston entitled “A By-Law to Provide for the Prohibition and Regulation of Signs and Other Advertising Devices in the City of Kingston”, as amended, is hereby further amended as follows:

1.1 **Delete** the title in its entirety and replace with the following:

A By-Law to Regulate Signs in the City of Kingston

1.2 **Delete** the first “**Whereas**” clause and replace it with the following:

**Whereas** Section 99 of the Municipal Act, 2001, S.O. 2001, c. 25 authorizes the council of every local municipality to pass By-Laws for prohibiting and regulating Signs within the municipality;

1.3 **Add** the following “Whereas” clauses after the first “Whereas” clause:

And whereas section 425 of the Municipal Act, 2001 authorizes the Council of every local municipality to pass By-Laws providing that a person who contravenes a By-Law of the municipality passed under this Act is guilty of an offence;

And whereas section 429 of the Municipal Act, 2001 authorizes the Council of every local municipality to establish a system of fines for offences of a By-Law of the municipality passed under this Act;

1.4 Under Section 1. Definitions:, **delete** the words, In this By-law, and replace with the following:

**For the purposes of this By-Law**

1.5 **Delete** the definition for “Advertising Device”.

- 1.6 **Delete** the definition for “Altered” and replace it with the following:

**Alter** means any change to the Sign structure or the Sign Area, but does not include Maintenance or a change in the message Displayed by a Sign, unless the change is from an On-Premise Sign to an Off-Premise Sign. For the purposes of approvals under the Ontario Heritage Act, Alter shall also mean to change in any manner and includes restore, renovate, repair, or disturb. Altered and alteration shall have a corresponding meaning.

- 1.7 **Delete** the definition for “Animated Sign” and replace it with the following:

**Animated Sign** means an On-Premise or Off-Premise Sign with movement, motion, or the appearance of motion by way of motion picture, streaming video, television, LED screens or other technology that remains unmoved or unchanged for periods of at least five seconds, but does not include wind actuated elements such as flags, banners or Revolving Signs and Electric Spectacular Signs.

- 1.8 **Add** the definition for **Appeals Committee** and **Committee** as follows:

**Appeals Committee**” and “**Committee** means the Committee established by the City’s By-Law Number 2010-1, Council Procedural By-Law, and includes any successor Committee designated by City Council to carry out the Committee’s responsibilities under this By-Law.

- 1.9 **Delete** the definition for “Area” and replace it with the following:

**Sign Area** means the number of square metres on the surface of a Sign including the border or frame. Where there is no border or frame or the Sign is composed of individually installed letters, numerals or shapes, the Sign Area includes the total area within the outermost perimeter bounding the limit of all individual components. In the case of a Double Sided or multi-sided Sign, the Sign Area will be based on the sum of the area of all sides.

- 1.10 **Delete** the definition for “Awning” and replace it with the following:

**Awning Sign** means a retractable or fixed roof-like cover or a canopy made of rigid or non-rigid material, attached or projecting from a Building or structure, normally extending over a doorway or window, with lettering (other than civic address number) or advertising, on or affixed to it and may have supports on the ground, and includes Marquee Signs.

- 1.11 Add definitions as follows:

**Balloon Sign** means any inflatable Sign or balloon regardless of size that is designed for the purpose of advertising any business or promotional event.

**Banner Sign** means a Sign composed of lightweight, non-rigid material such as cloth, plastic, canvas or other similar material that is mounted so as to allow movement by atmospheric conditions.

- 1.12 **Delete** the definition for “Billboard Sign” and replace it with the following:

**Billboard Sign** means a large format Off-Premise Sign, primarily Displayed along high traffic areas such as arterial roads and freeways.

- 1.13 **Delete** the definition for “Boulevard Sign” and replace it with the following:

**Boulevard Sign** means a privately owned Temporary Sign supported on the ground and located on the municipal boulevard between the Street and the Street Line.

- 1.14 **Delete** the definition for “Building” and replace it with the following:

**Building** means a structure consisting of a wall, roof and floor or a structural system serving the function thereof and also means the place of business including the property address that the business may be located on.

- 1.15 **Delete** the definition for “Building Façade” and replace it with the following:

**Building Façade** means that portion of any exterior elevation of a Building extending from Grade to the top of the Parapet wall or eaves and the entire width of the Building elevation, and shall include a mansard roof.

- 1.16 **Delete** the definition for “Building” and “Licensing Department” and “Department” and replace it with the following:

**Planning, Building and Licensing Services** means the Planning, Building and Licensing Services Department, Community Services Group, or in the event of organizational changes, another unit designated by Council to carry out the Department’s responsibilities for the administration and enforcement of this By-Law.

- 1.17 **Delete** the definition for Building Occupancy.

- 1.18 **Delete** the definition for “Business Improvement Area” and replace it with the following:

**Business Improvement Area** means the geographic area bounded by the Streets outlined in map Schedule Z-1, including the Premise for all civic addresses contained therein.

- 1.19 **Delete** the definition for “Construction Sign” and replace it with the following:

**Construction Site Sign** means a Temporary Sign Displayed on private property to advise construction of a development including a sub-division and shall not include an Entrance Gate Sign.

- 1.20 **Delete** the definition for “Copy Area”.

- 1.21 Delete the definition for “Director” and replace it with the following:

**Director** means the Director of Planning, Building and Licensing Services for the City of Kingston, his or her designate or, in the event of organizational changes, another employee designated by Council.

- 1.22 **Add** definitions as follows:

**Display** means erect, locate, attach or affix to any Building, or structure, or to the ground.

**Distribution Conductors** means conductors operated at a nominal voltage of 46kV or less.

**Double sided Sign** means a Sign having two sides of equal area and proportions, which are located exactly opposite each other on the Sign Structure, and both Sign Areas shall constitute only one Sign.

- 1.23 **Delete** the definition for “Election Sign” and replace it with the following:

**Election Sign** means any Sign advertising or promoting of a candidate in a Federal, Provincial or Municipal election, including an election of a local board or commission, or any Sign intended to influence Persons to vote for or against any candidate or any question or By-Law submitted to the electors under section 8 of the Municipal Elections Act, 1996. Election Signs are regulated under the City’s By-Law Number 2014-16, a By-Law to regulate election signs in the City of Kingston.

- 1.24 **Delete** the definition for “Electric Spectacular Sign” and replace it with the following:

**Electric Spectacular Sign** means a Sign having a message change more frequently than once every five seconds.

- 1.25 **Add** definitions as follows:

**Entrance Gate Sign** means a Sign used to indicate the entrance to a community and shall not be used for the purpose of advertising a place of business, organization, project, product, service, event or otherwise promote the sale of objects or services.

**First Storey** means the storey that has its floor closest to Grade and its ceiling more than 1.8 metres (5.9 feet) above Grade.

**Flag Sign** means an On-Premise rectangular shaped flag, feather shaped flag, teardrop shaped flag or a similar design made of non-rigid material attached to a pole or rod, devoted to advertising but shall not include a Mast Arm Sign.

**Frontage** means the length of a Property Line abutting a Street or Public Thoroughfare.

**Grade** means the average elevation of the finished surface of the ground where it meets the Sign Structure, or the wall of the Building onto which the Sign is Displayed.

- 1.26 **Delete** the definition for “Ground Sign” and replace it with the following:

**Ground Sign** means an On-Premise Sign including a Readograph Sign which is permanently affixed to and supported from the ground, and not attached to or supported in any manner by a Building.

- 1.27 **Add** definitions as follows:

**Height** means the vertical distance between Grade and the highest point of the Sign or Sign Structure.

**Heritage Attribute** shall have the meaning set out in the Ontario Heritage Act, R.S.O. 1990, c.0. 18.

- 1.28 **Delete** the definition for “Highway” and replace it with the following:

**Highway** means a common and public Highway, which is under the jurisdiction of the City, and includes any Street, lane, bridge, trestle, viaduct or other structure that forms part of the Highway and all lands between the lateral Street Lines thereof.

- 1.29 **Delete** the definition for “Mast Arm Sign” and replace it with the following:

**Mast Arm Sign** means a Projecting Sign where the support pole or mast shall be of wrought iron or wrought aluminum construction, has a sway chain, and may be illuminated with external lighting.

- 1.30 **Add** definitions as follows:

**Maintenance** means anything done to preserve a Sign or to prevent its deterioration but does not include the Alteration of a Sign; shall also include “Maintenance” as defined in the City’s By-Law Number 2013-141, a procedural By-Law for heritage, and any other work defined as Maintenance in a part IV designation By-Law, or in a part V heritage conservation district plan, under the authority of the Ontario Heritage Act.

**Marquee** means a tall permanent roof like canopy projection above an entrance door and over a sidewalk, walkway, or terrace typically distinguishable by a surrounding row of light bulbs.

- 1.31 **Delete** the definition for “Officer” and replace it with the following:

**Officer** means a Provincial Offences Officer of the City who has been assigned the responsibility of administering or enforcing this By-Law and includes all City of Kingston employees of Planning, Building and Licensing Services.

- 1.32 **Add** the following definition:

**Person** includes any individual, association, proprietorship, partnership, company, corporation, firm, business, authorized agent, trustee and heirs, executors or other legal representatives.

- 1.33 **Delete** the definition for “Portable Sign” and replace it with the following:

**Portable Sign** means a temporary Off-Premise or On-Premise Sign not permanently attached to or affixed into the ground, to a Building or a structure, or any Sign resting upon or attached to any moveable device.

- 1.34 **Delete** the definition for “Posturn”.

- 1.35 **Add** the following definition:



**Premise** means a property and all Buildings or structures thereon.

- 1.36 **Delete** the definition of “Projected Display Sign” and replace it with the following:

**Projected Display Sign** means a Sign which projects light from a Premise to any surface for advertising and includes holograms.

- 1.37 **Delete** the definition for “Projecting Sign” and replace it with the following:

**Projecting Sign** means a double sided On-Premise Sign which is perpendicular to and entirely supported by the wall of the Building, and includes Mast Arm Signs.

- 1.38 **Add** the following definitions:

**Property Line** means a legal boundary of a property.

**Protected Heritage Property** means property designated under part IV, V or VI of the Ontario Heritage Act; property subject to a heritage conservation easement under parts II or IV of the Ontario Heritage Act; property identified by the province and prescribed public bodies as provincial heritage property under the standards and guidelines for conservation of provincial heritage properties; property protected under Federal legislation; and UNESCO world heritage sites.

- 1.39 **Delete** the definitions for “Public Information Sign” and “Public Office”.

- 1.40 **Delete** the definition for Public Thoroughfare and replace it with the following:

**Public Thoroughfare** means that portion of private property over which the general public has the right to vehicular or pedestrian passage for the purpose of accessing the premise and includes roadways, laneways and public parking areas. This definition also includes water passage.

- 1.41 **Delete** the definition for “Public Utility Pole” and replace it with the following:

**Utility Pole** means a pole owned or controlled by an entity which provides a municipal utility service, including but not limited to the City of Kingston, Kingston Hydro, Bell Canada, Hydro One, Eastern Ontario Power, the Ontario Electric Services Corporation, and any subsidiaries thereof.

- 1.42 **Delete** the definition for Readograph and replace it with the following:

**Readograph Sign** means a permanent On-Premise Sign composed of manually or electronically interchangeable letters or images intended to convey a temporary message that remains unmoved or unchanged for periods of at least five seconds.

- 1.43 **Delete** the definition for “Real Estate Sign” and replace it with the following:

**Real Estate Sign** means a Temporary Sign used to advertise Buildings, or properties, or units within the Building for sale or lease at the point of sale but does not include any Sign used to advertise a product or service related to a Self-Service Storage Facility.

- 1.44 **Delete** the definition for “Revolving Sign” and replace it with the following:

**Revolving Sign** means a Sign that revolves three hundred and sixty degrees but shall not exceed eight revolutions per minute.

- 1.45 **Delete** the definition for Road Allowance.

- 1.46 **Delete** the definition for “Roof Sign” and replace it with the following:

**Roof Sign** means an On-Premise or Off-Premise Sign Displayed entirely upon or above the main roof or Parapet wall of a Building and is wholly or partially supported by the Building.

- 1.47 **Delete** the definition for “Sandwich-Board Sign” and replace it with the following:

**Sandwich-Board Sign** means a Temporary Sign not permanently attached to or affixed into the ground, to a Building, or a structure, which is hinged or otherwise attached enabling the two sides to be extended into an A shape so as to support the said Sign in an upright position.

- 1.48 Under Definitions **add** the word Sign to Searchlight so it shall read as follows:

**Searchlight Sign**

- 1.49 **Add** the following definition:

**Self-Service Storage Facility** means a facility designed and used for the purpose of providing individual secured storage units and other spaces to Persons who are to have access to such units for the purpose of storing and removing property.

- 1.50 **Delete** the definition for “Sign” and replace it with the following:

**Sign** means any device, object or visual medium used to convey information by way of color, form, graphic, illumination, symbol or writing, Displayed or intended to be Displayed on any property to attract attention to a specific subject matter for identification, information or advertising purposes, and shall include the Sign Structure and all other component parts.

- 1.51 **Add** the following definitions:

**Sign Owner** includes any Person who owns the Sign or holds the Sign Permit for the Sign and includes any Person whose name, address, or telephone number appears on the Sign, who Displayed the Sign, or who benefits from the message or information conveyed by the Sign, and for the purposes of this definition, there may be more than one Sign Owner.

**Sign Permit** means a permit issued by the Director pursuant to the provisions of this By-Law to Display a Sign.

- 1.52 **Delete** the definition for “Sign Structure” and replace it with the following:

**Sign Structure** means the supports, uprights, bracing and framework for a Sign.

- 1.53 **Add** the following definition:

**Snap Frame Sign** means a Temporary Sign not permanently attached to or affixed into the ground, to a Building, or a structure, which is double sided and is self-supporting.

- 1.54 **Delete** the definition for “Street Line” and replace it with the following:

**Street Line** means a property line that divides a property from a Street.

- 1.55 **Add** the following definitions:

**Temporary Sign** means a Sign that is not permanently attached to or affixed into the ground, to a Building, or a structure, in which a timeframe or condition has been established for its removal or renewal and shall include Construction Site Signs, Portable Signs, Sandwich Board Signs, Boulevard Signs, Projected Display Signs, Balloon Signs, Snap Frame Signs, Real Estate Signs, Election Signs and Searchlight Signs.

**Transmission Conductors** means conductors operated at a nominal voltage of greater than 69kV.

1.56 **Delete** the definition for “Wall Sign” and replace it with the following:

**Wall Sign** means an On-Premise Sign, parallel to and attached to the exterior wall of a Building and includes Signs projected onto or painted on a wall.

1.57 **Delete** the definition for “Zoning or Land Use” and replace it with the following:

**Zoning or Land Use** means the permitted land use established by the applicable zoning By-Laws under the Ontario Planning Act.

1.58 Where definitions are referenced throughout the By-Law, capitalize the first letter.

1.59 Remove quotation marks “ “ from all definitions.

1.60 **Delete** subsection 2.1 and replace it with the following:

2.1 Any Sign that is lawfully Displayed on or before the day this By-Law or any subsequent amendments to this By-Law comes into force, but does not comply with this By-Law, shall be allowed to remain and may be Maintained but shall not be Altered or changed from an On-Premise Sign to an Off-Premise Sign.

1.61 **Delete** subsection 2.2 and replace it with the following:

2.2 This By-Law does not apply to Signs Displayed by or on behalf of the City or any Federal or Provincial authority.

1.62 **Delete** subsection 2.3 and replace it with the following:

2.3 All Signs Displayed, Altered or Maintained in the City shall comply with this By-Law and any attached schedules, the Ontario Building Code, Fire Code and their regulations, as well as any other Act, regulation, By Law or site plan requirement regardless of the requirement for a Sign Permit.

1.63 **Delete** subsection 2.4 and replace it with the following:

2.4 This By-Law does not apply to Election Signs.

- 1.64 **Delete** subsections 3.2 and 3.3 and replace with the following:
- 3.2 All Officers with authority to enforce the By-Laws of the City are responsible for enforcing the provisions of this By-Law.
  - 3.3 The Director or an Officer may enter upon any property at any reasonable time to inspect a Sign for the purpose of determining or affecting its compliance with this By-Law.
- 1.65 **Rename** section 4. **General Provisions** to read section 4. **Permits** with subsections renumbered.
- 1.66 **Delete** subsection 4.2 and add subsection 4.1 to read as follows:
- 4.1 Unless otherwise specifically provided in this By-Law, no Person shall Display, cause to be Displayed, or permit to be Displayed a Sign or Sign Structure unless the Director has issued a Sign Permit.
- 1.67 **Delete** subsections 3.5 and 4.17 and add subsection 4.2 to read as follows:
- 4.2 Applications for a Sign Permit or an amendment to an existing Sign Permit shall be submitted to Planning, Building and Licensing Services upon a form as prescribed by the Director for review and approval with the following information:
    - a. Agent of record letter where the person applying for the sign permit is not the owner of the property where the sign will be displayed.
    - b. A survey or plot plan showing the Street Lines upon the property which the Sign will be Displayed and the location of the proposed Sign in relation to the Property Lines, other structures and other Signs upon the Premise.
    - c. Drawings and information with respect to the Building upon which the Sign is to be Displayed including the size, area, height and location of all other existing Signs.
    - d. Complete drawings and specifications covering the construction of the Sign and Sign Structure, including but not limited to, dimensioned elevation drawings indicating the height of the Sign above Grade, base and column details, connection and fastening details, weight of proposed Sign and construction materials to be used.
    - e. A certificate of review from a Professional Engineer where required by the Ontario Building Code.
    - f. All applicable fees as set out in the City's By-Law Number 2005-10, a By-Law to establish fees and charges.

- 1.68 **Delete** subsection 4.16 and add subsection 4.3 to read as follows:
- 4.3 Where an application for a Sign Permit is submitted by a registered charity, the Director shall waive all applicable permit fees, but all other provisions of this By-Law and the Ontario Building Code shall continue to apply.
- 1.69 **Delete** subsection 4.7 and add subsection 4.4 to read as follows:
- 4.4 Applications for a Sign Permit may be circulated to other City departments for review and comment.
- 1.70 **Delete** subsection 3.4 and add subsection 4.5 to read as follows:
- 4.5 The Director may refuse to issue a Sign Permit under the following circumstances:
- a. The application for a Sign Permit, including any plans, specifications, documents or other information is incomplete, or any fees due are unpaid; or
  - b. The proposed Sign, or any other Sign Displayed on the property does not comply with this By-Law, any other By-Law, or any Federal or Provincial legislation or regulation.
- 1.71 **Delete** subsection 3.12 and add subsection 4.6 to read as follows:
- 4.6 If an application for a Sign Permit is refused, the Director will refund any permit fees paid by the applicant.
- 1.72 **Delete** subsection 3.6 and add subsection 4.7 to read as follows:
- 4.7 The Director may revoke a Sign Permit under the following circumstances:
- a. The Sign Permit was issued in error or issued on mistaken, false or misleading information;
  - b. The Display or Alteration of the Sign in respect of which the Sign Permit was issued has not commenced to the satisfaction of the Director within six months after the issuance of the Sign Permit or construction has not been substantially completed within twelve months after the date of issuance of the Sign Permit;
  - c. A Person to whom an Order has been issued pursuant to this By-Law has failed or refused to comply with such Order;
  - d. A Person has, in the opinion of the Director, contravened this By-Law or any other By-Law or any applicable law;

- e. The business, product, activity, or service to which the Sign relates ceases to operate or is no longer available;
- f. The Sign Owner requests in writing that the Sign Permit be revoked;  
or
- g. The Sign Permit was issued on the basis of a minor variance granted with terms and conditions and there has not been compliance with the terms and conditions imposed.

1.73 **Delete** Subsections 3.7, 3.8, 3.10 and 3.11.

1.74 **Add** new subsection 4.8 to read as follows:

- 4.8 A Sign Owner shall immediately upon the expiration or revocation of the Sign Permit remove the Sign.

1.75 **Delete** subsection 4.9.

1.76 **Delete** subsection 3.9 and add subsection 4.9 to read as follows:

- 4.9 A Sign Permit may be renewed for an additional specified period, subject to the payment of all applicable fees as set out in the City's By-Law Number 2005-10, a By-Law to establish fees and charges, provided that renewal is applied for prior to the expiration of the original Sign Permit.

1.77 **Delete** subsection 4.10 and add new subsection 4.10 to read as follows:

- 4.10 Notwithstanding any other provision of this By-Law, where a Sign that is within 400 metres of a controlled access Highway under Provincial jurisdiction is visible from and oriented toward that Highway, the approval of the Minister of Transportation (Ontario) shall accompany the Sign Permit application.

1.78 **Delete** subsection 4.13 and add subsection 4.11 to read as follows:

- 4.11 All Signs Altered or Displayed on a Protected Heritage Property shall be compatible with the cultural heritage value and character of the Premise and require approval from City Council in accordance with the Ontario Heritage Act prior to the issuance of a Sign Permit. No Sign on a Protected Heritage Property shall Alter, obstruct or conceal a Heritage Attribute.

- 1.79 **Renumber** Section 4. General Provisions to Section 5. General Provisions.
- 1.80 **Delete** subsection 4.1 and add subsection 5.1 to read as follows:
- 5.1 The provisions of this section apply to all Signs.
- 1.81 **Delete** subsection 4.3 and add subsections 5.2 and 5.3 to read as follows:
- 5.2 Sign Owners shall be solely responsible and pay for any damage to Persons or property caused by the Alteration, Display, Maintenance, use or removal of the Sign or any other cause whatsoever related to the Sign.
- 5.3 Sign Owners shall ensure Signs and Sign Structures are maintained in a proper state of repair at all times such that Signs do not become unsafe, structurally unsound, unsightly or dangerous.
- 1.82 **Delete** subsection 4.4.
- 1.83 **Delete** subsection 4.5 and add subsection 5.4 to read as follows:
- 5.4 A Sign or any part of a Sign shall not be Displayed on a property without the approval or consent of the owner of that property.
- 1.84 **Delete** subsection 4.6 and add subsection 5.5 to read as follows:
- 5.5 Sign Owners shall ensure that, regardless of the requirement for a Sign Permit, each Sign, including its Alteration, Display and Maintenance, complies with the following:
- a. All applicable provisions and regulations of this By-Law or any other By-Law or site plan requirements;
  - b. Rules of the Ontario Electric Safety Code and the electrical authority having jurisdiction;
  - c. All applicable Provincial and Federal legislation and regulations; and
  - d. Every instrument of a legislative nature made or issued under Provincial and Federal legislation and regulations.
- 1.85 **Delete** subsection 4.8 and add subsection 5.6 to read as follows:
- 5.6 Applicants shall indemnify the City, its officers, and agents from all loss, damages, costs, or proceedings of any nature arising from the Maintenance, Display, removal or use of any Sign.



1.86 **Add** new subsection 5.7 as follows:

5.7 Where two or more Signs are Displayed on a Building, the Sign Owner shall ensure that those signs are of uniform height and arrangement.

1.87 **Delete** subsections 4.11 and 4.12 and add subsection 5.8 to read as follows:

5.8 Illuminated Signs shall be designed to direct light away from adjacent Premises and Streets and downward so as to reduce night light pollution, and shall not be located within 30 metres (100 feet) of a residentially zoned property.

1.88 **Delete** subsection 4.14 and add subsection 5.9 to read as follows:

5.9 Signs shall not be Displayed, Altered or Maintained in such a way that, in the opinion of the Director, the Sign interferes with any City operations.

1.89 **Delete** subsections 4.15, 4.18, and 4.19.

1.90 **Delete** subsection 4.20 and add subsection 5.10 to read as follows

5.10 Any Person possessing any Premise, and any Person owning any Premise, for which a Sign Permit has been issued shall remove the Sign or cover over any Sign with a suitable opaque covering or replacement Sign within thirty days of vacating the Premise.

1.91 **Add** new subsection 5.11 as follows:

5.11 Where any Sign proposed to be Displayed may be considered as more than one form of Sign permitted by this By-Law or as a combination of forms of Signs permitted by this By-Law, such Sign shall conform to the most restrictive provisions of this By-Law.

1.92 **Renumber** Section 5 Exemptions to Section 6 Exemptions.

1.93 **Delete** the first sentence in subsection 6.1:

The following signs shall be permitted in all zones and no permit shall be required unless Provincial statute requires a permit;

**Add** new sentence in subsection 6.1 to read as follows:

The following Signs may be Displayed without a Sign Permit but all such Signs shall comply with all other requirements of this By-Law:

- 1.94 **Delete** subsection 5.1 and add subsection 6.1 a. to read as follows:
- 6.1 a. Temporary Signs for the identification of a garage sale provided that such sales are in accordance with the City's By-Law Number 2006-213, a By-Law to license, regulate and govern certain businesses, and any other By-Laws, and that all Signs are removed at the end of the sale;
- 1.95 **Delete** subsection 5.2 and add subsection 6.1 b. to read as follows:
- 6.1 b. Signs having a Sign Area not greater than 0.18 square metres (square feet) Displayed on a Building on private property, including a home occupation Sign;
- 1.96 **Delete** subsection 5.3 and add subsection 6.1 c. to read as follows:
- 6.1 c. Civic addressing Signs having a Sign Area not greater than 0.18 square metres (2 square feet) that include the name of the owner or occupant of the property or civic address of the property, in accordance with the City's By-Law Number 2005-98, a By-Law to direct the orderly addressing of Buildings and properties and appropriate naming of roads within the City of Kingston;
- 1.97 **Delete** subsection 5.4 and add subsection 6.1 d. to read as follows:
- 6.1 d. Directional Signs Displayed on private property for the purpose of directing traffic, directing parking, or directing or prohibiting certain uses of the property provided no side has a Sign Area greater than 0.55 square metres (6 square feet) to a maximum total for all sides not greater than 2.22 square metres (24 square feet);
- 1.98 **Delete** subsection 5.5 and add subsection 6.1 e. to read as follows:
- 6.1 e. Signs consisting entirely of landscaping material;
- 1.99 **Delete** subsections 5.6, 5.10, 5.13, 5.16 and 5.17.
- 1.100 **Delete** subsection 5.7 and add subsection 6.1 f. to read as follows:
- 6.1 f. Banner Signs that have been authorized by the City used to identify a special event;

1.101 **Delete** subsection 5.8 and add subsection 6.1 g. to read as follows:

6.1 g. Real Estate Signs as per Schedule R-1;

1.102 **Delete** subsection 5.9 and add subsection 6.1 h. to read as follows:

6.1 h. Construction Site Signs as per Schedule C-1;

1.103 **Delete** subsection 5.11 and add subsection 6.1 i. to read as follows:

6.1 i. Searchlight Signs and Balloon Signs as per Schedule S-2;

1.104 **Delete** subsection 5.12 and add subsection 6.1 j. to read as follows:

6.1 j. Flag Signs as per Schedule F-1;

1.105 **Delete** subsection 5.14 and add subsection 6.1 k. to read as follows:

6.1 k. Flags, emblems, decorations or insignia used only for the identification of a nation, province, country, municipality, school, religious group or holiday; and

1.106 **Delete** subsection 5.15 and add subsection 6.1 l. to read as follows:

6.1 l. Signs that may be painted on, or applied to the inside surface of a window, or Signs placed inside of a window.

1.107 **Delete** subsections 3.13 and 3.14 and add subsections 6.2 and 6.3 to read as follows:

6.2 Any Person may seek an exemption from any of the provisions of this By-Law by applying to the Appeals Committee for a minor variance.

- a. The Appeal must be accompanied with information that includes the By-Law section to be considered, as well as any plot plans, elevations and details of the Sign showing the construction including fastening and ground support, footings, photographs of the site etc. The documentation to be provided must also include the reason why the Sign cannot be installed in a manner that would meet the By-Law. If the Committee determines that they will consider the application, any additional information that the Committee requires must be provided.
- b. The Committee may grant a minor variance if, in its opinion, the general intent and purpose of the By-Law are maintained or if the Committee is satisfied, after allowing input from the applicant and property owners within 100 metres (328 feet), that the variance is appropriate.

- c. The Committee may attach terms and conditions to the minor variance, including the dates for which it is to be in effect and the minor variance shall be invalid if these terms and conditions are contravened.

6.3 A requirement of this By-Law does not apply to a Sign that has been exempted from that requirement by a minor variance granted by the Appeals Committee and such Sign shall be deemed to be in compliance with this By-Law as long as the minor variance and any attached terms and conditions remain valid.

1.108 **Renumber** Section 6. Prohibited Signs to Section 7. Prohibited Signs.

1.109 **Delete** subsections 6.1, 6.2 and 6.3 and add subsections 7.1 and 7.2 to read as follows:

7.1 Where a Sign is not expressly permitted by this By-Law, it shall be deemed to be prohibited.

7.2 Without limiting the scope or applicability of section 7.1, the following Signs are expressly prohibited:

- a. Electric Spectacular Signs or any Sign where the message changes more frequently than once every five seconds;
- b. Vehicles or trailers parked solely for the purpose of advertising a service or business as determined by the Director;
- c. Billboard Signs in designated heritage conservation districts under part V of the Ontario Heritage Act; and
- d. Roof Signs, Portable Signs, Billboard Signs, Revolving Signs, Projected Display Signs, Flag Signs, Off-Premise Signs and Electric Spectacular Signs Displayed in the Business Improvement Area.

1.110 **Renumber** Section 7. Enforcement to Section 8. Enforcement:

1.111 **Delete** subsection 7.1 Orders and add subsections 8.1, 8.2 and 8.3 to read as follows:

8.1 The Director may issue an Order requiring the Sign Owner or the lessee of the land or Building upon which the Sign is Displayed to stop any work related to the Sign, to remove the Sign, to place the Sign in a proper state of repair, or to do any work necessary in the opinion of the Director to bring the Sign into compliance with this By-Law forthwith and at the sole expense of the Person named in the Order where:

- a. A Sign Permit has been revoked or has expired;
- b. A Sign Owner has contravened any provision of this By-Law;

c. A Sign is contravening any provision of this By-Law; or

d. A Sign is in dangerous or defective condition.

8.2 An Order shall set out reasonable particulars of the contravention adequate to identify the contravention, the location of the contravention and the date by which there must be compliance with the Order.

8.3 An Order may provide that if the Person named in the Order fails to comply with the Order, the City shall have the right to enter upon the land affected by the Order at any reasonable time to complete the work specified in the Order or to remove the Sign specified in the Order at the sole expense of the Person named in the Order.

1.112 **Delete** subsections 7.2, 7.3, 7.4 and 7.5 and add subsection 8.4 to read as follows:

8.4 An Order may be served personally by an Officer, may be posted on the Premise upon which the Sign is Displayed, or may be sent by registered mail to the Sign Owner.

a. Where an Order is served personally by an Officer, it shall be deemed to have been served on the date of delivery to the Person named in the Order.

b. Where an Order is sent by registered mail, it shall be sent to the last known address of the Person named in the Order and shall be deemed to have been served on the fifth day after the Order is mailed.

1.113 **Delete** Subsections 7.7, 7.8 and 7.10.

1.114 **Delete** subsection 7.9 and add subsection 8.5 to read as follows:

8.5 Removal of Signs

a. A Sign on or over Municipal property may be removed without notice.

b. A Sign which is Displayed, Altered or Maintained in such a way that, in the opinion of the Director, interferes with any City operations may be removed without notice.

c. Where a Boulevard Sign or Construction Site Sign has been removed by the City, such Signs may be destroyed or otherwise disposed of by the City without notice or compensation.

d. Any Sign, other than a Boulevard Sign or a Construction Site Sign, removed by the City shall be stored for thirty days, during which time the Sign Owner may redeem such Sign upon payment of the applicable fees prescribed in the City's By-Law Number 2005-10, a By-Law to establish fees and charges.

- e. Where a Sign has been removed by the City and stored for a period of thirty days and has not been redeemed by the Sign Owner, such Sign may be destroyed or otherwise disposed of by the City without notice or compensation.

1.115 **Delete** subsection 7.6 and add subsection 8.6 to read as follows:

8.6 The cost incurred by the City in completing the work, removing a Sign, destroying a Sign or disposing of a Sign or storing a Sign is deemed to be Municipal taxes and may be added to the tax roll and collected in the same manner as Municipal taxes, and not limiting the foregoing is a debt payable to the City and may be recovered in any court of competent jurisdiction.

1.116 **Renumber** Section 8. Offence and Penalty Provisions to 9. Offence and Penalty Provisions.

1.117 **Delete** subsection 8.1 and add subsections 9.1 and 9.2 to read as follows:

9.1 Every Person, other than a corporation, who contravenes any provision of this By-Law is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 for a first offence and \$25,000 for any subsequent offence, as provided for in subsection 429(2)(c) of the Municipal Act, 2001.

9.2 Every corporation that contravenes any provision of this By-Law, and every officer or director of a corporation who knowingly concurs in such contravention, is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 for a first offence and \$100,000 for any subsequent offence, as provided for in subsections 425(3) and 429(2)(c) of the Municipal Act, 2001.

1.118 **Delete** subsection 8.2 and add subsection 9.3 to read as follows:

9.3 When a Person has been convicted of an offence under this By-Law, the superior court of justice, or any court of competent jurisdiction may, in addition to any penalty imposed on the Person convicted, issue an Order prohibiting the continuation or repetition of the offence by the Person convicted, and requiring the Person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

1.119 **Delete** Subsection 8.3.

1.120 **Delete** subsection 8.4 and add subsection 9.4 to read as follows:

9.4 No Person shall hinder or obstruct, or attempt to hinder or obstruct any Person who is discharging their duties under this By-Law.

1.121 **Add** new subsection 9.5 as follows:

9.5 No Person shall fail to comply, or fail to allow compliance with an Order issued pursuant to section 8.1 of this By-Law.

1.122 **Renumber** Section 9. Validity to Section 11. Validity and add new clause 11.2 to read as follows:

11.2 References to any statute or By-Law or any provision thereof include such statute or By-Law or provision as amended, revised, re-enacted and or consolidated from time to time, and any successor statute or By-Law.

1.123 **Renumber** Section 10. Commencement to Section 12. Commencement.

1.124 **Add** new Section 10. Conflict as follows:

10.1 Where a provision of this By-Law conflicts with a provision of any other By-Law or any Federal or Provincial statute or regulation, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

1.125 **Delete** Schedule A-1 Permit Fees and replace with the following:

**Schedule A-1 Awning Signs**

1. Awning Signs shall only be permitted in commercial, industrial, agricultural, rural or institutional type zones as defined by the applicable zoning By-Law.
2. Each Awning Sign area shall not exceed ten percent (10%) of the Building Façade to which the sign is Displayed and which forms part of the occupants area within the Premise but shall not exceed two square metres (21.5 square feet). Where a Wall Sign or Projecting Sign is also advertising for tenants on the same Building Façade; the area of the Awning Sign shall contribute to the Total Aggregate Area for Wall Signs permitted in schedule W-1.
3. The location of Awning Signs shall comply with the following:
  - a. Awning Signs, including supports or any attachments that project over a sidewalk shall be a minimum distance of 2.74 metres (9 feet) above Grade and shall be measured to the bottom of any advertising that may be suspended.

- b. Awning Signs or any part of the Sign Structure shall not extend above or beyond the sides of the Building Façade.
  - c. Awning Signs and any attachments shall be a minimum distance of 0.45 metres (1.5 feet) from the edge of the pavement of the Street.
  - d. Awning Sign supports shall not be permitted on public property.
- 4. Signs Displayed on a Marquee shall be limited to one for each business entrance located on a Premise.
  - 5. Notwithstanding the provisions of the foregoing subsections hereof, a Sign Permit for an Awning Sign which projects onto or is located, in whole or in part, over or on property owned by the City, and such Sign is permitted by the City and complies with this By-Law, shall be subject to an encroachment permit in accordance with the City's By-Law Number 2004-107, a By-Law to protect the City's Highways from unauthorized encroachments.
- 1.126 Schedule B-1 Billboard Signs, **delete** paragraphs 1 and 13 and add paragraphs 1, 2 and 3 to read as follows:
- 1. Billboard Signs shall only be permitted on private property in commercial, industrial, agricultural, rural and development type zones as defined by the applicable zoning By-Law.
  - 2. Billboard Signs shall not be Displayed or caused to be Displayed within the boundaries of the Business Improvement Area.
  - 3. Billboard Signs shall not be Displayed within a Heritage Conservation District.
- 1.127 Schedule B-1 Billboard Signs, **delete** table a. and paragraph 2 and add paragraph 4 and chart B-1 to read as follows:
- 4. Single sided Billboard Signs shall not exceed the maximum area based on Frontage and distance from Street Line restrictions as defined in chart B1:



**Chart B1**

<b>Maximum area per sign</b>	<b>Minimum frontage per sign</b>	<b>Minimum distance from street line</b>
18.5 square metres (200 square feet)	30.5 metres (100 feet)	3 metres (10 feet)
37.2 square metres (400 square feet)	304.8 metres (1000 feet)	9.1 metres (30 feet)
65.0 square metres (700 square feet)	610 metres (2000 feet)	15.2 metres (100 feet)

- 1.128 Schedule B-1 Billboard Signs, **delete** paragraphs 3, 8, 9 and 11.
- 1.129 Schedule B-1 Billboard Signs, **delete** paragraphs 4 and 14 and add paragraph 5 to read as follows:
5. Double sided Billboard Signs shall have a maximum Sign Area of 18.5 square metres (200 square feet) per side with a total Sign Area for both sides not exceeding 37 square metres (400 square feet) subject to Frontage and distance from Street Line restrictions as defined in chart B1.
- 1.130 Schedule B-1 Billboard Signs, **delete** paragraph 5 and add paragraph 6 to read as follows:
6. Billboard Signs shall be a minimum distance of 100 metres (328 feet) from another Billboard Sign, Roof Sign, another Off-Premise Sign, any residentially zoned property or an intersection.
- 1.131 Schedule B-1 Billboard Signs, **delete** paragraphs 6 and 12 and add paragraph 7 to read as follows:
7. Billboard Signs or any part of a Billboard Sign shall not exceed 15.2 metres (50 feet) in height, measured from Grade, or 7.6 metres (25 feet), measured from the centre line of the abutting Street.
- 1.132 Schedule B-1 Billboard Signs, **delete** paragraph 7 and add paragraph 8 to read as follows:
8. Billboard Signs shall not be Displayed so that the rear part of the Sign is or will be exposed or visible to any Street when it is not a Double Sided Sign.
- 1.133 Schedule B-1 Billboard Signs, **delete** paragraph 10 and add paragraph 9 to read as follows:

9. One Billboard Sign is permitted in place of, but not in addition to, a second Ground Sign in accordance with schedule G-1, where the Frontage permits two Ground Signs.
- 1.134 Schedule B-1 Billboard Signs, **add** new paragraph 10 as follows:
10. Billboard Signs or any part of a Billboard Sign shall be a minimum distance of 3 metres (10 feet) to overhead Electrical Distribution Conductors or 3.7 metres (12 feet) to overhead Electrical Transmission Conductors.
- 1.135 Schedule B-2 Boulevard Signs, **delete** paragraph 8 and add paragraph 1 to read as follows:
1. Boulevard Signs shall only be permitted in commercial, industrial, agricultural, rural, development or institutional type zones as defined by the applicable zoning By-Law.
- 1.136 Schedule B-2 Boulevard Signs, **delete** paragraph 1 and add paragraph 2 to read as follows:
2. A maximum of one boulevard sign may be Displayed on a boulevard between intersections.
- 1.137 Schedule B-2 Boulevard Signs, **delete** paragraph 3 and add new paragraph 3. to read as follows:
3. Boulevard signs shall have a maximum Sign Area of 0.74 square metres (8 square feet).
- 1.138 Schedule B-2 Boulevard Signs, **delete** paragraphs 2, 7 and 9 and add paragraph 4 to read as follows:
4. The location of Boulevard Signs shall comply with the following:
    - a. Boulevard Signs shall be a minimum distance of 2.4 metres (8 feet) from the paved or gravel edge of a Street as per diagram B2.
    - b. Boulevard Signs shall not be Displayed within a 9.1 metre (30 foot) radius of the point of intersecting Street Lines as per diagram B2.
    - c. Boulevard Signs shall not be placed in such a way as to impede pedestrian traffic.
    - d. Boulevard Signs shall not be Displayed in medians separating opposing lanes of traffic.

1.139 Schedule B-2 Boulevard Signs, **delete** paragraph 4 and add paragraph 5 to read as follows:

5. Boulevard Signs shall not exceed 1 metre (3.5 feet) in height, measured from Grade.

1.140 Schedule B-2 Boulevard Signs, **delete** paragraph 5 and add paragraph 6 to read as follows:

6. Boulevard Signs shall not be illuminated.

1.141 Schedule B-2 Boulevard Signs, **delete** paragraph 6 and add paragraph 7 to read as follows:

7. Boulevard Signs shall be Displayed for a maximum of seven consecutive days per Sign Permit.

1.142 **Add** the title “Diagram B2” and “Boulevard Signs” to Diagram for Schedule B-2

1.143 Schedule C-1 Construction Signs, the title “Construction Signs” is **deleted** and new title added to read as follows:

**Construction Site Signs**

1.144 Schedule C-1 Construction Signs, **delete** paragraph 6 and add paragraph 1 to read as follows:

1. Construction Site Signs shall be permitted in all zones as defined by the applicable zoning By-Law.

1.145 Schedule C-1 Construction Signs, **delete** paragraph 1 and add paragraph 2 to read as follows:

2. Construction Site Signs shall have a maximum Sign Area of 18.58 square metres (200 square feet) per side or in the case of a V shaped Sign, the maximum Sign Area shall be 9.29 square metres (100 square feet) per side.

1.146 Schedule C-1 Construction Signs, **delete** paragraph 2 and add paragraph 3 to read as follows:

3. Construction Site Signs are exempt from Sign Permit requirements provided that:
  - a. All Construction Site Signs are Displayed on the Premise upon which the construction is occurring and in accordance with the City’s By-Law Number 2004-107, a By-Law to protect the City’s Highways from unauthorized encroachments.

- b. Construction Site Signs are removed within six months of substantial completion of the Building or subdivision, to the satisfaction of the Director.

1.147 Schedule C-1 Construction Signs, **delete** paragraph 3 and add paragraph 4 to read as follows:

- 4. Where no construction has taken place within one year of Displaying the construction site sign, any Construction Site Sign shall be removed and disposed of without notice notice in accordance with sections 8.5 and 8.6 of this By-Law.

1.148 Schedule C-1 Construction Signs, **delete** paragraph 4 and add paragraph 5 to read as follows:

- 5. A maximum of one Construction Site Sign may be Displayed at the main entrance to a subdivision or construction site to identify all contractors who are working on the construction site or within the subdivision, provided the Sign complies with the provisions of this schedule.

1.149 Schedule C-1 Construction Signs, **delete** paragraph 5 and add paragraph 6 to read as follows:

- 6. Signs used to identify construction trailers are permitted provided the trailer is approved by Planning, Building and Licensing Services to be on site.

1.150 **Add** new schedule F-1 Flag Signs as follows:

**Schedule F-1 Flag Signs**

- 1. Flag signs shall only be permitted in commercial, industrial, agricultural, rural, development, open space or institutional type zones as defined by the applicable zoning By-Law.
- 2. Flag signs shall only be permitted on private property in residential type zones for advertising purposes for places of worships, schools, or institutions.
- 3. Flag signs shall not be Displayed or caused to be Displayed within the boundaries of the Business Improvement Area.
- 4. Flag signs shall have a maximum Sign area of 4.6 square metres (50 square feet).
- 5. The number of Flag Signs permitted per Premise shall comply with chart F1:

**Chart F1**

Frontage on a street	Maximum number of flag signs
Less than 91.4 metres (300 feet)	Two
Between 91.4 metres (300 feet) and 182.8 metres (600 feet)	Four
Greater than 182.8 metres (600 feet)	Six
More than one frontage each greater than 182.8 metres (600 feet)	Four on each street frontage

6. The location of Flag Signs shall comply with the following:
  - a. Flag signs shall be a minimum distance of 15 metres (50 feet) from another flag sign on an adjacent premise.
  - b. Flag signs shall not be Displayed in a required parking space in accordance with the applicable zoning By-Law.
  - c. Flag signs shall be a minimum distance of 3 metres (10 feet) from any Street or Public Thoroughfare.

1.151 Schedule G-1 Ground Signs, **delete** paragraph 10 and add paragraph 1 to read as follows:

1. Ground Signs shall only be permitted in commercial, industrial, agricultural, rural, development or institutional type zones as defined by the applicable zoning By-Law.

1.152 Schedule G-1 Ground Signs, **delete** paragraphs 1, 2, and 4 and add paragraph 2 and chart G1 to read as follows:

2. Ground Signs are permitted an area per side of 0.1 square metres (1 square foot) for each linear 0.3 metres (1 foot) of Frontage on a Street, but shall not exceed the maximum Sign Area per side or maximum height based on the distance from Street Line restrictions as defined in chart G1:

**Chart G1**

Minimum distance from street line	Maximum height	Maximum sign area per side
1.5 metres (5 feet)	5.3 metres (17.5 feet)	7 square metres (75 square feet)
2.3 metres (7.5 feet)	8 metres (26 feet)	7 square metres (75 square feet)

Minimum distance from street line	Maximum height	Maximum sign area per side
Greater than 3.0 metres (10 feet)	10.6 metres (35 feet)	14 square metres (150 square feet)

- 1.153 Schedule G-1 Ground Signs, **delete** paragraph 3.
- 1.154 Schedule G-1 Ground Signs, paragraphs 1.1, 4.1, 8.1 and 8.2 are **moved** to Schedule Z-2.
- 1.155 Schedule G-1 Ground Signs, **delete** paragraph 7 and add paragraph 3 to read as follows:
3. In addition to the maximum Sign Area provisions of this schedule, an additional area of 5 square metres (54 square feet) shall be permitted for use as a Readograph Sign only.
- 1.156 Schedule G-1 Ground Signs, **delete** paragraph 5 and add paragraph 4 to read as follows:
4. A maximum of one Ground Sign may be Displayed for a property having Frontage up to 91.4 metres (300 feet). A second Ground Sign is permitted for Frontage in excess of 91.4 metres (300 feet) subject to restrictions as defined in paragraph 2 and chart G1 of this schedule.
- 1.157 Schedule G-1 Ground Signs, **delete** paragraph 6 and 8 and add paragraph 5 to read as follows:
5. The location of Ground Signs shall comply with the following:
    - a. The Sign Structure for a Ground Sign shall be located only on private property and shall be designed to prevent overturning.
    - b. On corner lots, only one Ground Sign may be Displayed in the triangular space formed by the Street Lines for a distance of 15.2 metres (50 feet) from their point of intersection. These Ground Signs must have a minimum clear space below exclusive of supports of 4.25 metres (14 feet), measured from Grade.
    - c. Ground Signs or any part of a Ground Sign shall be a minimum distance of 100 metres (328 feet) from another Ground Sign on the same Premise, and 1.5 metres (5 feet) from any Property Line other than a Street Line.
    - d. Ground Signs or any part of a Ground Sign shall be a minimum distance of 3 metres (10 feet) to overhead Electrical Distribution

Conductors or 3.7 metres (12 feet) to overhead Electrical Transmission Conductors.

1.158 Schedule G-1 Ground Signs, **delete** paragraph 9 and add paragraph 6 to read as follows:

6. Ground Signs may be illuminated internally or externally but shall not be of the flasher type, and shall be subject to the provisions of this By-Law.

1.159 Schedule G-1 Ground Signs, **delete** paragraph 11 and add paragraph 7 to read as follows:

7. Where the Frontage permits two Ground Signs, either one Billboard Sign, in accordance with schedule B-1, or one Roof Sign, in accordance with schedule R-3 may be Displayed in place of, but not in addition to the second Ground Sign.

1.160 Schedule G-1 Ground Signs, **add** new paragraph 8 as follows:

8. In the Business Improvement Area, there may be a maximum of one Ground Sign for each Street Frontage, with a maximum Sign Area of 0.3 square metres (3.2 square feet) for each linear 1 metre (3.3 feet) of Frontage. These Ground Signs shall be a minimum distance of 0.45 metres (1.6 feet) from the edge of pavement and the Sign Structure shall be located only on private property.

1.161 Schedule P-1 Portable Signs, **delete** paragraph 16 and add paragraph 1 to read as follows:

1. Portable Signs shall only be permitted in commercial, industrial, agricultural, rural, development or institutional type zones as defined by the applicable zoning By-Law.

1.162 Schedule P-1 Portable Signs, **delete** paragraph 4 and add paragraph 2 to read as follows:

2. Portable Signs shall only be permitted on private property in residential type zones for advertising purposes for places of worship, schools or institutions.

1.163 Schedule P-1 Portable Signs, paragraph 3 is **deleted** and the following substituted:

3. Portable Signs shall not be Displayed or caused to be Displayed within the boundaries of the Business Improvement Area.

1.164 Schedule P-1 Portable Signs, **delete** paragraph 1 and add paragraph 4 to read as follows:

- 4. Portable Signs shall have a maximum Sign Area of 5.57 square metres (60 square feet) per side.
- 1.165 Schedule P-1 Portable Signs, **delete** paragraph 2 and add paragraph 5 to read as follows:
  - 5. Portable Signs shall not have any flashing or moving lights.
- 1.166 Schedule P-1 Portable Signs, **delete** paragraph 5 and add paragraph 6 to read as follows:
  - 6. Portable Signs shall not exceed 2.7 metres (9 feet) in height, measured from Grade.
- 1.167 Schedule P-1 Portable Signs, **delete** paragraph 6 and add paragraph 7 to read as follows:
  - 7. A maximum of one Portable Sign may be Displayed per business location at any given time.
- 1.168 Schedule P-1 Portable Signs, **delete** paragraphs 7, 8, 9 and 12 and add paragraph 8 and chart P1 to read as follows:
  - 8. The number of Portable Signs permitted per premise based on Street Frontage shall comply with chart P1:

**Chart P1**

Frontage on a Street	Maximum number of Portable Signs
Less than 91.4 metres (300 feet)	One
91.4 metres (300 feet) to 182.8 metres (600 feet)	Two
Greater than 182.8 metres (600 feet)	Three
More than one Frontage each greater than 182.8 metres (600 feet)	Four

- 1.169 Schedule P-1 Portable Signs, **delete** paragraphs 10, 11, 14 and 15 and add paragraph 9 to read as follows:
  - 9. The location of Portable Signs shall comply with the following:
    - a. Portable Signs shall be a minimum distance of 60.9 metres (200 feet) from another Portable Sign on the same Premise.
    - b. Portable Signs shall be a minimum distance of 30.4 metres (100 feet) from another Portable Sign on an adjacent Premise.



- c. Portable Signs or any part of a Portable Sign shall be a minimum distance of 0.3 metres (1 foot) from the Street Line.
- d. Portable Signs shall be a minimum distance of 3 metres (10 feet) from any Street or Public Thoroughfare.
- e. Portable Signs shall not be Displayed in a required parking space in accordance with the applicable zoning By-Law.

1.170 Schedule P-1 Portable Signs, **delete** paragraph 13 and add paragraph 10 to read as follows:

- 10. The duration of a Sign Permit for a Portable Sign shall be a minimum of thirty days to a maximum of ninety days at which time the Sign Permit shall be subject to renewal.

1.171 Schedule P-2 Projecting Signs, **delete** paragraph 8 and add paragraph 1 to read as follows:

- 1. Projecting Signs shall only be permitted in commercial, industrial, agricultural, rural, development or institutional type zones as defined by the applicable zoning By-Law.

1.172 Schedule P-2 Projecting Signs, paragraph 2 is **deleted** and the following substituted:

- 2. Each Projecting Sign area shall not exceed ten percent (10%) of the Building Facade to which the Sign is Displayed and which forms part of the occupants area within the Premise but shall not exceed two square metres (21.5 square feet). Where a Wall Sign or Awning Sign is also advertising for tenants on the same Building Facade; the area of the Projecting Sign shall contribute to the Total Aggregate Area for Wall Signs permitted in schedule W-1.

1.173 Schedule P-2 Projecting Signs, **delete** paragraph 1 and add paragraph 3 to read as follows:

- 3. A maximum of one Projecting Sign may be Displayed on the First Storey or second storey for each main entrance of a business fronting on a Street or Public Thoroughfare.

1.174 Schedule P-2 Projecting Signs, **delete** paragraphs 3, 4 and 6 and add paragraph 4 to read as follows:

- 4. The location of Projecting Signs shall comply with the following:
  - a. Projecting Signs or any part of the Sign Structure shall not extend above or beyond the sides of the Building Facade.

- b. Projecting Signs may project out perpendicular from the wall of the Building up to a maximum distance of 0.76 metres (2.5 feet) over public property.
- c. Projecting Signs shall be a minimum distance of 2.74 metres (9 feet), measured from the bottom of the Sign to Grade.
- d. Projecting Sign supports shall not be permitted on public property and shall be a minimum distance of 1 metre (3.3 feet) from the inner edge of a sidewalk, or where there is no sidewalk, 2 metres (6.5 feet) from the back edge of the curb.
- d. Projecting Sign supports shall not be permitted on public property.

1.175 Schedule P-2 Projecting Signs, **delete** paragraph 5 and replace with the following:

- 5. Notwithstanding the provisions of the foregoing subsections hereof, a Sign Permit for a Projecting Sign which projects or is located, in whole or in part, over or on property owned by the City, and such Sign is permitted by the City and complies with this By-Law, shall be subject to an encroachment permit in accordance with the City's By-Law number 2004-107, a By-Law to protect the City's Highways from unauthorized encroachments.

1.176 Schedule P-2 Projecting Signs, **delete** paragraph 7.

1.177 Schedule P-3 Projected Display Signs, **delete** paragraph 3 and add paragraph 1 to read as follows:

- 1. Projected Display Signs shall only be permitted in commercial, development, institutional or industrial type zones as defined by the applicable zoning By-Law.

1.178 Schedule P-3 Projected Display Signs, **delete** paragraphs 1 and 2 and add paragraph 2 to read as follows:

- 2. A maximum of one Projected Display Sign is permitted to be projected from or onto any property.

1.179 Schedule P-3 Projected Display Signs, **add** new paragraphs 3 and 4 as follows:

- 3. Projected Display Signs shall be a minimum distance of 100 metres (328 feet) from any other Projected Display Sign.
- 4. Projected Display Signs shall be designed and located to only project light onto the intended surface. Excessive overflow of light

shall not project onto any adjacent Premise, and shall be subject to the provisions of this By-Law.

1.180 Schedule R-1 Real Estate Signs, **delete** paragraph 3 and add paragraph 1 to read as follows:

1. Real Estate Signs on privately owned property shall be permitted in all zone types as defined by the applicable zoning By-Law.

1.181 Schedule R-1 Real Estate Signs, **delete** paragraph 2 and add paragraphs 2, 3, 4, 5 and 6 to read as follows:

2. Real Estate Signs shall not be Displayed on a Premise unless such Sign is Displayed by:
  - a. the owner of the Premise or their authorized agent or contractor;
  - b. an occupant of the Premise with the owner's permission to do so; or
  - c. a registered real estate broker or auctioneer in contractual agreement with the owner, or with an occupant authorized by the owner to enter into such agreement.
3. Real Estate Signs shall be removed within twenty-one days of the closing date of the sale or lease.
4. Real Estate Signs shall have a maximum Sign Area of:
  - a. 1.85 square metres (20 square feet) for residential type zones; and
  - b. 7.4 square metres (80 square feet) for industrial and commercial type zones.
5. Real Estate Signs shall not interfere with the safe operation of vehicular or pedestrian traffic.
6. A maximum of two Real Estate Signs shall be Displayed per Premise.

1.182 Schedule R-1 Real Estate Signs, **delete** paragraph 1 and add paragraph 7 to read as follows:

7. Real Estate Signs shall only be Displayed on the Premise for which the land, Building or portion thereof is being offered for sale, rent or lease.

1.183 Schedule R-2 Revolving Signs, **delete** paragraph 2 and add paragraph 1 to read as follows:

1. Revolving Signs shall only be permitted in commercial or industrial type zones as defined by the applicable zoning By-Law.
- 1.184 Schedule R-2 Revolving Signs, **delete** paragraph 1 and add paragraph 2 to read as follows:
2. Revolving Signs shall not revolve more than eight revolutions per minute.
- 1.185 Schedule R-2 Revolving Signs, **add** new paragraph 3 as follows:
3. Revolving Signs shall meet the applicable requirements of this By-Law based on location and type of Sign including Ground Signs, Wall Signs and Roof Signs.
- 1.186 Schedule R-3 Roof Signs, **delete** paragraph 7 and add paragraph 1 to read as follows:
1. Roof Signs shall only be permitted in commercial, industrial or institutional type zones as defined by the applicable zoning By-Law.
- 1.187 Schedule R-3 Roof Signs, **delete** paragraph 9 and add paragraph 2 to read as follows:
2. Roof Signs are prohibited on all Protected Heritage Properties.
- 1.188 Schedule R-3 Roof Signs, **add** new paragraph 3 as follows:
3. Roof Signs shall not be Displayed or caused to be Displayed within the boundaries of the Business Improvement Area.
- 1.189 Schedule R-3 Roof Signs, **delete** paragraphs 1 and 2 and add paragraph 4 to read as follows:
4. Roof Signs shall not exceed 6.1 metres (20 feet) in height above the roof to which the Sign is mounted provided the Roof Sign does not exceed the height regulations set out in the applicable zoning By-Law.
- 1.190 Schedule R-3 Roof Signs, **delete** paragraph 3 and add paragraph 5 to read as follows:
5. Roof Signs shall have a maximum Sign Area of 18.58 square metres (200 square feet) per side. In the case of a V-shaped Roof Sign, the angle between each side shall not exceed sixty degrees.
- 1.191 Schedule R-3 Roof Signs, **delete** paragraph 4 and add paragraph 6 to read as follows:
6. The location of Roof Signs shall comply with the following:

- a. Roof Signs shall be a minimum distance of 100 metres (328 feet) from another Roof Sign, Billboard Sign or another Off-Premise Sign.
- b. Roof Signs or any part of a Roof Sign shall be a minimum distance of 3 metres (10 feet) to overhead Electrical Distribution Conductors or 3.7 metres (12 feet) to overhead Electrical Transmission Conductors.

1.192 Schedule R-3 Roof Signs, **delete** paragraph 5 and add paragraph 7 to read as follows:

- 7. A maximum of one Roof Sign may be Displayed per Premise.

1.193 Schedule R-3 Roof Signs, **delete** paragraph 6 and add paragraph 8 to read as follows:

- 8. The Sign Structure of a Roof Sign shall appear to be free of any extra bracing, angle iron, guy wires or cables and the supports shall appear to be an architectural and integral part of the Building. Supporting columns of round, square, or shaped steel members may be Displayed if required bracing, visible to the public, is minimized or covered.

1.194 Schedule R-3 Roof Signs, **delete** paragraph 8 and add paragraph 9 to read as follows:

- 9. One Roof Sign is permitted in place of, but not in addition to, a second Ground Sign in accordance with schedule G-1, where the Frontage permits two Ground Signs.

1.195 Schedule S-1, the title Sandwich Board Signs commonly referred to as an "A - Frame Sign" is **deleted** and new title added to read as follows:

**Sandwich Board Signs and Snap Frame Signs**

1.196 Schedule S-1 Sandwich Board Signs, **delete** paragraph 7 and add paragraph 1 to read as follows:

- 1. Sandwich Board Signs and Snap Frame Signs shall only be permitted in commercial zones as defined by the applicable zoning By-Law.

1.197 Schedule S-1 Sandwich Board Signs, **delete** paragraph 1 and add paragraph 2 to read as follows:

- 2. A maximum of one Sandwich Board Sign or Snap Frame Sign may be Displayed for any one business location or use.

1.198 Schedule S-1 Sandwich Board Signs, **add** new paragraph 3 as follows:

3. Snap Frame Signs shall have a maximum Sign Area of 0.6 square metres (6.5 square feet).
- 1.199 Schedule S-1 Sandwich Board Signs, **delete** paragraph 2 and add paragraph 4 to read as follows:
4. Sandwich Board Signs shall comply with the following dimensions:
    - a. Maximum height of 0.92 metres (3 feet) between the top of the Sign and the surface on which the Sign is located when the sides are extended.
    - b. Maximum width of 0.61 metres (2 feet) across the horizontal distance of the Sign.
    - c. Maximum length of 0.61 metres (2 feet) between the two sides when fully extended, measured at the surface on which the Sign is located.
- 1.200 Schedule S-1 Sandwich Board Signs, **delete** paragraphs 3 and 4 and add paragraph 5 to read as follows:
5. Sandwich Board Signs and Snap Frame Signs shall be located on the same Premise as the business or use to which the Sign is accessory, and where it is impossible to locate the Sign entirely on the same Premise as the business or use, the Sign may be placed on the City sidewalk which abuts the Premise where the business is located provided that:
    - a. The Sign is placed as close as possible to the curb of the Street or Public Thoroughfare where the business is located;
    - b. A minimum unobstructed sidewalk width of 1.5 metres (4.9 feet) can be maintained;
    - c. The Signs shall be removed from the City sidewalk at the close of business hours; and
    - d. The Sign is located in such a manner so as to provide clear and free pedestrian movement at all times.
- 1.201 Schedule S-1 Sandwich Board Signs, **delete** paragraph 5 and add paragraph 6 to read as follows:
6. Applications for Sandwich Board Signs and Snap Frame Signs shall be made annually.
- 1.202 Schedule S-1 Sandwich Board Signs, **delete** paragraph 6 and add paragraph 7 to read as follows:

7. Sandwich Board Signs and Snap Frame Signs shall not be Displayed on any tree, post, pole or support located on a sidewalk or on any part of a Highway.
- 1.203 Schedule S-1 Sandwich Board Signs, **add** new paragraph 8 as follows:
8. In the Business Improvement Area, Sandwich Board Signs and Snap Frame Signs shall be Displayed, where possible, on the extended portion of the sidewalk. Should placing of a Sandwich Board Sign or Snap Frame Sign on the extended portion of a sidewalk not be possible, the Sign shall be located otherwise in accordance with the provisions of paragraph 5 of this schedule.
- 1.204 Schedule S-2 Searchlight Signs and Balloon Signs, **delete** paragraph 1 and add paragraphs 1, 2 and 3 to read as follows:
1. Searchlight Signs shall only be permitted in commercial, development, industrial or institutional type zones as defined by the applicable zoning By-Law.
  2. Balloon Signs shall only be permitted in commercial, industrial, agricultural, rural or institutional type zones as defined by the applicable zoning By-Law.
  3. In addition to any other provision of this By-Law, the following restrictions shall apply to Searchlight Signs and Balloon Signs, blimps or models Displayed more than once per year per Premise:
    - a. Searchlight Signs shall not be Displayed for a period exceeding fourteen days.
    - b. Balloon Signs shall not be Displayed for more than fourteen days in any calendar year.
    - c. Searchlight Signs shall be designed and located to direct light away from any adjacent Premise, and shall be subject to the provisions of this By-Law.
- 1.205 Schedule S-2 Searchlight Signs and Balloon Signs, **add** new paragraph 4 as follows:
4. Balloon Signs or any part of a Balloon Sign shall be a minimum distance of 3 metres (10 feet) to overhead Electrical Distribution Conductors or 3.7 metres (12 feet) to overhead Electrical Transmission Conductors.
- 1.206 Schedule W-1 Wall signs, **delete** paragraph 1.
- 1.207 Schedule W-1 Wall signs, **delete** paragraph 13 and add paragraph 1 to read as follows:

1. Wall Signs shall only be permitted in commercial, industrial, agricultural, rural or institutional type zones as defined by the applicable zoning By-Law.
- 1.208 Schedule W-1 Wall signs, **delete** paragraphs 2, 3 and 7 and add paragraph 2 to read as follows:
2. The maximum Total Aggregate Area of all Wall Signs located on a Premise and fronting on a Street or Public Thoroughfare shall not exceed twenty percent (20%) of the Building Façade to which the Signs are Displayed to a maximum of 28 square metres (300 square feet). Where a Building contains multiple suites requiring multiple Signs, each suite is permitted twenty percent (20%) of the exterior wall area forming part of such suite.
- 1.209 Schedule W-1 Wall signs, **delete** paragraph 8 and add paragraph 3 to read as follows:
3. Where Wall Signs are located on the wall of the top storey of a Building in excess of six storeys, the Total Aggregate Area of all Wall Signs shall not exceed ten percent (10%) of the wall area of the top storey to which the Signs are Displayed.
- 1.210 Schedule W-1 Wall signs, **delete** paragraph 4 add new paragraph 4 to read as follows:
4. Wall Signs shall be a minimum distance of 2.47 metres (9 feet), measured from the bottom of the Sign to Grade, or 4.72 metres (15.5 feet) to Grade of any alley.
- 1.211 Schedule W-1 Wall signs, **delete** paragraph 9 and add paragraph 5 to read as follows:
5. Wall Signs or any part of a Wall Sign shall not extend above or beyond the sides of the Building Façade.
- 1.212 Schedule W-1 Wall signs, **delete** paragraph 6 and replace with the following:
6. A Projecting Sign or Awning Sign shall be permitted in place of, or in combination with, a Wall Sign up to the Total Aggregate Area permitted by paragraph 2 of this schedule.
- 1.213 Schedule W-1 Wall signs, paragraph 4.1 is **moved** to Schedule Z-2.
- 1.214 Schedule W-1 Wall signs, paragraphs 5, 10, 11 and 12 are **moved** to Schedule A-1.
- 1.215 Schedule W-1 Wall signs, **add** new paragraphs 7 and 8 as follows:



7. Notwithstanding the provisions of the foregoing subsections hereof, a Sign Permit for a Wall Sign which projects or is located, in whole or in part, over or on property owned by the City, and such Sign is permitted by the City and complies with this By-Law, shall be subject to an encroachment permit in accordance with the City's By-Law Number 2004-107, a By-Law to protect the City's Highways from unauthorized encroachments.
8. Notwithstanding the provisions of the foregoing subsections hereof, the following shall apply to Wall Signs in the Business Improvement Area:
  - a. The maximum Total Aggregate Area of all Wall Signs located on a premise and fronting on a Street or Public Thoroughfare shall not exceed fifteen percent (15%) of the Building Façade to which the Sign is Displayed.
  - b. A Wall Sign attached to stairwells or elevator/mechanical room penthouses shall be permitted provided such Signs do not project beyond the walls, roof, or Parapet of the stairwell or penthouse and does not exceed thirty-five percent (35%) of the area of the wall on which the Sign is Displayed.
  - c. A Projecting Sign or Awning Sign shall be permitted in place of, or in combination with, a Wall Sign up to the Total Aggregate Area permitted by paragraph 8 a. of this schedule.

1.216 **Delete** Schedule Z-1 Special Regulation Area - Business Improvement Area and replace with the following:

**Schedule Z-1 Map of the Business Improvement Area**

Map added as Schedule E to this by-law

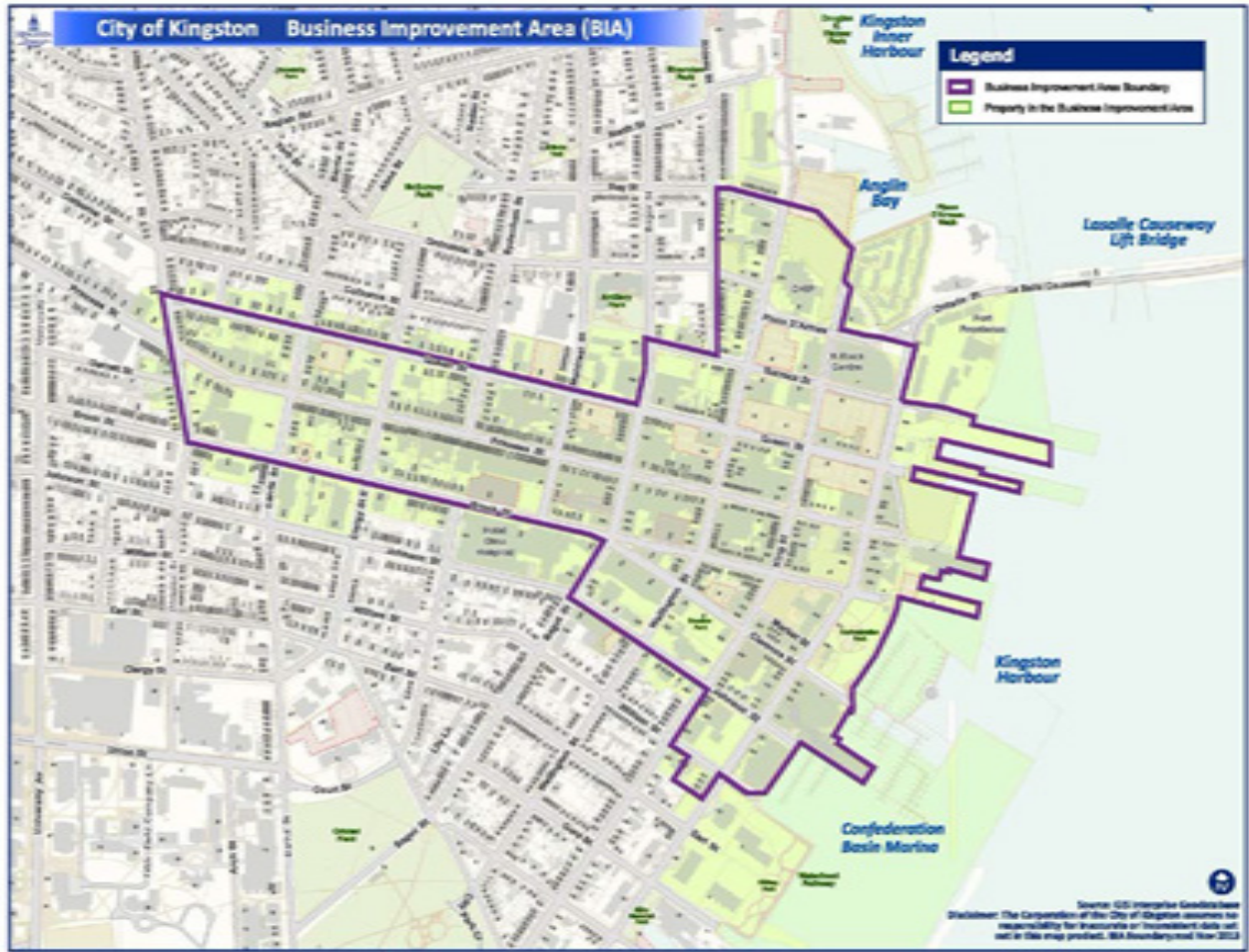
1.217 **Delete** Schedule Z-2 Map of the Business Improvement Area and replace with the following:

**Schedule Z-2 Council Approved Amendments**

1. Notwithstanding anything contained in this By-Law to the contrary, the owner of 76 Stuart Street shall be permitted to Display seven Ground Signs less than 3 metres (10 feet) from any Street Line.
2. Notwithstanding anything contained in this By-Law to the contrary, the owner of 55 Warne Crescent shall be permitted to Display a Ground Sign not exceeding 17.67 metres (58 feet) in height. (By-law Number 2009-140; 2012-111)

3. Notwithstanding anything contained in this By-Law to the contrary, the owner of 76 Stuart Street shall be permitted to Display four Ground Signs providing less than 4.25 metres (13.9 feet) of clear space below the Sign within the triangular space formed by the Street property lines for a distance of 15.2 metres from their point of intersection.
4. Notwithstanding anything contained in this By-Law to the contrary, the owner of 610 Montreal Street West shall be permitted to Display one Ground Sign with less than 4.25 metres (13.9 feet) of clear space below the sign exclusive of supports within the triangular space formed by the Street property lines for a distance of 15.2 metres (49.8 feet) from their point of intersection. (By-Law Number 2009-140; 2014-84)
5. Notwithstanding anything contained in this by-law to the contrary, the owner of 658 King Street West shall be permitted to Display two Wall Signs less than 2.1 metres (6.8 feet) above grade.

Schedule E – Map of the Business Improvement Area



2. This Bylaw shall come into force and take effect upon the date of its passing.

Given First and Second Readings Month XX, 2016

Given Third Reading and Passed Month XX, 2016

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**John Bolognone**  
**City Clerk**

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**Bryan Paterson**  
**Mayor**