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Date November 14, 2023 **Report No.** 2023-659
To Chair and Members
Committee of the Whole – Planning and Administration
From Michael Bradley
Commissioner of Community Development

1.0 Type of Report

Consent Item
Item For Consideration

2.0 Topic **Sign By-law Amendment regarding Billboard Signs** **[Financial Impact – none]**

3.0 Recommendation

- A. THAT Report 2023-659, Sign By-law Amendment regarding Billboard Signs, BE RECEIVED; and
- B. THAT Chapter 478 (Signs – Outdoor Other Advertising Devices) of the City of Brantford Municipal Code, also known as the Sign By-law, BE AMENDED as detailed in Report 2023-659; and
- C. THAT the necessary by-law to amend Chapter 478 of the City of Brantford Municipal Code to implement the amendments described in Item “B” above BE PRESENTED to Council for adoption.

4.0 Executive Summary

Report 2023-659 recommends amendments to the Sign By-law, including the removal of the requirement to subject all billboard signs to site plan control pursuant to Section 41 of the *Planning Act*. Planning Staff have determined that in situations when there is no other development proposed on the property and

a proposed billboard sign will not affect the existing parking lot, a billboard sign may not meet the definition of “development” for the purpose of applying site plan control under the *Planning Act*. Other matters that would typically be addressed through site plan review are already regulated through the City’s permitting process under the Sign By-law (location, setbacks, height, area, illumination). The proposed amendments will clarify and streamline the approval process for billboard signs in the City of Brantford, in a manner more consistent with best practices in other municipalities.

5.0 Purpose and Overview

The purpose of this Report is to recommend amendments to the Sign By-law to clarify and streamline the approval process for billboard signs in the City of Brantford.

6.0 Background

Staff’s ongoing efforts to modernize and streamline the development approvals process have resulted in many improvements, including but not limited to a new procedure to define and quickly process minor Zoning By-law amendments, and amendments to the Site Plan review and approval process. Staff continue to advance initiatives to improve processes, as guided and enabled by changes to Provincial legislation and regulations emphasizing streamlined approvals. Improvements are also informed by and will be implemented through current projects such as the new Zoning By-law. The recommendations of this report follow Staff’s consideration of how signage is regulated in Brantford, and the determination that billboard signs do not meet the current definition of “development” for the application of site plan control under Section 41(1) of the *Planning Act*.

7.0 Corporate Policy Context

The Sign By-law is contained as Chapter 478 of the City of Brantford Municipal Code (Signs – Outdoor Other Advertising Devices), enacted by By-law as per Section 10(2) of the *Municipal Act*. The proposed amendments will consolidate the approval process for billboard signs under the Sign By-law, eliminating potential confusion and overlap with the Site Plan approval process, which also supports the goals and implementation of the Development Approvals Process (DAP) Review to streamline and improve development review.

8.0 Input From Other Sources

Report 2023-659 was prepared by Planning Staff in consultation with Legal Services and Building Services.

9.0 Analysis

9.1 Sign By-law and Zoning By-law

The Sign By-law and Zoning By-law 160-90 were both amended in the early 1990's to transfer all matters of sign regulation from the Zoning By-law to the Sign By-law. The intent was to allow for greater ease of administration, with one source of reference for anyone seeking information regarding the regulation of signs within Brantford. Section 6.1.1.8 of the current Zoning By-law 160-90 permits signs subject to the prohibitions and regulations contained in the Sign By-law.

The new Zoning By-law currently under development (and soon to be released in draft form for public review) will continue to permit signs subject to the Sign By-law, in keeping with current best practices among municipalities. The consultants preparing the new Zoning By-law concur with this approach, unaware of other municipal Zoning By-laws that regulate signage in place of or in addition to a Sign By-law.

9.2 Sign By-law and Site Plan Control

The Sign By-law was amended in 1992 to require site plan control approval for billboard signs. This requirement appears to be unique to Brantford's Sign By-law among other municipalities, and is inconsistent with the desire for a streamlined approval process. The Sign By-law regulates various aspects of billboard signs including location, setbacks, height and area of the sign, as well as the illumination and animation of electronic billboards, to ensure they are appropriately sited.

Staff have historically considered billboard signs to be "development" for the purpose of site plan control under the *Planning Act*, considering their size and free-standing structure, and have therefore applied site plan control as required by the City's Sign By-law. The additional requirement for site plan control approval enables the City to require the dedication of a road allowance (right-of-way) widening from the subject property to the City as a condition of a proposed development's site plan approval. The widening must be described in an official plan, and the City of Brantford

Official Plan identifies an ultimate right-of-way width for various streets in the City. Road allowance/right-of way widenings are not just for additional drivable lanes, but are also for the addition of sidewalks, bike lanes, and additional aboveground and underground infrastructure.

As defined in Section 41(1) of the Planning Act, “development’ means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot.” In such cases where no other development is proposed, a billboard sign itself would not have the effect of substantially increasing the size or usability of the property. In addition, the other matters that would typically be addressed through site plan review are already regulated through the permitting process under the Sign By-law, as noted above (location, setbacks, height, area, illumination).

Considering the Development Approvals Process (DAP) Review objective to remove redundancies, changes to the *Planning Act* and other Provincial legislation and regulations emphasizing streamlined processes, as well as the current definition of “development” for the purposes of site plan control under Section 41(1) of the *Planning Act*, Staff are recommending that the Sign By-law be amended to remove the requirement for site plan control approval for billboard signs. Although road allowance (right-of-way) widenings will no longer be conveyed to the City through site plan approval in parallel with the billboard sign permitting process, widenings where identified in the Official Plan may still be obtained through future development applications submitted under the *Planning Act*.

The proposed amendments to the Sign By-law are outlined below and also contained in the draft implementing by-law provided as **Appendix A** to this Report.

- a) Article 14 of the Sign By-law (Chapter 478 of the Municipal Code) regulates billboard signs. Section 478.14.14, which requires that site plan control approval pursuant to Section 41 of the *Planning Act* be obtained for any billboard sign, is deleted by the proposed Sign By-law amendment.
- b) Article 16 of the Sign By-law (Chapter 478 of the Municipal Code) establishes sign permit application requirements for all types of signs, not only billboard signs. Section 478.16.3 describes

information to be submitted as part of the application, with reference to a “site plan” that is not necessarily submitted under site plan control pursuant to Section 41 of the *Planning Act*. To avoid any further confusion, the proposed Sign By-law amendment will change the two references to “site plan” in Section 478.16.3, underlined below, to “technical site drawing”.

478.16.3 Application - site plan - proposed location

The application for a sign permit shall include two copies of a site plan showing the street line and/or other boundaries of the property on which it is proposed to erect or alter the sign, and showing the proposed location of the sign upon the property in relation to all other signs and structures existing or proposed on such property and showing all other information as may be necessary, including the total existing sign area, to enable the application to be processed to ensure compliance with all pertinent requirements of this Chapter.

10.0 Financial Implications

Not applicable.

11.0 Climate and Environmental Implications

Not applicable.

12.0 Conclusion

The proposed amendments to the Sign By-law, if approved by Council, will clarify and streamline the approval process for billboard signs in the City of Brantford, in a manner more consistent with best practices in other municipalities.



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Attachment:

Appendix A: Draft By-law to amend Chapter 478 Signs – Outdoor Other Advertising Devices of the City of Brantford Municipal Code, also known as the Sign By-law

In adopting this report, is a by-law or agreement required? If so, it should be referenced in the recommendation section.

By-law required yes no

Agreement(s) or other documents to be signed by Mayor and/or City Clerk yes no

Is the necessary by-law or agreement being sent concurrently to Council? yes no