



## **Special Council Meeting Agenda**

Tuesday, August 6<sup>th</sup>, 2019 5:00 PM

Essex County Civic Centre

Committee Room C

360 Fairview Avenue West, Essex, Ontario

### **1. Roll Call**

Present:

Mayor Larry Snively  
Deputy Mayor Richard Meloche  
Ward 1 Councillor Joe Garon  
Ward 1 Councillor Morley Bowman  
Ward 2 Kim Verbeek  
Ward 3 Councillor Chris Vander Doelen  
Ward 3 Councillor Steve Bjorkman  
Ward 4 Councillor Sherry Bondy

Also Present:

Chris Nepszy, Chief Administrative Officer  
Doug Sweet, Deputy CAO/Director, Community Services  
Jeffrey Morrison, Director, Corporate Services  
Lori Chadwick, Director, Development Services  
Jeff Watson, Policy Planner  
Rita Jabbour, Planner  
Robert Auger, Town Solicitor/Clerk  
Shelley Brown, Deputy Clerk

This public meeting is being held for the purpose of providing background information and to obtain public input regarding proposed Amendments to the Town of Essex Sign By-Law and proposed amendments in regards to Accessible Parking Provisions in the General Zoning By-Law and Sign By-Law.

### **2. Declarations of Conflict of Interest**

### **3. Adoption of Published Agenda**

August 6, 2019 Special Council Meeting Agenda

Moved by

Seconded by

That the published agenda for the August 6<sup>th</sup>, 2019 Special Council Meeting be adopted as presented.

#### **4. Reports from Administration**

- a) Jeff Watson, Policy Planner Planning Report 2019-34 Re: Amendments to the Town of Essex Sign By-Law

Moved by

Seconded by

That Planning Report 2019-34 entitled “Amendments to the Town of Essex Sign By-Law”, as prepared by Jeff Watson, Policy Planner, and submitted by Lori Chadwick, Director, Development Services dated June 17, 2019, be received.

- b) Jeff Watson, Policy Planner, Planning Report 2019-39  
Re: Accessible Parking Provisions in the General Zoning By-Law and Sign By-Law

Moved by

Seconded by

That Planning Report 2019-39 entitled “Accessible Parking Provisions in the General Zoning By-Law and Sign By-Law”, as prepared by Jeff Watson, Policy Planner, and submitted by Lori Chadwick, Director, Development Services dated June 15, 2019, be received.

#### **5. Public Presentations**

The Chair is to call for public delegations if any.

#### **6. Adjournment**

Moved by

Seconded by

That the meeting be adjourned at



## Report to Council

Department: Planning

Date: July 15, 2019

Prepared by: Jeff Watson, Policy Planner

Submitted by: Lori Chadwick, RPP  
Director of Development Services

Report Number: Planning2019-39

Subject: Accessible Parking Provisions in the General Zoning By-law and Sign By-law

Number of Pages: 3

### RECOMMENDATION(S)

It is recommended that:

1. Planning report Planning 2019-39, entitled "Accessible Parking Provisions in the General Zoning By-law and Sign By-law" be received and
2. Council authorize the holding of a public information session to introduce the Accessibility for Ontarians with Disabilities Act accessible parking space provisions.

### REASON FOR REPORT

By-law 1037, the Town's comprehensive zoning by-law includes regulations for the provision of "barrier free motor vehicle parking", otherwise known as accessible parking. These provisions were introduced to the Town's zoning by-laws with the adoption of By-law 1037 by Council in 2010. Comprehensive standards have been established provincially under the Accessibility for Ontarians with Disabilities Act (AODA), the most recent version having been adopted in 2016. This Act addresses a wide variety of needs for persons with disabilities to permit them to function in everyday environments with greater dignity and less effort. It is recommended that the Zoning By-law and Sign By-law incorporate the regulations of the Act as it relates to the provision of off-street parking.

COMMENTS

General Zoning By-law 1037 Provisions

Under By-law 1037 the following provisions apply:

11.7 Provision of Barrier Free Motor Vehicle Parking Spaces

- a) Within each parking area, there shall be provided and maintained in good practice reserved parking spaces for persons with disabilities as follows:

TOTAL NUMBER OF PARKING SPACES IN THE PARKING AREA	REQUIRED NUMBER OF ACCESSIBLE PARKING SPACES
1 to 24	0
25 to 99	1
100-149	2
150+	2+1 for each 50 additional required parking spaces

Each accessible parking space must be a minimum of 3.5 meters in width.

Under the AODA the following regulations apply:

TOTAL NUMBER OF PARKING SPACES IN THE PARKING AREA	REQUIRED NUMBER OF ACCESSIBLE PARKING SPACES
1 to 12	1
13 to 100	1+4% of the total number of spaces to be divided evenly between Type A and Type B spaces
101-200	1+3% of the total number of spaces to be divided evenly between type A and Type B spaces
201+	2+2% of the total number of parking spaces too be divided evenly between Type A and Type B spaces.

Accessible parking spaces are divided into two types:

- Type A: 3.4m in width with an access aisle\* of 1.5m next and parallel to it - to serve vans
- Type B: 2.4m in width with an access aisle of 1.5m next and parallel to it - to serve persons in standard vehicles

Where the calculation of accessible parking spaces results in an odd number, the odd numbered space may be a Type B space.

\*Note: one access aisle can serve two accessible parking spaces. If the parking area has a hard surface, the access aisle shall be diagonally stripped so as to indicate that it may not be used for parking.

The difference in the provision of accessible parking provision between the zoning by-law and the AODA regulations is notable. Experience with recent developments in the Town and elsewhere and in discussions with the Accessibility Committee, has shown that, besides not reflecting the compulsory AODA mandates, there is a real need to amend the zoning by-law to properly assist persons with disabilities. Consequently, it is recommended that the zoning by-law be amended to incorporate the mandated AODA provisions.

**General Sign By-law 1350 Provisions**

Each accessible parking space must be identified by a reserved parking sign. The comprehensive sign by-law, By-law 1350, does not set out this requirement. Generally this is addressed through site plan agreements for specific developments, but it would be appropriate to include the same provisions in the sign by-law to address situations where site plan control might not apply.

**Public Meeting Schedule**

A public meeting to consider changes to the Sign By-law to address abandoned signage is already set for August 6. It is recommended that the changes to the zoning and sign by-laws regarding the provision of accessible parking be added for discussion.

**FINANCIAL IMPACT**

N/A

**LINK TO STRATEGIC PRIORITIES**

The health and welfare of the residents of the Town are key priorities and accommodation of persons with disabilities is a major component of that endeavor.

Reviewed by:

Lori Chadwick, Director of Development Services – concurs

Rita Jabbour, Planner – concurs



## Report to Council

Department: Planning

Date: June 17, 2019

Prepared by: Jeff Watson, Policy Planner

Submitted by: Lori Chadwick, RPP  
Director of Development Services

Report Number: Planning2019-34

Subject: Amendments to the Town of Essex Sign By-law

Number of Pages: 3

### RECOMMENDATION(S)

It is recommended that:

1. Planning report Planning2019-34, entitled "Amendments to the Town of Essex Sign By-law" be received.
2. Council authorize the giving of notice of Council's intention to consider amendments to By-law 1350, the Town of Essex Sign By-law, to incorporate provisions for the removal of abandoned signs.

### REASON FOR REPORT

To recommend revisions to the Sign By-law to address signage advertising or identifying an activity, business or service that has ceased thereby rendering the sign obsolete.

### COMMENTS

Streetscape assessments involving Council and staff members revealed that there are a number of signs, particularly fascia signs that identify businesses that no longer occupy the building or otherwise identify or advertise an activity or service that has ceased. The question was asked, what steps can or should be taken to "neutralize" the sign so as not to display an activity, business or service that has ceased, the concern being that it falsely indicated that an activity, business or service was still in place. As well, some signage was deemed to be in poor physical condition such that, while not posing a hazard, it was aesthetically displeasing and, being unattractive, it negatively affected the surrounding businesses and streetscape .

By-law 1350, the Town's sign by-law, currently requires that all signs be maintained in good practice such that they do not pose a hazard to the public. It does not address abandoned

signage that do not pose a hazard. If Council wishes to take the extra step to address signage that has ceased to serve the purpose for which it was erected, the following amendments to the sign by-law could be added:

To Section 2: Definitions

“Abandoned Sign” means a sign which identified, but no longer correctly identifies the business, service or use presently conducted on the lot on which the sign is located. A sign shall not be deemed to be abandoned until the passing of 90 days after the business, service or use is discontinued.

To Section 3: Signs Not Permitted

The owner of the land on which an abandoned sign is located shall, within 15 days of the giving of notice by the By-law Enforcement Officer, remove the sign or, at the discretion of the By-law Enforcement Officer, shall alter the sign face area to delete or otherwise hide from view text and pictures referencing the discontinued activity, business or service for which the sign was placed, installed or erected.

Community Improvement Grants Available

For properties situated in a Community Improvement Project Area, the \$2000 mini grant under the Façade Improvement Grant Program is available to assist with the removal of inappropriate, abandoned and outdated signage. This is the carrot to complement the regulatory stick imposed by the new sign by-law regulation.

Other Recommended Revisions

From further review of the Sign By-law, it is also recommended that the following definitions be added:

“Sign Owner” means the person who owns the sign. Where such person cannot be determined with certainty, the sign owner shall be deemed to be the person having authority over the associated use or deriving the major benefit from the sign. If such person is unknown, the sign owner shall be deemed to be the registered owner of the land, building or structure on which the sign is placed.

“Use” means, when used as a noun, the purpose for which a lot, building or structure or any combination thereof is designed, occupied or maintained, and, when used as a verb, means to put to such purpose.

“Prohibited Sign” means a sign displayed on a vehicle or trailer which is parked or located on a property in a manner that is unrelated to its normal use as a vehicle and is more consistent with the use of the vehicle as a sign.

### Municipal Act Provisions

The Sign By-law is authorized under the Municipal Act, which requires the giving of public notice prior to consideration of regulatory changes to the by-law. As such Council can direct Planning to give notice in preparation for Council's formal review of an amending by-law.

### **FINANCIAL IMPACT**

Not applicable as these are text changes to the Sign By-law.

### **LINK TO STRATEGIC PRIORITIES**

N/A

Reviewed by:

Lori Chadwick, Director of Development Services – concurs

Rita Jabbour, Planner – concurs

Kevin Carter, Chief Building Official -concurs