



**The Corporation of the City of Stratford  
Planning and Heritage Sub-committee  
Open Session  
AGENDA**

**Date:** Thursday, October 31, 2019  
**Time:** 4:30 P.M.  
**Location:** Council Chamber, City Hall  
**Sub-committee Present:** Councillor Ingram - Chair Presiding, Councillor Ritsma - Vice Chair, Councillor Clifford, Councillor Vassilakos  
  
**Staff Present:** Ed Dujlovic - Director of Infrastructure and Development Services, Jeff Leunissen - Manager of Development Services, Quin Malott - Manager of Parks, Forestry and Cemetery, Danielle Clayton - Recording Secretary

Pages

**1. Call to Order**

The Chair to call the meeting to Order.

Councillor Bunting provided regrets for this meeting.

**2. Disclosure of Pecuniary Interest and the General Nature Thereof**

The *Municipal Conflict of Interest Act* requires any member of Council declaring a pecuniary interest and the general nature thereof, where the interest of a member of Council has not been disclosed by reason of the member's absence from the meeting, to disclose the interest at the first open meeting attended by the member of Council and otherwise comply with the *Act*.

Name, Item and General Nature of Pecuniary Interest

### 3. Delegations

None scheduled.

### 4. Report of the Manager of Development Services

#### 4.1 Possible Revisions to the City of Stratford Sign By-law No. 159-2004 (PLA19-039)

4 - 39

Motion by \_\_\_\_\_

**Staff Recommendation:** THAT staff consult with the community, which will include holding an open house, on possible revisions to the Sign By-law;

**AND THAT** staff bring back a report on changes to the Sign By-law later this year.

### 5. Report of the Manager of Parks, Forestry and Cemetery

#### 5.1 Private Tree By-law (PLA19-038)

40 - 49

Motion by \_\_\_\_\_

**Staff Recommendation:** THAT the management report titled Private Tree By-law (PLA19-038) be received for information.

### 6. Project Update

The Manager of Development Services to provide a verbal update on ongoing projects in the City.

### 7. Advisory Committee/Outside Board Minutes

There are no Advisory Committee/Outside Board minutes to be provided to Sub-committee at this time.

### 8. Next Sub-committee Meeting

The next Planning and Heritage Sub-committee meeting is November 28, 2019 at 4:30 p.m. in the Council Chamber, City Hall.

### 9. Adjournment

Meeting Start Time:

Meeting End Time:

Motion by \_\_\_\_\_

**Sub-committee Decision:** THAT the Planning and Heritage Sub-

committee meeting adjourn.



## MANAGEMENT REPORT

**Date:** October 31, 2019  
**To:** Planning and Heritage Sub-committee  
**From:** Jeff Leunissen, Manager of Development Services  
**Report#:** PLA19-039  
**Attachments:** City of Stratford Sign By-law No. 159-2004

**Title:** Possible Revisions to the City of Stratford Sign By-law No. 159-2004

**Objective:** The purpose of this report is to introduce possible amendments to the City's Sign By-law and to obtain public input on these possible amendments.

**Background:** Following the removal of temporary signs for a charitable organization in November of 2014, staff prepared a report in January 2015 informing Council of an intention to undertake a review of the Sign By-law specifically as it applies to charitable and not-for-profit organizations. Until such time as the report is completed, Council, on February 23, 2015, resolved the following:

*that temporary signs for charitable and not-for-profit organization located on the road allowance be exempt from obtaining a permit provided someone from the organization meets with staff to ensure signs do not obstruct any views. There is no fee for the staff review. Staff will continue to enforce the By-law for other non-official signs erected in the road allowance.*

Delays in bringing this report back to Council have resulted in additional issues being brought forward which should be incorporated into the review. One such issue is "Now Hiring" and "Help Wanted" signs. In response to a request from numerous area businesses regarding their challenges filling vacancies, Council, in October 2016, granted an exemption to the requirement to obtain a sign permit for temporary "Now Hiring" and "Help Wanted" signs.

In 2014, Council approved revisions to the sign permit process to no longer circulate to Heritage Stratford. Part of the rationale for the change was that circulating to Heritage Stratford was causing delays in issuing permits. The Sign By-law already contains specific provisions to regulate signs in the Heritage Conservation District (HCD). Sign Variance

applications continue to be circulated to Heritage Stratford. Heritage Stratford has requested they again be circulated on all sign permit applications in the HCD. Increased technology in both sign production and sign products has resulted in new sign products and more signs of specific types. Examples of such signs include feather flag signs, portable signs, banner signs and LED signs, be they read-o-graph signs or electronic media signs. More organizations are turning to these signs to advertise their services or products.

With the exception of read-o-graph signs and electronic media signs, most sign issues in the past few years have centered around temporary signs, be they feather flag signs, sidewalk signs or banners. Staff has identified a number of areas where revisions to the Sign-By-law would make interpretation of and compliance with the By-law easier for both staff and members of the Public. Below are the areas staff believes should be reviewed:

### Feather Flag Signs



A review of other municipalities' by-laws has discovered there are different terms to describe these signs. Some by-laws refer to them as "feather flag signs" while others refer to them as "teardrop signs". Still others group them with other "mobile signs".

The City's current By-law permits flags of corporations, government, educational or religious institutions only. An industrial use is permitted to erect a flag identifying the name of the establishment but they are not permitted to advertise a particular product or service. The By-law does allow banners, but restricted them to railway overpasses and only in conjunction with an event sponsored by a charitable or non-profit organization.

### Portable Signs



Portable signs of all shapes and sizes continue to be requested although few permits are issued. The By-law does permit portable signs throughout the City provided they do not exceed 1 m<sup>2</sup> (10.7 ft<sup>2</sup>) per sign face; that the sign be setback from a property line, driveway and a light standard; the letters to be in black and white only; the sign to be in place for a maximum of 21 days after issuance of the permit; and that a permit be issued.

The fee for a portable sign permit is \$216.

Since 2010, the City has issued an average of 1 portable sign permit per year.

(Note: the photograph of a portable sign on page two is not a representation of what is currently permitted by the Sign By-law. The photograph is of a typical mini-billboard portable sign which would have an area of approximately 2.98 m<sup>2</sup> (32 ft<sup>2</sup>) per sign face.)

### Banner Signs



As noted above, banner signs are permitted only on railway overpasses and shall only be used in conjunction with an event sponsored by a charitable or non-profit organization.

Staff has received a number of complaints where area businesses are using banner signs to promote short term events. The use of banner signs for such purposes is prohibited by the Sign By-law. While the October 2016 Council resolution regarding "help wanted" signs does

not specifically mention banners, staff has allowed banner signs for such purposes because they are relatively inexpensive and temporary and satisfy the Council resolution.

### Help Wanted/Now Hiring



As noted above, Council has resolved to allow "help wanted/now hiring" signs provided the sign does not obscure sight lines, is a minimum of 1 m from the road allowance and is small in size relative to the size of the property. It is recommended provisions regarding "help wanted/now hiring"

signs be incorporated into the By-law.

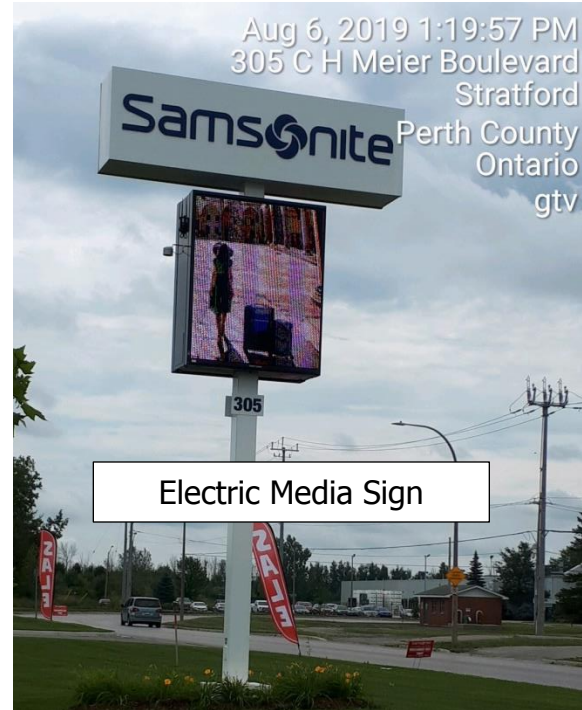
### Change Copy Signs (Read-O-Graph Signs and Electric Message Centre Signs)

The By-law defines a "change copy sign" as any sign that is constructed so the message or copy can be changed by manual, electronic or electro-mechanical means. In 2014, Council amended the definition to require change copy signs to be static for a minimum of 10 seconds between each copy. Both signs below meet the definition of a change copy sign.





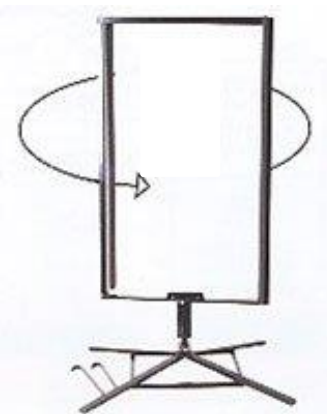
Electronic Read-O-Graph Sign



Electric Media Sign

Electronic change copy signs are becoming more popular for a wide variety of users and the types of electronic change copy signs available range from those basic models which display letters and simple graphics, also known as Read-O-Graph signs, to more advanced signs that are capable of full motion video or animation, Electric Media signs.

### Sidewalk Signs



Sidewalk signs, which include a range of small, portable signs, are only currently permitted in the Downtown Core. The rationale for only permitting sidewalk signs in the core is partially because buildings located in the core are situated at the property line and there is no room for a ground sign. Several complaints are received each year regarding sidewalk signs and they are typically centered around impeding pedestrian mobility. Staff regularly see sidewalk signs outside the core and when they do, they inform the business owner of

the By-law regulations. In the downtown core we have received complaints about the portable signs blocking sidewalks.

### Community Events Signs



In response to several charitable/not-for-profit signs being removed from the road allowance by staff, Council, in February 2015, resolved to allow small temporary signs for charitable and non-profit organizations to be located on the road allowance as long as they advise city staff in advance and do not obstruct sightlines.

Some organizations do consult with staff prior to erecting such signs while others do not. Perhaps it is because the requirement is not a part of the by-law and some organizations are not aware of the Council resolution. It is

recommended these provisions be incorporated into the By-law. Signs located in the road allowance for commercial and industrial operations will continue to be prohibited.

### Canopy Signs



Canopy signs are not currently defined in the by-law and are most often associated with automobile service stations and gas bars.

As canopy signs are not considered either ground or fascia signs, provisions are recommended to be incorporated into the By-law.



## Analysis

The City of Stratford Sign By-law implements community values related to signs. While not stated explicitly, the By-law implements the following objectives, it encourages economic opportunities, it protects residential neighbourhoods, it recognizes the unique characteristics of the Heritage Conservation District, it ensures the safety of inhabitants and the traveling public and it encourages an esthetically pleasing streetscape.

When considering signs, a number of factors are required to be taken into consideration and they include:

- Location in the City;
- Type of the sign (i.e. ground, fascia, temporary, etc.);
- Location on the property or building;
- Size of the sign;
- Number of signs per property;
- Illumination;
- Duration, if a temporary sign; and
- Sign Application fee.

The current sign permit fee is \$216 per sign. An additional \$106 is required if a structural review is required as part of the permit. If a sign does not comply with the By-law, the By-law allows for a sign variance. Sign variances are decided by Council. The fee for a sign variance is \$584. An average of 1 sign variance is considered by Council each year. Given the number of sign variances considered each year, no change to the sign variance process is being considered at this time.

Small, non-permanent signs require, on average, less time to review. The review generally consists of confirming the size does not exceed the maximum size requirements, ensuring the location does not obstruct sight-lines or pedestrians, confirming the proposed location comply with the setback requirements and recording the date, as some signs are only allowed for a defined period of time. For the reasons noted above, a reduced fee for temporary signs is considered appropriate.

Consultation on possible Sign By-law revisions should include the following:

### Feather Flag Signs

Feather flag signs have appeared in the City and City staff have received no complaints. This suggests acceptance of this form of sign. In order to ensure feather flag signs continue to be accepted by residents and to ensure they do not obstruct views, it is recommended the Sign By-law contain provisions regulating this form of sign. Possible regulations for feather flag signs are the following:

- maximum size 1.9 m<sup>2</sup> (20 ft<sup>2</sup>);
- setback 1 m from the road allowance;
- setback 3 m from a driveway;
- 1 sign per 30 m of road allowance;

- sign permit is required; and
- fee \$50.

### Portable Signs

As noted above, few permits are submitted each year for portable signs. Staff believe two revisions to the portable sign provisions should be considered and they are the following:

- allowing multi-coloured lettering;
- requiring a separation distance between portable signs on the same property.

### Banner Signs

In order to allow a broader range of advertising opportunities for not only businesses, but other groups and organizations on a temporary basis, consideration should be given to allowing banner signs under the following conditions:

- 1 sign per property, excluding the Heritage Conservation District;
- maximum size 6 m<sup>2</sup> (64.5 ft<sup>2</sup>);
- maximum duration of 30 days;
- maximum of 2 permits per year;
- sign permit is required; and
- fee \$50.

### Help Wanted/Now Hiring Signs

The rationale for allowing help wanted/now hiring signs has not changed from October 2016 when Council adopted a resolution allowing such signs. It is recommended the By-law be revised to permit such signs with the following regulations:

- 1 sign per 60 m frontage;
- maximum size per sign 6 m<sup>2</sup> (64.5 ft<sup>2</sup>);
- setback 1 m from the road allowance;
- setback 6 m from a driveway;
- permit required; and
- no fee.

### Change Copy Signs

With such a wide variety of electronic change copy signs available, it is recommended the By-law draw a greater distinction between the different types of change copy signs, specifically between electric read-o-graph signs and electric media signs. Establishing this distinction may allow read-o-graph, including electric read-o-graph signs in more locations to meet the needs of a broader range of users from business to institutions (schools, churches).

Consideration should be given for read-o-graph signs, including electric read-o-graph signs, throughout under the following conditions:

- allowed throughout the City;
- minimum of 30 m from a residential zone;
- maximum size of 0.75 m<sup>2</sup> (8 ft<sup>2</sup>);

- other provisions of ground sign or fascia sign apply.

#### Electric Media Sign

- limited to commercial and industrial zones;
- must be static for a minimum of 10 seconds;
- 30 m from a Residential zone;
- other provisions of ground sign or fascia sign apply.

#### Sidewalk Signs

Businesses erecting sidewalk signs is one of the most common Sign By-law infractions. Few of these infractions are brought to staff's attention by members of the public. Most are discovered by staff. This lack of reporting suggests there is general acceptance of sidewalk signs provided they are appropriately located and spaced. New provisions for sidewalk signs are recommended to be considered such as the following:

- permit sidewalk signs throughout the City;
- minimum 1 m from a road allowance;
- minimum 3 m from a driveway;
- 1 per 30 m of frontage;
- permit required;
- permit fee \$50;
- change to allowed throughout the City.

#### Community Events

Council's February 2015 resolution regarding charity and not-for-profit signs is recommended to be incorporated into the By-law as follows:

- permit required;
- associated with charity or not-for-profit organization;
- duration – maximum of 7 days;
- maximum size of 0.25 m<sup>2</sup> (2.67 ft<sup>2</sup> or 16"x24");
- allowed in road allowance but not in sightlines or traffic islands or medians;
- no fee, \$200 deposit which is 100% refundable if signs removed;

Reiterate commercial signs within the road allowance continue to be prohibited. Further, if staff finds a commercial sign within the road allowance, it will be removed.

#### Canopy Signs

Clarification regarding Canopy signs is a housekeeping matter. Canopy signs shall be regulated in the same manner as fascia signs and shall project no more than 0.6 m from the top of the canopy.

The table below summarizes possible changes to the Sign By-law.

<b>Type of Sign</b>	<b>Permit</b>	<b>Fee</b>	<b>Number</b>	<b>Size Limitations</b>	<b>Location In City</b>
<b>Feather Flag</b>	Yes	Yes \$50	1, per 30m frontage	Yes	Entire city excluding HCD and residential areas
<b>Banner</b>	Yes Maximum Duration 30 days	Yes \$50	1	Yes	Entire city excluding HCD and residential areas
<b>Sidewalk Sign (A-Frame, T-Frame)</b>	Yes	Yes \$50	1 per 30m frontage	Yes	Entire City
<b>Portable</b>	Yes	Yes \$75	1 per 30 m frontage	Yes	Entire city excluding HCD and residential areas
<b>Now Hiring/ Help Wanted</b>	Yes	No	1 per 60 m frontage	Yes	Entire City
<b>Community/ Event</b>	Yes Maximum Duration 7 days	100% refundable if signs removed	1	Yes	Entire City also on road allowance
<b>Canopy Sign</b>	yes	yes	1 per side	Yes (fascia sign provisions apply)	Entire city excluding HCD and residential areas
<b>Read-O-Graph Sign</b>	yes	yes	1	Yes 0.75 m	Entire City, excluding HCD & 30 m from a Residential Zone
<b>Electric Media Sign</b>	yes	yes	1	Yes (ground sign provisions apply)	Commercial and Industrial Zones

### Housekeeping Matters

Other housekeeping amendments are likely. For example, the By-law continues to refer to the Director of Building and Planning and the Building and Planning Department. This needs to be updated to reflect current titles and division names.

Staff believe a provision should be added to the By-law to place a time limit on non-conforming signs which have been removed. For example, if a non-conforming sign was removed in 2015, the owner should not be able to erect a similar non-conforming sign in 2019. Rather, they would be required to erect a sign to today's standards.

Lastly, staff will be requesting clarification on how Council would like the Sign By-law enforced: should staff proactively enforce the by-law or on a complaint basis only.

Prior to amending the Sign By-law, it is recommended staff consult with the community, including Heritage Stratford, by holding an open house later this year.

**Financial Impact:** To be addressed in the final report.

**Staff Recommendation: THAT staff consult with the community, which will include holding an open house, on possible revisions to the Sign By-law;**

**AND THAT staff bring back a report on changes to the Sign By-law later this year.**




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Jeff Leunissen, Manager of Development Services




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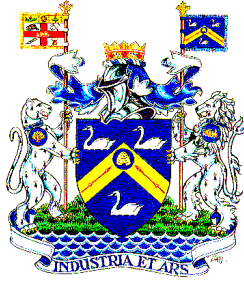
Ed Dujlovic, Director of Infrastructure and Development Services




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Joan Thomson, Acting Chief Administrative Officer





**BY-LAW NUMBER 159-2004  
OF  
THE CORPORATION OF THE CITY OF STRATFORD**

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BEING a By-law to prohibit and regulate signs and other advertising devices and the posting of notices on buildings or vacant lots within the City of Stratford and to repeal By-laws 159-81 and amendments, and By-law 177-80 and amendments.

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**WHEREAS** section 11(1) of the *Municipal Act, 2001 S.O. 2001, c.25, as amended*, herein referred to as the "Act", provides that a single-tier municipality may pass by-laws respecting matters within its spheres of jurisdiction;

**AND WHEREAS** structures, including fences and signs are within the sphere of jurisdiction of The Corporation of the City of Stratford;

**AND WHEREAS** section 99(2) of the *Act* provides that a municipality may by by-law prohibit and regulate the message, content and nature of signs, advertising and advertising devices, including any printed matter, oral or other communication or thing, promoting adult entertainment establishments, and to pass by-laws with respect to any other business or person;

**AND WHEREAS** section 99(3) of the *Act* provides for a municipality to enter land and pull down or remove an advertising device, at the expense of the owner of the advertising device, if it is erected or displayed in contravention of the by-law;

**AND WHEREAS** section 99(5) of the *Act* authorizes a municipality to approve minor variances from the by-law if in the opinion of the municipality the general intent and purpose of the by-law are maintained;

**AND WHEREAS** Section 11(1) of the *Act* provides that a single-tier municipality may pass by-laws respecting matters within its spheres of jurisdiction;

**AND WHEREAS** section 391 of the *Act* provides that despite any *Act*, a municipality and a local board may pass by-laws imposing fees or charges on any class of persons;

**AND WHEREAS** the municipality has complied with section 99 of the *Municipal Act* with respect to giving public notice of its intention to pass the by-law;

**NOW THEREFORE** the Council of The Corporation of the City of Stratford hereby enacts the follows:

This By-law may be commonly referred to as the "**Sign By-law**".

## **1.0 Definitions**

The following words shall have the following meanings in this By-law:

"**abandoned sign**" means a sign located on property which becomes vacant and unoccupied for a period of 90 days or more, or any sign that pertains to a time event or purpose that no longer applies;

"**address sign**" means a facia or ground sign on which the copy is limited to the name and address of a place, building, business, organization, person, or occupancy of the premises it identifies but does not include a sign that only contains the numerical municipal address;

"**address sign – residential development**" means an address sign that identifies a residential development including a subdivision, vacant land condominium or townhouse development.

"**advertising device**" means any device or object erected or located so as to attract public attention to any goods or services or facilities or events and includes flags, banners, pennants and lights;

"**alter**" means any change to the sign structure or the sign face with the exception of the re-arrangement of numerals, letters or copy applied directly to the face of a sign and specifically designed and intended to be periodically rearranged, the repair and maintenance of a sign, and a change in sign copy;

"**animated sign**" means a sign with a sign face that moves in whole or in part and includes a flashing or a rotating sign, but does not include a clock, a time, date or temperature display or an electronic message display;

"**awning**" means a space frame system, moveable or fixed, covered with fabric, metal or like material attached and projecting from a building or structure, but not forming an integral part thereof and includes a canopy;

"**awning sign**" means a sign with copy painted or affixed flat to the surface of an awning, which does not extend vertically or horizontally beyond the limits of such awning;

"**banner**" means a sign or advertising device made from cloth, plastic or a similar lightweight non-rigid material;

"**billboard sign**" means an outdoor sign that advertises goods, products, or services that are not sold or offered on the property where the sign is located, and is either single faced or double faced;

"**box facia sign**" means an internally illuminated sign attached to a wall of a building or the sloping portion of a mansard roof;

"**Building Code**" means the *Ontario Building Code Act*, as amended from time to time, and any regulations thereunder;

"**building façade**" means an exterior building wall facing a street and any other building wall, which does not face a street, but through which the main entrance for the public passes and which faces a parking lot;

"**candidate**" shall have the same meaning as in the *Canada Elections Act*, the *Election Act* (Ontario) or the *Municipal Elections Act*, 1996, as applicable, and shall be deemed to include a person seeking to influence other persons to vote for or against any question or by-law submitted to the electors under Section 8 of the *Municipal Elections Act*, 1996;

"**cemetery**" means land that is used or intended to be used as a place for the interment of the dead or in which human bodies have been buried, and includes an animal or pet cemetery;

"**change copy sign**" means a sign constructed so that the message or copy can be changed by manual, electronic or electro-mechanical means and shall be static for a minimum of 10 seconds between each copy."

"**changing copy sign**" means a sign constructed so that the message or copy can be changed by manual, electronic, or electro-mechanical means;

"**Chief Building Official**" means the Chief Building Official for The Corporation of the City of Stratford or his or her designate.

"**City**" means The Corporation of the City of Stratford;

"**construction site sign**" means a temporary sign that

- a) includes, in whole or in part, information promoting a development and may identify component parts of such building or structure and the persons involved in its design and construction;
- b) relates to or advertises the construction or sale of a building structure on the property.

"**copy**" means the graphic content of a sign surface in either permanent or removable letter, pictorial, symbolic, or numeric form;

"**Council**" means the Council of the City of Stratford;

"**designated light standard**" means a light standard owned by the City or Festival Hydro;

"**directional sign**" means a sign on the property that gives directions or instructions for the control of vehicular or pedestrian traffic and shall include an entry and exit sign;

"**Director of Building and Planning**" means the Director of Building and Planning for The Corporation of the City of Stratford or his or her designate;

"**double faced sign**" means a ground sign having two (2) sign faces of equal area and proportions which are located exactly opposite each other on the sign structure;

"**election sign**" means a sign advertising, promoting or relating to the election of a political party, candidate for public office in a federal, provincial or municipal election, or an authorized question on the ballot and shall include all information required by *Canada Elections Act*, the *Election Act (Ontario)* or the *Municipal Elections Act*;"

"**electronic media sign**" means a video monitor or other medium for displaying electronic animated images;

"**erect**" means the construction, maintenance, display, alteration, placing or relocation of any sign or portion thereof, and the posting of notices;

"**façade**" means the entire building wall including a parapet:

"**facia sign**" means a sign attached to, marked or inscribed on, erected or placed against a wall forming part of a building, or supported by or through a wall of a building and having the exposed face thereof on a plane approximately parallel to the plane of such wall and includes a painted wall and awning sign. A facia sign shall not include any other sign defined in the By-law unless otherwise stated;

"**finished grade**" means the elevation of the finished surface of the ground adjoining the base of all exterior walls of a building or the elevation of the finished surface of the ground at the base of a structure, exclusive of any artificial embankment at the base of such building or structure.

"**flashing sign**" means a sign which contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means or animation or an externally mounted light source but does not include an automatic changing sign or electronically controlled message centre;

"**garage sale sign**" means a sign advertising the sale of personal merchandise in a private garage sale held on a property zoned residential;

"**gas bar canopy**" means an open and permanent roof structure, free standing or attached to a building, erected for the purpose of sheltering gasoline pumps;

"**ground sign**" means a sign directly supported by the ground without the aid of any other building or structure, which sign includes the names of owner(s) and/or tenants(s)

and address and/or advertise goods, products, services, or events that are sold, offered, or provided on the premises on which the sign is located and does not include any other sign defined in this By-law;

"**height**" means the vertical dimension between the average grade at the base of a building or structure and the highest point of such building or structure or part thereof;

"**Heritage Conservation District**" means the lands shown in dark outline on Schedule "A" of City of Stratford By-law 173-97 and shown as Schedule "A" of this By-law;

"**illuminated**" means direct, indirect, internal or external illumination

"**internally illuminated sign**" means a sign illuminated by any internal artificial light source;

"**inflatable sign**" means a sign or advertising device designed to be airborne and tethered to the ground or any other structure and shall include balloons and any other inflatable advertising device;

"**lot**" means a parcel of land, described in a registered deed or other document legally capable of being conveyed,

- a) corner lot means a lot where a front lot line and an exterior side lot line intersect at a corner, and may include a through lot,
- b) interior lot means any lot, other than a corner lot, which abuts a street,
- c) through lot means any interior lot having at least two (2) street lines.

"**lot frontage**" means the distance between the side lot lines of a lot, such distance being measured along a line which is parallel to the required setback distance from the front lot line, except that where the front lot line is narrower than the line at the required setback, the lot frontage shall be the shortest distance between the side lot lines measured at a point 7.5 m from the nearest point of the front lot line.

"**marquee sign**" shall mean a sign attached to any roof-like structure or overhang constructed as a permanent part of a building over the entrance to the building, which structure or overhang projects more than 0.3m (1 foot) from the exterior wall of the building;

"**menu board**" means a sign erected as part of a drive-through facility and used to display and order products and services available in association with drive-through business;

"**multi-faced sign**" means a ground sign having more than two (2) sign faces up to a maximum of four (4) faces, each being of equal area and proportion to the other;

"**official sign**" means a sign required by or erected under any statute or by-law or other directive of any federal, provincial or municipal government or agency thereof or any board or commission and shall include a permanent sign erected on a public road allowance to inform the public of the location of public buildings, hospitals, public libraries, institutions, places of worship, parks, recreational or educational facilities, traffic regulations, parking regulations, street identification or city identification;

"**on-premise sign**" means a sign relating in its copy to the premises on which it is located;

"**open house directional sign**" means a temporary portable sign intended to direct traffic to a residence for sale or lease;

"**owner**" means the registered owner of the lands or premises.

"**painted wall sign**" means any sign painted, applied as paint, or film or any other covering to any outside wall or other integral part of a building without the use of independent supports or frames;

"**person**" means an individual, business, firm, corporation, association or partnership;

"**portable sign**" means a sign not permanently affixed to the ground and designed in such a manner as to be capable of being moved from place to place and includes signs commonly known as mini-billboard signs but does not include a sidewalk sign;

"**poster**" means a printed notice conveying information intended to be displayed for a temporary period of time and includes but is not limited to a bill, handbill, leaflet, notice, placard and election sign;

"**pre-menu board**" means a sign erected as part of a drive-through facility and only used to display products and services available in association with a drive-through business;

"**premises**" means a lot under registered ownership and includes all buildings and structures thereon;

"**projecting sign**" means a sign attached to a building and projecting out horizontally from a building at a right angle to the building;

"**property**" means a parcel of land having specific boundaries, which is capable of legal transfer;

"**public property**" means property, land, structure or building owned by the City as amended or owned by the Federal or Provincial government(s);

"**pump island sign**" means a sign on top of gasoline service pumps or on the columns of a gas bar canopy, on guard posts or freestanding on a gasoline pump apron;

"**readograph**" means a sign on which copy is changed manually with letters on pictorial panels;

"**real estate sign**" means a temporary non-illuminated sign installed, erected or displayed on a property for the notification that a building, premises, lot(s) or portion thereof is offered for sale, rent or lease;

"**registered third party**" shall have the same meaning as in the *Municipal Elections Act, 1996*;

"**religious institution**" means a building or structure used by a congregation or organization dedicated to worship and related religious, social and charitable activities, with or without an auditorium, convent or monastery, or clergy residence as uses accessory thereto

"**repair and maintain**" means anything done to preserve the condition of a sign or to prevent the deterioration of the sign and includes the restoration of a sign by removing or replacing worn out, missing, damaged or broken parts;

"**roof sign**" means a sign, other than an inflatable sign, supported entirely or partly by the roof of a building or structure and which sign projects above the roof;

"**shopping centre**" means a building designed, constructed, operated or maintained as a unit containing at least five (5) physically separate and independent retail stores which may be connected by a common corridor and which is provided with common parking areas, driveways, landscaped open space and other shared accessory facilities and services and which is held under single ownership, condominium ownership, co-operative or similar arrangement.;

"**sidewalk sign**" means a free standing sign placed on but not permanently anchored in the ground, consisting of signs commonly referred to as A-frame, T-frame and sandwich boards but shall not mean or include any other sign defined in this By-law;

"**sight triangle**" means the triangular space formed by the street lines of a corner lot, where such lot is located at the intersection of two (2) or more streets, and a line drawn



from a point in one street to a point in the other street line, such point being twelve (12) metres from the point of intersection of the street lines measured along the said street lines, and where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projected tangents of the street lines drawn through the extremities of the interior lot lines;

“**sign**” means any surface, structure and other component parts, which are used or capable of being used as a visual medium to attract attention to a specific subject matter for identification, information or advertising purposes and includes an advertising device or notice;

“**sign area**” means the entire area of a sign face;

“**sign face**” means that portion of a sign, excluding the sign structure, upon which, as part of, against or through which the message of the sign is displayed. Where a sign is composed of individually installed letters, numerals or shapes, the sign face shall mean the area of the smallest polygon containing a maximum of eight (8) right angle sides that encloses the grouping of letters, numerals or shapes;

“**sign owner**” means the owner or lessee of a sign, or his/her agent. Where there is no owner, lessee or agent for a sign or such person cannot be determined with certainty, the sign owner shall be deemed to be the person or business having the use or major benefit of the sign, or if such person or business is unknown, the sign owner shall be deemed to be the registered owner of the land upon which the sign is situated;

“**sign structure**” means anything used to support or brace a sign face and which is attached to the ground or a building or structure;

“**storey**” means a horizontal division of a building from a floor to the ceiling directly above such floor, and includes an attic wherein at least 50% of the space above the floor is more than 2.1 metres in height and meets the minimum floor area requirements of the Ontario Building Code but does not include a cellar, or a mezzanine, gallery, balcony or other overhang the floor area of which does not exceed 40% of the floor area of the storey directly below such overhang, provided that the space beneath such overhang is not enclosed and the extent of such overhang does not exceed 40% of the least dimension of the room in which the said overhang is located;

“**street**” means a public highway or public road under the jurisdiction of the Corporation, the County or the Province but does not include a lane or right-of-way;

“**street line**” means the limit of the street allowance and is the dividing line between a lot and a street;

“**subdivision sign**” shall mean a sign permitted through a subdivision agreement under section 51 of the *Planning Act, 1990, R.S.O. 1990, Chapter P.13*, as amended or any predecessor or successor thereof;

“**third party advertisement**” shall have the same meaning as in the *Municipal Elections Act, 1996*;

“**unsafe**” when used with respect to a sign or sign structure means a condition that is structurally inadequate or faulty, or could be hazardous to a pedestrian or motorist;

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

“**window sign**” means a sign posted, painted, placed or affixed in or on a window exposed to public view, and shall include an interior sign that faces a window exposed to public view and located within 1 metre of a window;

“**zone**” means the area of a defined land use zone in the City’s Zoning By-law passed under the *Planning Act, 1990, R.S.O. 1990, Chapter P.13*, as amended or any predecessor or successor thereof.

## **2.0 Administration**

This By-law shall be administered by the Director of Building and Planning or his or her designate.

## **3.0 Interpretation**

Words importing the singular number or the masculine gender may include more persons, parties or things of the same kind than one, and females as well as males in the converse.

## **4.0 General Provisions**

- a) No person shall erect, display, alter or allow the erection, display, or alteration of any sign within the City on publicly or privately owned property without obtaining a permit under this By-law
- b) The requirements for signs contained in Sections 11 to 19.10 inclusive shall not apply to any sign erected on any land, building or structure owned or occupied by the City, but subsection 4 (a) shall apply to any such sign.
- c) Except for an official sign or a sign otherwise permitted in this By-law or authorized by the City, no sign is permitted on, over, partly on or over a street.
- d) No person shall erect a sign in a location which may interfere with or damage any above or below ground municipal or utility services which have been lawfully placed at the location;
- e) No person shall attach, affix or display any sign or advertisement on a vehicle or trailer which is parked or located for the primary purpose of displaying said sign or advertisement.

### **4.1 Signs Not Requiring a Sign Permit**

Notwithstanding Section 4.0 (a) and (b), a sign permit is not required for the following signs and all such signs shall comply with all other requirements of this By-law:

- (i) official signs or signs pertaining exclusively to public safety;
- (ii) election signs, erected in accordance with Section 20.1;
- (iii) a non-illuminated trespassing, safety or other warning sign not exceeding 0.5m<sup>2</sup> in sign area;
- (iv) an address sign not exceeding 0.2m<sup>2</sup> in sign area unless otherwise provided for in this By-law;
- (v) flags of corporations, government, educational, or religious organizations;
- (vi) emblems or insignia of patriotic, civic, educational, or religious organizations;
- (vii) commemorative plaque or corner stone of a non-advertising nature;
- (viii) a directional sign in accordance with Section 17;
- (ix) a construction site sign on a construction site in a R1, R2, R3 or MUR zone in accordance with section 20.5;
- (x) a sign other than an on-premises ground or facia sign, erected, displayed or stored on the business premises of a sign manufacturer or contractor;
- (xi) a poster sign
- (xii) a real estate sign in accordance with Section 20.4;
- (xiii) a garage sale sign in accordance with Section 20.6;
- (xiv) an open house directional sign in accordance with Section 20.8;
- (xv) a banner installed by the City, except a banner sign erected on a railway overpass;
- (xvi) a sign for a contractor undertaking landscaping, home repairs or renovations, provided such sign is erected no more than 2 days prior to the commencement of the project and is removed from the property immediately after the project is completed;

- (xvii) a fund raising sign, for a charitable or non-profit organization provided only one sign is erected per street frontage and the sign is erected only for the duration of the event and is located on the property of the organization;
- (xviii) public transit shelter advertising or any advertising on street furniture and fixtures approved by the City.
- (xix) a window sign in accordance with Section 18
- (xx) an awning sign
- (xxi) a painted wall sign in accordance with Section 10
- (xxii) a subdivision sign in accordance with Section 20.9
- (xxiii) a pump island sign

## 4.2 Prohibited Signs

Any sign not expressly permitted by this By-law is prohibited and without limiting the generality of the foregoing, the following signs are specifically prohibited:

- (i) abandoned sign;
- (ii) a banner other than a banner located within a public road allowance and approved by the City;
- (iii) flashing or animated sign;
- (iv) projecting sign except as provided for in Section 13;
- (v) a marquee sign;
- (vi) a roof sign;
- (vii) a sign located so as to obstruct the view of any pedestrian or motor vehicle driver so as to create an unsafe condition;
- (viii) a sign interfering with or obstructing the view of an authorized traffic sign, traffic signal, or official sign or any sign capable of being confused with such a traffic sign, traffic signal or official sign;
- (ix) a sign located within a sight triangle;
- (x) a sign advertising a business, materials and/or services that are not situated on the same property as the sign;
- (xi) a sign advertising a use that is not permitted under the City's Zoning By-law as amended;
- (xii) a billboard sign;
- (xiii) an electronic media sign
- (xiv) a sign that is located on or encroaches on property owned by the City without the formal approval of the City, except as provided for in Sections 19, 20.1, 20.3, 20.4, 20.6 and 20.7.
- (xv) a portable sign that has been altered or modified to become a type of sign other than what it was originally designed for (i.e. a ground sign, fascia sign, etc.)

## 5.0 Sign Permits

- a) All signs shall comply with all other applicable City By-laws and all other applicable law. All signs shall be erected and designed in accordance with the requirements of the *Ontario Building Code Act*, as amended.
- b) Every applicant for a sign permit shall complete a sign permit application provided by the Building and Planning Department, submit all necessary plans and drawings, and pay all applicable fees as set out in Schedule "A" to this by-law.
- c) If the matters mentioned in any application for a permit, or if the drawings, specifications or plan of survey submitted with the application indicate to the Chief Building Official that the work proposed to be done will not comply in all respects with the provisions of this By-law, the *Building Code*, the Zoning By-law and all other applicable regulations, the Chief Building Official shall refuse to issue a permit therefor and no permit shall be issued until the application, drawings, and specifications and the plan of survey are made to conform to the requirements of this By-law, the *Building Code*, the Zoning By-law and all other applicable regulations.

- d) Where the sign permit application meets all the requirements of this By-law and any other applicable laws, a sign permit shall be issued by the Chief Building Official or his or her designate.

### **5.1 Sign Permit Information**

All plans and drawings accompanying a sign permit application for a permanent sign shall be provided in duplicate and shall contain the following information:

- (i) a site plan drawn to scale showing all measurements in metric;
- (ii) the municipal address and legal description of the property;
- (iii) the existing or proposed use of the property;
- (iv) the zoning category of the property;
- (v) the location of all existing buildings and their entrances;
- (vi) the location of all driveways and parking areas on the property;
- (vii) the location and dimensions of the frontage and all boundaries of the property on which the sign is proposed to be erected;
- (viii) the location of the proposed sign on the property;
- (ix) details of the sign drawn to scale, including dimensions, materials, colours, text, graphics, sign area and any other information as may be required to determine compliance with this By-law;
- (x) other information as determined by the Chief Building Official with respect to the building including architectural and structural drawings as may be necessary to determine if the building is structurally capable, under the Ontario Building Code, of supporting the sign or advertising device; and
- (xi) authorization of the owner of the property on which the sign is to be erected or displayed

### **5.2 Facia Sign Permit Information**

In addition to the information required under section 5.1, all plans and drawings accompanying an application for a facia sign permit shall contain the following information for a building or unit in a multi-unit complex:

- (i) the dimensions of the building, wall or unit on which the facia sign is to be affixed;
- (ii) the location of all building or unit entrances;
- (iii) the names of the occupants of each unit which is the subject of the application; and
- (iv) identification of any existing sign on the building or unit

### **5.3 Ground Sign and Construction Site Sign Permit Information**

In addition to the information required under section 5.1, all plans and drawings accompanying an application for a ground sign or a Construction Site Sign permit shall contain the following information:

- (i) the location of any existing structures, parking areas, walkways, driveways, loading areas, vehicular access and egress points and existing ground signs on the premises.
- (ii) the identification by location, description, dimension and ownership of any existing or proposed easements or rights of way over the land and premises;
- (iii) the location of all landscaped areas adjacent to the sign;
- (iv) the setback of the proposed sign from the property line.

### **5.4 Inflatable and Sidewalk Sign Permit Information**

In addition to the information required under section 5.1, all plans and drawings accompanying an application for an inflatable or sidewalk sign permit shall contain the following information:

- (i) the location of the sign;
- (ii) the dimensions of the sign drawn to scale and the sign area;

- (iii) the distance from the sign to the nearest street line, sidewalk, driveway, ground sign, inflatable sign, landscaping features, planting beds and/or street furniture.
- (iv) engineered drawing indicating the method of securing the inflatable sign.

## **6.0 Expiration of a Sign Permit**

Every permit issued by the City shall expire six (6) months from the date of issuance unless the sign is erected or displayed for its intended purpose and the permit shall become null and void upon the removal of the sign.

## **7.0 Renewal of a Sign Permit**

- a) Where a permit has been issued and before it has expired, an application may be made to extend the permit for a further six (6) months and the provisions of Section 5 do not apply.
- b) The Chief Building Official may renew the permit after payment of the prescribed application fee where the sign conforms to this by-law.

## **8.0 Revocation of a Sign Permit**

The Chief Building Official may revoke a sign permit under the following circumstances:

- a) where the permit has been issued in error by the City; or
- b) where the sign erected or placed does not conform to this By-law, the Building Code, the Zoning By-law or any other applicable regulations, or
- c) where the permit has been issued as the result of false, mistaken, incorrect, or misleading statements, or undertakings on the application.

## **9.0 Establishment of the Class of Signs By Zoning Category**

For the purposes of this By-law, the following classes of signs are hereby established by reference to the following zone categories as set out in the City of Stratford Zoning By-law as amended. The terms used herein shall have the same meaning as in the Zoning By-law. Each class of sign shall only be permitted within the areas subject to the zone categories listed for that class below:

- a) Residential, Institutional and Park Signs
  - R1, R2, R3, R4, R5, MUR and FR
  - IN
  - P
- b) Commercial Signs, excluding Highway Commercial
  - C1, C3, C4 and FC
- c) Highway Commercial
  - C2
- d) Industrial Signs
  - I1, I2 and FI

## **10.0 Heritage Conservation District**

Notwithstanding any other section of this By-law, the following provisions shall apply in the Heritage Conservation District, as shown in Schedule "B".

- (a) The following signs are prohibited in the Heritage Conservation District:
  - box fascia signs
  - internally illuminated signs
  - flashing signs
  - animated signs



- roof signs
  - billboard signs
  - electronic media signs
- (b) No sign shall obstruct a building's significant architectural features, including, but not limited to, windows, brackets, sills, decorative masonry and cornice;
- (c) When an existing sign is being erected in place of an old sign, the new sign shall conform to the provisions of the sign by-law;
- (d) Special consideration for signage variances will be given during special events, for historical significance or where precedence exists;
- (e) Notwithstanding Sections 13.0 and 15.0, ground signs in the Heritage Conservation District shall be restricted to 1.4m in height by 2m in width and shall be located a minimum of 3m behind the property line;
- (f) Notwithstanding the definition of "painted wall sign" in Section 1.0, painted wall signs in the Heritage Conservation District shall be address signs and must not exceed the size restriction for a fascia sign.
- (g) Notwithstanding section 10.0 (a), the following types of internally illuminated signs in the Heritage Conservation District are permitted: open and closed, product advertisement and service advertisement window signs provided they do not cover more than 10% of the window area and can easily be removed from the window.

### 11.0 Permitted Sign Types By Sign Class

The sign types listed in Column 1 of the chart below, shall only be permitted in the property class indicated in Column 3 of the chart below. The By-law section applicable to each sign type listed in Column 1 of the chart below is shown in Column 2 of the chart below.

RES Residential, Institutional and Park Signs  
 COM Commercial Signs  
 IND Industrial Signs

Column #1	Column #2	Column #3		
Sign Type	Section	RES	COM	IND
Construction Site	20.5	*	*	*
Directional	17.0	*	*	*
Election	20.1	*	*	*
Facia	16.0	*	*	*
Ground	15.0	*	*	*
Inflatable	20.8		*	*
Menu Board	13.0		*	<b>Note</b>
Portable	20.2		*	*
Pre-menu Board	13.0		*	<b>Note</b>
Projecting	19.0		*	*
Real Estate	20.4	*	*	*
Sidewalk Sign	20.3		<b>City Centre Area only</b>	
Window	18.0		*	*

*Note – Menu Boards and Pre-menu Boards for permitted uses in industrial zones shall comply with the requirements of Section 13.*

## 12.0 Residential, Institutional and Park Signs

No person shall erect, display, alter, maintain or allow the erection, display, alteration, or maintenance of any type of sign listed in Column 2 below in conjunction with the uses listed in Column 1 below unless the sign complies with the regulations and standards applicable to that sign type in Column 2 below and with any other provisions of this By-law.

Column #1	Column #2				
	<b>Address Facia</b>	<b>Sign</b>	<b>Address Ground</b>	<b>Sign</b>	<b>Number</b>
	Max Sign Area	Max Sign Area	Max Height	Min St. Line Setback	
Single Detached Dwelling, Semi Detached Dwelling, Duplex Dwelling, Triplex Dwelling, Quadruplex Dwelling, Townhouse Dwelling, Street Townhouse Dwelling, Group Home, Boarding House, Bed & Breakfast Establishment	0.6 m <sup>2</sup> (6.5 sq.ft.)	0.6 m <sup>2</sup> (6.5 sq.ft.)	1.2 m (3.94 ft.)	1 m (3.28 ft.)	1 address sign – facia <b>or</b> 1 address sign - ground per property
Apartment, Senior's Apartment, School, Hospital, Religious Institution	1.5 m <sup>2</sup> (16.1sq.ft.)	1.5 m <sup>2</sup> (16.1 sq.ft.) for an Address Sign only	2.5 m <sup>2</sup> (11.81 ft.)	1 m (3.28 sq.ft.)	1 address sign – facia <b>and</b> 1 address sign - ground per property
All Other Uses	1.5 m <sup>2</sup> (16.1 sq.ft.)	1.5 m <sup>2</sup> (16.1 sq.ft.)	2.5 m ( 13.12 ft.)	1 m (3.28 sq.ft.)	1 address sign – facia <b>or</b> 1 address sign - ground per property

### 12.1 Address Signs - Residential Development

- a maximum of 1 address sign – residential development is permitted per entrance to the development.
- In instances where an address sign – residential development constitutes a facia sign, the sign shall have a maximum face area of 0.6m<sup>2</sup>. Notwithstanding any other section of this by-law, where an address sign-residential development constitutes a facia sign, it shall be permitted on a fence or gate.
- In instances where an address sign – residential development constitutes a ground sign, the sign shall have a maximum face area of 0.6m<sup>2</sup>, shall have a maximum height of 1.2m and shall have a minimum street line set back of 1m.

### 13.0 Commercial Signs

No person shall erect, display, alter, maintain or allow the erection, display, alteration, or maintenance of any type of sign listed in Column 2 below in conjunction with the uses listed in Column 1 below unless the sign complies with the regulations and standards applicable to that sign type in Column 2 below and with any other provisions of this By-law.

Column #1	Column #2					
Land Use	Number	Permitted Sign Type & Specifications				
		<i>Menu Board</i>		<i>Pre-Menu Board</i>		
		Max Sign Area	Max Height	Number	Max Sign Area	Max Height
Restaurant	1 per drive through lane	4.1 m <sup>2</sup> (44.13 sq.ft.)	3m (9.84 ft.)	1 per drive through lane	2 m <sup>2</sup> (21.52 sq.ft.)	3m (9.84 ft.)
Restaurant Accessory to Gas Bar or Motor Vehicle Service Station	1 per drive through lane	2 m <sup>2</sup> (21.52 sq.ft.)	3m (9.84 ft.)	Not Permitted	N/A	N/A
Car Wash Accessory to a Gas Bar or Motor Vehicle Service Station	1 per car wash	2 m <sup>2</sup> (21.52 sq.ft.)	3m (9.84 ft.)	Not Permitted	N/A	N/A
Car Wash	1 per car wash	2 m <sup>2</sup> (21.52 sq.ft.)	3m (9.84 ft.)	Not Permitted	N/A	N/A

Column #1	Column #2				
Land Use	Permitted Sign Type & Specifications				
	<i>Ground Sign</i>				
	Min Lot Frontage	Number	Max. Sign Area	Max Sign Height	Min. Street line Setback
Commercial Uses excluding Highway Commercial	Under 25 m (82.02 ft.)	1 per lot frontage	10 m <sup>2</sup> (107.64 sq.ft.) per sign face	10 m	1 m (3.28 ft.)
Commercial Uses excluding Highway Commercial	Over 25 m (82.02 ft.)	1 per lot frontage	15 m <sup>2</sup> (161.46 sq.ft.) per sign face	10 m	1 m (3.28 ft.)
Highway Commercial	Under 25 m (82.02 ft.)	1 per lot frontage	10 m <sup>2</sup> (107.64 sq.ft.) per sign face	10 m	1 m (3.28 ft.)
Highway Commercial	Over 25 m (82.02 ft.)	1 sign plus an additional sign per 40 metres (131 ft) of lot frontage and there is 25 m (82.02 ft) between signs	1 sign - 15 m <sup>2</sup> (161.46 sq.ft.) per sign face; More than 1 sign – 10 m <sup>2</sup> (107.64 sq.ft.) per sign face	10 m	1 m (3.28 ft.)

Column #1	Column #2
Land Use	Permitted Sign Type & Specifications
	<i>Maximum Sign Area</i>
	<u>Facia Sign</u>

All Commercial Uses save and except for those listed below	20% of the building face of the first storey for each occupancy
Retail Store or Restaurant Accessory to Gas Bar or Motor Vehicle Service Station	20% of a wall facing a street line or gas pumps
Car Wash or Service Bay Accessory to Gas Bar or Motor Vehicle Service Station	15 % of a wall with an entrance and 10% of a wall with an exit or facing gas pumps
Gas Bar Canopy Accessory to Gas Bar or Motor Vehicle Service Station	20% maximum canopy face

#### 14.0 Industrial Signs

No person shall erect, display, alter, maintain or allow the erection, display, alteration, or maintenance of any type of sign listed in Column 2 below in conjunction with the uses listed in Column 1 below unless the sign complies with the regulations and standards applicable to that sign type in Column 2 below and with any other provisions of this By-law.

Column #1	Column #2				
Land Use	Permitted Sign Type & Specifications				
	<i><b>Facia Sign</b></i>	<i><b>Directory Sign</b></i>			
	Max Sign Area for Each Occupancy	Number	Max Sign Area	Max Height	Min. Street Line Setback
Individual Free Standing Industrial Establishment	15% of the building façade of the first storey for each occupancy	N/A	N/A	N/A	N/A
Multi Occupant Industrial Establishment	15% of the building façade of the first storey for each occupancy	1	5.0 m <sup>2</sup> (53.8 sq.ft.)	4m (13.1 ft.)	7.5 m (24.6 ft.)

Column #1	Column #2				
Land Use	Permitted Sign Type & Specifications				
	Ground Sign				
	Min Lot Frontage	Number	Max. Sign Area	Max Sign Height	Min. Street line Setback
Individual Free Standing Industrial Establishment OR Multi Occupant Industrial Establishment	Under 30 m (98.4 ft.)	1 per lot frontage	10 m <sup>2</sup> (107.64 sq.ft.) per sign face	10 m	1 m (3.28 ft.)
Individual Free Standing Industrial Establishment OR Multi Occupant Industrial Establishment	Over 30 m (98.4 ft.)	1 plus an additional sign per 40 metres (131 ft) of lot frontage and there is 25 m (82.02 ft) between signs	1 sign - 15 m <sup>2</sup> (161.46 sq.ft.) per sign face; More than 1 sign - 10 m <sup>2</sup> (107.64 sq.ft.) per sign face	10 m	1 m (3.28 ft.)

Column #1	Column #2					
Land Use	Number	Permitted Sign Type & Specifications				
		<i>Menu Board</i>		<i>Pre-Menu Board</i>		
		Max Sign Area	Max Height	Number	Max Sign Area	Max Height
Car Wash Accessory to a Gas Bar or Motor Vehicle Service Station	1 per car wash	2 m2 (21.52 sq.ft.)	3m (9.84 ft.)	Not Permitted	N/A	N/A
Car Wash	1 per car wash	2 m2 (21.52 sq.ft.)	3m (9.84 ft.)	Not Permitted	N/A	N/A

### 15.0 Ground Signs

- (a) The maximum total sign area for a ground sign that is a double faced or a multi-faced sign shall be double the area permitted for one sign face.
- (b) Where a ground sign contains up to three (3) sign faces but is not a double faced sign, the maximum total sign area shall be double the area permitted for one sign face and each sign face shall be attached to the adjacent sign face at an angle no greater than 90 degrees.
- ~~(c) A ground sign in a commercial or industrial zone shall display the municipal address in numerals and letters that are a minimum of 150 millimetres (5.9 inches) in height. [Deleted by By-law 142-2006]~~
- (d) A ground sign shall not be located within 3m of a driveway entrance or exit.
- (e) Internally illuminated ground signs are prohibited in the MUR zone

### 16.0 Facia Signs

- (a) A facia sign may project out from a building wall not more than 60 cm (24 inches).
- (b) A facia sign shall be attached to the building façade used to calculate the maximum sign area of the sign.
- (c) A facia sign shall be erected no higher than the upper limit of the first storey of a building, unless otherwise permitted in this By-law, but this shall not apply to an enclosed shopping centre.
- (d) When the area of a sign face of a facia sign is related to the area of a wall, the area of the wall applicable shall be taken as that wall area projected on a plane parallel to the sign face, or tangent thereto if the sign face is not flat.

### 17.0 Directional Signs

A directional sign shall have a maximum sign area of 0.75m<sup>2</sup> and shall have a maximum height of 1.2m (4ft.).

### 18.0 Window Signs

The maximum sign area of any permitted window sign shall not cover more than 25% of any single window, or 25% of the entire surface area of a group of windows and shall not block the clear view of exits or entrances and shall maintain visibility into the interior of the premises at all times.

### 19.0 Projecting Signs



- (a) A projecting sign shall have a minimum clearance 2.5m above the sidewalk grade
- (b) A projecting sign shall not exceed a total height of 9m above the sidewalk grade, exclusive of poles or guy-wires
- (c) A projecting sign attached to a building that does not abut a public street shall not extend more than 2.5m beyond the face of such building and the outer most projection of such sign shall not project over the public street a distance of more than 46cm.
- (d) A projecting sign attached to a building that immediately abuts a public street shall not project over the public highway a distance of more than 46cm.
- (e) No person shall erect or maintain any sign which shall wholly or partially project onto any public street, or any sign that if it were to fall would fall onto any public street, without first entering into an agreement with The Corporation of the City of Stratford indemnifying the City from and against all manner of claims for damage, loss, expense or otherwise, arising from the erection, maintenance, removing or falling of such sign or part thereof.

## **20.0 Temporary Signs**

### **20.1 Election Signs**

- (a) No person shall affix, erect or otherwise display an election sign or permit an election sign to be affixed, erected or otherwise displayed:
  - (i) on any property designated park or road allowance abutting property designated park;
  - (ii) on a tree or on any official sign or official sign structure;
  - (iii) within a sight triangle;
  - (iv) upon the property whereupon a voting location is situated;
  - (v) on private property or on the road allowance directly abutting the private property without the owner's consent
  - (vi) at any location where the election sign:
    - obstructs the view of any pedestrian or driver of a motor vehicle, or obstructs the visibility of any traffic sign or device, or where it could interfere with vehicular traffic so that it could endanger any person;
    - obstructs openings required for light, ventilation, ingress, egress or firefighting;
    - constitutes a danger or hazard to the general public;
    - on a concrete or masonry noise attenuation wall;
    - is located on public property and is within 1.5 metres of a sidewalk or where no sidewalk exists, 3 metres of the travelled portion of the road,
    - is located on public property and within 6 metres of a sign for the same candidate or third party advertisement."
- (b) No person shall affix, erect or otherwise display an election sign or permit an election sign to be erected, affixed, or otherwise displayed prior to the issuance of writs for a provincial or federal election or until a candidate has filed all required documents and paid the required fee in support of their candidacy for municipal office or a registered third party has filed all the required documents and paid the required fee in support of a candidate, a proposed by-law or a question;
- (c) An election sign shall not exceed a maximum sign area of 3.7 m<sup>2</sup> (40 ft<sup>2</sup>) with the exception of those placed on billboard signs.

- (c) An election sign shall not display a city logo, crest, seal or other city identification
- (d) An election sign which is a facia sign may be affixed to the face of the building or building unit which is used as a candidate's campaign headquarters provided such facia sign complies with the provisions of this By-law for a facia sign.
- (e) An election sign shall be removed within forty-eight (48) hours immediately following 11:59 p.m. of the day of the election.

## **20.2 Portable Signs**

- (a) A portable sign shall be located completely on private property;
- (b) Only one portable sign may be erected or displayed on a property at any one time;
- (c) A maximum of six (6) portable sign permits per calendar year may be issued to each business at a municipal address.
- (d) A portable sign shall not be erected or displayed for more than twenty-one (21) consecutive days from the date the permit is issued.
- (e) No business shall be issued a permit or erect or display a portable sign unless a minimum period of twenty-one (21) consecutive days has passed since the expiry date endorsed on a previous portable sign permit issued at a location.
- (f) A portable sign shall:
  - i) contain no more than two (2) sign faces, and each sign face shall have a maximum area of 1 m<sup>2</sup> (10.7 sq.ft.);
  - ii) not be located within 1.5m (4.9 ft.) of a sidewalk or property line, whichever is greater;
  - iii) not be located within 3m (9.8 ft.) of a driveway entrance or exit;
  - iv) not be located within 50m (164 ft.) of a traffic light standard;
  - v) not be located within 15m (49.2 ft.) of the paved portion of an intersection;
  - vi) not be located within 10m (32.8 ft.) of a ground sign or 10m (32.8 ft.) of a portable sign on an abutting property;
  - vii) a portable sign shall not be in colours other than black and white, and sign characters in fluorescent, neon, day glo or day bright colours are prohibited.

## **20.3 Sidewalk Signs**

- (a) Sidewalk signs are only permitted in the City Centre Area, as shown in Schedule "C"
- (b) Properties are limited to one (1) sidewalk sign per street frontage
- (c) A sidewalk sign:
  - i) shall have a maximum height of 1metre (3.3 ft.), a maximum of two sign faces and any sign face shall not exceed 0.55m<sup>2</sup> (5.9 sq. ft.) in area;
  - ii) shall be displayed only between sunrise and sunset of every business day and shall be taken indoors at all other times;
  - iii) shall not be located within 3 metres (9.8 ft.) of a driveway entrance;
  - iv) shall only be permitted on the 1m (3.28 ft.) of municipal property nearest and parallel to the curb in front of the premise being advertised by the said sign.
  - v) shall not obstruct pedestrian traffic

- (d) No person shall erect or maintain any sidewalk sign on any public street without first entering into an Agreement with The Corporation of the City of Stratford indemnifying the City from and against all manner of claims for damage, loss, expense or otherwise, arising from the erection, maintenance, removing or falling of such sign or part thereof.
- (e) Any agreement issued under the authority of this By-law shall be effective until the end of the calendar year in which it is issued and shall be renewed annually by the 31<sup>st</sup> of January. In default of the payment of the annual fee for thirty (30) days after notice in writing requiring payment thereof, the right to maintain such a sign shall cease and the agreement issued therefore shall become forfeited and Section 22 of this by-law shall apply.

#### **20.4 Real Estate Signs**

- (a) One (1) real estate sign shall be permitted for each lot frontage of the property on which the sign is erected.
- (b) The sign face of a real estate sign shall not exceed 0.5m<sup>2</sup> (5.3 sq. ft.) if erected on a property zoned residential and shall not exceed 4m<sup>2</sup> (43.0 sq. ft.) if erected on a property zoned industrial or commercial.

#### **20.5 Construction Site Signs**

- (a) A construction site sign shall be non-illuminated with a sign area not exceeding 10 m<sup>2</sup> (108 sq. ft.), shall be set back 7.5m from the street line and shall be removed from the construction site within sixty days of completion of the project.
- (b) A construction site sign in areas zoned R1, R2, R3 or MUR shall be non-illuminated with a sign area not exceeding 1.5m<sup>2</sup> (16 sq. ft.), shall be set back 1m from the street line and shall be removed from the construction site with sixty days of the completion of the project.

#### **20.6 Garage Sale Signs**

- (a) A garage sale sign shall not exceed 0.6m ( 2 ft.) in any dimension and shall not exceed 0.36m<sup>2</sup> (3.9 sq. ft.) in sign area.
- (b) A garage sale sign may be located in the untravelled portion of the street allowance, but not in a manner as to create a traffic hazard.
- (c) No person shall place or locate a garage sale sign before 5:00 p.m. of the day immediately before the garage sale and all such signs shall be removed by no later than 7:00 a.m. of the day immediately following the garage sale.

#### **20.7 Open House Directional Signs**

- (a) An open house directional sign shall have a maximum height of 1m (3.3 ft.) and a maximum sign area of 0.4m<sup>2</sup> (4.7 sq. ft.) per sign face.
- (b) An open house directional sign may be erected on that portion of a street located between the curb or edge of the traveled roadway and the sidewalk, or where no curb exists, such sign may be erected on the untraveled portion of the right-of-way closest to the outer edge of the traveled roadway, provided that the sign does not interfere with pedestrian or vehicular traffic and does not create a hazard.

#### **20.8 Inflatable Signs**

- (a) No person shall erect an inflatable sign without a permit and an inflatable sign shall be erected in the specific location as shown on a plan approved for such purposes by the Director of Building and Planning.

- (b) An inflatable sign shall only be permitted on a property with a minimum frontage of 15m (49 ft.).
- (c) An inflatable sign shall be located:
  - (i) a minimum of 3m (9.8 ft.) from any property line;
  - (ii) a minimum of 3m (9.8 ft.) from any driveway entrance and/or exit;
  - (iii) a minimum of 10m (32.8 ft.) from any ground or portable sign on the same property or abutting property;
  - (iv) a minimum of 92m (301 ft.) measured in a straight line from a residential property; and
  - (v) a minimum of 50m (164 ft.) from a traffic light standard.
- (d) An inflatable sign shall have a maximum height of 7m (22.96 ft.) and a maximum width of 6m (19.68 ft.).
- (e) One inflatable sign shall be permitted for each property at any one time.
- (f) Sign permits to erect or display inflatable signs shall be issued for periods of a maximum of twenty one (21) consecutive days. No more than three permits shall be issued for a single business on the property on which the sign is to be displayed, in a calendar year.
- (g) No business shall be issued a permit or erect or display an inflatable sign unless a minimum of twenty-one (21) consecutive days has passed since the expiry date endorsed on a previous inflatable sign permit issued on the same property.
- (h) Sign permits for inflatable signs shall be issued only for businesses or uses currently on the property on which the sign is to be displayed.
- (i) All inflatable signs shall be properly secured to the satisfaction of the Chief Building Official.
- (j) Before being issued a sign permit for an inflatable sign, the applicant shall provide confirmation to the City that a minimum of \$2,000,000.00 of valid comprehensive general insurance is in effect.

## **20.9 Subdivision Signs**

- (a) A subdivision sign shall not exceed 10m<sup>2</sup> in area;
- (b) The location of subdivision signs shall be determined by the City through a subdivision agreement;
- (c) Subdivision signs shall contain the following information:
  - i) the plan of subdivision as registered, including street patterns, and the proposed use of each parcel of land therein, and;
  - ii) the name and address of the owner.

## **20.10 Banner Signs on Railway Overpasses**

- a) Banner signs shall be permitted on railway overpasses.
- b) Banners signs on railway overpasses shall not exceed 8.0 m<sup>2</sup> in area.
- c) Banner signs on railway overpasses shall only be used in conjunction with an event sponsored by a charitable or non-profit organization including an exhibition or fair.
- d) Sign permit applications for a banner sign on a railway overpass shall be accompanied by authorization from the applicable railway operator that they consent to the application.

- e) Banner signs on railway overpasses shall be issued for a period of a maximum of 21 consecutive days prior to the start of the event and remain not more than 4 days after the closing of the date of the event.

## **21.0 Maintenance of Signs**

- a) The owner of any sign, shall maintain or cause such sign to be maintained in a proper state of repair, so that such sign remains completely operative at all times and does not become unsafe, defective or dangerous.
- b) Maintenance or repairs using materials identical to the materials of the component being maintained or repaired does not constitute an alteration so as to require a permit to be issued.

## **22.0 Penalties and Enforcement**

- a) Every person who contravenes any provisions of this By-law is guilty of an offence. Pursuant to the provisions of *the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended*, upon conviction a person is liable to a fine of not more than \$5,000.00 exclusive of costs.
- b) Where a sign is erected or displayed in contravention of this By-law, the Chief Building Official or his or her designate may immediately pull down or remove any sign that the Chief Building Official or his or her designate determines constitutes a safety hazard or a concern. Such removal is to be at the expense of the owner or the occupant and the expense therefore may be collected in like manner as municipal taxes.
- c) Where any sign does not comply with this By-law, the Director of Building and Planning or his or her designate may forward a notice by first class pre-paid mail to the owner. Such notice shall outline the nature of the contravention and the section of the By-law so contravened and may require that the owner of the sign to:
  - repair the sign;
  - pull down or remove the sign; or
  - make the sign comply with the provisions of this By-law,

not later than the date and time stipulated in the notice. The notice may advise that if the sign is not so removed or made to comply within the specified period of time, then the City may pull down and remove the sign without any further notice.

- d) If the notice as set out in Section 22.0 (c) is not complied with within the specified period of time, the Director of Building and Planning may direct City forces or an independent contractor to enter upon the land or premises to pull down and remove the sign. Such removal is to be at the expense of the owner or the occupant and the expense therefor may be collected in like manner as municipal taxes.
- e) Notwithstanding subsections a), b), c) and d) of this section, portable signs, sidewalk signs, real estate signs, construction site signs, garage sale signs, open house directional and inflatable signs that are erected or displayed contrary to this by-law shall be removed by the owner thereof within two days after service of a notice from the City advising that such sign or other advertising device is in contravention of this by-law. Such notice shall be served in the manner provided in subsection c) of this section. Such notice shall outline the nature of the contravention and the section of the By-law so contravened.

If such sign or other advertising device has not been removed by the owner as required herein, the Director of Building and Planning or his or her designate may cause such sign to be removed at the expense of the owner of the sign and any costs incurred by the City may be recovered in

like manner as municipal taxes on the property where the sign was located or may be recovered by action pursuant to section 427 of the *Municipal Act 2001, S.O. 2001, c.25*. The remedies provided for hereby may be proceeded with prior to and notwithstanding that no prosecution and conviction has been obtained under section 22 of this by-law.

- f) Any sign removed as provided for in this section shall be stored by the City or an independent contractor for a period of not less than thirty (30) days. During this time the sign owner or his or her agent is entitled to redeem such sign, upon completing a signed acknowledgement and release on the prescribed form and upon making payment satisfactory to the City of the amounts noted below:
  - (i) the sum of \$200.00 or the City's actual cost of removing the sign, whichever is greater, and
  - (ii) a storage charge of \$20.00 per day or part thereof, or \$2.00 per m2 of sign face per day or part thereof, whichever is greater.
- g) Where the City has removed a sign and stored it for a period of thirty (30) days and the sign has not been redeemed, the City may then destroy or otherwise dispose of the sign without notice or compensation to the owner of the sign or his or her agent.
- h) Any banner installed without the approval of the City will be removed by the City without notice and, further, may be destroyed or otherwise disposed of without further notice or compensation to the owner of the banner or his or her agent.
- i) Notwithstanding subsections a), b), c), d), f), and g) of this section, the removal of election signs and/or signs in contravention of section 4.2 (xiv) shall be as follows:
  - (i) the Director of Building and Planning or his or her designate is authorized to take down or remove or cause to be removed immediately without notice and at the risk of its owner, an election sign and/or any sign in contravention of section 4.2 (xiv) that is placed in contravention of this by-law;
  - (ii) an election sign and/or any sign in contravention of section 4.2 (xiv) removed pursuant to this by-law shall be stored by the City for a period of thirty (30) days during which time the owner or agent may retrieve the sign;
  - (iii) where an election sign and/or any sign in contravention of section 4.2 (xiv) has been removed by the City and stored for a period of 30 days and such sign has not been retrieved, the sign may be destroyed or otherwise disposed of by the City

without any notice or compensation to the owner of the sign or his or her agent.
- j) None of the foregoing shall limit the City from enforcing the provisions of this By-law by any other action or remedy permitted in law.

### **23.0 Variances**

- a) An application for variance shall be made on the appropriate form to the Building and Planning Department and shall be accompanied by the appropriate fee, as set out in Schedule "A"
- b) The Building and Planning Department shall prepare a report for the consideration of the Planning and Heritage Subcommittee, setting out the reasons for the variance and a recommendation.
- c) The Building and Planning Department shall notify the applicant once a hearing date before the Planning and Heritage Subcommittee has been set and if the applicant does not attend at the appointed time and place, the

Planning and Heritage Subcommittee may proceed in the absence of the applicant and the applicant will not be entitled to further notice in the proceeding.

- d) The Planning and Heritage Subcommittee may recommend authorization for variances from the provisions of this By-law, if in the opinion of the Subcommittee, the general intent and purpose of the By-law are maintained.
- e) In considering an application for a variance, the Planning and Heritage Subcommittee, Planning and Heritage Committee and Council shall have regard for:
  - (i) Special circumstances or conditions applying to the land, building or use referred to in the application;
  - (ii) Whether strict application of the provisions of this By-law in the context of the special circumstances applying to the land, building, or use, would result in practical difficulties or unnecessary and unusual hardship for the applicant, inconsistent with the general intent and purpose of this By-law;
  - (iii) Whether the special circumstances or conditions are preexisting and not created by the owner or the applicant; and,
  - (iv) Whether the sign that is the subject of the variance will alter the essential character of the area.
- f) Council may uphold or vary the recommendations of the Planning and Heritage Subcommittee or do any act or make any decision that it might have done, had it conducted the hearing itself and the applicant shall not be entitled to a further hearing on the matter before Council and the decision of Council shall be final.

#### **24.0 Existing Signs**

- i) This By-law does not apply to any permanent sign or permanent advertising device that is lawfully erected or displayed on the day this By-law comes into force, if the sign or advertising device is not substantially altered.
- ii) The maintenance and repair of the sign or advertising device or a change in the message displayed shall not be deemed in itself to constitute an alteration.

#### **25.0 Validity**

If a Court of competent jurisdiction declares any section or part of a section of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.

#### **26.0 Schedules**

Schedule "A", Schedule "B" and Schedule "C" attached hereto form part of this By-law.

#### **27.0 Effect**

This By-law comes into effect upon final passage.

#### **28.0 Repeal**

Upon this By-law coming into effect, By-law 159-81 and amendments, By-law 177-80 and amendments and any other by-laws inconsistent with this by-law, are hereby repealed.

Read a FIRST, SECOND and THIRD time and  
FINALLY PASSED this 12<sup>th</sup> day of October, 2004.

"Daniel B. Mathieson"  
Mayor – Daniel B. Mathieson

"Joan Thomson"  
Clerk – Joan L. Thomson



**THIS IS SCHEDULE “A” TO  
BY-LAW 159-2004**

**Sign Permit Fee** \$185.00 – effective January 1, 2010

**Sign By-law Variance Application Fee** \$500.00 – effective January 1, 2010

**Special Permit Fee**

A special permit fee with respect to construction shall be paid by the owner where any work was commenced prior to the issuance of a permit.

The special permit fee shall be the regular permit fee plus an additional fee equal to 100% of the amount calculated as the regular permit fee in order to compensate the city for the additional work performed as a result of commencing work prior to permit issuance.

Payment of the special permit fee does not allow construction to continue without a permit.

These rates shall automatically increase and be rounded to the nearest dollar on the 1<sup>st</sup> day of January in each year by the percentage increase in the Consumer Price Index (CPI).

CPI means the 12-month average of Total Consumer Price Index as published by Statistics Canada in November, using the most current October to October rates.



**THIS IS SCHEDULE "C"  
TO BY-LAW 159-2004**





## MANAGEMENT REPORT

**Date:** October 9, 2019  
**To:** Planning & Heritage Sub-committee  
**From:** Quin Malott, Parks, Forestry & Cemetery Manager  
**Report#:** PLA19-038  
**Attachments:** May 30, 2019 Management Report

**Title:** Private Tree By-law

**Objective:** To provide information to the Planning & Heritage Sub-committee regarding details of a private tree by-law that follows the City of St. Thomas model.

**Background:** At the May 30, 2019 Planning & Heritage Sub-committee meeting, staff was requested to bring back information showing what a private tree by-law in Stratford would look like using the City of St. Thomas model.

**Sub-committee Decision: THAT Sub-committee receive this report on the Tree Cutting By-law on Private Property for information;**

**AND THAT staff bring a further report to Sub-committee with information on the St. Thomas Tree By-law for discussion.**

**Analysis:** The City of St. Thomas Private Tree Preservation By-law regulates the injury and destruction of significant trees (trees larger than 30cm dbh – diameter at breast height) that are located on private property, while respecting a land owners right to make changes to their landscape in an environmentally responsible manner.

The City of St. Thomas by-law includes the following sections:

### Prohibited Activities

- A homeowner must obtain a permit before undertaking work to any private tree in the city that is over 30cm diameter at breast height (dbh)
- After a permit is issued, homeowners must follow the specific conditions and requirements as stated on the permit; no other work may be done

### Exemptions

- You do not have to acquire a permit for trees with a diameter of less than 30cm dbh

- If the work being done is for an emergency
- Removal of a dead, diseased or hazardous tree or a portion of is allowed, provided an arborist report has been submitted
- Trees on a nursery or golf course
- Where a removal of a private tree is specifically required in an order made under the City's Property Standards By-law

### Permit Application

- A completed permit application form is submitted for approval along with:
  - A non-refundable permit application fee
  - An arborist report identifying the location, species, size and condition of the tree
  - The written consent of every adjacent property owner upon whose adjacent land the base of the tree is partially located
  - The written consent of the owner of the land where the subject tree is located, if the person who is applying for the permit is not the registered owner
- Where a permit is issued, property owners are required to provide tree protection to nearby trees as required.

### Fees

- Permit/Application Fee: based on the number of trees identified in the application
- Replanting Fees: number of replacement trees is determined by the size of the tree removed, one replacement tree costs \$500

### Issuance of Permits

- The Director of Community Services considers relevant criteria prior to approval or refusing a permit
- Upon issuing a permit, the Director may require that one or more conditions be fulfilled before the work can proceed

### Permit Refusal

- The Director of Community Services can choose not to issue a permit where
  - the application is not complete or the applicant failed to pay required fees
  - the information or a report has not been provided to the satisfaction of the Director
  - The Director determines whether or not the destruction of the tree is justified

### Revocation of Permits

- Permits may be revoked at any time for various reasons
  - The permit was issued because of mistaken, false or incorrect information
  - The permit holder has failed to comply with a requirement that was a condition of the permit
  - The permit holder is non-compliant with any of the provisions of the by-law

### Appeals

- The applicant for a permit may appeal to City Council by submitting a written request to the Director within 30 days after the date of refusal, or if the permit has been revoked

### Enforcement

- The by-law is enforced by one or more officers appointed by Council
  - These are forestry staff that Council appointed by-law officers, but cannot issue fines
  - Forestry staff only deal with calls made during regular business hours
  - Police are called when by-law is broken after regular business hours
  - A stop work order is issued if caught in time

### Penalties

Any persons in contravention of the By-law will be subject to:

- As allowed by Section 429 of the *Municipal Act*, the minimum fine of \$500, and the maximum fine of \$100,000
- Cost to repair tree
- Appraised value of the tree and cost of replacement tree(s) if tree is damaged beyond repair

The Tree By-law is enforced, applications reviewed and permits are issued by their Forestry Supervisor and Arborist. Enforcement takes place when concerns are brought to their attention by citizens.

**Financial Impact:** The St. Thomas Private Tree By-law includes penalties to be enforced by the City where an infraction of the By-law has occurred. Fees include the cost of corrective pruning, removal, replanting, the appraised value of the tree and fines.

If the City of Stratford proceeds with a private tree by-law, it would be recommended that financial gains be distributed to reforestation, the advancement of the Urban Forestry Program and infraction enforcement options.

**Staff Recommendation: THAT the management report titled Private Tree By-law (PLA19-038) be received for information.**



Parks, Forestry & Cemetery Manager



Director of Community Services

A handwritten signature in cursive script, reading "Joan Thomson".

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Joan Thomson, Acting CAO



## MANAGEMENT REPORT

**Date:** May 30, 2019  
**To:** Planning and Heritage Sub-committee  
**From:** Quin Malott, Manager of Parks, Forestry and Cemetery  
Jeff Leunissen, Manager of Development Services  
**Report#:** PLA19-021  
**Attachments:** None

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**Title:** Tree Cutting By-law on Private Property

**Objective:** To report back to Council on the resolution that staff review the current tree cutting by-law and by-laws from other municipalities.

**Background:** On December 12, 2016, Council resolved the following:

That the request from the Hamlet Heritage Community Association to enact a comprehensive tree protection By-law be referred to staff and the Planning and Heritage Sub-Committee, that the City of Stratford current tree by-laws be reviewed as well as tree by-laws from other municipalities for further discussion and modification for a private property tree by-law.

A similar resolution to review the Tree By-law was adopted on September 22, 2104. In response, staff prepared a report that was submitted to Sub-committee in November 2014. Ultimately, that review resulted in Council adopting the following on February 23, 2015:

That staff make the necessary arrangements to amend By-law 1-2006, a By-law to prohibit or regulate the destruction or injury of trees in woodlands, to add the following provision:

"Where there is a *Planning Act* application involving an approval, all trees upon any property in the City shall be protected from injury or destruction from any site alteration, until the issuance of a permit and/or the receipt of final approval of any applicable *Planning Act* application."



No action was taken at that time to include provisions to regulate the injury or destruction of trees on private property.

**Analysis:** For the 2015 review, staff was able to find three tree cutting models which differed from Stratford's. Stratford's By-law and the other three by-laws are summarized below.

#### Stratford By-laws

Two By-laws are currently in effect which deal with the cutting of trees on private property and they are: the "Stratford Street Tree By-law", By-law No. 5-2003 (adopted in 2003), and the Trees in Woodlands By-law, By-law No. 1-2006 (adopted in 2006). The Stratford Street Tree By-law regulates trees, all or part of which, are located above or below a public highway. In essence, this By-law gives the City the right to trim or cut trees on private property if they affect a public highway. The second By-law is the Trees in Woodlands By-law and it applies to "woodlands". The By-law defines woodlands as:

- 1,000 trees of any size per hectare;
- 750 trees measuring 5 cm diameter per hectare;
- 500 trees measuring 12 cm diameter per hectare; or
- 250 trees measuring 20 cm diameter per hectare.

No person shall destroy or cause to be destroyed any tree located in woodlands in the City of Stratford. Further, the By-law prohibits the injury or destruction of any tree if the site is involved in a Planning Act application. Exceptions to these regulations may be granted by Council.

#### Summary of 2014 Findings

- By-laws which regulate tree cutting on all private properties. The City of Toronto requires a permit to injure, destroy, remove or permit the injury of a tree which has a diameter of 30 cm or greater 1.4 m in height above ground.
- By-laws which regulate tree cutting on properties above a certain size. The City of Ottawa's By-law contains a set of regulations that applies to properties greater than 1 ha in size and a different set of regulations for properties less than 1 ha in size. For properties less than 1 ha in size, a permit is required to injure or destroy a "distinctive" tree; and a "distinctive tree" is a tree with a diameter of 50 cm or greater. The City of Kitchener exempts the requirement to obtain a permit for properties that are less than 0.4 ha (1 ac) in size.
- By-laws which regulate tree cutting within identifiable features. At the time, the City of London regulated the cutting of trees within an "Environmental Protection Area". Environmental Protection Areas were defined as areas designated as Open Space and/or Environmental Review in the Official Plan and/or those lands zoned as Environmental Review and/or Open Space (OS5) in the City's zoning by-law. (The City of London has since amended its By-law and the revised By-law is reviewed below.)

At the time of the 2014 review, the City of London By-law most closely resembled the City of Stratford's By-laws. Stratford prohibits the cutting of trees on private property only where the lands are considered a "woodlot". "Woodlots" are defined by the By-law as having certain number of trees of a certain diameter within a prescribed area.

#### 2019 Review of Other Municipalities

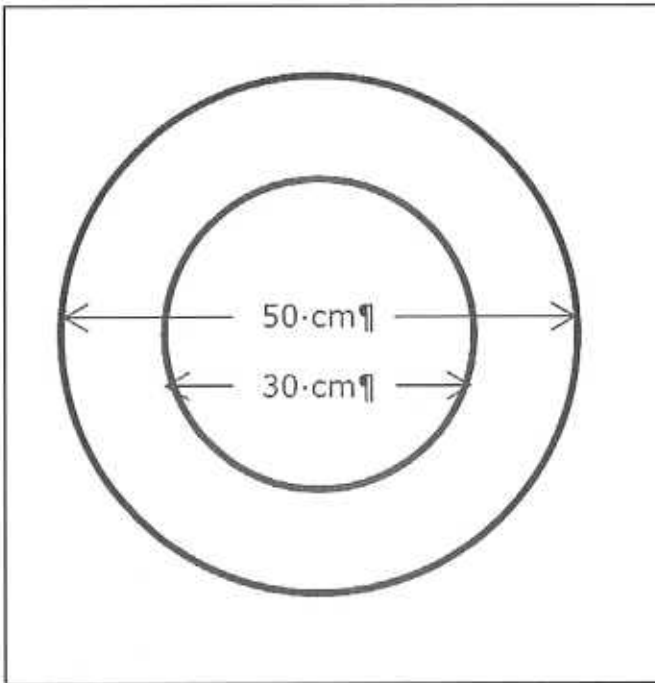
- The City of London now requires a permit to cut or injure a tree within a "tree protection area" and for "distinctive trees" within their Urban Growth Boundary. "Tree protection areas" include parks, open space areas and other environmental features; and "distinctive trees" are trees with a diameter equal or greater than 50 cm 1.4 m above ground.
- St Thomas has enacted a By-law which prohibits the injury or destruction of a tree having a trunk diameter of greater than 30 cm diameter at breast height (DBH) without a permit. If the tree is a dead or severely diseased tree, a hazard tree, a tree on property owned by a not-for-profit corporation, or a tree owned by an individual living below the Low Income Cut Off (LICO), as determined by Statistics Canada, the fee is waived.

St. Thomas adopted its private property tree By-law in October 2017. In 2018, the first full year it was in effect, 89 applications were received with 66 being approved.

- City of St. Catharines is considering a tree cutting by-law on private property which distinguishes between deciduous and coniferous trees. A permit is required to injure or destroy a deciduous tree 30 cm or greater at breast height and for a coniferous tree 20 cm or greater at breast height. St. Catharines is also considering requiring a permit if the tree is an identified species and if it is a significant tree. Council would determine whether the tree is considered a significant tree.

The City of London requires a permit to injure or destroy a tree on private property if it has a diameter of 50 cm or greater while the cities of St. Thomas and St. Catharines require a permit for trees 30 cm or greater in diameter. (St. Catharines is proposing a permit be required for coniferous trees 20 cm or greater in diameter.) The illustration below shows the difference between a tree with a diameter of 50 cm and a diameter of 30 cm.

### Comparison between 50 cm diameter and 30 cm diameter



As is evident from a review of other municipalities' by-laws, there is a broad range of approaches taken by municipalities in Ontario on how to regulate the injury or removal of trees on private property.

Where a municipality has enacted a tree cutting by-law on private property, they have all required the applicant to submit the following:

- An application form
- An application fee – while fees vary considerably, from \$0 to over \$743.21 (if the permit is located on the boundary between two properties and it is being removed because of construction), many are \$100.

In addition to the above submission requirements, all the tree cutting by-laws reviewed contain provisions requiring, or requiring at the discretion of the individual authorized to issue a permit, the following:

- A report identifying location, species, size, and condition of tree, often prepared by an arborist or other qualified individual;
- Written consent of the owner if the tree is located on multiple properties;
- A tree protection plan, if there are nearby trees intended to be preserved, and
- The ability to issue an approval on conditions. Possible conditions include the requirement to plant a tree or trees in place of the tree proposed to be removed.

Should Council wish to proceed with a by-law which prohibits the destruction or injury of trees on private property, the scope of consideration should include:

- What main goal or objective is the by-law intended to achieve? Is the by-law intended to maintain the City's canopy cover, is there a canopy coverage the City is working to achieve, is it to protect residential neighbourhoods or is it to boost the image of the City?
- On which model should any by-law be drafted, should it apply to all properties, should it apply to trees above a certain diameter and what would that diameter be, should it exempt certain species and should it apply only to areas near parks and other open space areas?
- What information/material would be required to be submitted with an application? Is an arborist's report required with all applications, at the discretion of the permit issuer or not at all?
- What would be the costs to the municipality? Each application would need to be verified through a site visit by someone qualified to review the submitted material? Does the application fee cover 100% of the cost of the program or is it partially subsidized through general tax revenue?
- What would be the cost to the property owner? Currently, a property owner is responsible to cover the cost of the tree removal. Additional costs would include the application fee, possible cost of an arborist's report, possible cost of planting a replacement tree or paying cash-in-lieu of planting a tree.
- Establishing a process for reviewing applications such as criteria, timelines, appeal process and enforcement.

While staff would not want to pre-determine the outcome of any review, staff believe any by-law should be based on the following principles:

- A report of some sort would be required to support the application. This would minimize the time municipal staff spend on the review and approval of applications.
- The program should be 100% self-funding. Budgets are stretched and are not able to absorb additional programs.
- In almost all circumstances, permits would be issued conditionally upon the planting of a tree or upon the payment of cash-in-lieu of planting a tree. If there is no desire to plant a replacement tree, why regulate the injury or destruction of trees.
- While the by-law may include an appeal process, most applications should be dealt with at the staff level. Preparation of reports to sub-committee is time consuming and preparing numerous reports would impact service levels in other areas.

**Financial Impact:** A financial analysis would be completed should Council which to proceed with any by-law.

**Staff Recommendation:** **THAT Sub-committee receive this report on the Tree Cutting By-law on Private Property for information.**



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Quin Malott  
Manager of Parks, Forestry and Cemetery



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Jeff Leunissen  
Manager of Development Services



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Rob Horne, Chief Administrative Officer

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