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Sign Variance Applications for 1065 Davis Drive & 534 Davis Drive Staff Report to Council

Report Number: 2019-90

Department(s): Legislative Services

Author(s): Flynn Scott, Manager of Regulatory Services

Meeting Date: September 23, 2019

Recommendations

1. That the report entitled Sign Variance Applications for 1065 Davis Drive & 534 Davis Drive dated September 23, 2019 be received;
2. That Council considers and provides direction regarding sign variance applications for 1065 Davis Drive and 534 Davis Drive; and
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

The purpose to this report is to present two sign variance applications that require Council's consideration in accordance with Sign Bylaw 2017-73, as amended.

Background

Legislative Authority

In accordance with Section 11 of the Municipal Act, a municipality may authorize the erection of any sign through by-law.

Billboard Signage

In August 2007, a one year pilot project was approved by Council for the construction of a digital marquee billboard sign, located at 77 Davis Drive. A staff report (By-laws Report 2012-10) was later brought forward in 2012 to encompass the outcome of the pilot project, to review a second billboard sign erected at 350 Davis Drive, and to receive public consultation that began in 2009 for recommended updates to the Sign By-law. The public consultation process was specifically requested to incorporate community feedback on digital marquee signs and third-party advertising within the Town.

During the public consultation period, staff reported no significant concerns regarding digital billboard signs or third party advertising. However, recommendations from staff and outlined in the 2013 Sign By-law proposed that all future requests for the erection of signs comparable in size and nature to the sign located at 77 Davis Drive should remain subject to site-specific Council approval. It was the opinion of former staff that digital billboard sign requests require individual consideration due to the traffic concerns, aesthetic issues, and public safety considerations which can arise from their locations.

Through further consultation and the adoption of increased regulations pertaining to billboard signs, Council is now only required to consider billboard signs which require a variance.

Sign By-law 2017-73

Under current by-law regulations, the Director of Legislative Services (“Director”) has delegated authority to grant or refuse a sign variance application. However, due to the size and potential impact a billboard sign may have on the community, a more stringent process, including Council approval, is required for the erection or display of any billboard sign that requires a variance.

Upon receipt of a sign variance application to erect a billboard sign, the Director is required to refer the application to the Committee of the Whole. As part of the application process, property owners within 200m of the subject property are provided a copy of the application for comment.

In considering a sign variance application, the by-law specifies that the Committee of the Whole may require a Public Information Centre be held before making its recommendation to Council.

In rendering their decision, Council may:

- 1) Grant a variance;
- 2) Grant a variance with conditions; or
- 3) Refuse to grant a variance.

Billboard Signs in Newmarket

There are currently three (3) billboard signs located in Newmarket, two (2) of which were pre-existing prior to the adoption of Sign By-law 2017-73. The third did not require a variance and a sign permit was issued due to meeting the conditions of the by-law.

Discussion

Application #1 – 1065 Davis Drive

Pattison Outdoor Advertising, a representative of 1013012 ONTARIO INC and owners of the subject property, has requested Council's consideration to vary Sign By-law 2017-73, as amended as follows:

| Sign By-law Requirements | Variance Needed | Proposed Sign | Variance Requested |
|--|---|---|---|
| Maximum Height of 7.5 m | Requires a variance in sign height | Requesting Total Height of 9 m | Height variance of 1.5 m due to vehicular traffic passing underneath the signage and requiring clearance for delivery trucks. |
| Setback of 200m from any Residential Zone | Requires a variance from residential zone | Requesting setback of 56m from a residential zone | Setback variance of 146m from a residential zone |

The applicant has identified the sign's purpose as advertising for local businesses and promoting community events. The applicant has also committed one designated space for the Town to promote upcoming events and information, as necessary.

Due to the significant size of the proposed billboard sign, a thorough analysis of the sign's design and intent should be considered. The characteristics of the proposed sign are described as follows:

- A two-sided display;
- Each sign face will have LED lighting;
- the use of SiteLine Technology, which is designed to eliminate light trespass in sensitive locations, will be implemented; and
- the sign faces will be aligned in a V-shape configuration displaying north east and south east on Leslie Street.

A letter of intent from the applicant, with images of the proposed sign and location, are attached and marked as "**Appendix 1**" for Council's consideration.

Considerations

From 2014 – 2019, a total of forty-six (46) mobile sign permits have been issued to individual businesses located at 1065 Davis Drive. It is relevant to note that section 16.2(a) of the Sign By-law does not permit a billboard sign and mobile sign to be located on the same property. Should Council approve this variance, implications will exist for any future or current business that applies for a mobile sign due to this restriction. If this application is approved, no further mobile sign permits can be issued to any applicants that wish to promote their business at this premises. This is an important consideration since the proposed billboard sign is not intended to advertise businesses located on the subject property.

An effort to contact the property owner was made to discuss the impact a billboard sign will have to mobile signs of current or future businesses on the premises. A request was made to notify the current businesses of this implication. To date, no response has been received.

As part of the variance process, residents within 200m of the subject property were notified by regular mail. A total of 105 notices were distributed, with the Town receiving five (5) unsupportive responses, which stated concerns for the following reasons:

- impact to the overall look and feel of Leslie Street and Davis Drive;
- bright light interference; and
- Intersection is too busy and poses a distraction.

Application #2 – 534 Davis Drive

Pattison Outdoor Advertising, a representative of Suncor Energy and owners of the subject property, has requested Council's consideration to vary Sign By-law 2017-73, as amended as follows:

| Sign Requirements | Variance Needed | Proposed Sign | Variance Requested |
|---|---|---|--|
| An electronic changeable sign must meet a 22.83 m setback of an intersection | Requires a variance from intersection | Requesting setback of 15.8 m | Setback variance of 7.03 m from corner of Charles Street and Davis Drive |
| Setback of 200m of any Residential Zone | Requires a variance from residential zone | Requesting setback of 40m from a residential zone | Setback variance of 160 m from a residential zone |

The applicant has identified the sign's purpose as advertising for local businesses and charities. No additional information has been provided.

Due to the significant size of the proposed billboard sign, a thorough analysis of the sign's design and intent should be considered. The characteristics of the proposed sign are described as follows:

- a single-sided billboard face;
- advertisements will be displayed west on Davis Drive;
- orientation will be north west by south east for east bound traffic;
- dimensions of the sign will be 3.05m x 6.05m (10' x 20'); and
- overall height of the sign will be 7.5m.

A letter of intent from the applicant, with images of the proposed sign and location, are attached and marked as “**Appendix 2**” for Council’s consideration.

Considerations

The proposed application requires consideration on impacts to the intersection of Charles Street and Davis Drive. While by-law provisions require a 200m setback from a residential zone, this application requests only 40m of separation. The applicant has responded to this consideration by specifying that the billboard will face west, with the nearby residential zone located south east, to ensure the billboard does not impact nearby residences.

As part of the variance process, residents within 200m of the subject property were notified by regular mail. A total of thirty (30) notices were distributed, receiving one (1) unsupportive response, which stated concern for light pollution and brightness of the sign directed up Bayview Ave.

Conclusion

Application # 1 – 1065 Davis Drive & Application #2 – 534 Davis Drive

Two applications have been presented for Council’s consideration to vary Sign By-law 2017-73, as provided above. In rendering their decision, Council has the following options:

1. Grant the variance;
2. Grant the variance with conditions; or
3. Refuse to grant the variance.

In accordance with the Sign By-law, the Committee of the Whole may also require a Public Information Centre be held prior to making its recommendation to Council.

Due to the size and potential impact a billboard sign may have on the community, Council direction is required.

Business Plan and Strategic Plan Linkages

This report aligns with Council's Strategic Priorities in that it is promoting Newmarket's vision of being Well Beyond the Ordinary.

Consultation

Planning Department

As part of the application process, the Town's Planning Department was consulted regarding billboard signage. The signs, as described, are associated with aesthetic concerns and are primarily intended for the travelling public in vehicles. This is in stark contrast to smaller signage that is pedestrian-oriented, which facilitates walkability. The Urban Centres Secondary Plan, Section 7.3.11 IV to VII provides some clear guidance on these types of signs:

- IV. Signage should be displayed at consistent heights on building façades.
- V. New, stand-alone permanent or temporary signage, including murals will generally be discouraged and instead signage, including street addressing, should be incorporated into the design of building façades or landscaping.
- VI. New billboards and third party signs shall be strongly discouraged and strictly regulated by the Town's Sign By-law.
- VII. In order to create an aesthetically attractive sky line, reduce visual distractions and ensure safety, the following types of signs shall be discouraged:
 - a) roof top signs or signs that project beyond the top of the wall or extend beyond the end walls of a building or similar structure; and
 - b) signs that may cause a distraction, such as animated, flashing, or noise emitting signs.

Within this context, the Planning Department has identified concerns with any variance that would not be consistent with the above policies.

Customer Services Department

The Town's Customer Services Department was also consulted to verify that no previous complaints have been received to date regarding the three (3) billboard signs currently located within the Town of Newmarket.

Relevant Statistics

An effort was made to gather statistics related to the number of motor vehicle accidents that have occurred at existing billboard signage locations within the Town of Newmarket. Town Staff was unable to gather this information from York Region prior to this report moving forward.

Billboard Advertising Demand

Two out of the three current billboard signs are owned by Outfront Signs and staff were unable to gather data pertaining to advertising availability of these signs. However, Pattison currently owns one billboard sign located at 77 Davis Drive and was contacted to comment on the availability and demand for billboard advertising within the Town. The applicant has responded that Pattison has proposed two applications due to the demand for more outdoor advertising space. The applicant for Pattison has further advised that they first conduct research into the demand within a municipality prior to making an application.

Notice to Residents

The date, time, and location of Committee of the Whole has been provided to any resident that has provided a response to the initial notice of application.

Human Resource Considerations

None

Budget Impact

None

Attachments

Appendix 1 - Application #1: 1065 Davis Drive Variance

Appendix 2 - Application #2: 534 Davis Drive Variance

Appendix 3 - Relevant Excerpts from Sign By-law 2017-73, as amended

Approval

Lisa Lyons, Director of Legislative Services/Town Clerk

Esther Armchuk, Commissioner of Corporate Services

Contact

Flynn Scott, Manager of Regulatory Services

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