

APPENDIX 3

Relevant Excerpts from the Town of Newmarket Sign By-law 2017-73

“**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 sided or double sided and shall allow for one **Mechanical Copy** side;

“**Mechanical Copy**” means a **Sign Copy** where the display surface physically changes to reveal alternate messages, including but not limited to tri-vision or flip disc **Signs**;

16.1 Billboard Signs:

	Required Zoning	# of Signs	Frontage	Maximum Sign Area	Maximum Height	Minimum Ground Clearance	Illumination
Billboard Sign ^{1,2}	Commercial	1	Less than 300.0m (984.0ft)	18.58m ² (200 sq. ft.)	7.5m (24.6 ft.)	3.05m (10.0 ft.)	Electronic Changeable Copy permitted in accordance with Section 25.0 as applicable
	Employment						
	Urban Centre*	2	300.0m (984.0ft) or more	Per Sign Face			
¹ Billboard Signs and their structural members shall be constructed entirely of metal or other non-combustible Materials .							
² Subject to separation distances set out in Subsections 16.2 and 16.3							
* Excluding Downtown Urban Centre Zone or Historic Downtown Urban Centre Zone							

16.2 No **Person** shall erect, locate or display a **Billboard Sign**:

- a) on the same **Property** as a **Mobile Sign**;
- b) within a radius of 300.0 metres (984ft) of any other **Billboard Sign** or 15.0 metres (49.2ft) of any **Ground Sign**;
- c) on **Property** other than **Property** within an **Urban Centre Zone**, **Commercial Zone** or **Employment Zone**;

- d) on any **Property** on which another **Billboard Sign** has been erected or for which a **Sign Permit** has been issued for a **Billboard Sign** under this by-law, except where the **Property** has a **Frontage** greater than 300.0 metres (984ft); or
- e) within 200 metres (656ft) of any of the following:
 - i) any **Property** within a **Residential Zone** or legally used for **Residential** purposes; or
 - ii) any **Property** which is used for a school or park, or any **Property** which is designated under Part IV or Part V of the Ontario Heritage Act.

16.3 No **Billboard Sign** shall be located any closer to the edge of the road allowance than the following:

- a) 4.0m (13.1ft) from the edge of the road allowance; or
- b) 1.5m (4.9ft) from any **Property** line.

16.4 **Billboard Signs** displaying **Electronic Changeable Copy** or **Mechanical Copy** shall be subject to the applicable provisions contained in **Section 25.0**.

16.5 A **Billboard Sign** shall not contain or use more than two visible faces for advertising purposes.

16.6 A **Billboard Sign** may be illuminated but shall not be otherwise electrically animated, have any moving parts or **Animated** message changes.

16.7 Notwithstanding **Subsection 3.2**, a **Billboard Sign** may contain third party content subject to the appropriate **Sign Permit** being obtained.

33.0 Variances

33.3 A variance from the provisions of this By-law may be granted where it is established that the proposed **Sign**:

- a) is warranted based on physical circumstances applicable to the **Property** or **Premises**;
- b) is consistent with the architecture of the building or development of the **Property**;
- c) is consistent with buildings and other features of properties or **Premises** within 120.0 metres (393ft) of the proposed **Sign**;
- d) will not **Alter** the essential character of the area;
- e) will not adversely affect adjacent properties;
- f) will not adversely affect public safety;
- g) is in the opinion of the decision maker, not contrary to the public interest; and
- h) is not expressly prohibited by this By-law.

- 33.4 The **Director** shall circulate the application to the **Property** owners of all abutting properties and/or the **Property** owners of any properties within 60 metres of the subject **Property** at the **Director's** discretion, prior to the consideration of the variance.
- 33.6 Upon receiving an application for a variance from this By-law to permit the erection and display of a **Billboard Sign**, the **Director** shall refer the application to the Committee of the Whole.
- 33.7 The **Director** shall circulate the application to all **Property** owners within 200 metres of the subject **Property** prior to consideration of the application by Committee of the Whole.
- 33.8 The Committee of the Whole may require a Public Information Centre be held before making its recommendation to Council in respect of the application for a variance from this By-law to permit the erection and display of a **Billboard Sign**.
- 33.9 Upon receiving the recommendation of the Committee of the Whole in respect of an application for a variance from this By-law to permit the erection and display of a **Billboard Sign**, Council shall:
- a) Grant a Variance;
 - b) Grant a Variance with Conditions; or
 - c) Refuse to Grant a Variance.
- 33.10 The decision of Council is final and binding.