

## **Part 4**

### **Signage Policies**

#### **4.1 Background**

About 90% of the Plan area comprises Escarpment Natural, Protection, and Rural Area within which signs can have a significant impact on the natural and cultural environment. Business and advertising signs are not permitted unless they are associated with an agricultural or commercial use or a home business on the same property. As a result, third party signs such as billboards are not permitted.

In the Areas that include more intensive commercial development, commercial, business and property signs are permitted subject to municipal official plans and by-laws. The bulk of the land in those more developed areas is administered by municipalities.

There are policies in the Plan that specifically deal with signage used by bed and breakfast establishments, farm vacation homes, and small scale commercial uses accessory to agriculture. Those signs must not be larger than 0.4 m<sup>2</sup> and are limited to one per lot. Signs associated with home businesses may not be lighted. Signs for small-scale commercial uses accessory to agriculture, such as wineries, are restricted to non-illuminated signs that are compatible with the surrounding landscape and cultural heritage.

The General Development Criteria require that signs not be detrimental to the Escarpment's environmental features and landscape.

The Commission has carried out four studies over the last 15 years on various aspects of signs and their impact in the area of the Plan. Of particular concern were billboards.

The Ministry of Transportation controls signs within 400 m of the right of way of a Provincial highway. However, the Ministry's interest is in safety issues and not in aesthetic matters. The Province's Tourism-Oriented Directional Signage (TODS) Program of standardized directional signs erected for a fee on road allowances, is also supervised by the Ministry.

Many municipalities regulate signs through their by-laws, but through the authority of the *Niagara Escarpment Planning and Development Act*, these by-laws must be consistent with the Niagara Escarpment Plan. The Commission reviews new sign by-laws for conformity with the Plan, allowing greater latitude in urban areas than in rural areas.

The Commission has dealt with many applications for signs throughout the Plan Area. Signs identifying on-site uses have generally been permitted as accessory or incidental uses defined in the Plan as:

**Accessory Use** - the use of any land, building or structure which is subordinate to and exclusively devoted to the principal use located on the same lot.

**Incidental Use** - a use normally accessory to but not an essential part of an existing use.

In the Escarpment Rural Area, a limited number of free standing, off-site advertising signs have been permitted as long as they were deemed to be a small-scale commercial use serving agriculture and the rural community. Field signs and billboards placed on behalf of an advertiser, unrelated to the property itself, have been considered commercial and not permitted.

At present, despite the frequent recurrence of the issue, there is little Plan policy that deals directly with signs. As a result, the Commission relies heavily on interpretation to administer the Plan and there is a good deal of public confusion over whether and where signs are permitted.

## **4.2 NEC Discussion Paper**

The Commission's proposals were focused on five points:

- Identifying the types of signs permitted in the various land use designations of the Plan;
- Prohibiting field signs and billboards in the Escarpment Natural, Protection, Rural and Mineral Resource Extraction Area designations;
- Prohibiting field signs and billboards on the prominent Escarpment slopes in the Escarpment Recreation Area;

- Encouraging the use of local sign by-laws passed under the *Municipal Act* in Urban, Minor Urban and Escarpment Recreation Areas that are consistent with the development objectives and policies of these designations that, for example, protect heritage values; and
- Providing enhanced Development Criteria in Part 2 of the Plan to ensure the compatibility of signs with the Escarpment landscape when new signs are proposed.

### **4.3 NEC Position Paper**

As the result of responses from organizations, municipalities and individuals that were largely supportive, the Commission made several small changes to its proposals such as allowing real estate signs as an exception to most regulations, and providing examples of good illumination techniques. The most significant improvement, following a suggestion from the Coalition on the Niagara Escarpment, was to further limit the placement of billboards in the Recreation Area where they would obstruct vistas related to prominent Escarpment slopes.

### **4.4 Submissions and Presentations**

We heard very few objections to the Commission's proposals. Those that we heard were based on the philosophical premise that the Plan is intrusive into local jurisdiction, and that municipal by-laws and the Ministry of Transport should be left to regulate signs. The Grey Association for Democracy and Growth and the Ontario Property and Environmental Rights Alliance both took that position. Each of them also claimed that a "World Biosphere Reserve" sign on the Escarpment was larger than the proposed limit of 9 ft<sup>2</sup>, implying that there was a double standard in favour of the Commission's interests.

The County of Grey showed a strong reaction to limitations on placing billboards in the Escarpment Recreation Area. The County described the policy as "extremely subjective", and suggested that it would result in interpretation and inconsistent application by the Commission. In the opinion of the County, it "is a back door way of saying these signs are not permitted in the Escarpment Recreation Area!". However, the County accepted the proposed new subsection "Signs" under the General Development criteria, providing that the proposed exception section was retained. The County also noted that it did not wish to be "unduly constrained" on designing signs for the planned "Heritage Centre" in the Escarpment Protection Area near Owen Sound.

Members of the public were almost unanimously supportive. One presenter produced photographs to illustrate what he believed to be excessively large Halton Region “Escarpment Country” signs and several complained that the provincial Tourism-Oriented Directional Signage is too large and obtrusive for the Escarpment.

The Coalition on the Niagara Escarpment made several suggestions it felt would improve the proposals, including removal of the opportunity for signs to be exempted from most restrictions if they were simply erected by a public body, even though they might not belong to that body. The Coalition also argued that the size of the signs should be only 0.4 square metres (4.3 square feet), a standard that had already been used by the Commission.

The Provincial Ministries suggested that the policy was picayune in its detail, and need not, for example, mention such features as “harmonious colours”.

#### **4.5 Findings**

We find the Commission’s proposals to be well considered, comprehensive and, with only very minor adjustments, a useful addition to the Plan. The benefit of preparing several reports on the issues around signage was evident.

Signs are a statement of identity in many places on the Escarpment. The signs at the vineyards and wineries, for example, help convey a romantic image of wine and the rather mysterious and arcane art of the master vintners. At the other extreme are signs like those used in the recently developed Tourism-Oriented Directional Signage program, which are exclusively devoted to direct and effective communication with little regard for subtlety.

The Escarpment itself does not yet have an identity and many visitors probably travel through without realizing that they have arrived somewhere special. At the same time as controlling the commercial use of signage, it would be very worthwhile for the many stakeholders involved to consider ways to use signs as part of establishing an identity for the Escarpment.

## **4.6 Recommendations**

### **4.6.1 Recommendation 1**

That Part 1.3, Permitted Use 8 for the Escarpment Natural Area, Part 1.4, Permitted Use 9 for the Escarpment Protection Area, and Part 1.5, Permitted Use 9 for the Escarpment Rural Area be deleted and replaced with the following revised wording proposed by the Commission:

- Accessory buildings, structures, facilities (e.g., garage or farm pond) and signs, and the site modifications required to accommodate them. Field signs, billboards and other similar display or advertising devices shall not be permitted.

### **Rationale**

Including signs along with other accessory structures recognizes a sign as an “accessory advertising device” and a billboard as a “non-accessory advertising device”, a technical distinction suggested by the Ontario Professional Planners Institute in their submission.

There is no doubt that the installation of billboards on the Escarpment was the matter of greatest concern to participants commenting on signage in the Hearing. We believe their concern is addressed by this proposal and the others to follow.

### **4.6.2 Recommendation 2**

That Part 1.6, Minor Urban Centre, be revised, as proposed by the Commission, to add the following new Development and Growth Objective:

- Municipalities are encouraged to pass sign by-laws to ensure that the cultural heritage features, attractive streetscapes and scenic qualities of Minor Urban Centres are maintained and enhanced.

And

That Part 1.7, Urban Area, be revised, as proposed by the Commission, to add the following new Development Objective:

- Municipalities are encouraged to pass sign by-laws to ensure that the cultural heritage features, attractive streetscapes and scenic qualities of Urban Areas are maintained and enhanced.

### **Rationale**

These proposals recognize the role of municipalities in controlling signs in urban settings. They also draw attention to the fact that care for aesthetic values in the built environment of the Escarpment can complement the protection of the landscape in the natural and agricultural environments.

### **4.6.3 Recommendation 3**

That Part 1.8, Permitted Use 2, Escarpment Recreation Area, be deleted and replaced with the following revised wording proposed by the Commission:

1. In ski centers: accessory buildings, structures, facilities (e.g. snow making pond) and signs, and the site modifications required to accommodate them and incidental uses (e.g. golf courses, tennis courts) and the site modifications to accommodate them, provided that any adverse effect on the environment is minimal.

### **Rationale**

Signs are included in the Recreation Area as an accessory device in the same context as recommended for the Protected, Natural and Rural Areas.

### **4.6.4 Recommendation 4**

That Part 1.8, Development Objectives for the Escarpment Recreation Area, be modified by the addition of the following point 6, using wording proposed by the Commission:

6. Field signs, billboards and other similar display or advertising devices shall not be permitted on prominent Escarpment slopes or in places where signs would obstruct views associated with prominent Escarpment slopes.

### **Rationale**

The Commission's proposal placed this provision in the list of Permitted Uses in Part 1.8. We have chosen to include it as a point in the Development Objectives because of its importance and because lists of permitted uses should not be hybridized with uses that are not permitted. There may be another alternative and we encourage the Commission to explore other options.

### **4.6.5 Recommendation 5**

That Part 1.8, Development Objectives for the Escarpment Recreation Area, be modified by the addition of the following point 7, using wording proposed by the Commission:

7. Municipalities are encouraged to pass sign by-laws to ensure that the cultural heritage features, attractive natural landscapes and scenic qualities of Escarpment Recreation Areas are maintained and enhanced.

### **Rationale**

Municipalities must be partners with the Commission in seeing attractive signs as a way of enhancing the milieu of the more intensively developed parts of the Escarpment. This recommendation also recognizes the administrative role of the municipalities in the Recreation Area.

### **4.6.6 Recommendation 6**

That Part 1.9, Permitted Use 9 for the Mineral Resource Extraction Area, be deleted and replaced with the following revised wording proposed by the Commission:

- Accessory buildings and facilities normally associated with the mineral extraction operation, such as small-scale offices serving the subject site, signage, or crushing and washing facilities. Asphalt plants, concrete plants, brick manufacturing plants, and other similar manufacturing uses shall not be permitted. Field signs, billboards and other similar display or advertising devices shall also not be permitted.

## **Rationale**

We regret using the list of permitted uses to present the prohibition on billboards in this area. However, we see no alternative in this case. The prohibition is identical with that placed on billboards in other areas.

### **4.6.7 Recommendation 7**

That Part 2.2, General Development Criteria, be revised to add the following new subsection (2.17) on signs:

- **Signs**  
The following additional provisions apply to signs where permitted as an accessory use in the Escarpment Natural, Protection, Rural and Mineral Resource Extraction Areas, and in the Escarpment Recreation Area under this Plan:
  - a) a sign may be permitted where the sign is subordinate, incidental and devoted to the existing principal use located on the same lot (e.g., home business, farm);
  - b) a sign shall not contain any message or information that is not related to the existing use of the property that the sign is located on;
  - c) signs shall not alter the natural features or cultural landscape of the property and shall be compatible with the local topography, surrounding scenic environment and rural or residential community;
  - d) environmental and visual impacts shall be minimized through compatible sign design, materials, colour, siting, and landscaping;
  - e) illumination of signs shall be discouraged but where permitted shall be subdued (e.g., shielded, downward directional, not internally lit);
  - f) signs shall normally be limited to one, 0.9 square metre sign per lot;
  - g) roof signs, signs attached to towers or other similar structures, animated or automated signs and signs affixed to trucks and trailers adjacent to roads are prohibited;
  - h) municipal official plan policies and standards respecting signs must be met; and
  - i) provincial, municipal and agency permit, licensing and approval requirements must be satisfied (e.g., Ministry of Transportation policies, standards in a municipal sign by-law).

With the exception of subsections h) and i), the above restrictions do not apply to the following signs:

- Election signs;
- Temporary real estate signs advertising the sale of the property that they are located on;
- Temporary construction site signs;
- No trespassing or warning signs; and
- Signs sponsored or required by a public body.

### **Rationale**

We have removed the provision in the list of exemptions related to signs simply erected by a public body, as opposed to required or sponsored by a public body. We agree with the Coalition on the Niagara Escarpment that there is no need for such an exemption. However, we have not chosen to recommend the Coalition's view on the size of signs being limited to the 0.4 square metre used for bed and breakfast and farm vacation homes. We agree with the Commission's judgment, but we have replaced the conversion of 9 square feet with a straightforward metric size.

There seems to be no compelling reason to attempt to list all of the kinds of emergency or traffic signs that a public body might need to erect, and that detail has therefore been eliminated from the list of exemptions. We have also slightly simplified the language dealing with ways of reducing the environmental impact of signs. With those slight changes, we believe the Commission's proposal can serve well as the nucleus of the new sign policy.

### **4.6.8 Recommendation 8**

That Appendix 2 of the Niagara Escarpment Plan, Definitions, be revised by adding the following new definitions:

- **Billboard** – a sign or similar display or advertising device which contains a message that is not related to the use of the property that the sign is located on.
- **Field Sign** – a billboard (see definition for billboard).
- **Sign** – includes any sign, notice, advertising device, or any part thereof whether it contains words or not and shall include any device that is used solely to attract attention, including any temporary or mobile structure used for similar purposes.

## **Rationale**

We believe that these definitions proposed by the Commission, when applied in the Plan, are clear and will not cause confusion. In coming to that conclusion, we considered the comments from the Ontario Professional Planners Institute regarding explicitly defining signs as “accessory” to a permitted use. We believe their concern is dealt with when the definition is considered with the subsection on signs in Part 2.2.

### **4.6.9 Recommendation 9**

That Appendix 2 of the Niagara Escarpment Plan, Definitions, be revised by deleting the definition for “incidental use” and replacing it with the following new wording:

- **Incidental Use** – a use (e.g., swimming pool) normally accessory to but not an essential part of an existing use located on the same lot, but does not include a sign.

## **Rationale**

This change clarifies that signs must be exclusively related to the principal use on the lot in question; in other words, they are an accessory instrument or device.