

March 30 & April 6, 2001

In Focus

—→
A review of the Niagara Escarpment Plan

Signage Policies

Niagara Escarpment Commission Position Paper

For further information contact:

Niagara Escarpment Commission
232 Guelph Street,
Georgetown, Ontario
L7G 4B1

Phone: (905) 877-5191

Fax: (905) 873-7452

E-mail: review@escarpment.org



A note about the Position Papers . . .

The **Niagara Escarpment Commission Position Papers** consider comments received by the Niagara Escarpment Commission (NEC) in response to six Plan Review Discussion Papers issued in December 2000 and January 2001. Based on these comments, the NEC has in some cases modified recommendations contained in the Discussion Papers.

The **Niagara Escarpment Commission Position Papers** are in two parts. These two parts must be read together.

Part 1 and its appendices reflect Niagara Escarpment Commission decisions taken on March 30, 2001 after considering comments received up to March 28, 2001.

Part 2 and its appendices reflect the Niagara Escarpment Commission's position taken at a meeting on April 6, 2001, incorporating comments received after March 28, 2001.

Part 2 contains the final refinements to the Niagara Escarpment Commission's Position for the Niagara Escarpment Plan Review Hearing based on all of the comments received.

If you have any questions about the Position Papers, please contact:

Therese Gregorio, Plan Review Secretary
Niagara Escarpment Commission
232 Guelph Street,
Georgetown, Ontario
L7G 4B1

Phone: (905) 877-5191
Fax: (905) 873-7452
E-mail: review@escarpment.org

Niagara Escarpment Commission
Position Paper
Signage Policies

Table of Contents

Part 1	1
Part 2.....	11

Part 1

March 30, 2001

NIAGARA ESCARPMENT COMMISSION POSITION PAPER

Analysis of Comments Received

Niagara Escarpment Plan Review

Topic 3

Signage Policies

A. TOPIC: SIGNAGE POLICIES

B. BACKGROUND:

In accordance with the Niagara Escarpment Planning and Development Act (NEPDA), the Minister of Natural Resources on June 15, 1999 caused a review of the Niagara Escarpment Plan (NEP). Under Section 17(2) of the NEPDA the Minister established Terms of Reference and included "signage policies" as one of the topics to be reviewed. The provisions of the NEPDA relating to amendments of the NEP apply with the necessary modifications to the Review.

Pursuant to Sections 7 and 10(1)a of the NEPDA, the NEC is required to furnish copies of the Review to affected ministries and municipalities and invite comments within 60 days.

Section 10(1)b requires public notification in local newspapers.

Affected ministries, municipalities, agencies and interest groups were circulated with copies of the Review on December 29, 2000 and January 31, 2001 and invited to comment by March 30, 2001. In addition, the Commission requested comments from other parties and individuals known to have an interest in the Review.

Notice appeared in local newspapers on February 14, 2000 also inviting public comment by March 30, 2001.

Copies of the Notice and Discussion Papers were also posted on the NEC's web site for information and as downloadable files.

Comments could be mailed or filed via e-mail with the NEC.

Although not required by the NEPDA, the NEC met with stakeholders and interested parties to discuss and answer questions on the Discussion Papers.

The purpose of this report is to review the comments received on the Discussion Paper from municipalities, ministries and agencies, interest groups, the public and the Public Interest Advisory Committee, in order to recommend a position on the issues for consideration by the Commission.

The Commission's Position will be circulated and be subject to review at the Plan Review Hearing scheduled to commence July 16, 2001.

C. SUMMARY OF COMMENTS RECEIVED/ANALYSIS/RECOMMENDATION:

Municipalities, Agencies, Interest and Advisory Groups, and the Public

A summary of the comments received from municipalities, agencies, interest and advisory groups and the public received to date follows.

1. Municipal

- **County of Grey**

The County believes that the NEP already has policies, which can deal with signs. The NEC has been reviewing signs on the basis of NEP development criteria since the Plan was approved.

A number of the references, definitions and criteria are confusing such as what is meant by "other similar display or advertising devices", or why signs are specifically prohibited as part of an incidental use when they are defined under accessory use. As well, the policies could be onerous to administer when applied to Urban, Minor Urban and Escarpment Recreation Areas. Nowhere does the NEP say that signs are prohibited including their location on prominent Escarpment slopes.

In general the County does not support the changes as proposed for signage. The Municipal Act and other Provincial legislation currently provide the ability for municipalities to regulate signs in a consistent manner. The role of the NEC should be to provide guidance on the types of municipal regulations desired in the NEP.

Recommended NEC Position:

No change proposed.

The Escarpment is a unique scenic resource recognized through legislation as being important to the Province. The Purpose of the NEPDA and NEP require protection and maintenance of the Escarpment's natural scenery. Certain types of signs can have a

significant impact on the natural landscape and therefore should be dealt with in a consistent policy manner through provisions in the NEP and not on a piece-meal basis using interpretations and through various municipal and Provincial regulations of differing standards along the Escarpment. Municipalities can choose to be more rigorous than the NEP should they decide to be more restrictive in regulating signs. The purpose of the new Plan policy is to provide a minimum standard especially in Escarpment Natural, Protection and Rural designations and on prominent Escarpment slopes.

The term “other similar display or advertising devices” was taken from other definitions dealing with signs. The intent was to ensure that mechanical or other unusual attention attracting devices used for the same purpose, as a billboard or field sign would be subject to the policy.

Signs are proposed to be specifically prohibited as an incidental use to ensure that there is no future debate that some types of signs may still be considered incidental uses rather than accessory uses and thereby circumvent the sign policies.

The objective to have municipalities prepare sign by-laws in Urban, Minor Urban and Escarpment Recreation Areas is not mandatory since the provisions only “encourage” municipalities to consider developing such policies.

- **Region of Halton**

No adverse impact on Regional policies.

Recommended NEC Position:

No change proposed.

- **City of Burlington**

No objection to the direction of the signage policies.

Recommended NEC Position:

No change proposed.

- **Region of Niagara**

No issue identified.

Recommended NEC Position:

No change proposed.

- **Town of Lincoln**

No objection to signage policies.

Recommended NEC Position:

No change proposed.

2. Ministries

- **MTO, MTCR, MDM, MNR**

The proposed signage policies should complement and support, not override existing policies and regulations.

Recommended NEC Position:

Policy clarification required.

The intent of the proposed policy is to provide for signs erected, sponsored or required by or on behalf of a government agency. Provincial, municipal and agency requirements must still be satisfied.

- **MTO**

The definition of Billboard would seem to allow such a use although the intent of the policy is to disallow them where they are unrelated to the use of the property.

Signage policies, where visual impact is not at issue, should be flexible enough to deal with the less critical aspects of signage.

Recommended NEC Position

No change required.

Billboards have been prohibited in a number of NEP designations. The definition was provided to ensure that it was understood what constituted a billboard. The definition in itself does not permit or prohibit the use, this is provided under the Plan's permitted uses.

The proposed signage policies are directed primarily at minimizing visual impacts. The policies are flexible with respect to other aspects of signs (e.g., message, design of structure).

3. Agencies and Associations

- **Hamilton Region Conservation Authority**

No objection to new policies.

Recommended NEC Position

No change proposed.

- **Coalition on the Niagara Escarpment (CONE)**

Supports proposal to add policies to the NEP to deal with signs.

Policies should also be added to:

- i) protect prominent Escarpment vistas in Escarpment Recreation Areas.
- ii) define what is meant by public information signs.
- iii) add the word “shall” to item (c) under the proposed sign policy.
- iv) decrease the size limitation on signs from .84 square metres (9 square feet) to .4 square metres (4.3 square feet) to match the sign standard used for other uses in the Plan.
- v) provide additional standards or examples regarding the illumination of signs.

Recommended NEC Position:

The policies should be modified to:

- i) protect Escarpment vistas associated with prominent Escarpment slopes in Escarpment Recreation Areas.
- ii) clarify the wording dealing with public information signs.
- iii) add the word shall to item (c).
- iv) provide additional standards/examples regarding sign illumination.

The policy regarding sign size should not be modified. In many instances a sign of less than .84 square metres (9 square feet) would not be readily visible to identify a business/farm. The policy still would permit a sign to be reduced in size based on its impact on the landscape and other development criteria in the NEP. The .84 square metre limitation represents a reasonable compromise on sign size in the rural areas of the NEP.

- **Grey Association for better Planning**

In general agreement.

Recommended NEC Position:

No change proposed.

- **Bruce Trail Association (BTA)**

Agree with the thrust of the policy. BTA requests that the policy allow Trail related signage.

Recommended NEC Position:

Trail related signage be allowed.

4. Public

- **Tilson**

Support review.

Recommended NEC Position:

No change proposed.

- **Wilson**

Read with interest.

Recommended NEC Position:

No change proposed.

5. Public Interest Advisory Committee (PIAC)

Recommends the incorporation of policies to address signage into the NEP.

The word “shall” should be added to item (c) under the proposed new sign policy.

Recommended NEC Position:

Add the word “shall” to item (c).

D. COMMENTS/CONCLUSION

After taking into account the comments received, the Commission should adopt as its Position signage policies that are revised to reflect the recommendations set out in this report.

E. RECOMMENDATION:

That the policy changes attached as Appendix 1 be adopted as the Commission's Position on the Niagara Escarpment Plan Review Document.

APPENDIX 1 – THE AMENDMENT (SIGNAGE) March 30, 2001

The Niagara Escarpment Plan be amended as follows:

1. Part 1.3, permitted use #8 for the Escarpment Natural Area, Part 1.4, permitted use #9 for the Escarpment Protection Area, Part 1.5, permitted use #9 for the Escarpment Rural Area be deleted and replaced with the following revised wording:
 - 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.
2. Part 1.6, Minor Urban Centre be revised 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.
3. Part 1.7, Urban Area be revised 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.
4. Part 1.8, permitted use #2 for the Escarpment Recreation Area, be modified to add the following sentence to the end of the existing paragraph:
 - 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 vistas associated with prominent Escarpment slopes.
5. Part 1.8, Escarpment Recreation Area be revised to add the following new Development Objective:
 - 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.

6. Part 1.9, permitted use #9 for the Mineral Resource Extraction Area be deleted and replaced with the following revised wording:
 - 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.
7. Part 2.2, the General Development Criteria is revised to add the following new subsection on signs:

Signs

- The following additional provisions apply to signs where permitted as an accessory use 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, siting, landscaping, and the use of harmonious materials and colour;
 - 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, 0.84 square metre (9 square foot) 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:

1. Traffic, caution, directional, street, safety and emergency street number signs erected, sponsored or required by a public body;
 2. Election signs;
 3. Temporary real estate signs advertising the sale of the property that they are located on;
 4. No trespassing or warning signs; and
 5. Public information signs erected, sponsored or required by a public body.
6. Appendix 2, Definitions of the Niagara Escarpment Plan is 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.

7. Appendix 2, Definitions of the Niagara Escarpment Plan is 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.

Part 2

April 6, 2001

NIAGARA ESCARPMENT COMMISSION POSITION PAPER

Analysis of Additional Comments Received

Niagara Escarpment Plan Review

Topic 3

Signage Policies

A. TOPIC: SIGNAGE POLICIES

B. BACKGROUND:

The purpose of this report is to review the additional comments received on the Discussion Paper from municipalities, ministries and agencies, interest groups and the public, in order to determine if there are any new issues that would require further consideration by the Commission as part of its position.

The Commission's Position will be circulated and be subject to review at the Plan Review Hearing scheduled to commence July 16, 2001.

C. SUMMARY OF ADDITIONAL COMMENTS RECEIVED/ANALYSIS:

Municipalities, Agencies, Interest and Advisory Groups, and the Public

A summary of the additional comments received from municipalities, ministries and agencies, interest and advisory groups and the public received to date follows.

1. Municipal

- **Town of Caledon**

Supports policies.

Recommended NEC Position:

No change required.

- **City of Hamilton**

No adverse impact on City.

Recommended NEC Position:

No change proposed.

2. Ministries

- **Ontario Heritage Foundation (part of MTCR)**

The proposed signage policies should take into consideration signs used by public agencies for education and interpretation.

Recommended NEC Position:

No change required.

The proposed policy will allow for signs erected, sponsored or required by or on behalf of a government agency. Provincial, municipal and agency requirements must still be satisfied.

3. Agencies and Associations

- **Conservation Authorities (Joint Submission)**

No objection to new policies.

Recommended NEC Position

No change proposed.

4. Public

- **Redish**

Support sign policies. Should consider exempting real estate signs and inserting the word “shall” in the policy (subsection c)).

Recommended NEC Position:

No change required.

The changes have already been incorporated.

- **Preston**

Support sign policies. Signs should, however, be prohibited on all Escarpment slopes.

Recommended NEC Position:

No change required.

Prominent Escarpment slopes are specifically identified in the NEP as being generally unavailable for development. Prohibiting signs on all Escarpment slopes would result in a much wider prohibition on signs than intended in the policy and is unnecessary.

- **Beattie**

Support sign policies.

Recommended NEC Position:

No change required.

- **Kerr**

Support restrictions on third party signs.

Recommended NEC Position:

No change required.

- **Castle Glen Corporation**

There is no need to restrict signs in Urban, Minor Urban and Escarpment Recreation Areas and should be recognized as an accessory use in these designations. Signs should be permitted on prominent Escarpment slopes in Escarpment Recreation Areas like Castle Glen where the local official plan policies already allow sign development.

Recommended NEC Position:

Modify the Position to ensure that the new sign policies to be added to Part 2.2 are directed specifically at Escarpment Natural, Protection, Rural and Mineral Resource Extraction Areas and the prominent slopes in Escarpment Recreation Areas. Signs in the remaining designations are intended to be subject primarily to municipal regulation.

D. COMMENTS/CONCLUSION

After taking into account the additional comments received, the Commission should adopt as its revised Position, signage policies reflecting the recommendations set out in this report.

E. RECOMMENDATION:

That the policy changes attached as Appendix 1 be adopted as the Commission's Position on the Niagara Escarpment Plan Review Document.

APPENDIX 1 – THE AMENDMENT (SIGNAGE) April 6, 2001

The Niagara Escarpment Plan be amended as follows:

1. Part 1.3, permitted use #8 for the Escarpment Natural Area, Part 1.4, permitted use #9 for the Escarpment Protection Area, Part 1.5, permitted use #9 for the Escarpment Rural Area be deleted and replaced with the following revised wording:
 - 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.
2. Part 1.6, Minor Urban Centre be revised 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.
3. Part 1.7, Urban Area be revised 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.
4. Part 1.8, permitted use #2 for the Escarpment Recreation Area, be deleted and replaced with the following revised wording:
 - In ski centres, 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. 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.

5. Part 1.8, Escarpment Recreation Area be revised to add the following new Development Objective:
 - 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.
6. Part 1.9, permitted use #9 for the Mineral Resource Extraction Area be deleted and replaced with the following revised wording:
 - 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.
7. Part 2.2, the General Development Criteria is revised to add the following new subsection 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, siting, landscaping, and the use of harmonious materials and colour;
 - 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, 0.84 square metre (9 square foot) 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:
 8. Traffic, caution, directional, street, safety and emergency street number signs erected, sponsored or required by a public body;
 9. Election signs;
 10. Temporary real estate signs advertising the sale of the property that they are located on;
 11. No trespassing or warning signs; and
 12. Public information signs erected, sponsored or required by a public body.
 - 13. Appendix 2, Definitions of the Niagara Escarpment Plan is 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.

- 14. Appendix 2, Definitions of the Niagara Escarpment Plan is 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.