



## Report to Council

Department: Development Services  
Division: Planning  
Date: October 5, 2020  
Prepared by: Rita Jabbour, RPP, Manager, Planning Services  
Report Number: PLANNING2020-26  
Subject: CREW Sign Bylaw Amendment (Bylaw1950)  
Number of Pages: 54 (Including attachments)

### Recommendation(s)

**That** Planning report PLANNING2020-26 entitled CREW Sign Bylaw Amendment (Bylaw 1950) prepared by Rita Jabbour, RPP, Manager, Planning Services dated October 5, 2020 be received, and

**That** Council deny or approve Bylaw 1950, Being a Bylaw Regulating the Erection of Signs in the Town of Essex, for the property located at 108 County Road 50 East.

### Purpose

To obtain Council's decision on Bylaw 1950, being a Bylaw Regulating the Erection of Signs in the Town of Essex, for the property located at 108 County Road 50 East (CREW Winery) to allow for an on-site ground sign of 2.45 metres in height with a Sign Face Area (SFA) of 4.3 square metres and a lighted sign component. Any amendment to the Town of Essex Sign Bylaw, Bylaw 1350, for special regulations that differ from one (1) or more provisions of the Bylaw for a sign must be submitted to the Town for decision by Council.

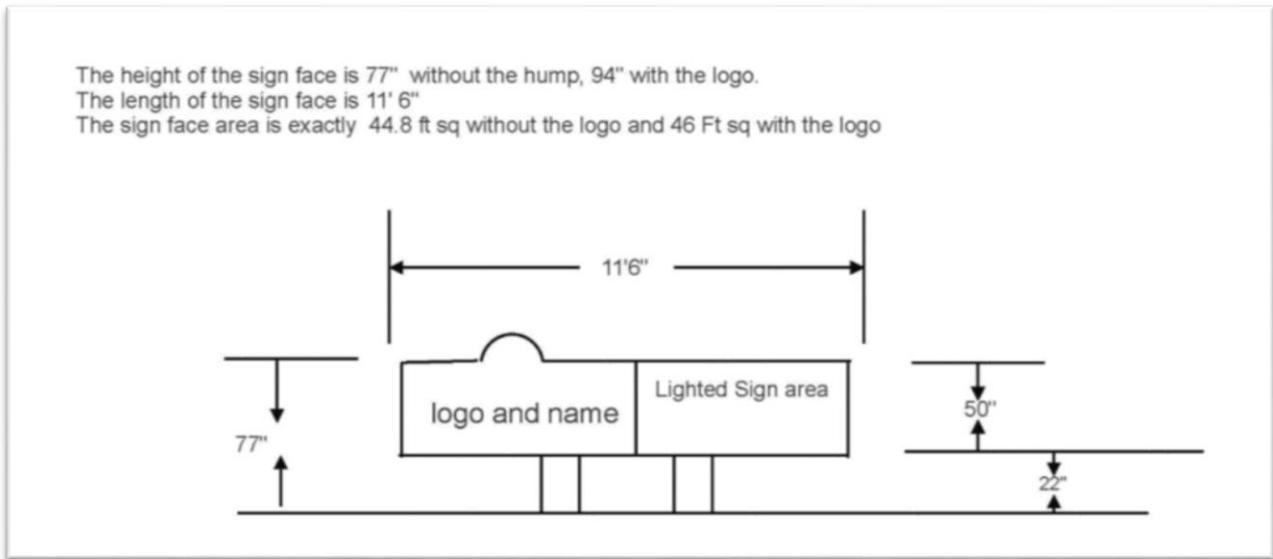
## Background and Discussion

A request for site-specific amendment to By-law 1350, being a By-law regulating the erection of signs in the Town of Essex, was submitted in December 2019 by Mr. Bernard Gorski of the Colchester Ridge Estate Winery (CREW) located at 108 County Road 50 East in the former township of Colchester South to retain an existing 4.4 metre (14.4 foot) pole sign structure with electronic media component. Council subsequently resolved to defer decision on the application until Administration undertook a review of By-law 1350 specific to signage along County Road 50. **A copy of Planning report PLANNING2020-01 is attached to this report.**

At a special Council meeting on July 13, 2020, Council was presented with the results of survey submissions concerning the adequacy of signage along County Road 50. **A copy of the presentation is attached to this report.** Seventy-seven percent (77%) of survey respondents were not in favour of allowing an electronic media sign component as part of a business identification or business advertising sign along County Road 50. Seventy-two percent (72%) of survey respondents were not in favour of permitting pole signs higher than 2 metres (6.5 feet) along County Road 50. Council subsequently resolved to make no general amendments to the existing Sign Bylaw regulations and continue to receive applications for amendments on a site specific basis (**Resolution Number: SP20-07-013**).

On July 23, 2020, Council was presented with a revised application to retain the pole sign structure and utilize the existing electronic media component as a lighted sign for the display of a static message. Council deferred the application at their regular meeting on August 4, 2020, upon the request of the proponent who wished to present a further amended proposal to appease the concerns of residents and Council, and better align with the intentions of the sign bylaw for non-residential uses within agricultural districts along County Road 50. **A copy of Planning report PLANNING2020-18 is attached to this report.**

On September 8, 2020, Council was presented with the amended proposal identified below:



As identified in the **attached letter of application** to Mayor and Council, the applicant noted that the design of the sign had been changed to include a horizontal layout, rather than the previously-proposed vertical orientation which was more reflective of a pole sign structure. A portion of the proposed sign would include a lighted sign area for the conveyance of on-site information, such as opening and closing hours. Words and numbers were **not** proposed to be displayed in an animated format and therefore the lighted sign area **did not** constitute an electronic media sign.

In their report, administration stated that *lighted signs* are signs which are lit either internally or externally to enhance the visibility of the sign, as per the definition of a *Lighted Sign* under Bylaw 1350. Although the intention of Bylaw 1350 was to clearly permit lighted signs in agricultural districts, upon further review of the Bylaw, it was noted that reference to lighted signs are absent from **any** land use district in the Bylaw and are therefore, not explicitly permitted nor prohibited in the Agricultural district. (Administration will be proposing a general amendment to Bylaw 1350 in the future to correct this omission and explicitly recognize lighted signs in various districts). **A copy of Planning report PLANNING2020-22 is attached.**

The sign presented to Council on September 8 was not in compliance with the maximum regulations for the height and Sign Face Area (SFA) of ground signs under Bylaw 1350 due

mainly to the curved portion of the CREW logo. Without the logo portion, the height of the sign would be in compliance with the sign bylaw. As noted in administration's report, the logo adds to the aesthetic design of the sign and occupies a small portion of the overall sign.

In summary, the following amendments were requested on September 8:

- An increase of 0.39 metres in the height of the sign;
- An increase of 0.27 square metres in the SFA; and,
- The use of a lighted sign.

Following discussion, Council approved the requested variances to the sign for the CREW winery and directed administration to return with an appropriate site specific amending Bylaw (**Resolution Number: R20-09-315**).

#### Bylaw 1950

Bylaw 1950 was presented to Council on Monday September 21, 2020. Council posed the following questions to administration and the proponent:

- Do the hours of operation for the lighted sign area include instances of special events such as weddings?

Administration noted that the intention of the bylaw was to allow the operation of the lighted sign area during Winery business hours which would include special events such as weddings. (Interior and exterior areas for private receptions form part of the function of a winery as defined under Zoning Bylaw, Bylaw 1037)

- Could messaging for off-site events or businesses be displayed in the lighted sign area?

Administration stated that the Bylaw would allow for the identification of on-site or off-site charitable events, similar to what is permitted for any ground sign under Bylaw 1350.

- How is the height of the sign measured?

Administration stated that height is measured from the ground immediately below the sign to the highest point of the sign above the ground.

- How many lines or sign area will be dedicated to the display of the message in the lighted sign?

The proponent noted that the Sign Face Area (SFA) on the lighted sign will be no larger than fifty percent (50%) of the area of the entire sign. He stated that more than one line would be needed to display a message such as “Merry Christmas” and the winery operating hours but would fall within the maximum allowable SFA.

- Is there a limit on the level of illumination or brightness for the lighted sign area?  
Administration noted that the Bylaw does not include regulations concerning the illumination level or brightness for the lighted sign because it would be difficult to enforce. Administration noted that the Bylaw attempts to limit the exposure on neighbouring properties by limiting the operation of the lighted sign to winery business hours only.

Following discussion, Council subsequently resolved to table the Bylaw until the next regular Council meeting (October 5) to allow for further research and discussion regarding the illumination matter.

Based on their research, Administration has since concluded that regulating illumination on a site-specific basis poses a number of issues for enforcement, namely:

- The Town’s Sign By-law 1950 does not currently incorporate municipal-wide regulations for intensity of illumination. There would be concerns with imposing a site-specific regulation for illumination without a proper municipal-wide review of the by-law and amendments to all lighted signs in the Town;
- Use of a smart phone application may not be reliable and/or accurate for measurement, however there are a number of meters that could be used to measure illumination (i.e. lumen meter, lux meter). Similar to a radar detector, the device would need to be calibrated, certified, and each person using the device would require proper training, potential additional in-house or third-party resources, and implementation of a standardized complex process (i.e. manufacturer’s certification of lumen level);
- Potential third-party advisory services to establish distances for measurement and the time of day measurements as benchmarks for consistent readings;

- The Ontario Provincial Police (OPP) would be required to enforce illumination after regular Town of Essex business hours, and would require the appropriate training and same tools to enforce illumination for consistency; and finally,
- Tickets for infractions may not be defensible in court. Other lights in the area may interfere with meters and therefore result in higher readings for the sign than what normally would be generated if it was the only light source.

Based on the information above, Bylaw 1950 has been presented without any amendments for discussion and Council's direction or decision.

## **Financial Impact**

None.

## **Consultations**

Kevin Carter, Manager, Building Services, Chief Building Official

Jake Morassut, By-Law Enforcement Officer

Jeff Watson, Planner

## Link to Strategic Priorities

- ☐ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☒ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.
- ☐ Improve the Town's capacity to meet the ongoing and future service needs of its citizens while ensuring the corporation is resilient in the face of unanticipated changes or disruptions.

## Report Approval Details

Document Title:	CREW Sign Bylaw Amendment (Bylaw 1950) .docx
Attachments:	<ul style="list-style-type: none"><li>- Bylaw 1950.docx</li><li>- Sign By-Law letter to Essex 8-24-20.docx</li><li>- Planning-2020-01.docx</li><li>- SBL Public Meeting Presentation July 13 2020.pdf</li><li>- PIANNING2020-18 .docx</li><li>- PLANNING2020-22 .docx</li></ul>
Final Approval Date:	Sep 30, 2020

This report and all of its attachments were approved and signed as outlined below:



**Lori Chadwick, Director, Development Services - Sep 30, 2020 - 11:09 AM**



**Chris Nepszy, Chief Administrative Officer - Sep 30, 2020 - 12:21 PM**