



Report to Council

Department: Development Services
Division: Planning
Date: January 20, 2020
Prepared by: Rita Jabbour, Manager, Planning Services
Report Number: PLANING2020-01
Subject: Planning-2020-01.docx
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Recommendation(s)

That "Planning-2020-01" entitled "Sign By-law Amendment for 108 County Road 50 East" prepared by "Rita Jabbour, Manager, Planning Services" dated "January 20, 2020" be received, and

That the application for a site specific sign bylaw amendment, submitted by Mr. Bernard Gorski of 108 County Road 50 East, to retain the existing pole sign structure with electronic media component, be denied.

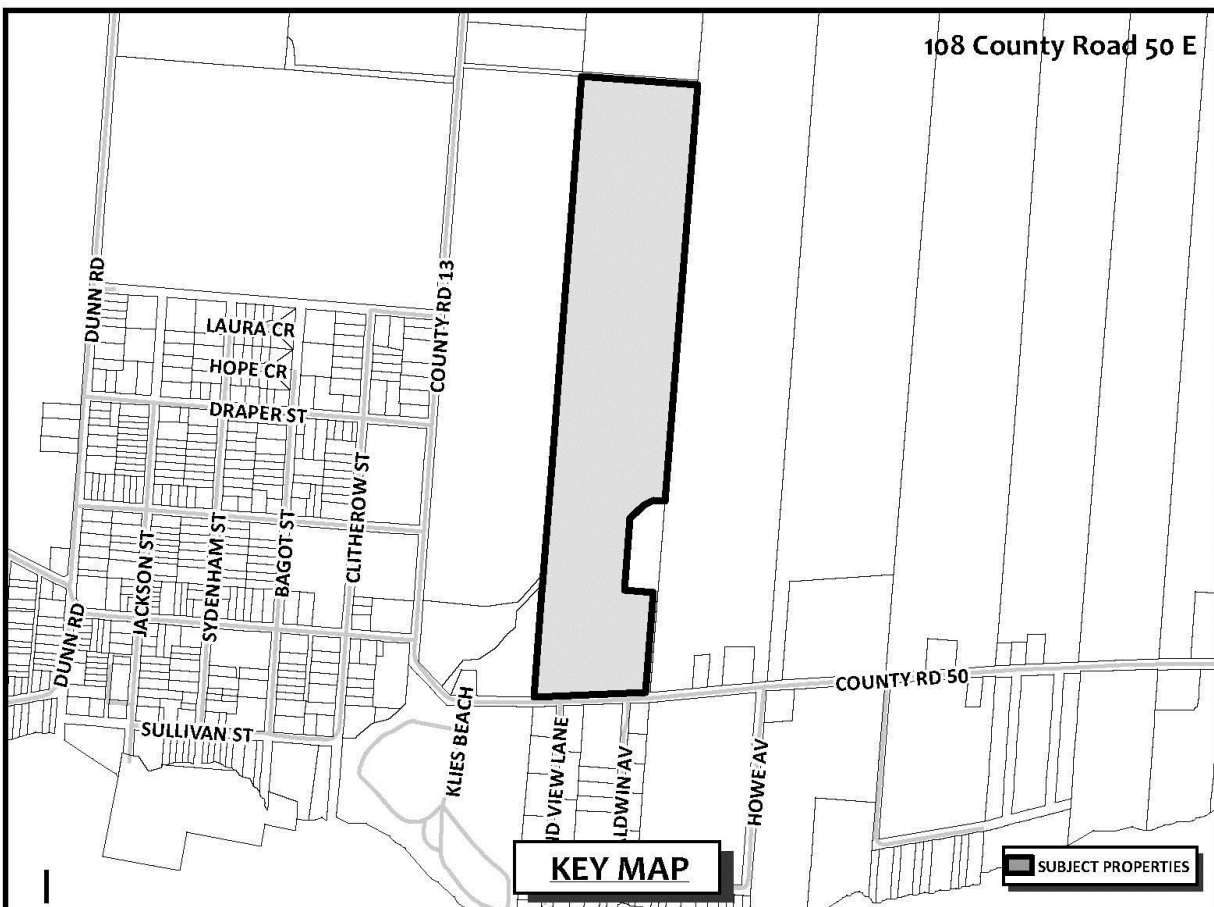
Purpose

For a non-residential use in an agricultural district, Town of Essex Sign By-law, By-law 1350, does not permit an electronic media sign or an on-site ground sign having a height which is greater than 2.0 metres. Any amendment to By-law 1350 for special regulations that differ from one or more of the provisions of the by-law for a sign that is not permitted must be submitted to the Town for approval by Council.

Background and Discussion

An application for a site specific amendment to Bylaw-1350, being a By-law regulating the erection of signs in the Town of Essex, was submitted by Mr. Bernard Gorski of the Colchester Ridge Estate Winery (CREW) for the property located at 108 County Road 50 East for the retention of the existing pole sign structure with electronic media component.

The subject property is located on the north side of County Road 50 just east of the Colchester Hamlet:



The subject property is zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under Town of Essex Zoning Bylaw, Bylaw 1037. The subject property is currently occupied by a vineyard, winery and a newly constructed winery retail store and event space. (A winery in combination with a vineyard is a permitted use under the A1.1 zoning district). Residential development exists to the south of the subject property.

To compliment the new winery retail store and event space, the applicant constructed a new sign structure to replace a previous sign structure constructed in 2005 when Bylaw 355, the preceding sign bylaw, was in effect. The new sign structure is supported by two (2) 6x6 steel posts; an existing logo that was moved from the previous sign structure; and, an LED electronic media sign which occupies 2.2 square metres. The new sign structure is located in the same area as the previous sign and is setback a distance of 72 feet from the centre of County Road 50.



Figure 1. New sign structure with steel posts, logo and electronic media component



Figure 2. Previous sign structure with wood posts, logo and letter board

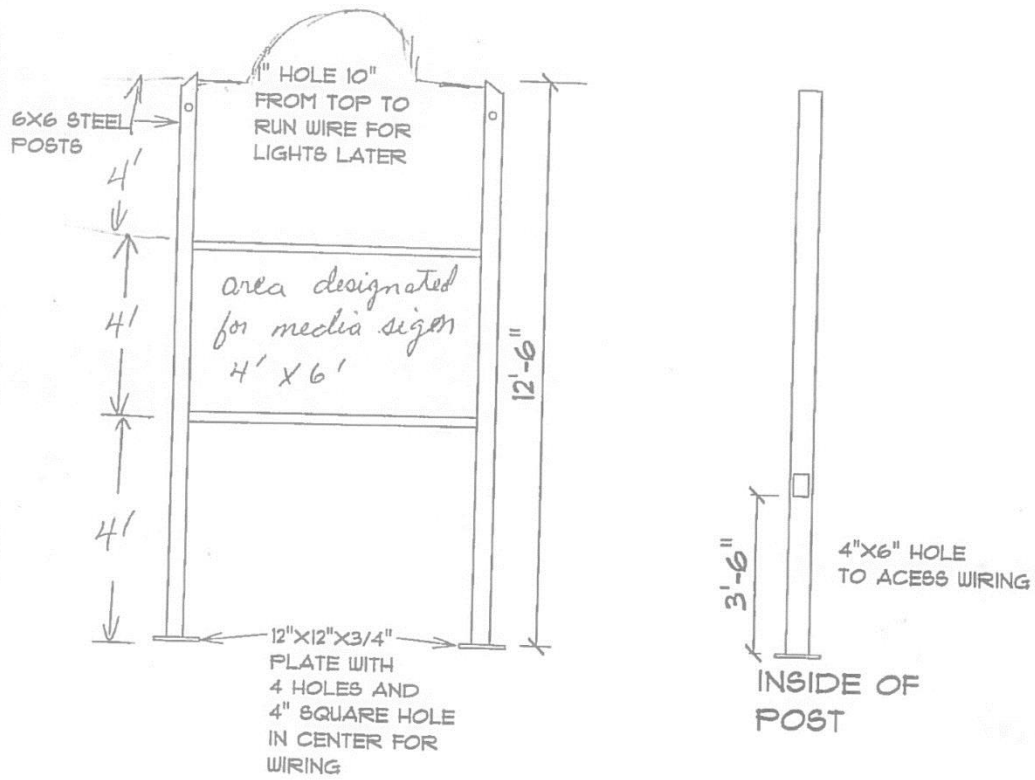


Figure 3. Measurement of new sign structure as submitted by applicant



Figure 4. Measurements of new sign structure as submitted by Town of Essex Building Division

Special Regulations for Signs in Agricultural Districts under Bylaw 1350

In accordance with section 1.4 (1) of Bylaw 1350, no person shall, within the limits of the Corporation of the Town of Essex, place, erect, alter or replace a sign, whether a temporary sign or a permanent sign, except as permitted by the Bylaw and in conformity with the applicable provisions of the Ontario Building Code, as the same may be amended from time to time, and such other applicable legislation.

No sign permit from the Town of Essex or County of Essex was obtained for the construction of the new sign structure in 2019. No record of construction permit exists for the erection of the sign structure in 2005, either. (Note: Bylaw 355 did not include specific regulations for signs in agricultural zones). The applicant states that he was not aware of the necessity for a sign permit as he viewed it as being a replacement sign. (Note: the executed site plan agreement for the new retail and event facility indicated that a sign permit was required).

The sign structure erected at the subject property falls within the definition of a pole sign. Pole signs are free-standing signs permanently affixed to the ground by a pole or poles, with or without decorative cladding, and have a sign height of **more than 2.0 metres** above the ground. Pole signs are only permitted in Commercial, Institutional and Manufacturing districts under Bylaw 1350. Height regulations are dependent on the property frontage, and only 50 percent of the sign face area may be an electronic media sign.

For a non-residential use in an agricultural district, such as a winery, By-law 1350 only permits one (1) on-site *ground sign* with a **maximum height of 2.0 metres**. An *electronic media sign*, defined as a sign or part of a sign, exclusive of a flashing sign, comprising a video monitor or an electronic display for the display of images, words and or numbers in an animated format used exclusively for the purpose of conveying a message, is **not** permitted in the agricultural district under Bylaw 1350. Rather, a maximum of 70 percent of the sign face area may be a changeable copy sign, which is defined as individual letters, numbers and symbols that can be physically mounted on a display panel to convey a message (Note: the provision for the changeable copy sign face area in agricultural districts is greater than in commercial districts, which has a 50% limit).

An application for an amendment to this by-law for special regulations that differ from one or more of the provisions of this by-law or for a sign that is not permitted may be submitted to the Town for approval by Council. The application must be accompanied by an explanation as to why the applicable provisions of the by-law cannot be met.

In constructing the new sign structure, more specifically, the electronic media component, the applicant considered the economic and environmental benefit of an electronic media sign. In his application, Mr. Gorski argues that electronic media signs are important for progress and success along a tourism route that is heavily supported by the County of Essex, TWEPI and other local municipalities. He believes that the growth of this area would be hindered by enforcing signage laws that limit his ability to attract tourists that are unfamiliar with the area from the road.

In Commercial, Institutional and Manufacturing districts, there is a concentration of land uses so variety in sign types serve the purpose of distinguishing one business from another. In agricultural districts, there is a more limited range of uses, predominantly low key farm activities, and they are sparsely located. As such, businesses do not have to compete for attention using signage as one means to do so. To date, the wineries have used low key business signage more in keeping with the land use types around them. This is reflected within the sign by-law.



Figure 3. Ground sign at Coopers Hawk Winery



Figure 4. Ground Sign at Oxley Estate Winery



Figure 5. Ground Sign at Erie Shore Vineyard

County of Essex Sign Regulations

Mr. Kristoffer Balallo, Engineering Technician for the County of Essex, has had an opportunity to review the sign structure at 108 County Road 50 East. He states that the sign meets County of Essex standards for height and location. Electronic media signs are permitted by the County. They however must have a minimum display duration (frame) of 180 seconds and a transition between frames of not more than (one) 1 second. They cannot include any flashing or animation of any kind. The County of Essex does not have a sign bylaw but rather utilizes a Best Management Practice Manual as a guide. These instructions are to be used in conjunction with all municipal bylaws.

Recommendation

County Road 50 has become an important tourist destination within the Town of Essex with its burgeoning wine and agri-tourism industry. However, County Road 50 still maintains a large rural residential component. Prior to the submission of this application, administration received two (2) correspondences from a neighbouring resident who expressed concerns with the sign. The resident described the sign as a nuisance as it illuminates their front lawn and bedroom. (Note: The concerned resident has been notified of this application by way of email and invited to appear as a delegation on the matter.)

Managing responsible and viable growth while preserving and enhancing the unique rural and small town character of the community is an identified goal under the Town of Essex Corporate Strategic Plan. Bylaw 1350 does not establish special regulations for signage along County Road 50 which would take into consideration the area's unique mix of land uses (agricultural, commercial, residential).

An electronic media sign is incompatible with residential land uses to the south of the subject property without specific regulations that have regard to hours of operation for the sign and lumens levels. Electronic media signs in agricultural districts for commercial uses such as wineries and breweries commonly located in agricultural areas, should only be permitted following a general amendment to Bylaw 1350 with special regard to the uniqueness of County Road 50, and not on a site specific basis.

The applicant is eager to come to an agreement that mitigates any impact from the sign on his neighbours, while meeting the goals of his business. In order to maintain the objectives of Bylaw 1350, however, administration is recommending that the application for sign bylaw amendment as submitted by Mr. Gorski of 108 County Road 50 East, to retain the existing pole sign structure with electronic media component, be denied.

Financial Impact

None.

Consultations

Kevin Carter, Manager, Building Services/Chief Building Official

Jeff Watson, Planner

Jake Morassut, By-Law Enforcement Officer

Kristoffer Balallo, Engineering Technician, County of Essex

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.