



Report to Council

Department: Development Services
Division: Planning
Date: February 5, 2024
Prepared by: Ian Rawlings, junior Planner
Report Number: Planning 2024-05
Subject: Essex Welds Solutions Billboard Request and Holding (H) Restriction Removal
Number of Pages: 13 (Plus Attachments)

Recommendation(s)

That Planning Report Planning-2024-30 entitled Essex Welds Solutions Billboard Request and Removal of Holding (H) Zone Restriction prepared by Ian Rawlings, Junior Planner dated February 5, 2024, be received;

That By-Law Number 2297, being a By-law to permit the erection of one (1) static billboard sign facing West bound traffic, and one (1) digital Media billboard sign facing east bound traffic located at 14978 14th Concession Road, south of Kings Highway Number 3 be read a first, a second, and a third time and finally passed on February 5, 2024; and

That By-Law Number 2298, being a By-Law to amend By-Law Number 1037, the Comprehensive Zoning By-Law for the Town of Essex be read a first, a second, and a third time and finally passed on February 5, 2024.

Purpose

Billboards, as regulated within Town of Essex Sign By-law 2167, require Council approval for their erection within the Town of Essex.

Adoption of By-law 2298 is required to authorize the removal of the Holding (H) restriction and permit the erection of the double-sided billboard.

Background

The applicant, Austin Friesen of Essex Weld Solutions is applying to erect a billboard on the lands located at 14978 14th Concession Road. **The subject propoerty is designated 'Industrial' under the Town of Essex Official plan and is zoned 'Manufacturing District 2.1 (M2.1)' under the Zoning By-law, Bylaw 1037.** The lands form part of the future Inspiration Industrial Park Subdivision.

The lands are currently subject to a Holdidng (H) provision under Section 8.13 of By-law 1037. The billboard will be double sided, with one side facing west bound traffic along Kings Highway Number 3 and will be static in nature. The second side of the billboard will face east bound traffic along Kings Highway Number 3 and will consist of an electronic media format. The billboard will be a maximum height of 8.7 metres (28.54 ft), and a maximum width of 6.09 metres (19.98 ft). The billboard image will be approximatly 3.04 metres (9.97 ft) in height, and 6.09 metres (19.98 ft) in width. The billboard will be located 30.12 metres (98.82 ft) from the lot line abutting Kings Highway Number 3 (the rear lot line of the subject property) as depicted in the image below:



The applicant has detailed that the billboard will be used to advertise local businesses. The applicant will establish a maintenance and installation plan and have detailed portions of this plan in **“Appendix 3 – Sign Information Package.”** The sign support frame is constructed out of steel with a reinforced concrete base.

The applicants had obtained the necessary permits from the Ministry of Transportation (MTO) to construct the digital media billboard and static billboard. The MTO requires that the applicant follow a number of conditions including the renewal of the permit every five (5) years, illumination adjustment requirements, and minimum dwell times of 20 seconds for electronic media billboards. Both MTO Permits have been included as attachments 4 and 5. The MTO permits have expired as of January 29th, 2024 as no works have commenced on the subject property. The applicants will be required to obtain valid MTO permits prior to the issuance of a building permit.

The construction and maintenance of signs within the Town of Essex is regulated through By-law 2167 which applies the following definition to Billboards within the Town of Essex:

“Billboard” means a freestanding Off-site sign permanently affixed to the ground used to identify or advertise an off-site use, activity, product, or service. It is illuminated or non-illuminated but does not comprise either in whole or in part an electronic media sign.

As detailed within Section 14.3 of By-law 2167, a billboard shall only be permitted by a site-specific by-law approved by Council and must reference Schedule “B” of By-law 2167. Schedule “B” of By-law 2167 details guidelines established by Council for the erection of billboards within the Town of Essex and has been detailed in the table below.

Guidelines as detailed within Schedule “B”	Application Compliance
1.1 Council must pass a site-specific by-law to permit the erection of a Billboard.	Currently in process.
1.2 Billboards are not permitted in the Communities of Essex Centre, Harrow, Colchester, Gesto or McGregor.	The subject Billboard is located on lands within the Essex Centre Settlement Area being Essex Centre.
1.3 The erection and maintenance of the Sign and media content placed on the Sign shall also satisfy all conditions required by The Corporation of the County of Essex and the Ontario Ministry of Transportation, where applicable.	The applicant has obtained the necessary approvals from the Ministry of Transportation.
1.4 Billboards must have a minimum separation of one (1) kilometre from any and all existing Billboards.	The closest billboard is approximately 2.15 km south-east of the proposed billboard.

<p>1.5 The Billboard shall have a maximum dimensions of 2.5 metres in height, 5 metres in width, and a maximum overall height of 5 metres above the ground. It shall have a minimum setback of 41 metres from the centreline of the road abutting the lot on which the Sign is located. On properties fronting on or abutting County Road 50, the maximum Sign Area and height shall be one half of the Sign Area and height otherwise permitted.</p>	<p>The billboard is proposed to have maximum dimensions of 2.5 metres in height, 6.09 metres (19.98 ft) in width, and a maximum overall height of 8.7 metres (28.54 ft) above the ground. The billboard will be located 30.12 metres (98.82 ft) from the lot line abutting Kings Highway #3.</p> <p>The proposed billboard meets the required setbacks from required roadways, but not the height and width of the billboard, and the overall height of the billboard. Therefore, the proposed billboard does not comply with setion 1.5 of Schedule B.</p>
<p>1.6 The billboard shall be of a fixed media format and shall not include in whole or in part an Electronic Media Sign or Changeable Copy component.</p>	<p>The billboard to face east bound traffic is considered an electronic media sign with a proposed dwell time of 20 seconds. Therefore, the proposed billboard does not comply with setion 1.6 of Schedule B.</p>
<p>1.7 The Billboard shall advertise a single business, organization, event or activity located in the Town of Essex or serving the local community.</p>	<p>Complies.</p>
<p>1.8 The Billboard shall not be used to advertise a product, unless that it is in combination with, directly associated with and subordinate to the advertised buisness, organization, event, or activity.</p>	<p>Complies.</p>
<p>1.9 The Billboard shall be erected on site in a manner and location satisfactory to the Chief Building Official.</p>	<p>Complies.</p>

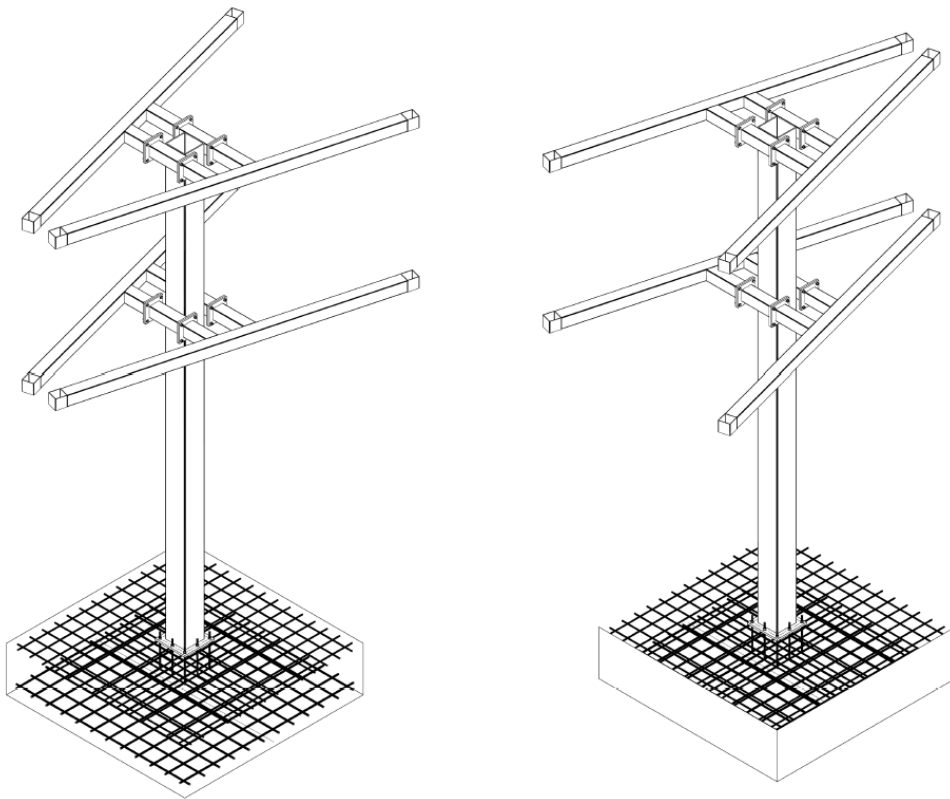
1.10 The Billboard shall be maintained in good practice.	Complies.
1.11 The Town reserves the right to remove or order the removal of a billboard or its contents when, as determined by the Chief Building Official, the Billboard is in an unsafe condition, a poor state of maintenance or does not otherwise comply with the provisions of this By-law or such other applicable laws.	Complies.

As identified through the guidelines detailed in Schedule B, and as stated above, the applicants have requested relief from Sections 1.5 and 1.6 of the Sign By-law to permit a greater size, and to permit a digital media format.

Discussion

The location of the proposed billboard is surrounded by lands designated Industrial and Highway Commercial. The intent of requiring site-specific permission from Council is to prevent over-saturation of billboards along high traffic roadways and to prevent their development within residential areas. No legally constructed billboards can be located within a 1 kilometre radius of the proposed billboard. It is important to note that **By-law 2167, schedule "C"** details the subject property (14978 14th Concession Road) as already having a legal billboard. However, this billboard was removed permanently due to construction that had taken place on Highway #3.

The supporting structure for the doublesided billboard will be the first of its kind within the Town of Essex. Previously approved billboards utilize a wooden post system, whereas the proposed billboard utilizes a steel structure in order to operate the digital media component. See image below:



Relief From Section 1.5

The requested relief to permit a greater size for the proposed billboard possesses minimal impact due to the location within an industrial subdivision and being geared towards users of Highway #3. The requested relief is not deemed precedent-setting as each application to amend the sign by-law to permit the erection of a billboard is to be reviewed on a case-by-case basis.

Relief From Section 1.6

An electronic Media Sign is defined as the following under By-law 2167

Electronic Media Sign” means a sign or part of a sign, exclusive of a flashing sign, comprising a video monitor, electronically energized display matrix, such as liquid crystal

displays, light emitting diodes or similar electronic or computer generated technology for the display of images conveying words, logos and/or numbers in an animated format used for the purpose of conveying a message.

Electronic media signs have specific regulations based on the zone in which they are constructed. Section 11.4 of the Sign By-law details Electronic media signs within Manufacturing Districts stating that they are not permitted if the sign cannot meet the following regulations:

Regulations as detailed within Section 11.4	Application Compliance
<i>a) If used as a flashing sign;</i>	Will not be used as a flashing sign.
<i>b) If located within 20 metres of the intersection of two street right of ways;</i>	Not Located within 20 metres of an intersection.
<i>c) If the image duration is less than 180 seconds and the transition time between images is more than one second in duration;</i>	The applicant has proposed an image duration of 20 seconds.
<i>d) if the luminance of the sign display exceeds, as measured at point 10 metres from the sign</i>	The proposed billboard contains the ability to adjust luminance settings.

<p><i>e) 0.3 footcandles or 300 nits (300cd.m2) above ambient light conditions, during the hours between dusk and dawn; and</i></p>	<p>The proposed billboard contains the ability to adjust luminance settings.</p>
<p><i>f) 465 footcandles or 5000 nits (5000 cd/m2) above ambient light conditions, during the daytime hours</i></p>	<p>The proposed billboard contains the ability to adjust luminance settings.</p>
<p><i>g) If it does not have an ambient light monitor which continuously monitors and automatically adjusts the brightness level of the display consistent with the regulations of this by-law; and</i></p>	<p>The proposed billboard contains the ability to actively monitor and adjust brightness levels.</p>
<p><i>h) If it is not certified annually for full compliance with the brightness level provisions of this by-law</i></p>	<p>The applicant has developed a maintenance plan to ensure this provision has been met.</p>

Digital media sign Dwell Time is the amount of time that an image, message, and/or product is in the same position on the screen. The Town of Essex requires a minimum dwell time of 180 seconds as to allow for the prevention of rapid image transition which could distract drivers. The 180 second dwell time is also reflective of the typical driving standards within urban settings being a maximum of 50km/h. The applicant is proposing a dwell time of 20 seconds while the speed limit of Kings Highway #3 is 80 km/h in accordance with the minimum dwell time required by the Ministry of Transportation.

Permitting the use of the digital media sign as a billboard would be the first of its kind within the Town of Essex but is not the first of its kind along the Kings Highway #3. One such digital media billboard is located facing east bound traffic within Lakeshore, and another is located facing east bound traffic within the Town of Kingsville.

In terms of brightness level, the applicant has detailed that they wish to construct a safe and reliable billboard to serve the commuter community and to mitigate any impacts. Therefore, the applicant will be required to, and has agreed to, adjust the brightness levels of the digital media billboard in accordance with Section 11 of the Sign By-law. The Ministry of Transportation permit also contains conditions requiring the applicant to reduce brightness levels to their satisfaction.

As this is the first digital media billboard introduced to the Town of Essex, the proposed amending By-law 2297 will expire after five (5) years of adoption after which time, the applicant will be required to reapply for a Sign Bylaw Amendment and MTO permit. This provides the Town the ability to modify the sign permit based on items such as un-anticipated impacts to the local/commuter community. The Ministry of Transportation also details a similar clause within the granting of their sign permit requiring the applicant to renew their sign permit every five (5) years with the ability to amend the permit.

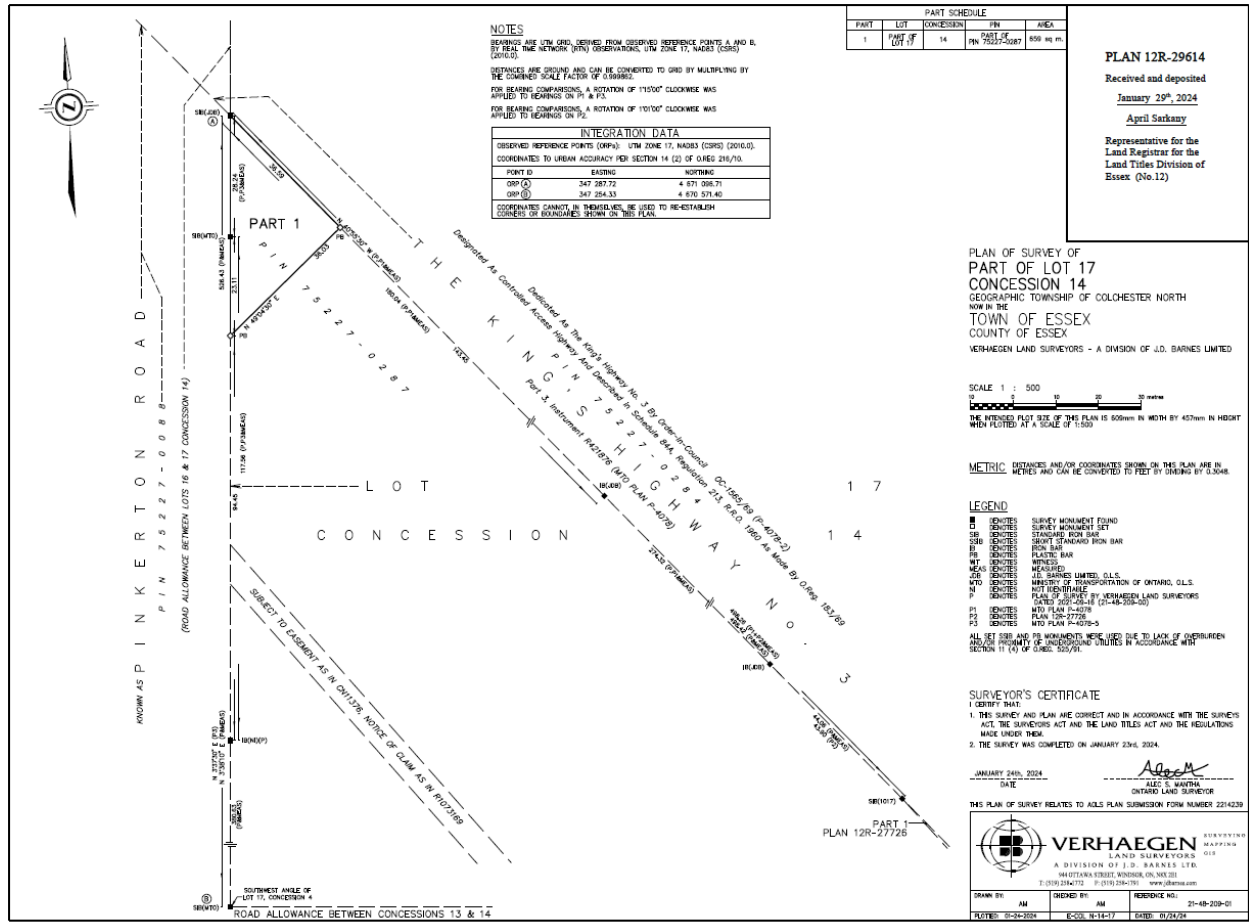
Amending By-law 2297 attached to this report also details that the digital media portion be identified as a billboard within the sign by-law and that the digital media portion be regulated in the same manner as a standard digital media sign within the Manufacturing Zoning District.

Due to the digital media portion facing east bound traffic only, no impacts to sensitive land uses are anticipated.

Holding (H) Zone Restriction

The applicant is also requesting that the Holding Zone Provision be removed on a portion of 4978 14th Concession Road identified as Part 1 on Plan 12R-29614 (See figure below). The

reasoning for the removal is to permit the erection of the previously detailed double sided billboard.



The subject property is currently designated as 'Industrial' under the Town of Essex Official Plan and are zoned Manufacturing District 2.1 (HM2.1). Where the prefix 'H' precedes any zoning district symbol, no use, building or other structure shall be permitted. The "H" prefix may be removed when the following preconditions have been satisfied:

- i) the property is on a registered plan of subdivision or condominium, subject to a part lot control exemption by-law or subject to an approved consent to sever by the Committee of Adjustment; and,
- ii) where required by the Official Plan, full compliance with or an executed agreement to comply with an approved remediation/mitigation plan is in effect;

iii) full municipal services (a paved road, a municipal sanitary sewer and an approved storm water outlet) are available or an executed agreement to provide full municipal services satisfactory to the Town and/or approval authority having jurisdiction is in effect;

iv) where applicable, a site plan control agreement and/or such other mandated agreement is in effect.

The reasoning for the listed pre-conditions is to maintain proper and timely development within the Town of Essex. The erection of the double sided billboard does not require full municipal servicing, a site plan control agreement, compliance with a remediation/mitigation plan, or to be subject to an approved consent application. Removal of the Holding provision is still required for any future development within the remainder of the property and will be subject to the pre-conditions listed before. Therefore, it appears appropriate to remove the Holding (H) restrictions over 14978 14th Concession Road being Part 1 on Plan 12R-29614.

It should be noted that the Town reserves the right to remove or order the removal or alteration of a sign or its contents when, as determined by the Chief Building Official, the sign does not comply with the provisions of this by-law or such other applicable law.

Financial Impact

There are minimal financial impacts associated with costs to undertake normal administrative operations for reviewing the request to amend the Sign By-law, Removal of Holding restriction By-law, and preparing this report. Costs are recouped through the application fee for Sign By-law Amendments being \$834.00, and the application fee for the removal of Holding Restrictions being \$1,390.13.

Consultations

Joseph Malandrucolo, Director, Legal & Legislative Services

Rita Jabbour, Manager of Planning Services

Paul Vlodarchyk, Deputy Chief Building Official

Link to Strategic Priorities

- Embrace asset management best practices to build, maintain, and continuously improve our municipally owned infrastructure.
- Leverage our Town's competitive advantages to promote jobs and economic investment.**
- Take care of our natural environment and strengthen the sense of belonging to everyone **who makes Essex "home"**.
- Deliver friendly customer service in an efficient, effective, and transparent manner while providing an exceptional working environment for our employees.
- Build corporate-level and community-level climate resilience through community engagement and partnership and corporate objectives.

Report Approval Details

Document Title:	Essex Weld Solutions Billboard Request - Planning-2024-05.docx
Attachments:	<ul style="list-style-type: none">- Appendix 1 - Site Location.pdf- Appendix 2 - Application.pdf- Appendix 3 - Sign Information Package.pdf- Appendix 4 - MTO Permit - Digital Billboard.pdf- Appendix 5 - MTO Permit - Static Billboard.pdf- Appendix 6 - 2R29614.pdf- Bylaw 2297 - Draft.pdf- By-law 2298 - Draft.pdf
Final Approval Date:	Jan 30, 2024

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

Rita Jabbour, Manager, Planning Services - Jan 30, 2024 - 4:47 PM



Lori Chadwick, Director, Development Services - Jan 30, 2024 - 4:50 PM



Doug Sweet, Chief Administrative Officer - Jan 30, 2024 - 4:51 PM