



REPORT BD-2014-01

TO: Mayor and Members of Council

FROM: Chief Building Official

SUBJECT: Sign Variance for 2333380 Ontario Limited o/a Mango Tree Family Health Team
28 Brock Rd N, Con 7 Rear Part Lot 20

RECOMMENDATIONS

That Report BD-2014-01 regarding the sign variance be received; and

That Council grant the variance to the sign by-law to permit the erection of a ground sign with a maximum height of 2.75 m at 28 Brock Road North with:

- A setback of 1m from the property lines
- A setback of 8m from the northerly limit of the driveway as shown on Schedule C to report BD-2014-01

DISCUSSION

Purpose

The subject property 28 Brock Road North, owned by 2333380 Ontario Limited, is located on the west side of Brock Rd N, north of Wellington Rd 34. It has a lot area of approximately 1 acre with approximately 36.5 m of frontage on Brock Rd N. Mango Tree Family Health Team as the business operation is known is asking permission for a ground sign which does not meet four provisions within the sign by-law.

The applicant is requesting Council grant a variance to the sign by-law to four provisions:

- The sign may be hazardous to vehicular traffic.
- The proposed sign will not meet the minimum setback.
- A free standing sign between the building and the road allowance is proposed.
- Permission for an additional sign is being sought.

The applicant has revised its proposal based on comments provided by staff.

Background

At the February 5, 2014 Council Meeting, a resolution was passed directing staff to research and report back to Council in regarding the applicant's request.

By-law Requirements

The property is located on lands designated as an Urban Centre in the County of Wellington Official Plan and is therefore exempt from County Sign By-law 4555-03. The By-law having jurisdiction over this property is the Township of Puslinch Sign By-law 9/91. The proposed ground sign does not conform to four of the provisions in the sign by-law.

1. 3.1 No sign shall be so located as to interfere with or obstruct the view of any traffic sign or signal or in any way be hazardous to pedestrian or vehicular traffic.
2. 3.8 All signs shall maintain a minimum setback of 27.0 metres from the centre line of any road allowance.
3. 3.9 Where a business is located within an existing building which is less than 27.0 metres from the centre line of the road allowance, a sign may be mounted on the building, but shall not be allowed to be free standing between said building and the road allowance.
4. 3.10 A maximum of one sign shall be allowed for each street frontage of a lot with in the Township.

When evaluating a request, staff uses a setback distance of 3 m from the property line and 3 m from the visibility triangle of a driveway as a guiding principle. The intent of the setback from the driveway to the visibility triangle is to allow motorists a view of traffic on the roadway that they will be entering onto. The intent of the 3 m setback from the property line is to provide adequate landscaped open space and to avoid crowding the road allowance.

The applicant's revised proposal provides a 1 metre setback from the property line and an approximate setback of 8 m from the driveway. While this does not fully meet the evaluation criteria applied by staff specifically a 3 m setback from the property line, it does resolve the proximity to the visibility triangle. In this case, it is found to not cause significant interference with the site based on the revised proposed location and thus staff has no concerns with these aspects of the proposal.

The business is located in a building which may be less than 27.0 m to the centre line of the road and has a wall mounted sign. The information provided does not indicate the setback distance. Staff does not have any concerns with an additional sign or one being ground mounted.

Site Plan Control

The property was exempt from the site plan control process based on the minor nature of the development and due to the fact that the building already existed.

The original proposed placement of the sign could interfere with the access for emergency vehicles. A required Access Route Design in the Ontario Building Code would include a clear width not less than 6 m, unless it could be shown that lesser widths are satisfactory. The proponent has revised their proposal to locate the sign closer to the north property line and has thus addressed the concern on this point.

Applicable Legislation and Requirements

Township of Puslinch Sign By-law 9/91
County of Wellington By-law Number 4555-03

Attachment

Schedule "A" – Excerpt from County Sign By-law exemption based on location

Schedule "B" – Map of the upper limit of the Aberfoyle Urban Centre.

Schedule "C" – Revised location and height of proposed sign.

Schedule "A"

THE CORPORATION OF THE COUNTY OF WELLINGTON



BY-LAW NUMBER 4555-03

A by-law to regulate the erection and location of signs or advertising devices on and adjacent to county roads.

WHEREAS pursuant to Section 11 of the Municipal Act S.O. 2001 C.25 authority is given to the upper tier municipality to pass a by-law to regulate signs and pursuant to Section 59 of the said Act, authority is given to an upper-tier municipality to pass a by-law to prohibit or regulate the placing or erecting of signs, notices or advertising devices on County roads and within 400 metres of any limit of an upper-tier highway;

AND WHEREAS The Corporation of the County of Wellington deems it necessary and expedient to enact a by-law to regulate the erection and display of signs and other advertising devices on county roads and within 400 metres of any limit of County roads, except within urban centres as defined in the County of Wellington's Official Plan;

NOW THEREFORE The Corporation of the County of Wellington, enacts as follows:

1. DEFINITIONS

The definitions of words that appear in italics in this by-law, are set out in Appendix A.

2. ADMINISTRATION

The County Chief Administrative Officer (*•CAO•*) or any person designated in writing by the *CAO* shall be responsible for the administration of this by-law.

3. INTERPRETATION

- (1) Words importing the singular number or the masculine gender only, include more persons, parties, or things of the same kind than one, and females, as well as males, and the converse.
- (2) A word interpreted in the singular number has a corresponding meaning when used in the plural.
- (3) In case of conflict between the provisions in this by-law and the provisions of other applicable by-laws or regulations, the most restrictive provisions shall apply.



4. GENERAL PROVISIONS

- (1) No person shall *erect*, display, *alter* or allow the *erection*, display or alteration of any *sign*, notice or *advertising device* on or overhanging a *county road* and on publicly or privately owned lands within 400 metres of any limit of a *county road line* without obtaining a permit under this by-law with the exception of the signs listed in section 4(2) where it is stated that no permit is required. Notwithstanding the fact that no permit is required for signs listed in section 4 (2), all other aspects of this by-law apply. This by-law does not apply within Urban Centres as defined in the County's Official Plan.

Signs that are permitted on a *County road* are restricted to the following:

- (2) **Signs not requiring a permit:**
- a) election *signs*, which may be displayed after the issuance of writs for a provincial or federal election, or within six weeks immediately preceding a municipal election, and which are to be removed at the candidates' expense within 48 hours after the day of the election;
 - b) temporary *signs* to advertise fresh farm produce or Christmas trees not exceeding 1.5 square metres in *sign area*;
 - c) a non-illuminated *real estate sign*, placed in front of the property for sale, up to a maximum of one *sign* for each 200 m along the property frontage, not exceeding 0.8 square metres in *sign area*;
 - d) emergency or municipal address numbering and identification *signs* not exceeding 0.3 square metres in *sign area*;
 - e) farm gate/farm name or crop identification *signs*
 - f) non-illuminated trespassing, safety or warning *sign* not exceeding 0.5 square metres in *sign area*;
- (3) *Signs* that are permitted on a County Road and require a permit
- a) *signs* identifying municipalities;
 - b) service club *signs*;
 - c) *signs* pertaining to public community safety *signs* such as County of Wellington Crime Stopper, *signs*;
 - d) *signs* marking walking trails, and snowmobile crossings;
 - e) *signs* which gives directions or instructions for the control of vehicular or pedestrian traffic and shall include an entry and exit sign;
 - f) *signs* advertising community events such as fall fairs;
 - g) *official signs*;
 - h) blue and white approved TODS trail blazer *signs* (Tourism Oriented Directional Signage);
 - i) blue and white *signs* related to *tourist attractions* or *tourist service businesses* located within Wellington County, i.e. tourist directional signage;

Schedule "B"

-  URBAN CENTRE LIMIT
-  SUBJECT PROPERTY



RECEIVED
Township of Puslinch

FEB 26 2014

28
Brock Rd. N.



MangoTree
**Family Health
Team**

Inspiring Better Health

519-224-0540
mangotreefht.com

4' x 6' double sided sign
Installed on 7' high 4 x 4 wood posts

9'

6' 1"

SignArt
Star Advertising

DATE

DRAWN BY

Ron Smith

REVISED

APPROVED (please sign)

AS IS

WITH CORRECTIONS

20 Patrick St. Kitchener ON (519)745-6472 fax 745-6086 www.signart.ca