

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 34-2007

A by-law to regulate the size, use, location and maintenance of signs and advertising devices within the City of Burlington.

File: 190-01 (CD-79-07)

WHEREAS subsection 11(1), paragraph 7 of the *Municipal Act, 2001*, S.O. 2001, c.25, authorizes the City of Burlington to pass by-laws respecting signs; and

WHEREAS public notice of the intention to pass this By-law was given on the 5th day of April, 2007, pursuant to subsection 99.1 of the *Municipal Act, 2001*, S.O. 2001, c.25;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BURLINGTON ENACTS AS FOLLOWS:

1. This By-law shall be known and cited as “The City of Burlington Sign By-law.”

2. **INTENT**

The purpose of this By-law is to regulate signs in the City of Burlington with the intent of authorizing signs that:

- (a) are appropriate in size, number, and location to the type of activity or use to which they pertain.
- (b) provide reasonable and appropriate means for the public to locate and identify facilities, businesses, and services without difficulty or confusion.
- (c) are compatible with their surroundings.
- (d) protect and enhance the aesthetic qualities and visual character of the City of Burlington.
- (e) are consistent with the planning, urban design, and heritage objectives of the City of Burlington.
- (f) do not create a distraction or safety hazard for pedestrians or motorists.
- (g) are regulated in a manner that balances the public’s right to expression with the purpose of the By-law.

**3. DEFINITIONS**

For the purposes of this by-law, the following definitions shall apply:

- 3.1 ABANDONED SIGN** means a sign which pertains to a time, event, purpose, or business which no longer applies.
- 3.2 ALTER** means, when used in reference to a sign or sign structure, to change any one or more external dimensions and/or construction material, but shall not include the replacement of the plastic face, painting, repainting, cleaning or other normal maintenance and repair of a sign that does not involve structural changes.
- 3.3 ADVERTISING DEVICE** means any device or object erected, located or displayed so as to attract public attention to any goods or services or facilities or events and includes flags, banners, pennants, and lights.
- 3.4 ANIMATED SIGN** means a video screen that electronically displays or projects visual images including, but not limited to, video, trailers, digital or computer images and does not include a read-o-graph.
- 3.5 AWNING** means a space frame system, moveable or fixed, covered with fabric or like material attached and projecting from a building or structure, but not forming an integral part thereof, and includes a canopy.
- 3.6 BANNER** means a sign composed of lightweight, flexible material such as cloth, plastic, canvas or other similar material.
- 3.7 BILLBOARD SIGN** means an outdoor sign maintained by a person, firm, corporation or business engaged in the sale or rental of the space on the sign to a client, upon which space is displayed copy that advertises goods, products, or services not necessarily sold or offered on the property where the sign is located, and the sign is either single faced or double faced.
- 3.8 CITY** means the Corporation of the City of Burlington.
- 3.9 COMMUNITY KIOSK** means a facility located on public property established by City Council upon which signs may be posted by members of the public.
- 3.10 CONTRACTOR'S IDENTIFICATION SIGN** means a sign identifying the contractor involved in the renovation, construction or demolition of a building or structure.
- 3.11 DEEMED WIDTH** means the deemed street width stated for a street as set out in the Zoning By-law of the City of Burlington.

- 3.12 DIRECTOR** means the Director of Building and/or their designate, so appointed by Council pursuant to the Building Code Act.
- 3.13 DIRECTORY SIGN** means a sign displaying exclusively a listing of all occupants or tenants of a building or property.
- 3.14 DRIVE THROUGH FACILITIES** means the use of land, buildings or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or a window or an automated machine, to persons remaining in motorized vehicles, that are in a lane designated for that purpose.
- 3.15 ELECTION SIGN** means a sign advertising or promoting the election of a political party or a candidate for public office in a federal, provincial or municipal election.
- 3.16 ESSENTIAL SERVICE** means hospitals, hotels, motels, hostels, tourist homes, restaurants, food stores, drug stores, parking lots and motor vehicle fuel dispensing stations.
- 3.17 FAÇADE** means the entire building wall including a parapet.
- 3.18 FASCIA SIGN** means a sign attached to, marked or inscribed on, erected or placed against a wall forming part of a building, or supported by or through a wall of a building, including a painted wall sign and an awning sign. A fascia sign shall not include any other sign defined in this By-law unless otherwise stated.
- 3.19 FLAG** means a sign made of cloth or lightweight material attachable by one edge to a pole or rope, but is not used for commercial advertisement.
- 3.20 FRONTAGE** means the length of the property line dividing any property from any abutting street.
- 3.21 GARAGE SALE SIGN** means a sign advertising the sale of personal merchandise in a private garage sale held on a property zoned residential.
- 3.22 GRADE** means the average elevation of the finished surface of the ground where it meets the base of the sign or sign structure, but does not include any embankment specifically installed for the sign, planter box or other structure.
- 3.23 GROUND SIGN** means a sign supported by uprights or braces embedded in a foundation in the ground to a depth of at least 1.2 m and which is not attached to any part of a building.

- 3.24 HOME BASED BUSINESS, COTTAGE HOME INDUSTRY** means an office or personal service use, excluding a body-rub parlour, conducted from a residential dwelling unit by a person or persons residing in the dwelling unit, which is secondary to the primary residential use of the dwelling.
- 3.25 INCIDENTAL SIGN** means a sign of minor consequence and size and without limiting the foregoing, shall include a flag, park bench, mailbox, newspaper box, bus shelter sign, corner stone, holiday decoration, metal plaque, community gateway sign, any sign which is part of equipment or display, signs affixed to or painted on hoarding around a construction site, a banner sign advertising a special event having a maximum material dimension of 5 m by 1 m erected on fencing adjacent to a street by a charitable organization and having permission of the property owner on which the fence is situated.
- 3.26 INFLATABLE SIGN** means an advertising device designed to be inflated and which is tethered to the ground, a building, structure, vehicle, or similar support and includes a hot air balloon.
- 3.27 LANDSCAPE ADVERTISING SIGN** means a sign composed of flowers, shrubs and or landscape materials.
- 3.28 LOT LINE** means the legal boundary of a parcel of land that can be conveyed.
- 3.29 MAXIMUM FASCIA SIGN AREA** means the total area of all fascia signs located on a building that require a sign permit.
- 3.30 MAXIMUM GROUND SIGN AREA** means the total area of all ground signs located on a property that require a sign permit.
- 3.31 MENU BOARD SIGN** means a sign erected as part of a drive through facility and used to display and order the products and services available from the business associated with the drive-through facility.
- 3.32 MODEL HOME/SALES OFFICE IDENTIFICATION AND DIRECTIONAL SIGN** means a sign providing directions to a site or identification of a site, sales office, or model home, the location of which complies with the Zoning By-law.
- 3.33 MURAL OR TEMPORARY PANEL** means any type of display or artistic endeavour that is applied as paint or film to any external wall or other part of a building or structure and which does not include any advertisement or any other promotional message or content including logos and trademarks.

- 3.34 NEW DEVELOPMENT SIGN** means- a temporary sign which displays the name or corporate identification of a builder or developer, or provides directions to a new home development in progress and located within an approved registered plan of subdivision or condominium plan.
- 3.35 NON-PROFIT/CHARITABLE ORGANIZATION** means an organization constituted exclusively for charitable or benevolent purposes where no part of the income is payable to or otherwise available for the personal benefit of any proprietor, member or shareholder.
- 3.36 PLAZA** means a shopping centre.
- 3.37 PORTABLE SIGN** means any sign specifically designed or intended to be readily moved from one location to another and which does not rely on a building or fixed concrete foundation for its structural support, and includes signs commonly known as an A-Frame or mobile sign.
- 3.38 POSTER SIGN** means a printed notice conveying information that is intended to be displayed for a temporary period of time and includes, but is not limited to, a handbill, leaflet, notice, and placard.
- 3.39 PROJECTING SIGN** means a sign attached to and projecting from the face of a building where the sign face is not parallel to the face of the building to which it is attached.
- 3.40 PROPERTY LINE** means the legal boundary of a property between the property and the street and in the case of a corner property, means both such lines produced to their point of intersection.
- 3.41 PUBLIC INFORMATION SIGN** means any of the following signs:
- (a) Signs erected on municipal buildings, in public parks, stadia or playgrounds and used for park identification or regulatory purposes in accordance with City guidelines;
  - (b) Signs required to be erected by a public authority pursuant to a subdivision agreement or in connection with an application made pursuant to the Planning Act.
- 3.42 READ-0-GRAPH** means any part of a sign which is designed so that any identification or advertisement is readily interchangeable by manual or electronic means and includes an electronically controlled message centre.
- 3.43 RESIDENTIAL** means any lands other than those zoned employment or commercial but does not include lands owned by a utility or railroad.
- 3.44 ROAD ALLOWANCE** means a street.
- 3.45 ROOF SIGN** means any sign which is located entirely on or above the

roof of a building or is located entirely on top or above the parapet of a building or other similar structure and projects above the roof of a building.

- 3.46 SHOPPING CENTRE** means a group of commercial and/or employment establishments.
- 3.47 SIDEWALK SIGN** means a free standing sign located on but not permanently anchored in the ground. Without limiting the generality of the foregoing, this definition shall include signs commonly referred to as A-Frame, T-Frame, and sandwich board but shall not include any other sign defined in this By-law.
- 3.48 SIGN** means any surface, structure and other component parts, which are used or capable of being used as a visual medium to attract attention to a specific subject matter for identification, information or advertising purposes and includes an advertising device or notice.
- 3.49 SIGN AREA** means the entire area of the surface of a sign. Where a sign is not bounded or enclosed within a distinct area or frame, the sign area shall be that of a rectangle, circle or other simple geometric shape containing all letters, symbols and devices on the sign.
- 3.50 SIGN PERMIT** means a permit issued by the Director pursuant to the provisions of this By-law.
- 3.51 SIGN STRUCTURE** means the supports, uprights, bracing and/or framework of a sign.
- 3.52 SPECIAL OCCASION SIGN** means a temporary advertising non-profit or charitable event.
- 3.53 STREET** means any public highway or other public right-of-way.
- 3.54 TEMPORARY PERSONAL SIGN** means a free standing temporary sign or advertising device which displays a personal announcement or congratulatory message and is located on a property used for residential use.
- 3.55 USE** when used in conjunction with the words zone, residential, employment, industrial, commercial, institutional, agricultural, open space, or similar words, shall mean such uses as may be permitted under the Zoning By-law of the City of Burlington.
- 3.56 WINDOW SIGN** means a sign that is either painted on, etched, or attached to the interior or exterior surface of a window.

- 3.57 VACANT LOT** means a parcel of land separately assessed that has no building thereon, but does not include any improved land.
- 3.58 VISIBILITY TRIANGLE** means the area at the corner of the intersection of two streets defined within a triangle with sides that are 9 m in length.
- 3.59 ZONE** means an area designated for particular land uses as determined by zoning by-laws and land use regulations as may be applicable in the City.

**4. SIGNS NOT REQUIRING PERMITS**

- 4.1** The exceptions provided in this section do not prohibit any municipal or other government authority from requiring a permit or approval for any sign under other legislation, regulations or by-laws.
- 4.2** The following signs do not require a sign permit from the Director but shall comply with the requirements of this By-law regarding setback from a street, setback from abutting properties, and requirements related to pedestrian and vehicular safety.
- (a)** Signs erected by any federal or provincial government agency which are located on the lands of the government agency and are used solely to identify the agency or its mandate.
  - (b)** Public information signs.
  - (c)** A sign not exceeding 0.4 m<sup>2</sup> in area per face indicating no trespassing, safety, caution, or any other regulatory sign, including entrance, exit, parking or traffic signs on private property.
  - (d)** A traffic directional sign referred to in section 6.4.
  - (e)** Directional signs referred to in section 6.7.
  - (f)** A sign located in a residential zone, not exceeding 0.4 m<sup>2</sup> in area per face that displays only the name and address of the owner or occupant of the premises where the sign is located, or the name of the property or premises or both. In all other zones the sign area of the municipal address number on a wall shall not exceed 0.6 m<sup>2</sup>.
  - (g)** A sign for any Home Based Business, Cottage Industry or Home Industry where such use of the property complies with the zoning by-laws of the City. Such sign shall be attached to the dwelling unit, have a maximum area of 0.2 m<sup>2</sup>, and include the name and address of the proprietor.

- (h) A sign for an office use, boarding house or Bed and Breakfast Home in a residential zone where such use of the property complies with the Zoning By-law of the City. Such sign shall not be illuminated, have a maximum height no more than 1.25 m above grade and a maximum sign area of 0.56 m<sup>2</sup> per office use, be setback 1.5 m from a property line. No sign or advertising device shall be displayed inside the dwelling so as to be visible outside the dwelling.
- (i) A non-illuminated real estate point of sale sign advertising the sale or lease of a residential building or property, provided that such sign does not exceed 1.2 m<sup>2</sup> in area per sign face and is located on the residential building or property that is advertised for sale or lease. For all other uses, the maximum sign area shall not exceed 3m<sup>2</sup>.
- (j) A contractor's identification sign provided it is not illuminated and is located on the property where the work is being performed and only during the period of such work. The sign shall not be permanently erected in the ground or be affixed to any other sign structure; and shall have a sign area not greater than 1.2 m<sup>2</sup> per face and a height not exceeding 1.25 m.
- (k) A sign having a maximum sign area of 3 m<sup>2</sup> per face advertising the sale of seasonal produce from the agricultural lands on which they were grown, during the appropriate growing season for the produce advertised. Such sign may be a portable sign.
- (l) A sign having a maximum sign area of 3 m<sup>2</sup> per face advertising the sale of Christmas trees, in season, on lands where permitted by the Zoning By-law.
- (m) Portable signs on a property zoned for a place of worship provided the sign does not exceed 1.1 m<sup>2</sup> per sign face, has no one dimension greater than 1.2 m and is used in conjunction with a function on the same property.
- (n) Election signs located on private property. No candidate, agent or any other person shall affix, erect or otherwise display an election sign or permit or cause an election sign to be erected, affixed, or otherwise displayed prior to the issuance of writs for a provincial or federal election or six (6) weeks immediately preceding the day of a municipal election.
- (o) A non-illuminated sign not exceeding 6 m<sup>2</sup> per sign face displaying the name of the building or project to be built on the property where the sign is located and the names and addresses of the owners, agents, contractors and consultants. Such sign shall be removed within six months of first occupancy of the building or



project. Such sign is approved by the Director with respect to setback from a property line and height requirements.

- (p) A sign erected on any commercial or employment construction project after construction has commenced provided that the sign shall be removed within six months of the first occupancy of the building under construction and provided such sign is approved by the Director with respect to setback from a property line and height requirements.
- (q) Incidental Sign.
- (r) Menu Board Signs.
- (s) Mural or Panel Sign.
- (t) Sidewalk sign.
- (u) Temporary personal sign having an area not greater than 3 m<sup>2</sup> per face on a single sign board; a height not greater than 2.5 m and is not illuminated. A temporary personal sign shall be located on the property for no more than three days. Only one temporary personal sign shall be located on a property at any given time.
- (v) Signs consisting of a combination of plants, shrubs or landscaping material and designed as a decorative feature. Such signs shall not be considered a ground sign.
- (w) A window sign that covers a maximum 10 percent of the window on which is it painted, etched, or attached.
- (x) A poster sign or sign erected on a community kiosk described in Schedule "A" to this By-law, provided the sign clearly indicates the name, address and telephone number of the individual, person, or organization responsible for creating and erecting the sign.

## **5. GENERAL PROHIBITIONS**

**5.1** Any sign not expressly permitted by this By-law is prohibited and without limiting the generality of the foregoing, the following signs are specifically prohibited:

- (a) Abandoned sign.
- (b) A banner other than a banner located within a public road allowance and approved by the City or Region of Halton or a banner classified as an incidental sign in this By-law.
- (c) Flashing or animated sign.

- (d) A poster sign, with the exception of 4.2 (x).
  - (e) Projection sign.
  - (f) Roof sign.
  - (g) A sign located so as to obstruct the view of any pedestrian or motor vehicle driver so as to cause an unsafe condition.
  - (h) A sign interfering with or obstructing the view of an authorized traffic sign or signal, located on public property, or a sign resembling any authorized traffic sign or signal other than a stop sign or other traffic sign meant solely for local traffic safety purposes and located on private property.
  - (i) A sign located within a visibility triangle.
  - (j) An inflatable sign.
- 5.2** No person shall erect a sign within any portion of a street within the City of Burlington except as may be provided for elsewhere in this By-law.
- 5.3** No person shall erect a sign or poster sign on a utility pole, light standard, or traffic control device.
- 5.4** No person shall erect or permit to be erected, or allow to remain on lands or buildings owned, rented or leased or occupied by the person, any sign that is not in compliance with the provisions of this By-law.
- 5.5** No person shall attach, affix or display any sign or advertisement on a vehicle or trailer which is parked or located for the primary purpose of displaying said sign or advertisement.
- 5.6** Every illuminated sign adjacent to and visible from a residential zone shall have its illumination extinguished by 2300 hours each day, and shall not be re-illuminated before 0700 hours of the following day. This section shall not apply to illuminated signs designating essential services. Such signs may remain illuminated during the period the essential services establishment is open for service to the public.
- 5.7** No sign shall be located so as to obstruct or impede any fire escape, fire exit, door, window, scuttle, skylight, flue or air intake or exhaust so as to prevent or impede the free access of emergency personnel to any part of a building including fire department Siamese connections and fire hydrants.

- 5.8** No sign, light fixture, or other advertising device including a canopy or awning, which projects more than 75 mm over a sidewalk or other pedestrian walkway is permitted unless it is located at least 2.45 m above the surface of the walk above which the canopy or awning is located and where the walk is public property, the City has issued an encroachment permit for the sign.
- 5.9** The erection of signs on lands used or zoned for residential purposes is prohibited except for signs specifically permitted under this subsection, or under Section 4 of this By-law.
- (a) Apartment buildings, townhouses or other approved multiple residential complexes may have a sign identifying the building or complex provided the sign has a maximum sign area of 3 m<sup>2</sup> and is erected in accordance with Sections 6.1.1 and 6.1.7. In addition, a sign advertising the rental of an apartment is permitted provided the sign has a maximum sign area of 0.6 m<sup>2</sup> per sign face.
- (b) Signs erected for a commercial or office use, a school, church, hospital, or by a public authority for a use permitted in the zoning by-law. Such sign shall be subject to the provisions of sections 6.1.2, 6.1.7 and 6.2.1 of this By-law.
- 5.10** No person shall allow a public information sign to remain on lands or buildings the person owns, rents, leases or occupies or on adjacent lands, after the application to which the sign refers has been finally disposed of and all relevant appeal periods have elapsed.
- 5.11** No sign shall be affixed to a fence on private property except for:
- (a) Signs affixed or painted on hoarding erected around a construction site.
- (b) A banner classified as an incidental sign in this By-law.
- 5.12** No billboard shall be erected on lands zoned for residential purposes.
- 5.13** No portable sign shall be erected on a vacant lot.
- 5.14** No person shall erect an election sign on a street or other City property.

**6 REGULATIONS RESPECTING SIZE, TYPE AND LOCATION****6.1 GROUND SIGNS**

- 6.1.1** The maximum ground sign area on a property shall be not more than 0.30 times the linear metres of frontage of the property. Where a property has frontage on more than one street, the maximum ground sign area shall be not more than 0.30 times the linear metres of frontage on the longest frontage plus 0.20 times the linear metres of frontage on all other frontages of the property, except in the following cases:
- (a) Where a property is used as a shopping centre or plaza and does not have any frontage on a public street or has frontage that is less than 15 percent of the total length of the perimeter of the property, then 15 percent of the total length of the perimeter of the property may be deemed to be its frontage for the purpose of calculating the maximum ground sign area, which shall be 0.30 times 15 per cent of the total length of the perimeter of the property.
  - (b) Where a property is used for any other use and has no frontage on a public street or has frontage on a public street that is less than 10 percent of the total length of the perimeter of the property, then 10 percent of the total length of the perimeter of the property may be deemed to be its frontage for the purpose of calculating the maximum ground sign area, which shall not exceed 0.30 times 10 percent of the total length of the perimeter of the property or 7.2 m<sup>2</sup> of ground sign area for each hectare of lot area to a maximum of 56 m<sup>2</sup> shall be permitted on a property that has no frontage on a public street which is less than 10 percent of the total perimeter length of the property.
- 6.1.2** In the case of a shopping centre, plaza, or any other multi-tenant or multi-user property, it is the responsibility of the owner or the owner's agent, if any, to allocate the ground sign area among the tenants, businesses or occupants of the property.
- 6.1.3** Where a property is zoned for residential uses but contains a commercial or office use, a school, church, or hospital in compliance with the Zoning By-law, the maximum ground sign area shall not be more than 20% of the maximum ground sign area entitlement as otherwise calculated in this By-law. This does not apply to a Home Based Business, or Cottage Home Industry.
- 6.1.4** No ground sign shall have any single face greater than 28 m<sup>2</sup> in area, and a total sign area greater than 56 m<sup>2</sup>.
- 6.1.5** No ground sign erected in a visibility triangle shall have a height greater than 1 m above grade at the intersection.

**6.1.6** No more than two ground signs shall be located on any property and shall be located no closer than 45 m to each other.

**6.1.7** The maximum size, height and setback of ground signs shall be as follows:

SIGN AREA PER FACE (m <sup>2</sup> )	MINIMUM SETBACK FROM PROPERTY LINE OR DEEMED WIDTH WHICHEVER IS GREATER	MAXIMUM HEIGHT MEASURED FROM GRADE TO TOP OF SIGN COMMERCIAL ZONE	MAXIMUM HEIGHT MEASURED FROM GRADE TO TOP OF SIGN EMPLOYMENT ZONE	MINIMUM SETBACK FROM A LOT LINE ABUTTING A RESIDENTIAL ZONE, HOSPITAL, PARK OR SCHOOL	MINIMUM SETBACK FROM ANY OTHER LOT LINE
2.7 times the height (metres) of the ground sign	1.5 m	1.2 times the setback (metres) from the closest street to a maximum height of 10.5 m	3.6 m	15 m	4.5 m

**6.1.8** Notwithstanding Section 6.1.7 herein, a legally existing ground sign located on lands expropriated or acquired by the City of Burlington or the Regional Municipality of Halton for the purpose of establishing, laying out, widening, altering or diverting any highway, or for the purpose of storm, sanitary or water services may be relocated provided the setback from the abutting expropriation line or acquisition line is a minimum 1.5 m for a sign having a sign area of a single face not greater than 7 m<sup>2</sup> or a minimum setback of 3 m for sign having an area between 7 m<sup>2</sup> and 14 m<sup>2</sup> per face or a minimum setback of 4.5 m for a sign having an area of 14 m<sup>2</sup> per face.

**6.1.9** Notwithstanding the maximum height regulations set out in Section 6.1.7 herein, the height of a ground sign, located on a motor vehicle use in a commercial zone and adjacent to a residential zone, shall not exceed 5.5 m.

**6.1.10** For the purpose of applying the maximum sign area per face for a "V" shaped sign having two (2) faces shall be considered as having one face if the interior angle of the "V" exceeds 90 degrees.

**6.1.11** Within the geographic area shown on attached Schedule "B" of this By-law, a ground sign on a property shall be setback 0.5 m from a property line and shall not exceed 2 m in height and 1.5 m<sup>2</sup> in sign area.

**6.2 FASCIA SIGNS**

- 6.2.1** The total sign area of all fascia signs on any one façade of a building shall not exceed 0.75 times the linear metres of the facade on which the fascia sign is erected. The maximum area of any individual fascia sign shall not exceed 26 m<sup>2</sup>. On a building located 15 m or less from a street any individual fascia sign shall not exceed 13 m<sup>2</sup>.
- 6.2.2** On a multi-tenant building or buildings, the total sign area of all individual fascia signs of the tenants shall not exceed 0.75 times the linear metres of the exterior facade of the tenant units on which the fascia signs are erected. On a building located 15 m or less from a street any individual fascia sign shall not exceed 13 m<sup>2</sup>.
- 6.2.3** No part of any fascia sign shall project more than 610 mm from the face of the wall of a building except in the case of a sign painted on a canopy provided such canopy is located at least 2.45 m above the surface of any sidewalk or pedestrian walkway and complies with the setback requirement of the zoning By-law.
- 6.2.4** No illuminated fascia sign located in an employment or commercial zone with the exception of motor vehicle uses, shall be located closer than 15 m to the boundary of a residential zone.
- 6.2.5** On a property used as a motor vehicle service station and abutting a residential use, no illuminated fascia sign visible from the residential use shall have a vertical dimension greater than 1m.
- 6.2.6** On a building containing a commercial, retail, service commercial or office use(s) and a residential use(s), the maximum area of a fascia sign shall be no greater than 15 percent of the commercial portion of the façade of the building on which it is erected.
- 6.2.7** Within the geographic area shown on the attached Schedule "B" of this By-law, a fascia sign shall only be illuminated by external illuminations, except where the fascia sign consists of individual letters, numbers, or symbols.
- 6.2.8** Within the geographic area shown on the attached Schedule "B" of this By-law, no fascia sign shall be illuminated between 2300 hours of one day and 0700 hours of the following day.
- 6.2.9** Notwithstanding subsection 5.1 (e), within the geographic area shown on the attached Schedule "B" "Façade", a projecting sign not exceeding 0.5 m<sup>2</sup> in area is permitted on each façade of a building that faces a street. Such a projecting sign may be internally illuminated.

**6.3 PORTABLE SIGNS**

**6.3.1** Except as otherwise provided for in this section the following regulations shall apply to commercial and employment uses permitted in a zoning by-law of the City of Burlington.

- (a) No portable sign under this section of the By-law shall be erected without first obtaining a permit from the Director.
- (b) Properties permitted the use of portable signs under this section of the By-law shall be permitted the use of such signs on a calendar year basis and will be allowed three fifteen (15) consecutive day increments for each unit on the property subject to (i) to (iii) inclusive below:
  - (i) Properties having 24 units or less are permitted not more than one portable sign at any one time.
  - (ii) Properties having more than 24 units are permitted a maximum of 2 portable signs at any one time.
  - (iii) Where more than one portable sign is erected on the same property, no portable sign shall be erected within 60 m of another portable sign on the same property.
- (c) The number of days that a portable sign is erected or displayed shall be determined from the date indicated on the application.
- (d) A portable sign shall not have more than two sign faces and any one sign face shall not exceed 3.7 m<sup>2</sup> area with no one dimension of the sign being greater than 2.4 m.
- (e) No portable sign shall be illuminated or employ any flashing or sequential light, or any mechanical or electronic device to provide or simulate motion.
- (f) A portable sign shall be erected on a property so as not to interfere with pedestrian or vehicular traffic.
- (g) For the purpose of this By-law, a portable sign shall in all cases be located entirely on private property.
- (h) A portable sign shall have a maximum height measured from grade not greater than 2.4 m.
- (i) The sign area devoted to portable signage shall not be included in the maximum sign area entitlement for the property.

- (j) No portable sign shall be located closer than 1.5 m to a property line or within a visibility triangle. This section will not apply to portable signs erected in the geographic area shown on the attached Schedule "B" of this By-law.
- (k) The maximum sign area of a portable sign erected in the geographic area shown on the attached Schedule "B" of this By-law shall not exceed 1.5 m<sup>2</sup> and shall not exceed a height of 1.2 m.
- (l) No portable sign shall be located closer than 30 m from an abutting property used solely for residential purposes.
- (m) No portable sign shall be located in any parking space that is required under a zoning by-law of the City of Burlington.
- (n) Portable signs erected by or for a Regional or Municipal government or agency shall be located on its own lands, and used solely in conjunction with its mandate. Such signs are subject to all regulations set out in Section 6.3.1 of this By-law with exception of subsections (b), (g), (k) and (l).
- (o) Portable signs erected on a property which is the location of a place of worship shall be subject to all regulations set out in 6.3.1 of this By-law with exception of subsections (b) and (l).
- (p) Portable signs erected for Special Occasion may be erected fourteen (14) days before the charitable event and shall be removed one (1) day after the charitable event and shall be subject to all regulations set out in 6.3.1 with the exception of subsections (b) and (l).

#### **6.4 TRAFFIC DIRECTIONAL SIGNS**

- 6.4.1 There shall be no limit to the number of traffic directional signs located on a property, however, there shall be no more than two (2) traffic directional signs at each point of ingress or egress of a property.
- 6.4.2 A traffic directional sign shall be confined to directing motor vehicle or pedestrian traffic and shall be restricted to such signs as an "entrance" sign, an "exit" sign or a motor vehicle "parking" direction sign. Not more than 40% of each sign face shall be used to identify a business on the same property.
- 6.4.3 A traffic directional sign shall not exceed an area of 0.55 m<sup>2</sup> for a single sign face.



**6.4.4** No traffic directional sign shall be higher than 1 m above grade within any visibility triangle, or not higher than 1.5 m above grade at other locations.

**6.4.5** No traffic directional sign shall be located closer than 1.5 m to the property line.

**6.5** **BILLBOARD SIGNS**

**6.5.1** The maximum number of billboard signs erected with The City of Burlington shall not exceed 50.

**6.5.2** No billboard sign shall be erected on lands:

(a) Zoned for residential purposes.

(b) Located within the geographic area shown on the attached Schedule "B" of this By-law.

**6.5.3** One billboard sign may be erected on a vacant lot that is zoned for employment or commercial uses.

**6.5.4** A billboard sign may be erected on railway lands or hydro corridors only where the railway land or hydro corridor traverses a street that has a minimum deemed road width of 36 m and provided further that :

(a) The written approval for the billboard sign by the railway company or hydro company shall be submitted to the Director prior to issuance of any sign permit.

(b) The lands adjacent to each side of the railway land or hydro corridor are zoned for employment or commercial uses.

(c) The billboard sign shall not be located closer than 10.5 m to the limit of the railway land or hydro corridor intersects the street and located no further than 45 m away from this same point.

**6.5.5** No billboard sign shall be located:

(a) Within 300 m of any other billboard sign.

(b) Within 300 m from a residential zone.

(c) Within 100 m of a park, hospital or school.

(d) Less than 10.5 m from a property line and 4.5 m from any other lot line.

6.5.6 No billboard sign shall exceed 8 m in height measure above the grade at the base of the sign.

6.5.7 The maximum sign area for a billboard sign shall be 7.5 m<sup>2</sup> per sign face.

6.5.8 A billboard sign shall not contain or use more than two visible faces for advertising purposes.

6.5.9 A billboard sign may be illuminated but shall not be otherwise electrically animated, have any moving parts or automated message changes.

6.5.10 Where a property on which a billboard is erected, located, or displayed ceases to be vacant or undeveloped, the sign owner shall remove the billboard from the property.

## 6.6 DIRECTORY BOARD

6.6.1 Directory boards are only permitted on lands zoned for employment purposes and having a multi-user occupancy on the property that is greater than five (5) tenants.

6.6.2 In addition to the maximum sign ground area entitlement, the equivalent of 5% of the maximum ground sign area may be used exclusively for directory board purposes.

6.6.3 A directory board must identify all tenants.

6.6.4 A directory board may not exceed a height of 1.8 m.

6.6.5 A directory board must be set back a minimum of 6 m from a property line.

6.6.6 The lettering on a directory board shall not exceed 150 mm in height.

6.6.7 Not more than two directory boards shall be located on a property.

6.6.8 If a directory board is erected on the wall of a building, the directory board shall comply with the fascia sign regulations of this by-law.

**6.7 DIRECTIONAL SIGNS**

**6.7.1** Signs advertising private garage sales, open house directional signs, or signs erected by community or charitable organizations advertising an upcoming event may be erected within the road allowance subject to the following regulations:

- (a) no sign shall be erected on a median or traffic island.
- (b) no sign shall be located closer than 1 m to the curb or the edge of the traveled portion of the roadway where there is no curb.
- (c) no sign shall exceed a height of 1 m or have any one dimension greater than 1 m.
- (d) signs which advertise an event shall be erected no more than 3 days before the event and shall be removed the day following the event and shall not be erected a total period of more than 6 consecutive days.
- (e) each sign shall clearly indicate the name, address and telephone number of the individual or organization responsible for creating and erecting the sign.

**6.7.2** The following types of signs may be erected within the road allowance subject to the prior approval by the Director of Roads and Parks Maintenance or his/her designate with respect to location, design and means of illumination:

- a) Community service organization gateway signs.
- b) Farm produce directional signs.
- c) Identification and directional signs for a place of worship.
- d) Landscape advertising signs.
- e) Public bench signs.
- f) Tourism and essential service signs.

**6.7.3** Bicycle rack advertising and transit shelter signs may be erected on the road allowance subject to the prior approval of the Director of Transit and Traffic or his/her designate with respect to location, design and means of illumination.

**6.7.4** A sidewalk sign used by commercial establishments may be erected on the sidewalk portion of the road allowance within the geographic area outlined in Schedule "B" of this By-law subject to the following regulations:

- (a) No sign shall have a sign area greater than 1.1 m<sup>2</sup> per face and no one dimension greater than 1.2 m.
- (b) At any one time not more than one accessory sign shall be located on the sidewalk portion of the road allowance in front of the premises it advertises or identifies.
- (c) No sidewalk sign shall be illuminated.
- (d) No sidewalk sign shall be erected in a manner that obstructs pedestrian traffic.
- (e) No sidewalk sign located within a visibility triangle shall be more than 1 m in height.
- (e) No sidewalk sign shall be attached to or supported by a light standard, utility pole or traffic control device.
- (g) No sidewalk sign shall have more than two (2) faces.
- (h) A sidewalk sign shall be displayed only during the regular business hours of the establishment to which it applies.

**6.7.5** Identification and directional signs for a model homes/sales office may be erected on the road allowance subject to the following regulations:

- (a) No sign shall have a sign area greater than 1.1 m<sup>2</sup> per face and no one dimension greater than 1.2 m.
- (b) No sign shall be illuminated.
- (c) No sign shall be erected in a manner that obstructs pedestrian or vehicular movement.
- (d) No sign shall be erected in a manner that impedes the visibility of vehicular traffic at a driveway entrance or street intersection.
- (e) No sign located in a visibility triangle shall be greater in height than 1 m.
- (f) No sign shall be attached to or supported by a light standard, utility pole or traffic control device.

- (g) No sign shall be located closer than 1 m to the curb or the edge of the traveled portion of the roadway where there is no curb.
- (h) No sign shall be erected on a median or traffic island.
- (i) No sign shall have more than two (2) faces.

**7. CONSTRUCTION DETAIL**

- 7.1 Every sign shall be designed, constructed and maintained to adequately withstand all loads which may reasonably be expected to come upon it and the loads and design shall be equal to those specified in the Ontario Building Code.
- 7.2 No sign illuminated or operated electrically shall be erected, maintained or altered unless such electrical work is in conformity with all regulations of Ontario Hydro and all such electrical equipment bears the appropriate approval of the Canadian Standards Association.

**8. ADMINISTRATION, ENFORCEMENT AND PENALTIES**

**8.1 APPLICABLE LAW**

Nothing in this By-law shall exempt compliance with other applicable law.

**8.2 PERMITS AND APPLICATION**

8.2.1 Except as provided in Section 4.2, no person shall erect, or structurally alter a sign unless a sign permit for such erection or structural alteration has been issued by the Director.

8.2.2 The application and plans for a sign permit shall provide all information related to dimensions, height, distance and area in metric and shall include the following:

- (a) One completed copy of the application form as prescribed by the Director.
- (b) Two copies of a site plan showing: the property line and the other boundaries of the property on which the sign is proposed; the proposed location of the sign in relation to all other signs and structures existing or proposed on such property; all other information as may be necessary, including the area of each existing sign to enable the compliance with all pertinent requirements of this By-law to be determined. If required by the Director, such plans and information shall be certified by a registered Ontario Land Surveyor.

- (c) Two copies of complete working drawings and specifications covering the construction and/or alteration of the sign, including any supporting frame work. Where the sign is proposed to be or is located on a building or other structure, sufficient data shall be shown to determine that such building or structure can safely carry the additional loads and stresses imposed thereon by the erection or alteration of such sign. Where required by the Director, such drawings shall include calculations bearing the stamp of a registered professional engineer.
- (d) Approval of the Ministry of Transportation of Ontario, as required.
- (e) A Copy of the Development Permit approval from the Niagara Escarpment Commission where required. In the event the sign is not constructed or installed within the period for which the Development Permit is valid, a new Development Permit shall be obtained.
- (f) An application for a sign permit for all signs shall include a letter from the property owner or his/her agent confirming knowledge of and agreement with the permit application.
- (g) Permit fee as outlined in Schedule "C".

### **8.3 PERMIT FEE**

The fee payable upon application for a sign permit pursuant to this By-law shall be:

**8.3.1** Permanent signs as outlined in Schedule "C".

**8.3.2** Portable signs as regulated in Section 6.3 of this By-law and as outlined in Schedule "C".

### **8.4 PERMIT REFUNDS**

**8.4.1** Where a permit has been issued but has not been acted upon and the holder of the permit returns it for cancellation prior to the commencement of the project and before such permit has expired or has been revoked, the holder of the permit shall not be entitled to any refund.

**8.4.2** Where the applicant for a permit cancels the application prior to the issuance of the permit, the Director may retain an amount of not less than one half of the permit fee payable, as in his/her opinion is appropriate, having regard for the stage to which the application has been processed. The balance of the fees actually paid will be refunded to the applicant, provided that no refund will be made which results in the retention by the City of a sum less than the minimum fee payable.

**8.4.3** A permit fee for a portable sign permit application shall be non-refundable.

## **8.5 LEGAL NON-CONFORMING**

**8.5.1** Where a sign has been lawfully erected prior to this By-law coming into force, such sign shall continue to be permitted provided it is not removed, enlarged or structurally altered.

**8.5.2** Legal non-conforming means a sign or advertising device that is lawfully erected or displayed on the day this By-law comes into force, provided the sign or advertising device is not in any way substantially altered. The maintenance and repair of the sign or advertising device or a change in the message displayed shall in themselves, be deemed not to constitute an alteration.

## **8.6 EXPIRY, RENEWAL AND REVOCATION**

### **Expiry**

**8.6.1** A sign permit issued for other than a portable sign pursuant to this By-law shall be valid for a period of six months from date of issue and shall remain valid provided the work covered by the permit is commenced before the expiry of the six month period and provided the work is carried on at a reasonable rate to completion.

### **Renewal**

**8.6.2** A sign permit for other than a portable sign may be renewed once for a further six month period without re-submitting the documents referred to in paragraph 8.2.2 (a) to (c), upon submitting a written request for renewal and a payment fee as outlined in Schedule "C" before the expiry of the initial six month period and provided such permit could still be issued in compliance with the provisions of this By-law.

**8.6.3** Where no written request for renewal is submitted to the Director before the expiry of the six month period or where a sign permit has been renewed once and work did not commence before the expiry of the second six month period, the sign permit shall automatically lapse and a new application shall be required along with the fees applicable at that time.

### **Revocation**

**8.6.4** The Director may revoke a permit issued under this By-law,

- (a) Where it was issued on mistaken, false or incorrect Information.
- (b) Where six months after its issuance, the erection of the sign, other than a portable sign, for which the permit was issued has not, in the opinion of the Director, been seriously commenced.
- (c) Where erection of the sign, other than a portable sign is, in the opinion of the Director, substantially suspended or discontinued for a period of more than one year.
- (d) Where it was issued in error.
- (e) Where the permit holder or property owner or his agent requests in writing that it be revoked.

**8.6.5** Prior to revoking a permit in accordance with this By-law, the Director may give written notice of the intention to revoke to the permit holder at his/her last known address and if on the expiration of thirty (30) days from the date of such notice, the grounds for revocation continue to exist, the permit shall be revoked without further notice and all submitted plans and other information may be disposed of or, at the request of the permit holder, returned as directed.

## **8.7 REMOVAL**

**8.7.1** Any employee of the City is authorized to take down or remove any sign or advertising device that is erected or displayed in contravention of this By-law and the owner shall pay for any associated expenses incurred by the City. Any sign removed as provided for in this section shall be stored by the City or an independent contractor for a period of not less than thirty (30) days. During this period the sign owner or his/her agent may redeem the sign after completing a signed acknowledgement and release on the prescribed form and after making payment



satisfactory to the City of the amounts as outlined in Schedule "C" Such costs or expenses may be recovered in accordance with Section 427 of the Municipal Act S.O. 2001, c.25 as may be amended from time to time.

- 8.7.2** The Director is further authorized to charge a fee as outlined in Schedule "C" per sign, to reflect the administrative and enforcement costs of sign removal, whether or not the sign is returned. For larger commercial rental portable signs, as determined by the Director, the fee for retrieval per sign shall be as outlined in Schedule "C".
- 8.7.3** The Director may direct any person who has caused a sign or other advertising device to be erected, displayed, altered or repaired without first having obtained a permit to obtain a permit.
- 8.7.4** The Director may direct any person who has obtained a permit or has caused a sign or other advertising device to be erected, displayed, altered or repaired contrary to the approved permit plans in respect of which the permit was issued, to make such sign or other advertising device comply with this By-law or, to remove such sign or other advertising device within any period as directed.
- 8.7.5** Where a sign or sign structure is deemed by the Director to be in such a condition that it is or may be dangerous to the public, the Director may, in his/her discretion, either serve written notice to the owner or tenant of the property on which, or in front of which, such sign is located, to remove such sign or make the same safe, or without giving notice to the owner or tenant of the property on which such sign is located, cause such sign or structure to be removed.
- 8.7.6** Any sign removed pursuant to this Section may be deposited elsewhere on the property on which it was located.
- 8.7.7** Any notice given under this By-law may be given by ordinary mail to the person making application for permit to erect a sign, or where such sign is existing, by ordinary mail to the owner or tenant, according to the last revised Assessment Roll of the City, of the property on which or in front of which the sign is located.

**8.8** **INSPECTIONS**

- 8.8.1** The person to whom any sign permit has been issued, shall notify the Director of the commencement of the erection of a sign, in order to arrange an inspection.
- 8.8.2** The Director may enter upon any land at any reasonable time without a warrant for the purpose of:

- (a) inspecting the land, building, or structure with respect of which a permit is issued or an application for a permit is made, or
- (b) determining if a permit is required to be issued.

**8.9 LIABILITY**

- 8.9.1** Any persons erecting or maintaining any sign or sign structure or on whose property a sign or sign structure is located, shall be liable for such sign or sign structure. The municipality is hereby indemnified from and against all manner of claims for damages, loss, expense or otherwise arising from the erection, maintenance, removal or falling of such sign, sign structure, or part thereof.
- 8.9.2** The property owner and/or the agent assume any liability arising from the information given by signs on private property and responsibility for the enforcement of such signs, unless otherwise authorized in legislation.

**8.10 PENALTY FOR NON-COMPLIANCE**

- 8.10.1** The Director is responsible for the enforcement of this By-law. The Director is hereby authorized to pull down, remove or cause to be removed at the expense of the owner of the sign, any sign that is erected or displayed in contravention of the By-law or that constitutes a safety hazard.
- 8.10.2** Where a person has been convicted of an offence under this By-law the Court may in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted, directed toward the continuation or repetition of the offence.
- 8.10.3** Neither the granting of a permit nor the approval of the drawings and specifications, nor inspection made by the authority having jurisdiction during the erection of a sign shall, in any way, relieve the owner of such sign, tenant or the owner of property on which the sign is located, from full responsibility for carrying out the work in accordance with the provisions of this By-law.

9 **VARIANCES**

- 9.9.1 Where the owner or person in control of a sign for any reason is unable to comply with the provisions and regulations under this By-law, such person may apply to the Council of the City of Burlington for a variance from the provisions and regulations of this By-law.
- 9.9.2 The applicant for a variance from this By-law shall provide information that demonstrates how the variance requested satisfies the intent of this By-law or how compliance with this By-law would create unreasonable hardship for the applicant.
- 9.9.3 The Council of the City of Burlington shall hear all applications and may authorize variances from the provisions and regulations of this By-law.


10 **SEVERABILITY**

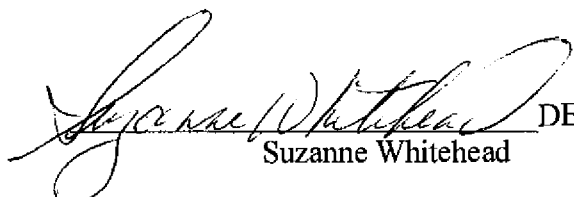
Should any section, clause or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the part which was declared to be invalid.

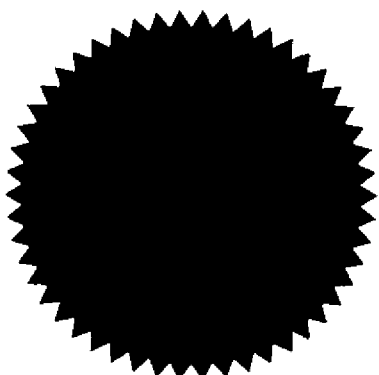
11 **REPEAL**

Repeal Municipal Sign By-law 51-1993 and amendments 141-1993, 44-1998, 19-2000, 57-2001, 130-2002, 59-2002, 29-2002, 104-2004, Repeal Road Allowance By-law 91-1997 and 116-1998.

ENACTED AND PASSED this 30<sup>th</sup> day of April, 2007.

  
MAYOR  
Cam Jackson

  
DEPUTY CLERK  
Suzanne Whitehead

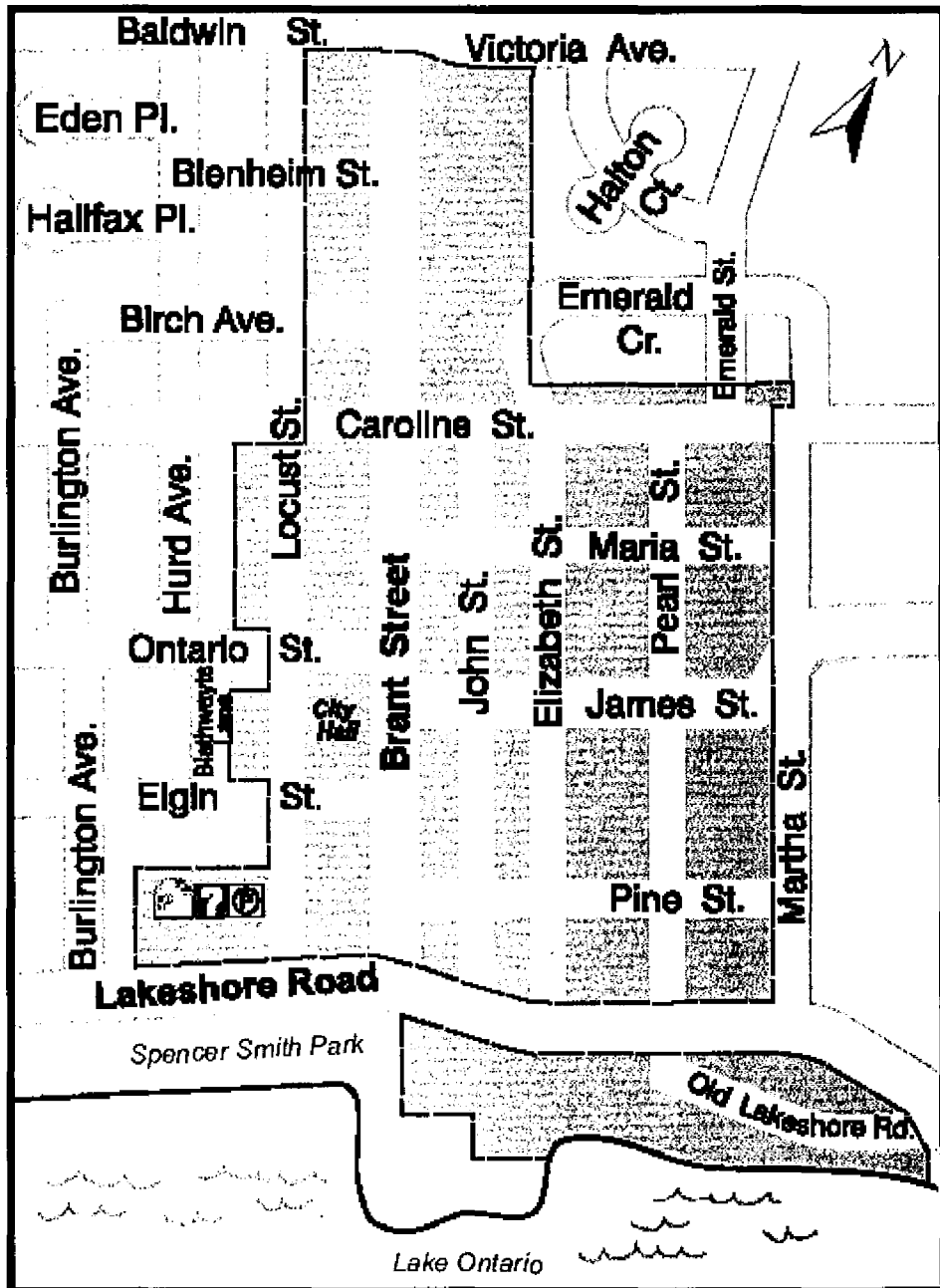


**SCHEDULE "A" - BY-LAW 34-2007**  
**COMMUNITY KIOSK LOCATIONS**

Facilities located on public property designated by City Council as a facility upon which signs may be posted by members of the public:

1. 430 John St. – Downtown Bus Terminal
2. 575 Plains Rd W., N/E corner of Plains Rd and Cedarwood Place
3. Across from 2425 Upper Middle Road M.M. Robinson High School
4. Burlington Mall, South Side, N/E corner of Regency Crt. and Prospect St.
5. N/E corner of Appleby Line and New St.
6. N/E corner of Kenwood Ave and Lakeshore Road

SCHEDULE "B" – BY-LAW 34-2007  
DOWNTOWN AREA MAP



**SCHEDULE "C" - BY-LAW 34-2007**  
**PERMIT FEE SCHEDULE**

<b>PERMIT FEES FOR SIGNS</b>	
<b>SIGN TYPE</b>	<b>FEE</b>
Fascia Signs	Up to 2.5m <sup>2</sup> = \$150.00 2.5m <sup>2</sup> to 8m <sup>2</sup> = \$300 Over 8m <sup>2</sup> = \$450.00
Pylon/Ground Sign	Up to 2.5m <sup>2</sup> = \$150.00 2.5m <sup>2</sup> to 8m <sup>2</sup> = \$300 Over 8m <sup>2</sup> = \$450.00
Billboards	\$500.00 flat fee.
Portable Sign	\$45.00 per 15 day increment
<b>ENFORCEMENT</b>	<b>FEE</b>
Removal of an Unlawful Permanent Sign	\$80.00
Removal of an Unlawful Portable Sign	\$80.00 plus \$10.00 per day of storage after the first five (5) days of storage plus applicable taxes
<b>REFUND OF FEES</b>	
<b>PERMANENT SIGN</b>	
Where the applicant cancels the application prior to the issuance of a sign permit	No refund is to be made of an amount less than one (1) half of the permit fee, no less than \$75.00 minimum.
<b>PORTABLE SIGN</b>	
	Non refundable
<b>RENEWALS</b>	
A sign permit other than a portable sign may be renewed once for a further six month period.	\$50.00
<b>SIGN VARIANCE APPLICATIONS</b>	
Applications subject to delegated approval	\$1,140.00
Applications requiring a report to Council and surrounding properties	\$2,045.00