



## **AGENDA**

### **Heritage Advisory Committee**

March 9, 2020

6:15 pm

St. Marys Museum

177 Church Street South, St. Marys

**Pages**

**1. CALL TO ORDER**

**2. DECLARATION OF PECUNIARY INTEREST**

**3. AMENDMENTS AND APPROVAL OF AGENDA**

**RECOMMENDATION**

THAT the March 9, 2020 meeting agenda of the Heritage Committee be accepted as presented.

**4. DELEGATIONS**

**5. CORRESPONDENCE**

**6. AMENDMENT AND ACCEPTANCE OF MINUTES**

**4**

**RECOMMENDATION**

THAT the Minutes of the February 10, 2020 Heritage Committee meeting be approved.

**7. BUSINESS ARISING FROM MINUTES**

## **8. REGULAR BUSINESS**

### **8.1 Heritage Conservation District Update**

#### **8.1.1 Heritage Permits**

#### **8.1.2 Sign Applications**

##### **8.1.2.1 DEV 17-2020 Sign Bylaw Enforcement Update**

**11**

#### **RECOMMENDATION**

THAT DEV 17-2020 Sign Bylaw Enforcement Update report be received.

#### **8.1.3 Heritage Grant Applications**

### **8.2 Municipal Register, Part 1 - Designations/designated property matters**

#### **8.2.1 Heritage Permits**

##### **8.2.1.1 5 James Street North - Train Station**

**50**

#### **RECOMMENDATION**

THAT the heritage permit for the removal of the interlocking brick and replacement with a concrete walkway on the west side of the Train Station be recommended for approval.

#### **8.2.2 480 Glass Street - Junction Station**

**54**

#### **8.2.3 Municipal Register, Part 1 Staff Report**

#### **8.2.4 Designation of 345 Wellington Street South**

### **8.3 Municipal Register, Part 2 - List of Significant properties**

### **8.4 Properties of interest or at risk (not necessarily designated)**

### **8.5 CHO Report**

### **8.6 Homeowner/Property owner letters**

9. COUNCIL REPORT
10. OTHER BUSINESS
  - 10.1 Driftscape App
  - 10.2 Presentation to Council
11. UPCOMING MEETINGS

April 20, 2020, St. Marys Museum at 6:15 p.m.
12. ADJOURNMENT



## MINUTES

### Heritage Advisory Committee

February 10, 2020

6:15 p.m.

St. Marys Museum

177 Church Street South, St. Marys

Members Present: Al Strathdee  
Stephen Habermehl  
Michelle Stemmler  
Sherri Winter-Gropp  
Councillor Pridham  
Janis Fread  
Michael Bolton  
Paul King  
Members Absent: Clive Slade  
Barb Tuer  
Staff Present: Trisha McKibbin

#### 1. CALL TO ORDER

The Chair called the meeting to order at 6:15 p.m.

#### 2. DECLARATION OF PECUNIARY INTEREST

None declared.

#### 3. AMENDMENTS AND APPROVAL OF AGENDA

**Moved By** Sherri Gropp

**Seconded By** Michelle Stemmler

THAT Driftscape App update be added to the Agenda under 10.3, and;

THAT the February 10, 2020 meeting agenda of the Heritage Committee be accepted as amended.

**CARRIED**

**4. DELEGATIONS**

None.

**5. CORRESPONDENCE**

**5.1 Royal Canadian Legion Letter - Display of Veterans Banner during Remembrance Period**

The Committee reviewed the letter and attached image and there was consensus for the support of the installation of Veterans Banners in the downtown core. The Committee discussed that a sign permit would be required.

**Moved By** Councillor Pridham

**Seconded By** Janis Fread

**THAT** the correspondence from the Royal Canadian Legion - Branch 236 regarding the Display of Veterans Banners during Remembrance Period be received.

**CARRIED**

**6. AMENDMENT AND ACCEPTANCE OF MINUTES**

**Moved By** Michelle Stemmler

**Seconded By** Al Strathdee

**THAT** the Minutes of the January 13, 2020 Heritage Committee meeting be approved.

**CARRIED**

**7. BUSINESS ARISING FROM MINUTES**

None.

**8. REGULAR BUSINESS**

**8.1 Heritage Conservation District Update**

**8.1.1 Heritage Permits**

None.

**8.1.2 Sign Applications**

Paul King inquired how long the process takes when a formal complaint has been submitted regarding a sign. A complaint was submitted for the Buck or Two sign in the Fall and he has not received confirmation or an update on the status of the complaint.

### **8.1.3 Heritage Grant Applications**

None.

### **8.1.4 Assignment of properties for photograph inventory (HCD/Transoms)**

The Committee discussed that the photograph inventory of properties in the HCD would include the full front and rear facades, architectural elements (i.e. transoms, etc.) as well as a full streetscape of the block. The HCD was divided by blocks and Committee names assigned.

Sherri Gropp – From the River to the West side of Water Street from Trout Creek to Elgin Street.

Michelle Stemmler – From the East side of Water Street N. to the West side of Wellington St. N. from Trout Creek to the North Side of Queen St.

Janis Fread – From the East side of Wellington St. N. to the West side of Church St. N. from Trout Creek to the North Side of Queen St.

Michelle Stemmler – From the East side of Church St. N. to the West side of Peel St. N, from Trout Creek to the North Side of Queen St.

Paul King – From the East side of Water Street S. to the West side of Wellington St. S. from the south side of Queen St. to the North side of Jones St. E.

Fern Pridham – From the East Side of Wellington St. S. to the West side of Church St. S. from the south side of Queen St. to the North side of Jones St. E.

Mike Bolton – from the East side of Wellington St. S. to the West side of Church St. S. from the South side of Jones St. E to the North side of Elgin St. E.

The deadline for submitting the photographs to staff will be the meeting in April. To ensure quality of photographs, members are

encouraged to keep the size of the photographs medium to large and to send a test photograph to staff to ensure that the size is adequate. Staff will speak with those members of the Committee that are absent from the meeting to see if they have an interest in taking photographs of the remaining blocks.

## **8.2 Municipal Register, Part 1 - Designations/designated property matters**

### **8.2.1 Designation of 345 Wellington Street South**

The Committee reviewed the Statement to Identify and Describe a Property for Designation for 345 Wellington Street South. The recommendation to designate 345 Wellington Street South will come before Council at a March Council meeting. Once the property is designated it will be removed from the Properties of Cultural Heritage Value document.

**Moved By** Mike Bolton

**Seconded By** Michelle Stemmler

THAT the Heritage Committee recommends to Council the designation of 345 Wellington Street under Part IV of the Ontario Heritage Act, subject to minor edits and consultation with the property owner.

**CARRIED**

### **8.2.2 Municipal Register, Part 1 Staff Report**

Staff provided an update that the capital projects for 2020 are being reviewed for required heritage permits, and these permits will be coming forward to the Committee over the next several months.

### **8.2.3 Heritage Permits**

None.

## **8.3 Municipal Register, Part 2 - List of Significant properties**

### **8.3.1 Review of Heritage Property Evaluation process**

Staff reviewed with the Committee the 2003 research process and forms that were used to create Schedule D of the Official Plan. Copies of completed research forms were circulated for review. Schedule D was used as the Municipal Register of Heritage Properties and contained both designated properties and those of Cultural Heritage

Value (non-designated). In 2016 and 2017 the Heritage Committee members transcribed this list into a new format, added and removed properties and organized the document by Ward. At the January 23, 2018 Council meeting Council approved the list of Non-Designated properties for inclusion in the Municipal Register of Heritage Properties.

The Committee reviewed the current document and noted that internal staff notes needed to be removed from the document. Staff would also confirm that the property at 275 Emily Street was removed from the official document.

The Committee had a discussion on those properties that had asked to be excluded during the 2017 process as well as what properties did not make it on the final version. The Committee discussed if previous members of the Heritage Committee had a list of those properties excluded from the 2018 document.

#### **8.3.2 Suggestions for Additions to the Register**

The Committee discussed the Meighen House on Elgin Street and Mike Bolton offered to complete the evaluation form for this property. Staff will contact the property owner's to get permission for Committee members to access the property to take photographs. Mike Bolton also offered to complete a review of the properties in the Cultural Heritage Value document located in the North section of the West Ward.

#### **8.4 Properties of interest or at risk (not necessarily designated)**

None.

#### **8.5 CHO Report**

None.

#### **8.6 Homeowner/Property owner letters**

None at this time.

### **9. COUNCIL REPORT**

Mayor Strathdee and Councillor Pridham provided a Council update to the Committee. Councillor Pridham shared that at the previous Council meeting one member of the public expressed that the Heritage content in the Official Plan was too restrictive. Mayor Strathdee explained that the Official Plan amendments have been



reviewed and that it is the hope it will come before Council in the Fall for approval. The Provincial Policy Statement needs to be drafted and approved by the Province before the Official Plan can be approved.

Mayor Stratthdee provided an update on the sale of the McDonald House and Junction Station. Progress is occurring but the process will take some time to complete. The proposals for both sites will be coming forward to the Committee. Due to the condition of the rear wing of the McDonald House some alterations may be required.

## **10. OTHER BUSINESS**

### **10.1 Presentation to Council - Discussion on content**

The Committee discussed the content and the timeline for making a presentation to Council. The Committee thought that a presentation to Council in May would be best. The Committee discussed that the key themes of the presentation should be:

- who are the members of the committee, what the Committee does and why it is done
- why it is important to keep heritage in corporate plans and documents
- that the Committee is willing to work with the Town, property owners and members of the public. Presentation should include specific examples
- that there is a desire by the Committee to keep buildings in use
- include information on the congratulatory and thank you letters sent to property owners
- the success of the Heritage and Façade grant programs. Include before and after photographs
- explain the change in building materials (i.e. materials used in the refurbishment of Shackleton's façade)

### **10.2 Significant Tree List**

Staff provided an update that the municipal tree list only includes those trees located in the public road allowance. Staff also provided a list of the municipalities that have designated a tree under the Ontario Heritage Act.

### **10.3 Driftscape App Update**

Staff provided an update to the Committee on the content currently in the App. The App was circulated to members so that they could see the design, content, and functionality. A soft launch will take place in March.

**11. UPCOMING MEETINGS**

Monday, March 9, 2020, St. Marys Museum at 6:15p.m.

**12. ADJOURNMENT**

**Moved By** Michelle Stemmler

**Seconded By** Mike Bolton

THAT the meeting of the Heritage Committee adjourn at 7:55 p.m.

**CARRIED**

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Chair

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Committee Secretary

# FORMAL REPORT

<b>To:</b>	Chair and Members of the Advisory Committee
<b>Prepared by:</b>	Grant Brouwer, Director of Building and Development
<b>Date of Meeting:</b>	9 March 2020
<b>Subject:</b>	<b>DEV 17-2020 Sign Bylaw Enforcement Update</b>

## PURPOSE

To update the Heritage Committee on the process of non-compliant signs and how the Building and Development Department deals with them.

## RECOMMENDATION

THAT DEV 17-2020 Sign Bylaw Enforcement Update report be received.

## BACKGROUND

At its November 21, 2019 meeting, members of the Heritage Advisory Committee inquired about the status of the Buck or Two Sign. A complaint form was submitted by a Committee member on September 25 and the Committee inquired when the sign would be removed. The Committee also discussed a number of signs that have been installed in the downtown without businesses or owners completing a sign application or receiving a sign permit. The Committee asked for a report from the Building & Planning Department containing information on the process for non-compliant signs and how the current non-compliant or permitted signs are being dealt with.

## REPORT

In speaking with the Director of Corporate Services on what the Committee is looking for with this report, five key questions and themes emerged:

1. Q: What is the process if a sign goes up without a Sign Permit? i.e. Bungalow
  - A: Once we become aware of the sign, we will make an attempt to contact the owner, many times, our requests go unanswered. When we do make contact, the common response is that neither the building owner/business owner nor the contractor were aware of the rules. Once the business/building owner apply for the permit, we process it like we normally would.
2. Q: When a complaint is submitted regarding a sign still remaining on a vacant property (Buck or Two) what is the timeline for the complaint to be resolved, what correspondence occurs with the complainant, etc.
  - A: When we receive a formal complaint we prioritize them with others that we have in the queue. Because the Town does not have a dedicated by-law enforcement officer and this task is assigned to Building Department staff, we attempt to balance enforcement duties along with our regular day to day work of reviewing development plans, issuing building permits, and completing building inspection. We tend to give priority to enforcement of by-law complaints that have health and safety issues and/or risks.

3. A: What is the process if a sign is installed without a permit and may require an easement with the Town (Foot Care sign)?
  - A: Basically the same process as our answer on the first question.
4. Non-compliant signs – explanation of the five year period for compliance
  - As per Section 8.0(1)(e) of the Town Sign Bylaw, the business/building owner will need to update their signs to be in conformance with the current sign bylaw. The bylaw law was passed on October 30, 2018, giving the business/building owner until October 30 2023 to comply. We have since catalogued all the signs in the Heritage Conservation District, and separated them into compliance and non-compliance. This five year grace period was permitted by Council to allow business and property owners' time to prepare themselves financially for the cost to replace their sign.
    - *8.0(1)(e) The owners of an existing sign(s) that does not conform to the requirements of this By-law on the date the By-law is passed shall bring such signs into conformity of this By-law within five (5) years of the date of passing the Bylaw or sooner where such sign is Altered or requires repair or maintenance.*
5. The committee is looking to get a better understanding of the Town's processes in managing and enforcing the sign bylaw.
  - A: Even though Council is supportive of proactive enforcement with regards to the sign bylaw, we simply do not have enough staff to be proactive when dealing with the Sign Bylaw at this time.

As an update on 202 Queen St E, as well as 125 Queen St E, we have tried to contact them numerous times with no avail. We issued a notice to both property owners on Friday, February 07, 2020, giving them 30 days to remove the signage. The business/building owner of 125 Queen St East has confirmed that they will have their sign removed by the mid- March, while 202 Queen St E has been given an extension until April 17, 2020. For 202 Queen Street, Council has asked to consider the enforcement process for this mural at their March 10 meeting due to the public concern raised with the Town's by-law restriction on murals.

## **FINANCIAL IMPLICATIONS**

Nil

## **SUMMARY**

Even though Council is supportive of proactive enforcement with regards to the sign bylaw, we simply do not have enough staff to be proactive when dealing with the Sign Bylaw at this time. When we receive a formal complaint we prioritize them with others that we have in the queue and give priority to health and safety issues.

## **STRATEGIC PLAN**

☒ Not applicable to this report.

## **OTHERS CONSULTED**

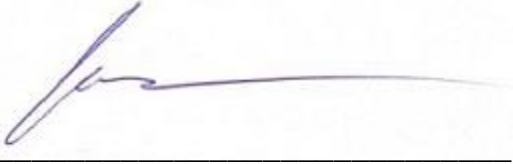
Nil

## **ATTACHMENTS**

Nil

## **REVIEWED BY**

**Recommended by the Department**

A handwritten signature in blue ink, appearing to read 'Grant Brouwer', is written over a horizontal line.

Grant Brouwer  
Director of Building and Development

## **BY-LAW 86-2018**

### **THE CORPORATION OF THE TOWN OF ST. MARYS**

Being a by-law to prohibit and regulate signs and other advertising devices and the posting of notices on buildings or vacant lots within the Town of St. Marys.

- WHEREAS:** Section 11.1 of the Municipal Act, 2001 S.O. 2001, c.25, (the "Act") as amended, herein referred to as the "Act", provides that a single-tier municipality may pass by-laws respecting matters within its spheres of jurisdiction;
- AND WHEREAS:** Structures and signs are within the sphere of jurisdiction of The Corporation of the Town of St. Marys;
- AND WHEREAS:** Section 63 of the Act provides that a by-law may prohibit or regulate the placing or standing of an object on or near a highway, and may provide for the removal and impounding or restraining and immobilizing of any object placed or standing on or near a highway;
- AND WHEREAS:** Section 99.2 of the Act provides that a municipality may, by by-law prohibit and regulate the message, content and nature of signs, advertising and advertising devices, including any printed matter, oral or other communication or thing, promoting adult entertainment establishments, and to pass by-laws with respect to any other business or person;
- AND WHEREAS:** Section 99.3 of the Act provides for a municipality to enter land and pull down or remove an advertising device, at the expense of the owner of the advertising device, if it is erected or displayed in contravention of the by-law;
- AND WHEREAS:** Section 99.4 of the Act provides that the By-law does not apply to an advertising device that was lawfully erected or displayed on the day the by-law comes into force if the advertising device is not substantially altered, and the maintenance and repair of the advertising device or a change in the message or contents displayed shall be deemed not in itself to constitute a substantial alteration;
- AND WHEREAS:** Section 99.5 of the Act authorizes a municipality to approve minor variances from the by-law if in the opinion of the municipality the general intent and purpose of the by-law are maintained;
- AND WHEREAS:** Section 445 of the Act provides that a municipality may make an order requiring a person who has contravened a by-law or who caused or permitted the contravention, or the owner or occupier of land on which the contravention occurred to do work to correct the contravention;

**AND WHEREAS:** Section 446 of the Act provides that where a municipality has the authority to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense, and that the municipality may recover the costs of doing a matter or thing by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

**AND WHEREAS:** In the opinion of Council, the power being delegated to authorize minor variances is of a minor nature, having regard to the number of people, the size of the geographic area and the time period affected by an exercise of power;

**NOW THEREFORE:** The Council of The Corporation of the Town of St. Marys hereby enacts the following:

## **1.0. DEFINITIONS**

1.1 For the purpose of this By-law:

"Abandoned Sign" means a sign located on property which becomes vacant and unoccupied for a period of 90 days or more, or any sign that pertains to a time event or purpose that no longer applies;

"Abandoned Non-applicable Sign" means any sign, which advertises or publicizes an activity or business no longer conducted on the property upon which such sign is maintained;

"Address Sign" means a fascia or ground sign on which the copy is limited to the name and addresses of a place, building, business, organization, person, or occupancy of the Property it identifies but does not include a sign that only contains the numerical municipal address;

"Address Sign-Residential Development" means an Address Sign that identifies a residential development including a subdivision, vacant land condominium or townhouse development;

"Advertising Device" means any device or object erected or located so as to attract public attention to any goods or services or facilities or events and includes flags, banner sign, pennants and lights;

"Alter or Alteration" means any change to the sign structure or the sign face with the exception of the re-arrangement of numerals, letters or copy applied directly to the face of a sign and specifically designed and intended to be periodically rearranged, the repair and maintenance of a sign, and a change in sign copy;

"Animated Sign," means a sign with a sign face that moves in whole or in part and includes a flashing or a rotating sign, but does not include a clock, a time, date or temperature display or an electronic message display;

“Awning” means a space frame system, moveable or fixed, covered with fabric, metal or like material attached and projecting from a building or structure, but not forming an integral part thereof and includes a canopy;

“Awning Sign” means a sign with copy painted or affixed flat to the surface of an Awning, which does not extend vertically or horizontally beyond the limits of such Awning;

“Banner Sign” means a sign or Advertising Device made from cloth, plastic or a similar lightweight non-rigid material;

“Bed & Breakfast Establishment” means a single-detached dwelling where guest room/rooms are made available within the said dwelling for temporary accommodation of the traveling or vacationing public and within which breakfast may be provided to those persons temporarily residing therein. A bed and breakfast use must be clearly secondary to the main residential use of the dwelling;

“Billboard Sign” means an outdoor sign that advertises goods, products, or services that are not sold or offered on the property where the sign is located, and is either single faced or double faced;

“Box Fascia Sign” means an internally illuminated sign attached to a building façade or the sloping portion of a mansard roof;

“Building Code” means the regulation called the Ontario Building Code made under the Ontario *Building Code Act*, as amended from time to time;

“Building Façade” means an exterior building wall facing a public road allowance and any other building wall, which does not face a public road allowance, but through which the main entrance for the public passes or which faces a parking lot;

“Candidate” shall have the same meaning as in the Canada Elections Act, the Election Act (Ontario) or the Municipal Elections Act, 1996, as applicable, and shall be deemed to include a person seeking to influence other persons to vote for or against any question or by-law submitted to the electors under Section 8 of the Municipal Elections Act, 1996;

“Chief Building Official” means the Chief Building Official for the Town appointed under the *Building Code Act*;

“Clerk” means the Clerk of the Town of St. Marys, or designate, as appointed by Council;

“Commercial Sign” means a sign erected and maintained by a person, firm, corporation, business commercial service or industrial enterprise upon which space is displayed the name of the business and/or a description of the product or service made, produced, assembled, sold or stored by such business;

“Construction Site Sign” means a temporary sign that:

- a) Includes, in whole or in part, information identifying or promoting a development and may identify component parts of such building or structure and the persons involved in its design and construction; and



b) relates to or advertises the construction or sale of development or part thereof;

“Copy” means the graphic content of a sign surface in either permanent or removable letter, pictorial, symbolic, or numeric form;

“Council” means the Council of The Corporation of the Town of St. Marys;

“Curb” means the edge of the traveled portion of the highway or roadway;

“Daylight Triangle” means a triangular-shaped area formed by measuring from the point of intersection of lot lines abutting a public road allowance on a corner lot, the distance required in the Town Zoning By-law, along each such lot line abutting the public road allowance and joining such point with a straight line;

“Directional Sign” means a sign on the property that gives directions or instructions for the control of vehicular or pedestrian traffic and shall include an entry and exit sign;

“Double-faced Sign” means a ground sign having two (2) sign faces of equal area and proportions which are located exactly opposite each other on the sign structure;

“Election Sign” means a sign which advertises, promotes or takes a position with respect to:

- a) any Candidate or political party in an election under the Canada Elections Act, Election Act (Ontario), or the Municipal Elections Act, 1996;
- b) an issue associated with a person or political party in an election under Canada Elections Act, Election Act (Ontario), or the Municipal Elections Act, 1996; and
- c) a question, law or by-law submitted to the electors under the Canada Elections Act, Election Act (Ontario), or the Municipal Elections Act, 1996;

“Elector District” means a geographic area represented by a Member of a Municipal Council, Member of School Board, Member of Provincial Parliament in the Legislative Assembly of Ontario, and Member of Federal Parliament in the House of Commons;

“Electronic Media Sign” means a video monitor or other medium for displaying electronic animated images;

“Fascia Sign” means a sign attached to, marked or inscribed on, erected or placed against a Building Façade, or supported by or through a Building Façade and having the exposed face thereof on a plane approximately parallel to the plane of such façade and includes a painted wall and Awning Sign. A fascia sign shall not include any other sign defined in the By-law unless otherwise stated;

“Finished Grade” means the elevation of the finished surface of the ground adjoining the base of all exterior Building Façades or the elevation of the finished surface of the ground at the base of a structure, exclusive of any artificial embankment at the base of such building or structure;

“First Storey” means the storey with its floor closest to the Finished Grade level and having its next floor level 2.0 metres or more above the Finished Grade level;

“Flashing Sign” means a luminous or illuminated sign, fixed or rotating upon which the source or artificial light is not stationary or the intensity or colour is not constant but does not include signs indicating time and/or temperature nor does it include electronic signs;

“Garage Sale Sign” means a sign advertising the sale of personal merchandise in a private garage sale held on a property zoned residential;

“Gas Bar Canopy” means an open and permanent roof structure, free standing or attached to a building, erected for the purpose of sheltering gasoline pumps;

“Ground Sign” means a sign directly supported from the ground without the aid of any other building or structure other than the sign structure;

“Heritage Conservation District” mean the collection of buildings, streets, landscapes and open space that has been designated under Part V of the Ontario Heritage Act and specifically defined within Town of St. Marys Bylaw 62-2012;

“Heritage Conservation District Plan” means the document which provides guidelines for residents and property owners regarding the appropriate conservation, restoration and Alteration activities within the Heritage Conservation District;

“Home Occupation” means an occupation and/or profession conducted entirely within a dwelling unit in a single-detached dwelling or a semi-detached dwelling by a person residing permanently in the unit;

“Industrial Sign” means a sign, which advertise goods or the manufacture of goods;

“Inflatable Sign” means a sign or Advertising Device designed to be airborne and tethered to the ground or any other structure and shall include balloons and any other inflatable Advertising Device;

“Institutional Sign” means any sign pertaining to government departments and agencies, hospital, churches, schools, service clubs and similar organizations;

“Lot” means a parcel of land, described in a registered deed or other document legally capable of being conveyed:

- a) Lot, Corner means a lot where a front lot line and an exterior side lot line intersect at a corner, and may include a through lot;
- b) Lot, Interior means any lot, other than a corner lot, which abuts a street; or
- c) Lot, Through means any interior lot having at least two (2) street lines;

“Lot Frontage” means the horizontal distance between the side lot lines of a lot measured along the front line of the said lot. Where it is corner lot, horizontal distance between the side lot line and the street line;

“Marquee Sign” shall mean a sign attached to any roof-like structure or overhang constructed as a permanent part of a building over the entrance to the building, which structure or overhang projects more than 0.3 metre from the exterior wall of the building;

“Maximum Height” means the actual distance from the Finished Grade to the highest point of the sign;

“Menu Board” means a sign erected as part of a drive-through facility and used to display and order products and services available in association with drive-through business;

“Multi-faced Sign” means a sign having more than two faces;

“Official Sign” means a sign required by or erected under any statute or by-law or other directive of any federal, provincial or municipal government or agency thereof or any board or commission and shall include a permanent sign erected on a public road allowance to inform the public of the location of public buildings, hospitals, public libraries, institutions, places of worship, parks, recreational or educational facilities, traffic regulations, parking regulations, street identification or Town identification including T.O.D.S. signs;

“On-Property sign” means a sign relating in its Copy to the Property on which it is located;

“Open House Directional Sign” means a temporary Portable Sign intended to direct traffic to a residence for sale or lease;

“Owner” means the registered owner of the property;

“Painted Wall Sign” means any sign painted, applied as paint, or film or any other covering including mural to any Building Façade or other integral part of a building without the use of independent supports or frames;

“Permit” means a document granting permission to do something;

“Person” means an individual, business, firm, corporation, association or partnership;

“Portable Sign” means a sign not permanently affixed to the ground and designed in such a manner as to be capable of being moved from place to place but does not include a sidewalk sign;

“Poster” means a printed notice conveying information intended to be displayed for a temporary period of time and includes but is not limited to a bill, handbill, leaflet, notice, placard and Election Sign;

“Pre-Menu Board” means a sign erected as part of a drive-through facility and only used to display products and services available in association with a drive-through business;

“Projecting Sign” means a type of sign hanging perpendicularly from a Building Façade;

“Property” means a parcel of land including all buildings and other structures thereon having specific boundaries and being capable of legal transfer;

“Property Line” means any boundary that divides a lot from another lot or public road allowance or highway;

“Public Property” means Property owned by any level of the Government;

“Public Road Allowance” means that portion of Public Property allowed for a highway established by the Town;

“Pump Island Sign” means a sign on top of gasoline service pumps or on the columns of a Gas Bar Canopy, on guard posts or freestanding on a gasoline pump apron;

“Real Estate Sign” means a sign that advertising Property for sale, lease or rent;

“Registered Third Party Advertiser” means, in relation to an election in a municipality, an individual, corporation or trade union that is registered in accordance with the Municipal Elections Act, 1996, as amended;

“Religious Institution” means a building or structure used by a congregation or organization dedicated to worship and related religious, social and charitable activities, with or without an auditorium, convent or monastery, or clergy residence as uses accessory thereto;

“Repair or Maintenance” means anything done to preserve the condition of a sign or to prevent the deterioration of the sign and includes the restoration of a sign by removing or replacing worn out, missing, damaged or broken parts;

“Residential Property” means Property zoned residential in accordance with relevant Zoning By-law of the municipality;

“Roof Sign” means a sign, which is erected, constructed or supported on or above a roof of a building;

“Shopping Centre” means a building designed, constructed, operated or maintained as a unit containing at least five (5) physically separate and independent retail stores which may be connected by a common corridor and which is provided with common parking areas, driveways, landscaped open space and other shared accessory facilities and services and which is held under single ownership, condominium ownership, co-operative or similar arrangement;

“Sidewalk Sign” means a free standing sign placed on but not permanently anchored to the ground, consisting of signs commonly referred to as A-frame, T-frame and sandwich boards but shall not mean or include any other sign defined in this By-law;

“Sidewalk” means that portion of a Public Road Allowance between the Curb and Property Line designed and constructed with the hard surface 'primarily to facilitate the movement of pedestrians;

“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. A window display shall be deemed not to be a sign for the purposes of this bylaw;

“Sign Area” means the number of square metres of the surface of the sign including the border and the frame;

“Sign Face” means that portion of a sign, excluding the sign structure, upon which, as part of, against or through which the message of the sign is displayed;

“Sign Structure” means anything used to support or brace a Sign Face and which is attached to the ground or a building or structure;

“Street Line” means the limit of the Public Road Allowance and is the dividing line between a lot and a street;

“Subdivision Sign” shall mean a sign permitted through a subdivision agreement under Section 51 of the Planning Act, R.S.O. 1990;

“Temporary Sign” means a sign that is not permanently installed or affixed to any structure or building, and erected to advertise a local event, festival, or a gathering for not more than thirty (30) days, and are generally placed on municipal property;

“Town” means The Corporation of the Town of St. Marys;

“Traffic Sign” means a sign, marking or device placed for the purpose of regulating or prohibiting traffic;

“Utility Pole” means a pole that supports utility services such as electricity, telephone or cable T.V;

“Unsafe” when used with respect to a sign or Sign Structure means a condition that is or could be hazardous;

“Visual Obstruction” means a sign which when so erected impairs the views of the public as may be determined by the Town;

“Voting Place” means a place where electors cast their ballots and:

- a) when a Voting Place is located on Public Property, includes any street abutting; or
- b) when a Voting Place is located on private Property, includes any street abutting;

“Window Sign” means a sign posted, painted, placed or affixed in or on a window exposed to public view, and shall include an interior sign that faces a window exposed to public view and located within one (1) metre of a window;

“Writ of Election” means the date as defined in the Canada Elections Act and Election Act (Ontario);

“Zone” means the area of a defined land use zone in the Town Zoning By-law passed under the Planning Act, 1990, R.S.O. 1990, Chapter P.13, or any predecessor or successor thereof;

“Zoning By-law” means any by-law regulating the use of lands or the character, location and the use of the buildings and structures in the Town and passed pursuant to the Planning Act.

## **2.0. Interpretation**

Words importing the singular number or the masculine gender may include more persons, parties or things of the same kind than one, and females as well as males in the converse.

## **3.0. General Provisions**

- (1) No person shall erect, display, Alter or allow the erection, display, or Alteration of any sign within the Town on Property without obtaining a Permit under this By-law, save and except the provisions of Section 3.1 below.
- (2) Except for an Official Sign or a sign otherwise permitted in this By-law or authorized by the Town, no sign is permitted on, over, partly on or over a Public Road Allowance.
- (3) No person shall erect a sign in a location, which may interfere with or damage any above or below ground municipal or utility services, which have been lawfully placed at the location.
- (4) No person shall attach, affix or display any sign or Advertising Device on a vehicle or trailer, which is parked or located for the primary purpose of displaying said sign or Advertising Device.
- (5) No person shall attach, affix or display any sign or Advertising Device on a tree on Public Property.
- (6) Illumination shall be subdued in a manner not to interfere with the quiet enjoyment of any neighbouring properties.
- (7) No person shall hinder, obstruct or interfere with a person duly appointed to enforce this by-law in the exercise of his or her powers and duties.

### **3.1 Signs Not Requiring a Sign Permit**

- (1) Notwithstanding Section 3.0 (1) and (2), a sign Permit is not required for the following signs and all such signs shall comply with all other requirements of this By-law:
  - (a) Official Signs or signs pertaining exclusively to public safety;
  - (b) Election Signs, erected in accordance with Section 20.2;
  - (c) a non-illuminated trespassing, safety or other warning sign not exceeding 0.5 square metres in sign area;
  - (d) an Address Sign not exceeding 0.2 square metres in sign area unless otherwise provided for in this By-law;

- (e) flags of corporations, government, educational, or religious organizations;
- (f) emblems or insignia of patriotic, civic, educational, or religious organizations;
- (g) commemorative plaque or cornerstone of a non-advertising nature;
- (h) a Directional Sign in accordance with Section 16.0;
- (i) a Construction Site Sign on a construction site in all Zones in accordance with Section 20.6;
- (j) a sign other than an On-Premises Ground Sign or Fascia Sign, erected, displayed or stored on the business Property of a sign manufacturer or contractor;
- (k) a Poster sign;
- (l) a Real Estate Sign in accordance with Section 20.5;
- (m) a Garage Sale sign in accordance with Section 20.7;
- (n) an Open House Directional Sign in accordance with Section 20.8;
- (o) a Banner Sign installed by the Town;
- (p) a sign for a contractor undertaking landscaping, home repairs or renovations, provided such sign is erected no more than 2 days prior to the commencement of the project and is removed from the Property immediately after the project is completed;
- (q) a fund raising sign, for a charitable or non-profit organization provided:
  - i. only one sign is erected per Lot Frontage;
  - ii. the sign is erected only for the duration of the event; and
  - iii. the sign is located on the Property use by the organization;
- (r) a Subdivision Sign in accordance with Section 20.10; and
- (s) a Pump Island Sign.

### **3.2 Prohibited Signs**

- (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) Abandoned Non-Applicable Sign;

- (c) a Banner Sign other than a Banner Sign located within a Public Road Allowance and approved by the Town;
- (d) Flashing or Animated Sign;
- (e) Projecting Sign except as provided for in Section 18.0;
- (f) a Marquee Sign;
- (g) a roof sign;
- (h) a sign located so as to create a Visual Obstruction for any pedestrian or motor vehicle driver so as to create an Unsafe condition;
- (i) a sign interfering with or creating a Visual Obstruction of an authorized Traffic Sign, traffic signal, or Official Sign or any sign capable of being confused with such a Traffic Sign, traffic signal or Official Sign;
- (j) a sign located within a Daylight Triangle;
- (k) a sign advertising a business, materials and/or services that are not situated on the same Property as the sign;
- (l) a sign advertising a use that is not permitted under the Town's Zoning By-law as amended;
- (m) a Billboard Sign; and
- (n) an Electronic Media Sign.

#### **4.0. Sign Permits**

- (1) All signs shall comply with all other applicable Town By-laws and all other applicable law. All signs shall be erected and designed in accordance with the requirements of the Ontario Building Code, as amended.
- (2) Every applicant for a sign Permit shall:
  - (a) complete a sign Permit application provided by the Town;
  - (b) submit all necessary plans and drawings; and
  - (c) pay all applicable fees as set out in the Town's Fees and Charges By-law.
- (3) If the matters mentioned in any application for a Permit, or if the drawings, specifications or plan of survey submitted with the application indicate to the Chief Building Official that the work proposed to be done will not comply in all respects with the provisions of this By-law, the *Building Code Act*, the Zoning By-law and all other applicable regulations, the Chief Building Official shall refuse to issue a Permit, and therefore, no Permit shall be issued.



- (4) Where the sign Permit application meets all the requirements of this By-law and any other applicable laws, a sign Permit shall be promptly issued by the Chief Building Official or his/ her designate.

#### **4.1 Sign Permit Information**

- (1) All plans and drawings accompanying a sign Permit application for a permanent sign shall be provided in duplicate and shall contain the following information:
- (a) a site plan drawn to scale showing all measurements in metric;
  - (b) the municipal address and legal description of the Property;
  - (c) the existing or proposed use of the Property;
  - (d) the zoning category of the Property;
  - (e) the location of all existing buildings and their entrances on the Property;
  - (f) the location of all driveways and parking areas on the Property;
  - (g) the location and dimensions of the frontage and all boundaries of the Property on which the sign is proposed to be erected;
  - (h) the location of the proposed sign on the Property;
  - (i) details of the sign drawn to scale, including dimensions, materials, colours, text, graphics, sign area and any other information as may be required to determine compliance with this By-law;
  - (j) other information as determined by the Chief Building Official with respect to the building including architectural and structural drawings as may be necessary to determine if the building is structurally capable, under the Building Code, of supporting the sign or Advertising Device;
  - (k) authorization of the owner of the Property on which the sign is to be erected or displayed; and
  - (l) evidence of insurance as stipulated in Section 18.0(8), 19.0(2), 20.4(4) and 20.9(11), if applicable.

#### **4.2 Fascia Sign Permit Information**

- (1) In addition to the information required under Section 4.1(1), all plans and drawings accompanying an application for a fascia sign Permit shall contain the following information for a building or unit in a multi-unit complex:
- (a) the dimensions of the building, wall or unit on which the Fascia Sign is to be affixed;
  - (b) the location of all building or unit entrances;

(c) the names of the occupants of each unit which is the subject of the application; and

(d) identification of any existing sign on the building or unit.

#### **4.3 Ground Sign and Construction Site Sign Permit Information**

(1) In addition to the information required under Section 4.1(1), all plans and drawings accompanying an application for a Ground Sign or a Construction Site Sign Permit shall contain the following information:

(a) the location of any existing structures, parking areas, walkways, driveways, loading areas, vehicular access and egress points, and existing Ground Signs on the Property;

(b) the identification by location, description, dimension and ownership of any existing or proposed easements or rights of way over the land and Property;

(c) the location of all landscaped areas adjacent to the sign; and

(d) the setback of the proposed sign from the Property Line.

#### **4.4 Inflatable and Sidewalk Sign Permit Information**

(1) In addition to the information required under Section 4.1(1), all plans and drawings accompanying an application for an Inflatable Sign or Sidewalk Sign Permit shall contain the following information:

(a) the location of the sign;

(b) the dimensions of the sign drawn to scale and the sign area;

(c) the distance from the sign to the nearest Street Line, Sidewalk, driveway, Ground Sign, Inflatable Sign, landscaping features, planting beds and/or street furniture; and

(d) engineered drawing indicating the method of securing the Inflatable Sign.

#### **5.0. Expiration of a Sign Permit**

(1) Subject to the provisions of Section 6.0 below, every Permit issued by the Town shall be null and void if the sign is not erected or displayed for its intended purpose within six (6) months from the date of issuance.

#### **6.0. Renewal of a Sign Permit**

(1) Where a Permit has been issued and before it has expired, an application may be made to extend the Permit for one further period of six (6) months at no extra charge.

#### **7.0. Revocation of a Sign Permit**

- (1) The Chief Building Official may revoke a sign Permit under the following circumstances:
  - (a) where the Permit has been issued in error by the Town;
  - (b) where the Permit has been issued as the result of false, mistaken, incorrect, or misleading statements, or undertakings on the application.
- (2) The Chief Building Official may revoke a

#### **8.0. Central Commercial District**

- (1) Notwithstanding any other Section of this By-law, the following provisions shall apply in the Central Commercial District as shown in Schedule "A".
  - (a) In addition to Section 3.2 the following signs are prohibited in the Central Commercial District:
    - i. Box Fascia Sign;
    - ii. internally illuminated sign; and
    - iii. Inflatable Sign.
  - (b) Sign material such as sheet plaster, Plexiglass, aluminum, vinyl or other synthetic material is discouraged unless the applicant for a Permit can demonstrate that the material application is appropriate to and does not detract from the age and style of the building or neighbouring buildings.
  - (c) No sign shall obstruct the significant architectural features of a building and surrounding buildings, including, but not limited to, windows, brackets, sills, decorative masonry and cornice.
  - (d) Replacement of an existing sign(s) shall conform to the provisions of this By-law.
  - (e) The owners of an existing sign(s) that does not conform to the requirements of this By-law on the date the By-law is passed shall bring such signs into conformity of this By-law within five (5) years of the date of passing the By-law or sooner where such sign is Altered or requires repair or maintenance.
  - (f) Signage variances for signs of historical significance or where precedents exist will be considered for special events.
  - (g) Notwithstanding Sections 12.0 and 14.0, Ground Signs in the Central Commercial District shall be restricted to 1.4 metre in height by 2.0 metres in width and shall be located a minimum of 3.0 metres from the Property Line.
  - (h) Painted Wall Signs may only be Address Signs and must not exceed the size restriction for a Fascia Sign set out in Section 10.0.

- (2) In addition to Section 8.0(1) (a)-(h), those properties within the Central Commercial District which fall within the Heritage Conservation District are required to follow the principles, practices and guidelines contained within the Heritage Conservation District Plan. This includes submitting a heritage permit for all sign relocations, Alterations and new signs to the Building and Development Department.

#### **9.0. Permitted Sign Types by Property Class**

- (1) The sign types listed in Column 1 of Table 1 shall only be permitted in the Property class as indicated by an asterisk (\*) in Column 3 of Table 1. The By-law section applicable to each sign type listed in Column 1 of Table 1 is shown in Column 2 of Table 1.

**RES:** Residential Signs

**COM:** Commercial Signs

**IND:** Industrial Signs

**INS:** Institutional Signs

**TABLE 1 – Permitted Sign Types by Property Class**

Column #1	Column #2	Column #3			
Sign Type	Section	RES	COM	IND	INS
Awning Sign	19.0		Central Commercial District Only		
Banner Sign	20.1		*	*	*
Construction Site Sign	20.6	*	*	*	*
Directional Sign	16.0		*	*	*
Election Sign	20.2	*	*	*	*
Fascia Sign	15.0	*	*	*	*
Ground Sign	14.0	*	*	*	*
Inflatable Sign	20.9		*	*	*
Menu Board Sign	12.0		*	Note	
Portable Sign	20.3		*	*	*
Pre-Menu Board Sign	12.0		*	Note	
Projecting Sign	18.0		Central Commercial District Only		
Real Estate Sign	20.5	*	*	*	*
Sidewalk Sign	20.4		Central Commercial District Only		
Subdivision Sign	20.10	*		*	
Window Sign	17.0		*	*	

Note – Menu Board Signs and Pre-Menu Boards Signs for permitted uses in industrial Zones shall comply with the requirements of Section 12.0.

#### **10.0. Residential, Institutional and Park Signs**

- (1) No person shall erect, display, Alter, maintain or allow the erection, display, Alteration, or maintenance of any type of sign listed in Column 2 of Table 2 in conjunction with the uses listed in Column 1 of Table 2 unless the sign complies with the regulations and standards applicable to that sign type in Column 2 of Table 2 and with any other provisions of this By-law.

**TABLE 2 – Residential, Institutional and Park Signs**

Column #1	Column #2				
	Address Sign - Fascia	Address Sign - Ground			Number
	Max Sign Area	Max Sign Area	Max Height	Min St. Line Setback	
Single Detached Dwelling, Semi Detached Dwelling, Duplex Dwelling, Triplex Dwelling, Fourplex Dwelling, Townhouse Dwelling, Street Townhouse Dwelling, Group Home, Home Occupation, Boarding House, Bed & Breakfast Establishment	0.4 m <sup>2</sup>	0.4 m <sup>2</sup>	1.2 m	2.0 m	1 Address Sign – fascia or 1 Address Sign – Ground Sign per Property  1 business and/or Address Sign for Group Home, Home Occupation, Bed & Breakfast Establishment
Apartment, Senior's Apartment, School, Hospital, Religious Institution, Long-Term Care Facility	1.5 m <sup>2</sup>	1.5 m <sup>2</sup> for an Address Sign only	2.0 m	2.0 m	1 Address sign – fascia and 1 Address sign – ground per Property
Parks and All Other Uses	1.5 m <sup>2</sup>	1.5 m <sup>2</sup>	2.0 m	2.0 m	1 Address Sign – fascia or 1 Address Sign – ground per Property

**11.0. Address Signs - Residential Development**

- (1) A maximum of 1 Address Sign - residential development is permitted per entrance to the development. (see Table 2)
- (2) In instances where an Address Sign – residential development constitutes a Fascia Sign, the sign shall have a maximum face area of 0.4 square metres. Notwithstanding any other Section of this by-law, where an Address Sign-residential development constitutes a Fascia Sign, it shall be permitted on a fence or gate.
- (3) In instances where an Address Sign – residential development constitutes a Ground Sign, the sign shall have a maximum face area of 0.4 square metres, shall have a Maximum Height of 1.2 metre and shall have a minimum of 2.0 metres from the Property Line.

#### **12.0. Commercial Signs**

- (1) No person shall erect, display, Alter, maintain or allow the erection, display, Alteration, or maintenance of any type of sign listed in Column 2 of Table 3 in conjunction with the uses listed in Column 1 of Table 3 unless the sign complies with the regulations and standards applicable to that sign type in Column 2 of Table 3 and with any other provisions of this By-law.
- (2) No person shall erect, display, Alter, maintain or allow the erection, display, Alteration, or maintenance of any type of sign listed in Column 2 of Table 4 in conjunction with the uses listed in Column 1 of Table 4 unless the sign complies with the regulations and standards applicable to that sign type in Column 2 of Table 4 and with any other provisions of this By-law.
- (3) No person shall erect, display, Alter, maintain or allow the erection, display, Alteration, or maintenance of any type of sign listed in Column 2 of Table 5 in conjunction with the uses listed in Column 1 of Table 5 unless the sign complies with the regulations and standards applicable to that sign type in Column 2 of Table 5 and with any other provisions of this By-law.

**TABLE 3 – Commercial Menu Board and Pre-Menu Signs**

Column #1	Column #2					
Land Use	Permitted Sign Type & Specifications					
	Number	Menu Board		Pre-Menu Board		
		Max Sign Area	Max Height	Number	Max Sign Area	Max Height
Restaurant	1 per drive through lane	2.5 m <sup>2</sup>	2.5 m	1 per drive through lane	2.0 m <sup>2</sup>	2.5 m
Restaurant Accessory to Gas Bar or Motor Vehicle Service Station	1 per drive through lane	2.0 m <sup>2</sup>	2.5 m	Not Permitted	N/A	N/A
Car Wash Accessory to a Gas Bar or Motor Vehicle Service Station	1 per car wash	2.0 m <sup>2</sup>	2.5 m	Not Permitted	N/A	N/A
Car Wash	1 per car wash	2.0 m <sup>2</sup>	2.5 m	Not Permitted	N/A	N/A

**TABLE 4 – Commercial Ground Signs**

Column #1	Column #2			
Land Use	Permitted Sign Type & Specifications			
	Number	Max. Sign Area	Max Height	Min. Street line Setback
All Commercial Uses except Central Commercial District See Section 8(1)(g)	1 per Lot Frontage	6.0 m <sup>2</sup> per Sign Face	7.5 m	1.0 m



**TABLE 5 – Commercial Fascia Signs**

Column #1	Column #2
Land Use	Permitted Sign Type & Specifications
	Maximum Sign Area
All Commercial Uses save and except for those listed below	20% of the Building Façade of the First Storey for each occupancy
Retail Store or Restaurant Accessory to Gas Bar or Motor Vehicle Service Station	20% of a Building Façade facing a Street Line or gas pumps
Car Wash or Service Bay Accessory to Gas Bar or Motor Vehicle Service Station	15 % of a Building Façade with an entrance and 10% of a Building Façade with an exit or facing gas pumps
Gas Bar Canopy Accessory to Gas Bar or Motor Vehicle Service Station	20% maximum canopy face

**13.0. Industrial Signs**

- (1) No person shall erect, display, Alter, maintain or allow the erection, display, Alteration, or maintenance of any type of sign listed in Column 2 of Table 6 in conjunction with the uses listed in Column 1 of Table 6 unless the sign complies with the regulations and standards applicable to that sign type in Column 2 of Table 6 and with any other provisions of this By-law.
- (2) No person shall erect, display, Alter, maintain or allow the erection, display, Alteration, or maintenance of any type of sign listed in Column 2 of Table 7 in conjunction with the uses listed in Column 1 of Table 7 unless the sign complies with the regulations and standards applicable to that sign type in Column 2 of Table 7 and with any other provisions of this By-law.
- (3) No person shall erect, display, Alter, maintain or allow the erection, display, Alteration, or maintenance of any type of sign listed in Column 2 of Table 8 in conjunction with the uses listed in Column 1 of Table 8 unless the sign complies with the regulations and standards applicable to that sign type in Column 2 of Table 8 and with any other provisions of this By-law.

**TABLE 6 – Industrial Fascia and Directory Signs**

Column #1	Column #2				
Land Use	Permitted Sign Type & Specifications				
	Fascia Sign	Directory Sign			
	Max Sign Area for Each Occupancy	Number	Max Sign Area	Max Height	Min. Street Line Setback
Individual Free Standing Industrial Establishment	15% of the Building Façade of the First Storey for each occupancy	N/A	N/A	N/A	N/A
Multi Occupant Industrial Establishment	15% of the Building Façade of the First Storey for each occupancy	1	5.0 m <sup>2</sup>	4.0 m	7.5 m

**TABLE 7 – Industrial Ground Signs**

Column #1	Column #2			
Land Use	Ground Sign			
	Max Sign Area	Max Height	Min. Street Line Setback	Number
Individual Free Standing Industrial Establishment with under 30m of Lot Frontage OR Multi Occupant Industrial Establishment with under 30m of Lot Frontage	10.0 m <sup>2</sup>	7.5 m	1.0 m	1 per Lot Frontage
Individual Free Standing Industrial Establishment with 30m of Lot Frontage or more OR Multi Occupant Industrial Establishment with 30m of Lot Frontage or more	10.0 m <sup>2</sup> per Sign Face	7.5 m	1.0 m	1 per Lot Frontage

**TABLE 8 – Industrial Menu Board and Pre-Menu Board Signs**

Column #1	Column #2					
Land Use		Permitted Sign Type & Specifications				
	Number	Menu Board		Pre-Menu Board		
		Max Sign Area	Max Height	Number	Max Sign Area	Max Height
Car Wash Accessory to a Gas Bar or Motor Vehicle Service Station	1 per car wash	2.0 m <sup>2</sup>	2.5 m	Not Permitted	N/A	N/A
Car Wash	1 per car wash	2.0 m <sup>2</sup>	2.5 m	Not Permitted	N/A	N/A

**14.0. Ground Signs**

- (1) The maximum total sign area for a Ground Sign that is a Double-Faced Sign or a Multi-Faced Sign shall be double the area permitted for one Sign Face. (see Table 4 and Table 7)
- (2) Where a Ground Sign contains up to three (3) Sign Faces but is not a Double-Faced Sign, the maximum total sign area shall be double the area permitted for one Sign Face and each Sign Face shall be attached to the adjacent Sign Face at an angle no greater than 90 degrees. (see Table 4 and Table 7)
- (3) A Ground Sign in a commercial or industrial Zone shall display the municipal address in numerals and letters that are a minimum of 15 cm in height.
- (4) A Ground Sign shall not be located within 3.0 metres of a driveway entrance or exit.

**15.0. Fascia Signs**

- (1) A Fascia Sign may project out from a Building Façade not more than 15 cm in the Central Commercial District and not more than 30 cm in any other area.
- (2) A Fascia Sign shall be attached to the Building Façade used to calculate the maximum sign area of the sign. (see Table 5)
- (3) A Fascia Sign shall generally be erected no higher than the upper limit of the First Storey of a building, unless otherwise permitted in this By-law, but this shall not apply to an enclosed Shopping Centre.

**16.0. Directional Signs**

- (1) A Directional Sign shall have a maximum sign area of 0.75 square metres and shall have a Maximum Height of 1.2 metres.

#### **17.0. Window Signs**

- (1) The maximum sign area of any permitted Window Sign shall not cover more than 25% of any single window, or 25% of the entire surface area of a group of windows and shall not block the clear view of exits or entrances and shall maintain visibility into the interior of the building at all times.

#### **18.0. Projecting Signs**

- (1) A Projecting Sign shall have a minimum clearance of 2.7 metres and the Maximum Height of 3.4 metres to the top of the sign or sign supporting structure above the Sidewalk grade or pedestrian walkway.
- (2) Where the sign projects on to a Public Road Allowance or over a Sidewalk or any other pedestrian walkway, the height to the bottom of the projection shall not be less than 2.5 metres.
- (3) A Projecting Sign including the Sign Structure attached to a building shall not extend more than 1.2 metres beyond such Building Façade.
- (4) The Sign Face excluding the supporting structure shall not be more than 0.6 square metres in area.
- (5) No Projecting Sign shall be constructed as a swing sign.
- (6) Only one sign assembly shall be permitted where two or more businesses share the same entrance.
- (7) Projecting Signs shall be located as close as possible to the horizontal centre of the building, except in the case of a building on a corner lot, in which case a Projecting Sign may be located at the corner of the building in lieu of one sign on each Building Façade.
- (8) No person shall erect or maintain any sign which shall wholly or partially project onto any Public Road Allowance, or any sign that if it were to fall would fall onto any Public Road Allowance, without first entering into an agreement with the Town indemnifying the Town from and against all manner of claims for damage, loss, expense or otherwise, arising from the erection, maintenance, removing or falling of such Projecting Sign or part thereof. Before being issued a Permit for a Projecting Sign, the applicant shall provide confirmation to the Town that a minimum of \$2,000,000.00 of valid comprehensive general liability insurance is in effect.

#### **19.0. Awning Signs**

- (1) One (1) Awning Sign per business frontage. Sign Copy shall be restricted to the skirt of the Awning and shall not exceed 0.15 metre in height. The bottom edge of the Awning Sign shall be minimum of 2.0 metres above Finished Grade.

- (2) No person shall erect or maintain any sign which shall wholly or partially project onto any Public Road Allowance, or any sign that if it were to fall would fall onto any public street, without first entering into an agreement with the Town indemnifying the Town from and against all manner of claims for damage, loss, expense or otherwise, arising from the erection, maintenance, removing or falling of such Projecting Sign or part thereof. Before being issued a Permit for a Awning Sign, the applicant shall provide confirmation to the Town that a minimum of \$2,000,000.00 of valid comprehensive general liability insurance is in effect.

## **20.0. Temporary Signs**

### **20.1. Banner Sign**

- (1) No person shall install a Banner Sign sooner than thirty (30) days before the event and shall remove such sign no more than two (2) days after the event.

### **20.2. Election Signs**

- (1) No person shall place or permit to be placed an Election Sign except in accordance with this by-law.
- (2) No person shall place or permit to be placed an Election Sign that:
  - (a) is illuminated;
  - (b) interferes with the safe operation of vehicular traffic or the safety of pedestrians; or
  - (c) impedes or obstructs the Town's maintenance operations.
- (3) No person shall place or permit to be placed an Election Sign that is outside of the Elector District where the Candidate is running for office.
- (4) No person shall place or permit to be placed an Election Sign on or in a Voting Place.
- (5) No person shall display on any Election Sign a logo, in whole or in part, owned or licensed by the Town.
- (6) No person shall place or permit to be placed an Election Sign for a federal or provincial election or by-election earlier than the day the Writ of Election or by-election is issued.
- (7) No person shall place or permit to be placed an Election Sign for a municipal election earlier than nomination day in the year of the regular election, or by-election.
- (8) No person shall fail to remove their Election Sign after the expiry of 72 hours immediately following 11:59pm of the day of the election.

- (9) No Candidate or Registered Third-Party Advertiser shall post content on an Election Sign contrary to the *Municipal Elections Act, 1996*, as amended.
- (10) No person shall Place or permit to be Placed an Election Sign on Property that is owned by the municipality.
- (11) No person shall Place or permit to be Placed an Election Sign:
  - (a) in a Roadway;
  - (b) within 3 metres of a Roadway;
  - (c) between a Roadway and a Sidewalk;
  - (d) that impedes or obstructs the passage of pedestrians on a Sidewalk;
  - (e) less than 3 metres from a crosswalk;
  - (f) on a tree, or a fence, or a wall, or a gate, or a Utility Pole located on Public Property or a Roadway;
  - (g) in a boulevard that abuts a park;
  - (h) within 7 metres of another Election Sign of the same Candidate.
- (12) No person shall injure or foul public structures or permit the injuring or fouling of public structures when Placing an Election Sign.
- (13) The Chief Building Official may remove any Election Sign erected in contravention of this by-law without notice.
- (14) The Chief Building Official may destroy any Election Signs which have been removed and not claimed and retrieved by the Candidate, persons, or owner within the time period as prescribed by the Clerk.
- (15) The Clerk may make regulations under this by-law prescribing the rules and procedures for the retrieval and destruction of Election Signs removed under section 4(1) and 4(2) including, without limitation, the form of and any information required to be provided to the Clerk and / or Chief Building Official to authorize the release of an Election Sign, dates on or by which an Election Sign may be retrieved or destroyed, and the manner in which notice may be given to an owner relating to the retrieval and destruction of an Election Sign.

### **20.3. Portable Signs**

- (1) A Portable Sign shall be located completely on private property.
- (2) Only one Portable Sign may be erected or displayed on a Property at any one time.
- (3) A maximum of six (6) Portable Sign Permits per calendar year may be issued to each business at a municipal address.

- (4) A Portable Sign shall not be erected or displayed for more than twenty-one (21) consecutive days from the date the Permit is issued.
- (5) No business shall be issued a Permit or erect or display a Portable Sign unless a minimum period of twenty-one (21) consecutive days has passed since the expiry date endorsed on a previous Portable Sign Permit issued at a location.
- (6) A Portable Sign shall:
  - (a) contain no more than two (2) Sign Faces, and each Sign Face shall have a maximum area of 3.6 square metres;
  - (b) not be located within 1.5 metres of a Sidewalk or Property Line, whichever is greater;
  - (c) not be located within 3.0 metres of a driveway entrance or exit;
  - (d) not be located within 50.0 metres of a traffic signal standard;
  - (e) not be located within 15.0 metres of the paved portion of an intersection;
  - (f) not be located within 10.0 metres of a Ground Sign or 10.0 metres of a Portable Sign on an abutting Property; and
  - (g) a Portable Sign shall not be in colours other than black and white, and sign characters in fluorescent, neon, day glow or day bright colours are prohibited.

#### **20.4. Sidewalk Signs**

- (1) Businesses are limited to one (1) Sidewalk Sign per Lot Frontage.
- (2) A Sidewalk Sign:
  - (a) shall have a Maximum Height of 1.0 metre, a maximum of two Sign Faces and any Sign Face shall not exceed 0.55 square metres in area;
  - (b) shall be displayed only between sunrise and sunset only on business days and shall be removed at all other times;
  - (c) shall not be located within 3.0 metres of a driveway entrance;
  - (d) shall be located no more than 1.0 metre from the Curb in front of municipal Property nearest and parallel to the Curb in front of the premise being advertised by the said sign; and
  - (e) shall not obstruct pedestrian or vehicle traffic.
- (3) No person shall erect or maintain any Sidewalk Sign on any Public Road Allowance or Sidewalk without obtaining a Permit from the Town.

- (4) Before being issued a Permit for a Sidewalk Sign, the applicant shall provide confirmation to the Town that a minimum of \$2,000,000.00 of valid comprehensive general liability insurance is in effect.

#### **20.5. Real Estate Signs**

- (1) One (1) Real Estate Sign for each company shall be permitted for each Lot Frontage of the property on which the sign is erected.
- (2) The Sign Face of a Real Estate Sign shall not exceed 0.5 square metres if erected on a Residential Property and shall not exceed 4.0 square metres if erected on a Property Zoned industrial or commercial.
- (3) The sign shall be located on private Property at a minimum distance of 1.0 metre from the Property Line.
- (4) The sign may be displayed in or on the window.

#### **20.6. Construction Site Signs**

- (1) A Construction Site Sign for the development of multiple residential units on one parcel of land shall be non-illuminated with a sign area not exceeding 10.0 square metres, shall be set back 7.5 metres from the Street Line and shall be removed from the construction site within sixty days of substantial completion of the project.
- (2) A Construction Site Sign for the development of a residential unit on one parcel of land shall be non-illuminated with a sign area not exceeding 1.5 square metres, shall be set back 1.0 metre from the Street Line and shall be removed from the construction site within sixty days of the substantial completion of the project.

#### **20.7. Garage Sale Signs**

- (1) A Garage Sale sign may be located in the untravelled portion of the Public Road Allowance, but not in a manner as to create a Visual Obstruction.
- (2) No person shall place or locate a Garage Sale sign before 5:00 p.m. of the day immediately before the Garage Sale and all such signs shall be removed by no later than 7:00 p.m. of the same day immediately following the Garage Sale.

#### **20.8. Open House Directional Signs**

- (1) An Open House Directional Sign shall have a Maximum Height of 1.0 metre and a maximum sign area of 0.4 square metres per Sign Face.
- (2) An Open House Directional Sign may be erected on that portion of a street located between the Curb or edge of the traveled roadway and the Sidewalk, or where no Curb exists, such sign may be erected on the untravelled portion of the right-of-way closest to the outer edge of the traveled roadway, provided that the sign does not interfere with pedestrian or vehicular traffic and does not create a Visual Obstruction.



## **20.9. Inflatable Signs**

- (1) No person shall erect an Inflatable Signs without a Permit and an Inflatable Sign shall be erected in the specific location as shown on a plan approved for such purposes by the Chief Building Official and Director of Public Works.
- (2) An Inflatable Sign shall only be permitted on a Property with a minimum frontage of 15.0 metres.
- (3) An Inflatable Sign shall be located:
  - (a) a minimum of 3.0 metres from any Property Line;
  - (b) a minimum of 3.0 metres from any driveway entrance and/or exit;
  - (c) a minimum of 10.0 metres from any Ground Sign or Portable Sign on the same Property or abutting Property;
  - (d) a minimum of 90.0 metres measured in a straight line from a residential Property; and
  - (e) a minimum of 50.0 metres from a traffic signal standard.
- (4) An Inflatable Sign shall have a Maximum Height of 7.0 metres and a maximum width of 6.0 metres.
- (5) No more than one Inflatable Sign shall be permitted on a Property at any one time.
- (6) Sign Permits to erect or display Inflatable Signs shall be issued for periods of a maximum twenty-one (21) consecutive days. No more than three Permits shall be issued for a single business on the Property on which the sign is to be displayed, in a calendar year.
- (7) No business shall be issued a Permit or erect or display an Inflatable Sign unless a minimum of twenty-one (21) consecutive days has passed since the expiry date endorsed on a previous Inflatable Sign Permit issued on the same Property.
- (8) Sign Permits for Inflatable Signs shall be issued only for businesses or uses currently on the Property on which the sign is to be displayed.
- (9) All Inflatable Signs shall be properly secured to the satisfaction of the Chief Building Official.
- (10) All Inflatable Signs shall require the approval of the Festival Hydro.
- (11) Before being issued a sign Permit for an Inflatable Sign, the applicant shall provide confirmation to the Town that a minimum of \$2,000,000.00 of valid comprehensive general liability insurance is in effect.

## **20.10. Subdivision Signs**

- (1) A Subdivision Sign shall not exceed 9.0 square metres sign area and must be in good repair.
- (2) Maximum of two (2) signs shall be permitted for each registered subdivision.
- (3) The location of Subdivision Signs shall be determined by the Town through a subdivision agreement.
- (4) Subdivision Signs shall contain the following information:
  - a. the plan of subdivision as registered, including street patterns, and the proposed use of each parcel of land therein; and
  - b. the name and address of the owner.
- (5) Subdivision Signs shall be removed when 85% of lots in the subdivision are sold or leased.

## **21.0. Maintenance of Signs**

- (1) The owner of any sign, shall maintain or cause such sign to be maintained in a proper state of repair, so that such sign remains completely operative at all times and does not become Unsafe, defective or dangerous.
- (2) Maintenance or repairs using materials identical to the materials of the component being maintained or repaired does not constitute an Alteration and does not require a Permit to be issued.

## **22.0. Penalties and Enforcement**

- (1) Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.
- (2) Every Person who contravenes any provision of this by-law is guilty of an offence and upon conviction pursuant to Part III of the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended, shall be subject to the following penalties:
  - (a) Upon a first conviction is subject to a maximum fine of \$5,000.00; and
  - (b) Upon any subsequent conviction, is subject to a maximum fine of \$10,000.00
- (3) Despite Section 22.2 of this By-law, where the Person convicted is a corporation, the corporation is subject to:
  - (a) on first conviction, to a maximum fine of \$10,000.00; and
  - (b) on any subsequent conviction, to a maximum fine of \$25,000.00.

- (4) Where a sign is erected or displayed in contravention of this By-law, the Chief Building Official or his or her designate may immediately pull down or remove any sign that the Chief Building Official or his or her designate determines constitutes a safety hazard or a concern. Such removal is to be at the expense of the owner or the occupant and the expense therefore may be collected in like manner as municipal taxes.
- (5) Where any sign does not comply with this By-law, the Chief Building Official or his or her designate may forward a notice by registered mail or hand delivered to the owner. Such notice shall outline the nature of the contravention and the Section of the By-law so contravened and may require the owner of the sign to:
- (a) repair the sign;
  - (b) pull down or remove the sign; or
  - (c) make the sign comply with the provisions of this By-law,
- not later than 14 days from mailing the notice. The notice may advise that if the sign is not so removed or made to comply within the specified period of time, then the Town may remove the sign without any further notice.
- (6) If the notice as set out in Section 22.0 (5) is not complied with within the specified period of time, the Chief Building Official or their designate to enter upon the land or Property to pull down and remove the sign. Such removal is to be at the expense of the owner or the occupant and the expense therefore, may be collected in like manner as municipal taxes.
- (7) Notwithstanding Subsections (1) – (6) of this Section, Portable Signs, Sidewalk Signs, Real Estate Signs, Construction Site Signs, signs, Open House Directional Signs and Inflatable Signs that are Garage Sale erected or displayed contrary to this by-law shall be removed by the Owner immediately after a notice is served from the Town advising that such sign or other Advertising Device is in contravention of this by-law. Such notice shall be served in the manner provided in Subsection (5) of this Section. Such notice shall outline the nature of the contravention and the Section of the By-law so contravened.
- (8) If such sign or other Advertising Device has not been removed by the Owner as required herein, the Chief building Official or his or her designate may cause such sign to be removed at the expense of the Owner of the sign and any costs incurred by the Town may be recovered in like manner as municipal taxes on the Property where the sign was located or may be recovered by action pursuant to the *Municipal Act* 2001, S.O. 2001, c.25. The remedies provided for hereby may be proceeded with prior to and notwithstanding that no prosecution and conviction has been obtained under Section 22 of this by-law.
- (9) Where the Town has removed a sign and stored it for a period of fourteen (14) days and the sign has not been redeemed, the Town may then destroy or

otherwise dispose of the sign without notice or compensation to the Owner of the sign or his or her agent.

- (10) Any costs incurred may be recovered by the Town in like manner as municipal taxes.
- (11) Any Banner Sign installed without the approval of the Town will be removed by the Town without notice and, further, may be destroyed or otherwise disposed of without further notice or compensation to the Owner of the Banner Sign or his or her agent.
- (12) Any costs incurred may be recovered by the Town in like manner as municipal taxes.
- (13) Notwithstanding Subsections (1) – (9) of this Section, the removal of Election Signs shall be as follows:
  - (a) the Chief Building Official or his or her designate is authorized to takedown or remove or cause to be removed immediately without notice and at the risk of its Owner, an Election Sign that is placed in contravention of this by-law;
  - (b) an Election Sign removed pursuant to this by-law shall be stored by the Town for a period of fifteen (15) days during which time the Owner or agent may retrieve the Election Sign.
  - (c) Where an Election Sign has been removed by the Town and stored for a period of 15 days and such sign has not been retrieved, the Election Sign may be destroyed or otherwise disposed of by the Town without any notice or compensation to the Owner of the sign or his or her agent.
- (14) Any costs incurred may be recovered by the Town in like manner as municipal taxes.
- (15) None of the foregoing shall limit the Town from enforcing the provisions of this By-law by any other action or remedy permitted in law.

## **23.0. Variances**

### **23.1. Temporary Signs**

- (1) A Variance application for a Temporary Sign shall be made on the appropriate form to the Town and shall be accompanied by the appropriate fee, as set out in the Town's Fees and Charges By-law. The application shall be delivered or mailed to the office of the Chief Building Official.
- (2) In considering an application for a Temporary Sign variance, Staff shall have regard for:
  - (a) Special circumstances or conditions applying to the land, building or use referred to in the application;

- (b) Whether strict application of the provisions of this By-law in the context of the special circumstances applying to the land, building, or use, would result in practical difficulties or unnecessary and unusual hardship for the applicant, inconsistent with the general intent and purpose of this By-law;
- (c) Whether the special circumstances or conditions are pre-existing and not created by the Owner or the applicant; and;
- (d) Whether the sign that is the subject of the variance will Alter the essential character of the area.

### **23.2. Permanent Signs**

- (1) A Variance application for a Permanent Sign shall be made on the appropriate form to the Town and shall be accompanied by the appropriate fee, as set out in the Town's Fees and Charges By-law. The application shall be delivered or mailed to the office of the Chief Building Official.
- (2) The Chief Building Official in consultation with the Director of Public Works shall prepare a report for the consideration of the Council setting out the reasons for the variance and a recommendation.
- (3) The Chief Building Official shall notify the applicant once a Council meeting has been set and if the applicant does not attend at the appointed time and place, the Council may proceed in the absence of the applicant.
- (4) In considering an application for a variance, the Council shall have regard for:
  - (a) Special circumstances or conditions applying to the land, building or use referred to in the application;
  - (b) Whether strict application of the provisions of this By-law in the context of the special circumstances applying to the land, building, or use, would result in practical difficulties or unnecessary and unusual hardship for the applicant, inconsistent with the general intent and purpose of this By-law;
  - (c) Whether the special circumstances or conditions are pre-existing and not created by the Owner or the applicant; and;
  - (d) Whether the sign that is the subject of the variance will Alter the essential character of the area.

### **24.0. Nonconforming Signs**

- (1) Any sign lawfully erected or displayed, before the day this Bylaw shall come into force, may remain and be maintained notwithstanding that it does not conform to this By-law, provided that no such sign shall be substantially Altered, unless the same shall either conform or be made to conform in all respects with this By-law.

- (2) The maintenance and repair of the sign or Advertising Device or a change in the message displayed shall not be deemed in itself to constitute an Alteration.
- (3) The owners of an existing sign(s) that does not conform to the requirements of this By-law on the date the By-law is passed shall bring such signs into conformity of this By-law within five (5) years of the date of passing the By-law or sooner where such sign is Altered or requires repair or maintenance.

## **25.0. Conflict with other By-laws**

- (1) Where there is conflict or contradiction between this By-law and any other By-law of the Town, the provisions of this By-law shall prevail.
- (2) Where there is conflict or contradiction between this by-law and any Provincial Regulations, the provisions of the Regulation shall prevail.

## **26.0. Materials and Structural Requirements**

### **26.1 Material**

- (1) All materials incorporated into a sign shall comply with the relevant requirements of the Building Code.
- (2) Every sign shall comply with all governing requirements of Hydro One and Festival Hydro, whichever has jurisdiction.

### **26.2 Structural**

- (1) Signs and their structural members shall be designed to have structural capacity to resist safely and effectively all effects of loads and influence from environment to which they may be exposed and shall in any case satisfy the requirements of the Building Code.

## **27.0. Validity**

- (1) If a Court of competent jurisdiction declares any Section or part of a Section of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.

## **28.0. Repealed**

By-law 33-2005 and any other By-law, or portion thereof, of the Town of St. Marys addressing the same matters addressed in this By-law are hereby repealed.

**29.0. Enactment**

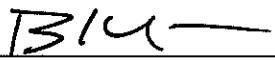
This By-Law comes into force and takes effect on the final passing thereof.

Read a first and second time this 30<sup>th</sup> day of October, 2018.

Read a third and final time and passed this 30<sup>th</sup> day of October, 2018.

  
\_\_\_\_\_

Mayor Al Stratthdee

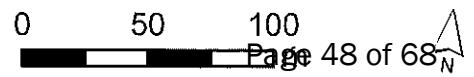
  
\_\_\_\_\_

Brent Kittmer, CAO / Clerk



— Central Commercial District

In reference to Schedule "A" of  
By-Law No.86-2018





## Penalties of Infraction

### Part I: Provincial Offences Act

Item	Short Form Wording	Provision creating or defining offence	Set Fine
1	Erect, display, Alter or allow the erection, display, or Alteration of any sign without Permit	3.0(1)	\$150.00
2	Erect a sign in a location, which may interfere with or damage any above or below ground municipal or utility services	3.0(3)	\$150.00
3	Attach, affix or display any sign or Advertising Device on a vehicle or trailer	3.0(4)	\$150.00
4	Attach, affix or display any sign or Advertising Device on a tree on Public Property	3.0(5)	\$150.00
5	Hinder, obstruct or interfere with a person duly appointed to enforce this by-law	3.0(7)	\$300.00
6	Install a Banner Sign sooner than thirty (30) days before the event	20.1	\$150.00
7	Place or permit to be placed an Election Sign	20.2(1)	\$150.00
8	Place or permit to be placed an Election Sign that is outside of the Elector District	20.2(3)	\$150.00
9	Place or permit to be placed an Election Sign on or in a Voting Place	20.2(4)	\$150.00
10	Display a logo owned or licensed by the Town on any Election Sign	20.2(5)	\$150.00
11	Place or permit to be Placed an Election Sign on Property that is owned by the municipality	20.2(10)	\$150.00
12	Erect or maintain any Sidewalk Sign on any Public Road Allowance or Sidewalk without permit	20.4(3)	\$150.00

NOTE: The general penalty provision for the offences listed above is Section 22.0(1) of by-law 86-2018, a certified copy of which has been filed.



Via  
Town of St. Marys  
PO Box 998  
408 James Street South  
St. Marys ON N4X 1B6  
Tel: 519-284-2340 ext 243  
Fax: 519-284-0902

## HERITAGE PERMIT APPLICATION

### HERITAGE PERMIT POLICIES

Prior to the receiving any building permit or site plan approval for demolition, renovations or new construction, for properties designated under Part IV of the Ontario Heritage Act or for those located in the Heritage Conservation District (HCD) the property owner will contact the Planning and Zoning Department to determine whether a Heritage Permit will be required.

For major work that may alter the appearance of the facade of a building designated under Part IV of the Ontario Heritage Act or located in the Heritage Conservation District, the application/approval process for Heritage Permits is as follows:

1. A property owner within the HCD or designated under Part IV of the Ontario Heritage Act considering a project consults with the Zoning and Planning Department to determine whether or not a Heritage Permit will be required.
2. If the scope and nature of the work requires a permit, the property owner is given an application form to complete.
3. Property owner submits to Planning Department a completed Heritage Permit Application with all the required documentation.
4. Based on a review of the heritage permit application, staff determines that the proposed alteration requires a recommendation from the Heritage Conservation District Advisory Committee (HCDAC) or the St. Marys Heritage Committee. The application and support material is circulated for review and comment.
5. The HCDAC or Heritage Committee submits its recommendation to the Planning Department staff indicating whether:
  - a. The application is recommended for approval.
  - b. The applicant is asked to modify the project to some extent.
  - c. The application is recommended for refusal.
6. The Chief Building Official will review the application and will either approve or refuse the application.
7. If not in agreement, the applicant has the right to appeal to Council.
8. If the applicant does not agree with Council's ruling, there is a further right of appeal to the Ontario Municipal Board (OMB).



Town of St. Marys  
PO Box 998  
408 James Street South  
St. Marys ON N4X 1B6  
Tel: 519-284-2340 ext 243  
Fax: 519-284-0902

I hereby make application for a Heritage Permit under the provisions of the Town of St. Marys Heritage Conservation By-law, being By-law No. 62-2012 pursuant to Section 33/34 and 42 of the *Ontario Heritage Act*, RSO 1990, c.18 for alteration or demolition as described in this application.

**APPLICANT INFORMATION**

Name:	<u>RAY COUSINEAU</u>		
Mailing Address:	<u>408 JAMES ST.</u>	Box	<u>998</u>
Phone Number:	Day (519) <u>284 2340 x637</u> Alternate (519) <u>521 2236</u>		
Fax ( )	E-mail: <u>rcousineau@town.stmarys.on.ca</u>		

**PRESENT OWNER (IF DIFFERENT FROM APPLICANT)**

Name:	<u>TOWN OF ST. MARYS</u>		
Mailing Address:	<u>408 JAMES ST.</u>	Box	<u>998</u>
Phone Number:	Day (519) <u>284 2340</u> Alternate ( ) _____		
Fax ( )	E-mail: _____		

**PROPERTY SUBJECT TO THIS APPLICATION**

Street No:	<u>5</u>	Street Name:	<u>JAMES STREET NORTH</u>
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**PURPOSE OF APPLICATION**

<input type="checkbox"/> Building Alteration	<input type="checkbox"/> Building Addition	<input type="checkbox"/> New Construction
<input type="checkbox"/> Building Demolition	<input checked="" type="checkbox"/> Other	
Description of Proposed Work <u>See Attached</u>		



Town of St. Marys  
PO Box 998  
408 James Street South  
St. Marys ON N4X 1B6  
Tel: 519-284-2340 ext 243  
Fax: 519-284-0902

#### ATTACHMENTS

- ☐ Signed letter authorizing applicant/agent to act on behalf of property owner
- ☐ Digital photographs of structure from the street(s) showing existing front and side elevations
- ☐ Drawings showing proposed alterations, addition or new construction
- ☐ Survey or site plan showing addition, new construction or building removal
- ☐ Manufacturer's brochures and/or product sample

#### DECLARATION

I, the undersigned RAY COUSINEAU, am the authorized (owner/agent of owner) named in the above application and I certify the truth of all the statements or representations contained herein.

I understand that the issuance of a permit shall not be deemed a waiver of any of the provisions of any requirements of the Town of St. Marys Heritage Conservation District By-law or regulations made hereunder, notwithstanding anything included in or omitted from the plans or other material filed in support of, or in connection with the above application.

I acknowledge that in the event a permit is issued, any departure from plans, specifications or locations proposed in the above application is prohibited and such could result in the permit being revoked.

I further acknowledge that in the event the permit is revoked for any cause or irregularity or non-conformity with the requirements of the Town of St. Marys Heritage Conservation District Bylaw, or regulations made thereunder, there shall be no right of claim whatsoever against the municipal corporation or any official thereof and any such claim is hereby expressly waived.

Ray Cousineau  
Signature of Property Owner/Applicant

Feb 21/20  
Date

#### FOR OFFICE USE ONLY

Date Received (Complete) \_\_\_\_\_ Received By (Signature): \_\_\_\_\_

#### Review and Approval/Denial

Planning Staff: \_\_\_\_\_ Date: \_\_\_\_\_

HCDA Committee: \_\_\_\_\_ Date: \_\_\_\_\_

Council: \_\_\_\_\_ Date: \_\_\_\_\_

## TOWN OF ST. MARYS 2020 Capital Project

**PROJECT #** \_\_\_\_ - Interlocking Brick Replacement

**DEPARTMENT:** Facilities

**LOCATION:**

Via Station

### PROJECT DETAILS

#### SCOPE OF THE WORK

The removal of the interlocking brick entrance and replacement with concrete

#### JUSTIFICATION

The removal of the interlocking brick between the parking lot and the Via Station. Over the past couple of years bricks have crumpled and disintegrated around the walkway in front of the Station. Repairs have occurred the last 2 years. Staff believe the interlocking brick are at the end of their life and need replacement. Concrete will create a safe level surface for patrons to traverse.

#### PRE- BUDGET APPROVAL

Yes

#### ASSET MANAGEMENT

<b>Investment Type</b>	Replacement
<b>Estimated Useful Life</b>	40 years
<b>Lifecycle Costs</b>	\$4000 over 40 years
<b>Impact to Operating Budget</b>	None Required
<b>Impact to Level of Service</b>	Maintain

#### STRATEGIC ALIGNMENT

Strategic Priority - Maintenance prioritization; Initiative - Prioritize heritage assets, in terms of importance and develop maintenance schedule and budget accordingly

### BUDGET

#### COSTS

Construction	\$10,000
<b>TOTAL</b>	<b>\$10,000</b>

#### FUNDING

Reserve - General Capital	\$10,000
<b>TOTAL</b>	<b>\$10,000</b>



### COMMENTS

Pre-budget approval will ensure work is completed before the flowers are planted the week of June 1.



March 02, 2020

**Chair Stephen Habermehl and Members of the Heritage Advisory Committee**

c/o Trisha McKibbin, Director of Corporate Services

via email to [tmckibbin@town.stmarys.on.ca](mailto:tmckibbin@town.stmarys.on.ca)

**RE: Update on the Sale of 480 Glass Street, Junction Station**

Members of the Heritage Committee,

I'm writing this letter on behalf of Council to provide an update on the sale of Junction Station. At this point in time, I am pleased to share that Broken Rail has plans to invest over \$300,000 in the property and the building to redevelop the location into a craft brewery which will be open to the public. It is their goal to have the redevelopment to a point where brewing can begin on the Victoria Day long weekend, with a public opening to follow afterwards.

During a discussion at Council on February 11, Council acknowledged that it is in the community's best interest to have Junction Station be redeveloped and opened to the public. Council and Administration are viewing the sale and redevelopment of Junction Station as a partnership with Broken Rail. In this vein of thought, Council has committed to over \$55,000 of investments into the property to bring the property to a point where it can be sold. Most of this cost represents due diligence and risk management work related to addressing contaminated soils which have been identified at the site.

For Town Administration, staff are directly assisting Broken Rail as they work through the planning stages of their redevelopment. To date staff have put considerable effort into the pre-consultation process for this project. Staff have met directly with the interior designer, contractor, and engineer who represent Broken Rail. We are attempting to provide as much early feedback as we can regarding the redevelopment of the property. Our goal is for Broken Rail to incorporate this feedback into their project planning and designs prior to submitting their various permit applications. Although this level of effort is not typical in a development process, it is our goal to be as helpful as possible, and to assist Broken Rail in avoiding any development related issues which may delay their timelines or increase their costs unnecessarily.

Specific to the heritage designation of the property, the agreement of purchase and sale currently includes a condition whereby Broken Rail expressly acknowledges the heritage designation of the property. In addition, Broken Rail is expressly agreeing to follow the process outlined in the *Ontario Heritage Act* with respect to alterations. Specifically, the condition is adapted from section 33(1) of the *Ontario Heritage Act* and reads as follows:

*"[Broken Rail]...shall not alter the property or Subject Building [Junction Station], or permit the alteration of the property or Subject Building, if the alteration is likely to affect the property or Subject Building's heritage attributes, as set out in the description of the heritage attributes registered under subsection 29 (6) or (14) of the Ontario Heritage Act, as the case may be, unless the Purchaser makes a heritage permit application and receives consent in writing to the alteration, such consent to not be unreasonably withheld by the Town."*

**TOWN OF ST. MARYS**  
**P.O. Box 998, St. Marys, ON. N4X 1B6**

Based on our meetings to date, staff are not concerned that Broken Rail will deviate from this requirement. Throughout their initial proposal and our subsequent discussions with their principals, contractor and their interior designer, they have continually given us the confidence that they fully intend to respect the heritage of the building.

There are practical matters of the redevelopment where Council and staff are seeking some initial advice from the Heritage Committee. At this point in time, we would appreciate if the Committee could provide pre-consultation comments on the initial proposals from Broken Rail. To assist the Committee with their review, Broken Rail have been kind enough to share the current proposed floor plan, as well as their interior design concepts. Not covered in the design brief is the topic of building insulation. The building needs to be insulated, with the most cost effective method identified by Broken Rail's contractor being the construction of an insulated drywall finished stud wall along all exterior facing walls. At this point in time the interior design brief does point out that the original wainscoting will be reused.

These proposed modifications will require a heritage permit, and may or may not impact the heritage designation of the interior of the building. The Heritage Committee's input will be extremely valuable advice that staff will provide to Broken Rail as part of our pre-consultation guidance before they finalize their renovation and interior design plans. Council would appreciate any feedback the Heritage Committee has on the renovation concepts that have been identified at this point in time. If the Committee could consider this correspondence at their next regular meeting that would be greatly appreciated.

So the Committee is aware, Council has asked staff to research the legislative requirements and process to amend the statement of designation for Junction Station. This step is precautionary in nature so that Council is aware of the legislative process and timelines in the event the property redevelopment requires an amendment to the building's interior designation. This is important information for Council to have so that they are aware of how this process could affect Broken Rail's redevelopment timelines.

As the redevelopment of this property progresses I intend to provide periodic updates to the Committee. Please feel free to contact me if you have any questions or concerns along the way.

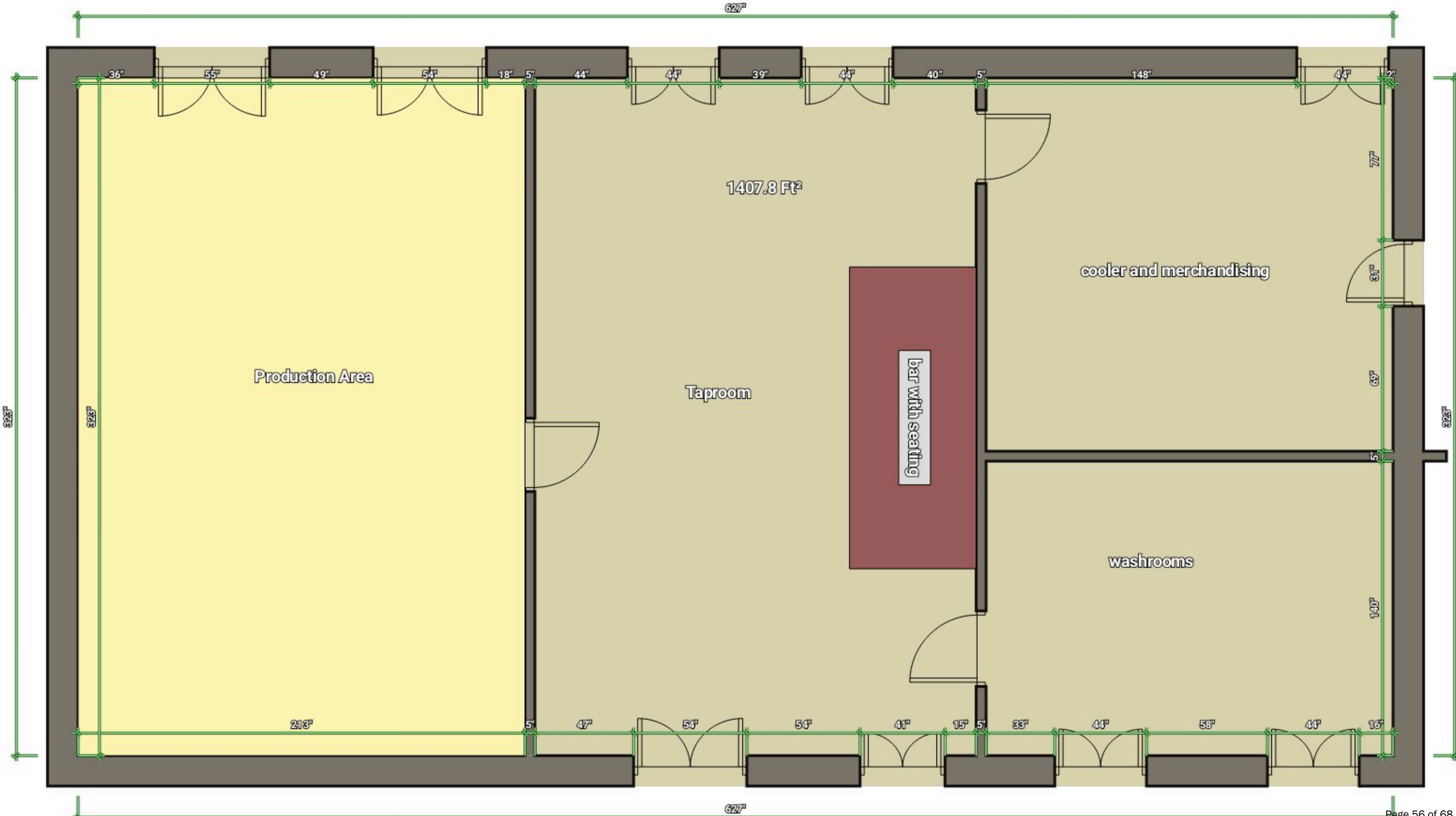
Sincerely,



**Brent Kittmer, P.Eng., MPA**  
CAO/Clerk  
519-284-2340 x216  
[bkittmer@town.stmarys.on.ca](mailto:bkittmer@town.stmarys.on.ca)

**TOWN OF ST. MARYS**  
**P.O. Box 998, St. Marys, ON. N4X 1B6**







# Schematic Design Presentation

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**BROKEN  
RAIL**  
— brewing —



# Project Details

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## Project Contacts:

Ryan Leaman - Co-Owner 519-803-1830

Erin Leaman - Co-Owner 519-500-4372

Trisha McKibbin - Director of Corporate Services 519-284-2340 x.214

Jim Rogers - Contractor 519-272-7650

Harry Kemp - Electrical 519-521-6256

Designer - Joana Francis 416-602-1881

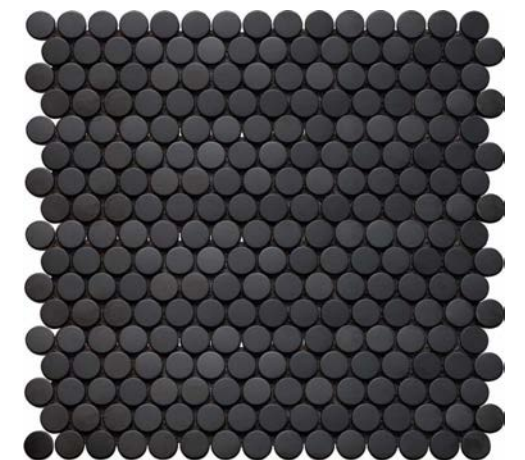
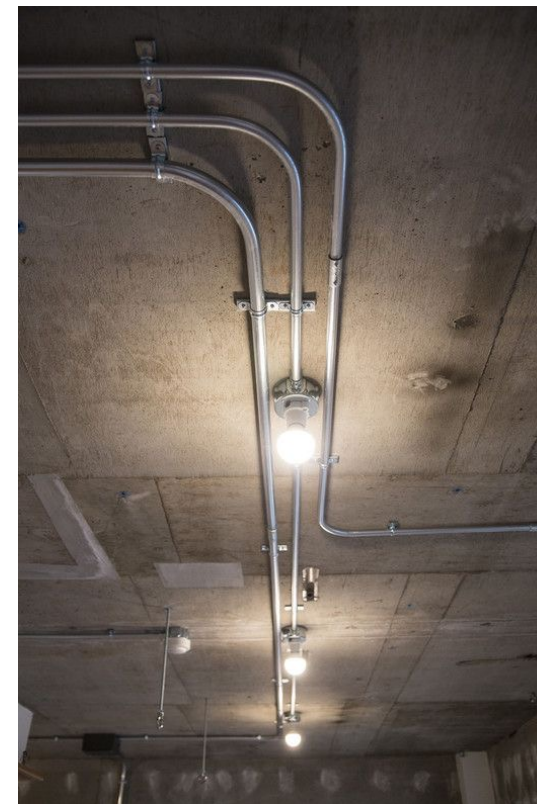
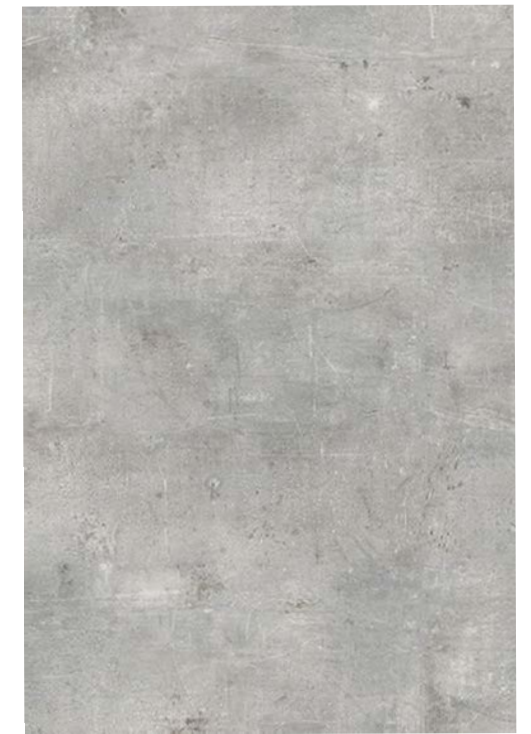
Location: 480 Glass St. St. Marys ON N4X 1E5

# Desired Style: Industrial Warmth

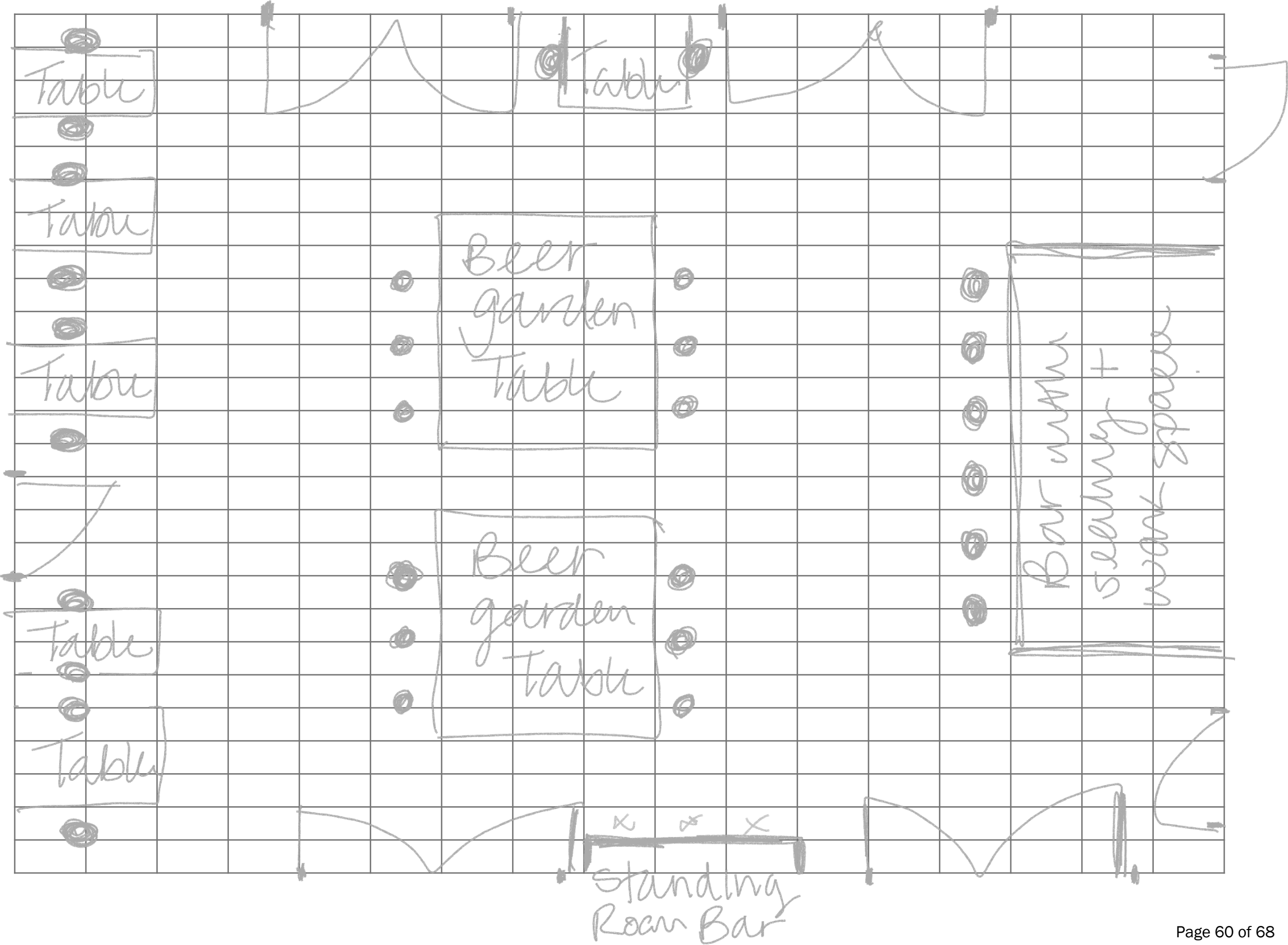
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Desired Atmosphere:  
Relaxed, welcoming, small  
town

Colours/Textures reflected  
in the space: Neutrals,  
Woods and Black



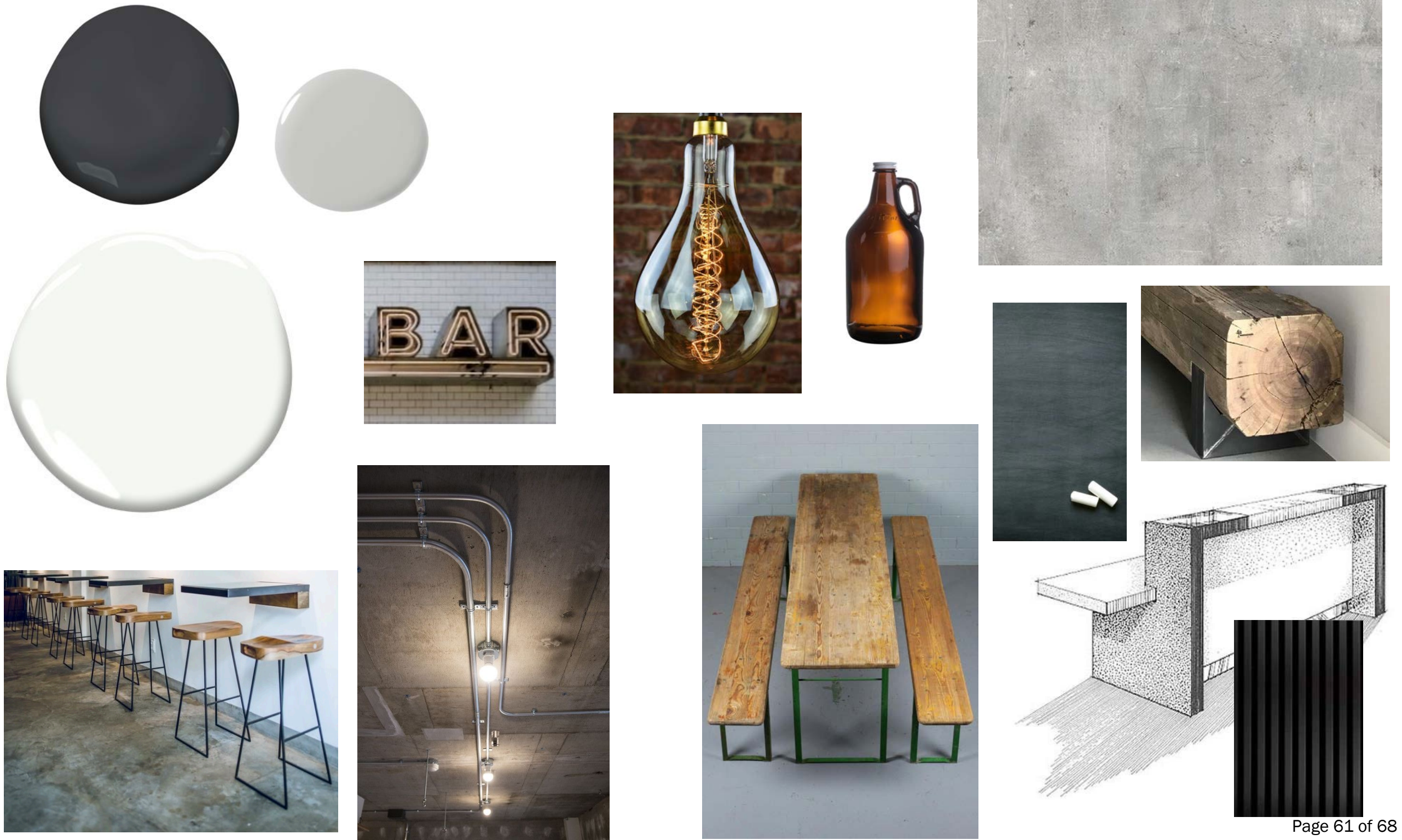
Simplistic Floor Plan - Potential Capacity for 33 People





# Digital Story Board - Tasting Room

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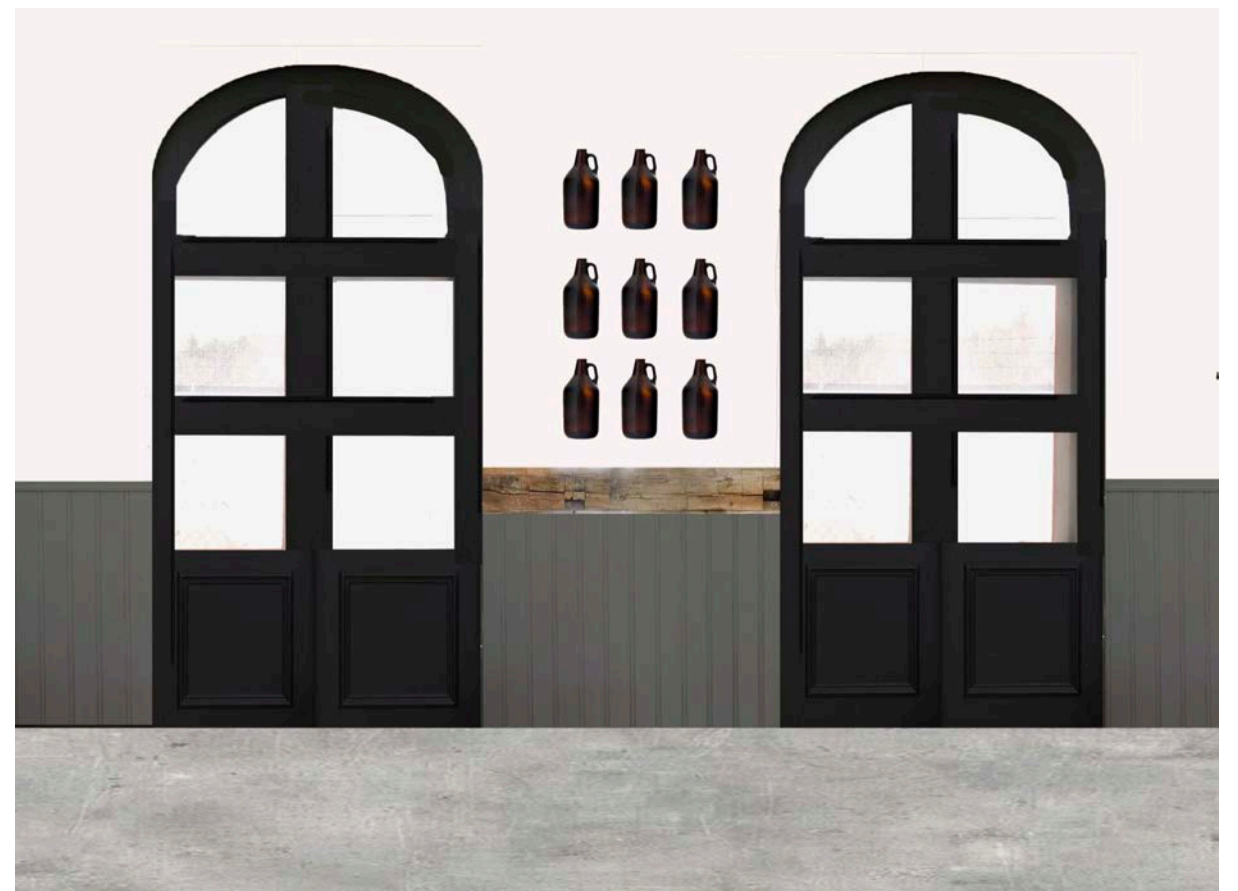
# Tasting Room

The original wainscoting will remain throughout the room, to be painted a medium grey colour. The walls will be given a fresh coat of a warm white. The doors/arches and framing will remain intact but will be painted black. Commercial vinyl flooring will be installed throughout. A growler gallery wall will center the doors flanked by a natural wood bar top for patrons to stand at.

Before



After





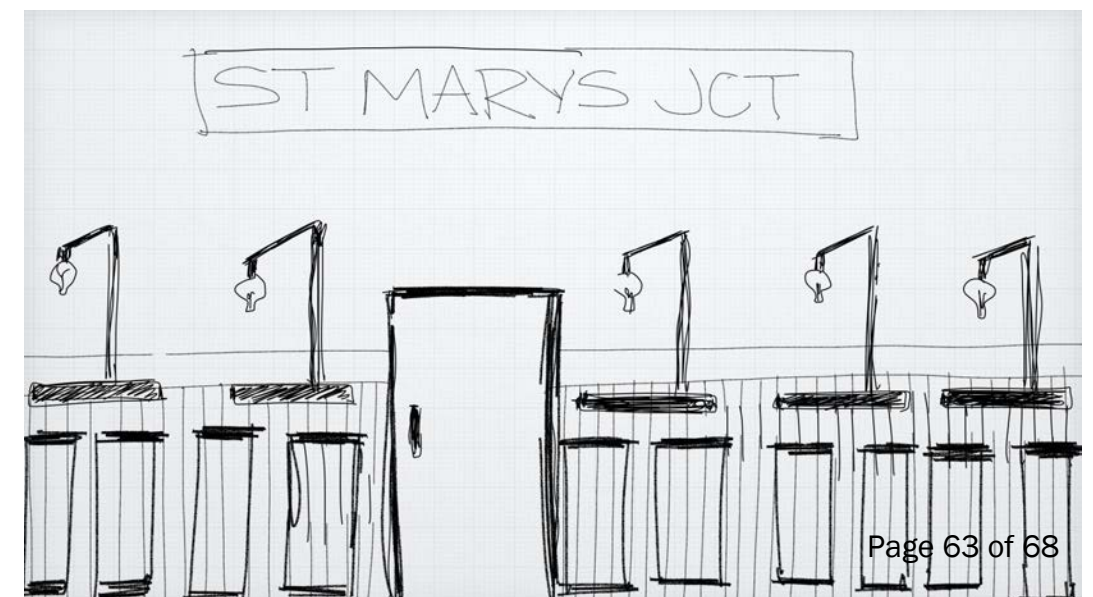
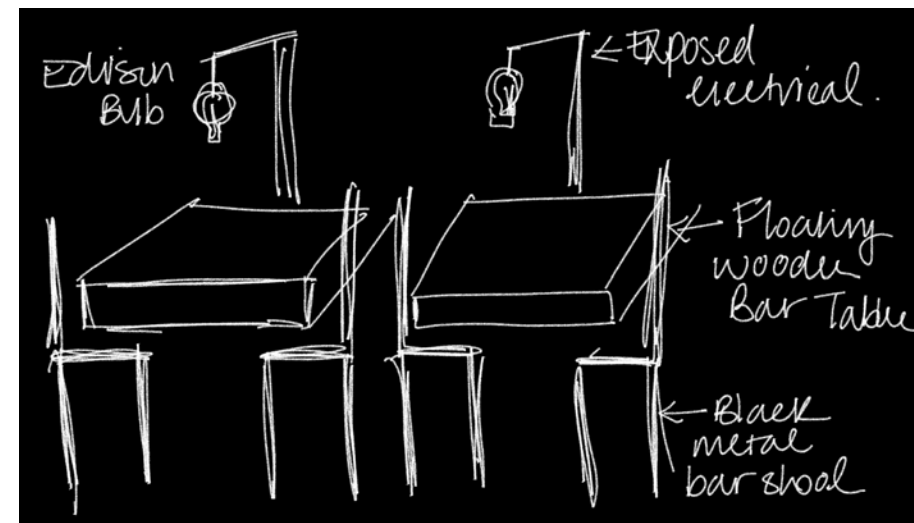


B  
E  
F  
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E

# Tasting Room - Wall to production area

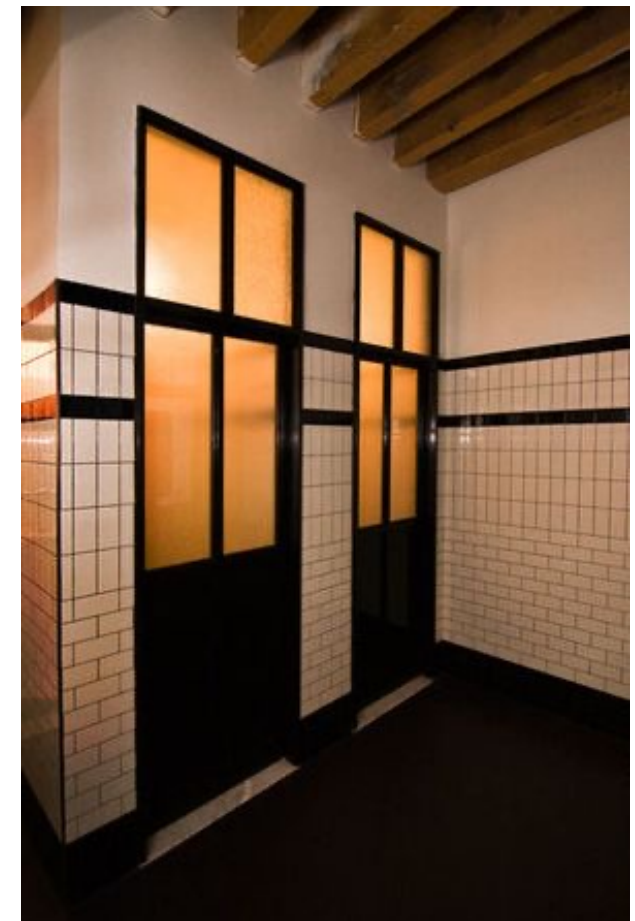
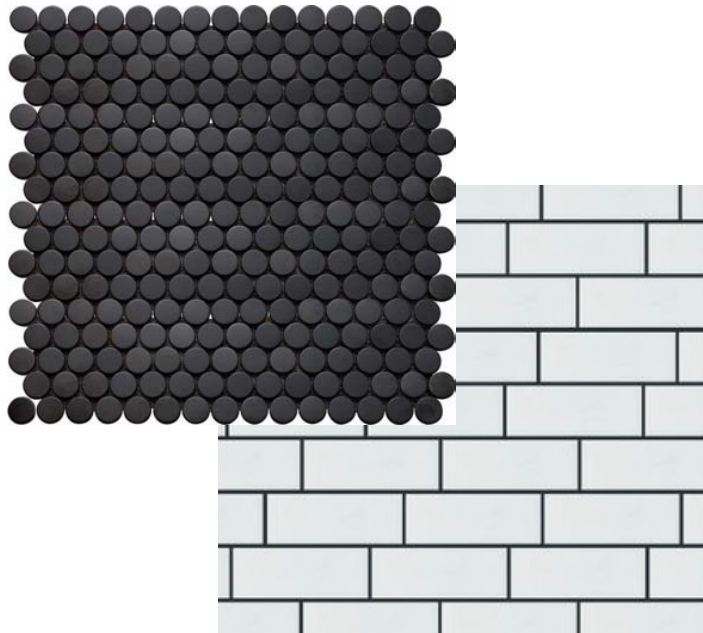
This wall will hold 4 - 5 floating bar tops with 2 stools per table. An Edison bulb will hang suspended from exposed electrical pipes. The wainscoting will remain in tact and the St. Marys wooden sign will Centre the wall. A black metal door will separate the spaces.

After



# Digital Story Board - Bathrooms

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# Digital Story Board - Cooler and Merchandise Room





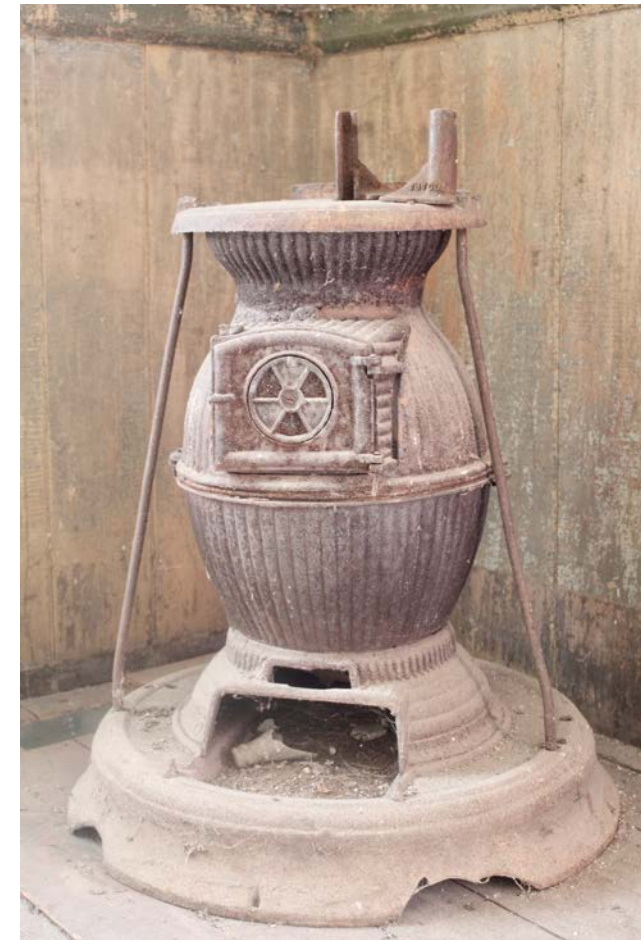
# Heritage Items to be added to the project

Wooden St. Marys JCT - in tasting room

Furnace - Bathroom Entry Way

Tile - Ceiling in the Merch Room

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## Tasting Room Feature Wall

Growler gallery wall with  
Natural wood ledge to  
match the bar top +  
provide additional  
Standing room

The Design Schematic should give you a sense of the direction of the project. Take your time and review the images, note what you like and what you would like changed. Now is the time to make those changes before we begin sources and finalizing!

Cheers

Thank you for trusting me

Joana Francis