



## AMHERST TOWN COUNCIL

RFD# 2019057

Date: May 27, 2019

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**TO:** Mayor Kogon and Members of Amherst Town Council

**SUBMITTED BY:** Andrew Fisher, Manager of Planning & Strategic Initiatives

**DATE:** May 27, 2019

**SUBJECT:** Land Use Bylaw (LUB) amendment – off-lot signage in the Downtown Core

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**ORIGIN:**

At the request of a downtown business owner, at its March 25, 2019 meeting, Council passed the following motion:

**That Council direct the Planning Advisory Committee to review the Land Use Bylaw and propose amendments to permit non-electronic off-site signage in the downtown core, and further that the PAC do this in the most expedient manner possible.**

**LEGISLATIVE AUTHORITY:** MGA section 2019 (1) *Where a council adopts a municipal planning strategy or a municipal planning strategy amendment that contains policies about regulating land use and development, the council shall, at the same time, adopt a land-use by-law or land-use by-law amendment that shall enable the policies to be carried out.*

**RECOMMENDATION:** On May 13, 2019 the Planning Advisory Committee recommended that Council not amend the Land Use Bylaw to allow non-electric off-site signage in the Downtown Core Area District.

**BACKGROUND:** On June 24, 2013, Council amended the LUB to adopt a suite of amendments that established a Core Area District within the Downtown Commercial Zone. These amendments included building design requirements to protect and enhance the traditional downtown built form and aesthetic. The signage requirements included in these amendments were intended to promote more traditional signage that was not internally lit.

On December 22, 2014, Council amended the LUB to remove the restriction that off-lot signage be restricted to businesses and uses located within 5 km of town limits. The amendment was the result of a request by a property owner that wanted to operate an electronic billboard at the corner of South Albion Street and Robert Angus Drive. The amendment allowed off-lot signage on any non-residential property but counted towards the maximum number of signs permitted.

On April 18, 2018, at the request of a property owner, Council amended the LUB to allow electronic signs in the Core Area that also included a prohibition on off-lot signage within the Core. LUB section 6.14 (h) states:

- h) *Signs that display a business, product, or use not located on the property or premises where the sign is located are not permitted;*



**DISCUSSION:** The general intention of the LUB section 6.14 (h) was to limit the ability within the Core Area to sell advertising space to off-lot businesses, which could potentially create an excessive amount of signage. Subsequent to the April 2018 amendment, Staff enforced this regulation by requiring an off-lot sign be moved from a property on the edge of the Core Area to an adjacent property just outside the Core. Over the course of the last year, Staff have advised other individuals and businesses that off-lot signage in the Core Area is not permitted. The contents of a Land Use Bylaw must be in keeping with the general intent of the Municipal Planning Strategy (MPS). As noted in the Staff report to the PAC, an amendment to the LUB in this circumstance would not go against the general intent of MPS policies.

**FINANCIAL IMPLICATIONS:** There are no financial implications to this issue.

**COMMUNITY ENGAGEMENT:** On May 1<sup>st</sup>, staff held an advertised PPO attended by three members of the public and the Mayor, a Councillor, and two PAC members. The attached meeting summary illustrates the subjective nature of signage with respect to how it should be regulated. The proponent wants an off-lot sign to help customers find his business. One of the attendees felt directional signage is important, but promoted the concept of sign standardization that fits with the town's built heritage. The third attendee that owns an electronic sign felt that the restriction on off-lot signage should be removed for all sign types, electric or otherwise.

**ENVIRONMENTAL IMPLICATIONS:** There are no environmental implications to this issue.

**SOCIAL JUSTICE IMPLICATIONS:** There are no obvious social justice implications.

**ALTERNATIVES:**

Option 1: **Permit off-lot signage of all types** by removing 6.14 (h):

- h) ~~Signs that display a business, product, or use not located on the property or premises where the sign is located are not permitted;~~

*Staff note: This option removes the off-site restriction put in place in 2018.*

Option 2: **Permit non-electric off-site signage in the Downtown Core** be permitted by removing LUB section 6.14 (h) as follows:

- h) ~~Signs that display a business, product, or use not located on the property or premises where the sign is located are not permitted;~~

and add the following subsection 6.14 i) ix:

- i (xi) **Electronic signs that display a business, product, or use not located on the property or premises where the sign is located are not permitted;**

*Staff note: This option only restricts electronic off-site signs, and would allow the proponent's sign*

Option 3      Defer consideration of first reading and direct staff to provide more information.

**ATTACHMENTS:**

- Staff report to PAC
- Core Area District Map
- LUB section 6.0 Signage
- Public Participation meeting summary

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Report prepared by  
Report and Financial approved by: