

**Authority:** Item 4, Planning Committee  
Report 16-018  
(FCS16082/PED16196)  
CM: October 26, 2016

**Bill No. 284**

## **CITY OF HAMILTON**

### **BY-LAW NO. 16-**

#### **To Amend By-law No. 10-197, a By-law respecting Signs**

**WHEREAS** Council enacted a by-law to regulate signs being City of Hamilton By-law No. 10-197;

**AND WHEREAS** this By-law provides for the amendment of City of Hamilton By-law No. 10-197 with respect to digital billboards;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. Section 1.1 of By-law No. 10-197 is amended by:

- (a) adding the words “Digital Billboard or” to the definition of “Billboard” after the words “does not include a”;
- (b) adding the following definition of “Digital Billboard” after the definition of “Council”;

**"Digital Billboard"** means a sign that is free standing and is supported by a structure secured to the ground and which is not supported by any building or other structure, displays copy advertising goods, products or services not sold or offered on the property where the sign is displayed by means of a digital or electronic screen and is either single faced or double faced but does not include a Billboard or a Ground Sign;

- (c) adding the words “or Digital Billboard” to the definition of “Ground Sign” after the words “a Billboard”.

2. Subsection 3.2.1 of By-law No. 10-197 is amended by adding the following new paragraph (h):

“(h) a Digital Billboard,”

3. Subsection 3.3.2 of By-law No. 10-197 is amended by adding the words “Digital Billboard,” after the words “A Billboard,”.

4. Subsection 3.3.3 of By-law No. 10-197 is amended by adding the words “Digital Billboard,” after the words “Where a Billboard,”.

5. Paragraph 5.1.1(f) of By-law No. 10-197 is deleted and replaced by the following new paragraph:

- (f) any sign that is within 400.0 m of the right of way of Highway 403, the Queen Elizabeth Way, the Lincoln M. Alexander Parkway or the Red Hill Valley Parkway and is visible from the right of way except as otherwise permitted under this By-law.

6. By-law No. 10-197 is amended by adding the following new section 5.10A:

### **5.10A DIGITAL BILLBOARDS**

5.10A.1 No person shall display or permit to be displayed a Digital Billboard except in accordance with the applicable general regulations under this By-law, and the specific regulations under this section of the By-law.

5.10A.2 No Billboard shall be displayed except in accordance with the following regulations:

#### **permit**

- (a) obtain a permit under this By-law;

#### **structure**

- (b) if the Digital Billboard is single faced or double faced (configured back-to-back or in a “V” shape):
  - (i) a maximum sign area of 18.6 m<sup>2</sup> for each sign face;
  - (ii) a maximum height of 6.1 m for each sign face; and
  - (iii) a maximum width of 10 m, except for a maximum width of 12 m for Digital Billboards facing the Lincoln M. Alexander Parkway;
- (c) despite paragraph 5.10A.2(b), if the Digital Billboard is single faced and facing the Lincoln M. Alexander Parkway:
  - (i) a maximum sign area of 32.6 m<sup>2</sup>;
  - (ii) a maximum height of 10.7 m; and
  - (iii) a maximum width of 12 m;

#### **content**

- (d) a maximum luminosity level of 300 candelas per m<sup>2</sup> at night and 6000 candelas per m<sup>2</sup> during the day;

- (e) equipped with a monitoring device to ensure that the light generated does not exceed 0.3 candles above ambient light levels at a distance of:
  - (i) 42 m for Digital Billboards with a sign area of not more than 18.6 m<sup>2</sup>;
  - (ii) 51 m for Digital Billboards with a sign area of more than 18.6 m<sup>2</sup> but not more than 28 m<sup>2</sup>; and
  - (iii) 76 m for Digital Billboards with a maximum sign area of more than 28 m<sup>2</sup> but not more than 32.6m<sup>2</sup>;
- (f) not operate between the hours of 12 am and 6 am;
- (g) minimum dwell time of 6 seconds; and
- (h) maximum transition time of 1 second;

**location**

- (i) not on a property within the Downtown Community Improvement Project Area, the Waterdown Urban Area or the Waterdown Settlement Areas;
- (j) may be within 400 m of and visible from the Lincoln M. Alexander Parkway;
- (k) not less than 300 m from another Digital Billboard, provided that, to allow for viewing from both sides of a street, the two sides of a double-sided Digital Billboard may be separated by a maximum of 180 m when facing the Lincoln M. Alexander Parkway and by a maximum of 40 m when facing any other street;
- (l)
  - (i) not less than 300 m from any residentially zoned property; or
  - (ii) less than 300 m from any residentially zoned property if the Director is satisfied by means of a viewshed analysis that includes consideration of sign alignment, shielding and other means, that there is sufficient mitigation of the impact on residential uses within 300 m;
- (m) not less than 3.5 m from any property line; and
- (n) not less than 30 m from an intersection provided that an intersection does not include an on or off- ramp to or from the Lincoln M. Alexander Parkway.

7. This By-law comes into force on the day it is passed.

**PASSED** this 26<sup>th</sup> day of October, 2016

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F. Eisenberger  
Mayor

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R. Caterini  
City Clerk