



TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING ON AUGUST 22, 2016
FROM:	G. KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT:	PROPOSED NEW SIGN BY-LAW & AMENDMENTS TO CURRENT SIGN & CANOPY BY-LAW

RECOMMENDATION

(a) That the report of the Managing Director, Development and Compliance Services and Chief Building Official proposing a new draft Sign By-law and two amendments to the current Sign & Canopy By-law **BE RECEIVED**; and that

(b) on the recommendation of the Managing Director, Development and Compliance Services and Chief Building Official, the attached proposed draft Sign By-law BE REFERRED to a public participating meeting to be held at the **October 17, 2016** meeting of the Planning and Environment Committee, for the purpose of seeking public input on the proposed by-law and amendments to the current by-law; it being noted that the Civic Administration will consult with industry stakeholders, Business Improvement Associations, and other interested parties in order to attempt to balance the needs of service/product marketing with safety and aesthetic standards.

PREVIOUS REPORTS

- Sign and Canopy By-law : Various By-law Amendments Public Participation Meeting ; November 10, 2008, Planning Committee
- Sign and Canopy By-law : Various By-law Amendments ; February 25, 2008, Planning Committee
- Sign and Canopy By-law : Application by CN Rail and RCC Media Seeking a Minor Variance to the Sign and Canopy By-law to permit Third party Advertising on Railway overpasses ; August 15, 2011 Built and Natural Environment Committee

EXECUTIVE SUMMARY

The current Sign & Canopy By-law was last amended in late 2008 to account for changes to sign permit fees, various technical amendments and changes to the minor variance process.

The current Sign & Canopy By-law does not account for, or contains limited provisions with respect to signage options already available by the industry and in particular, digital signage utilizing Liquid Crystal Displays (LCDs) or Light Emitting Diodes (LEDs). In addition, luminance levels (brightness) of digital signs are not addressed by the current By-law. The proposed Sign By-law includes expansion of the use of digital technology for both ground and wall signs.

The results of a two-year pilot program to permit the installation of sign banners at two CN railway overpass locations are also presented in this report along with recommendations to include signage at additional CN overpass locations on a permanent basis.

Schedules to the Sign By-law are introduced wherein required agreement forms and special district maps are provided.

A review of sign permit fees is currently underway with respect to costs incurred to administer and enforce the By-law as well as a comparison of fees with other municipalities. The proposed fees will be



made available prior to the first public participation meeting.

A draft copy of the new Sign By-law is appended to this report in Appendix 'A'.

The current Sign & Canopy By-law is proposed to be amended and will be retained for the regulation of existing signs lawfully erected and not substantially altered on or prior to the date of passing of the new Sign By-law.

BACKGROUND

The proposed Sign By-law is expected to produce a by-law that is both 'user-friendly' and contains simple language. A differentiation is made between permanent signs and temporary ones. Further subsections distinguish signs placed on private property from those placed on the public road allowance. The proposed by-law also includes the provision of 'special districts' wherein area-specific sign regulations are provided. Additional information has been included in terms of "Schedules" containing all required agreement forms and special district maps in support of a sign permit application. In keeping current with industry practices, new regulations to address digital signage have also been introduced.

In addition, a review of sign permit fees is underway giving consideration to costs associated with the By-law's administration.

In consideration of existing signs or advertising devices, section 99.(1) of the Municipal Act, 2001 states:

Advertising devices

99. (1) A by-law of a municipality respecting advertising devices, including signs, 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 is deemed not in itself to constitute a substantial alteration. 2006, c. 32, Sched. A, s. 39.

Therefore, it is proposed to retain the existing Sign & Canopy By-law to regulate existing advertising devices lawfully erected and not substantially altered on or prior to the date of passing of the new By-law.

In addition to signs erected or displayed after the By-law is passed, the new By-law would be used to regulate existing advertising devices erected or displayed on or after the By-law comes into force if:

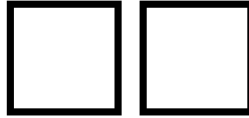
- (a) the advertising device was not lawfully erected or displayed on or before the By-law comes into force; or
- (b) the advertising device has been substantially altered.

Civic Administration recommends that Planning and Environment Committee conduct at least two public participation meetings and receive comments so that staff will report back taking due consideration of the comments received from both the general public as well as Business Improvement Associations and key sign industry stakeholders.

PROPOSED BY-LAW HIGHLIGHTS

1. Definitions

The definitions provided in the new Sign By-law include some of those that existed in the current Sign & Canopy By-law as well as new ones in an effort to provide clarity and ease of interpretation and enforcement. New definitions have been introduced for new sign types. For example, a '**Railway Overpass Sign**' is included to allow for railway overpass signs stemming from the results of a two-year pilot project. A new '**Industrial Park Sign**' is also defined to provide opportunities for businesses in industrial parks to be identified with respect to their locations.



2. By-law Intent

The current Sign & Canopy By-law lacks a section to indicate what the intent of the by-law is and it was felt that such a section would be beneficial, particularly when minor variances are to be considered. The proposed Sign By-law's intent section is provided below:

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

- a) *are proportionate to the property they identify and advertise and as such should be appropriate in size, number, and location to the type of activity or use to which they pertain;*
- b) *provide reasonable and appropriate means for the public to locate and identify facilities, businesses, and services without difficulty or confusion;*
- c) *are compatible with their surroundings, supplement the land use and do not dominate the landscape;*
- d) *protect and enhance the aesthetic qualities and visual character of the property and promote the statement that “the visual quality of signs matter to the overall community image”;*
- e) *are consistent with the City of London’s planning, urban design, and heritage objectives. One size does not fit all – some parts of the City have characteristics that warrant exemptions, limitations, experimentation, etc;*
- f) *do not create a distraction or safety hazard for pedestrians or motorists. The cumulative effects of signage matter – sign clutter is a civic liability;*
- g) *minimize adverse impacts on nearby public and private property.”*

It is expected that the additional criteria, specified above, will assist staff in making unbiased and transparent decisions related to minor variances.

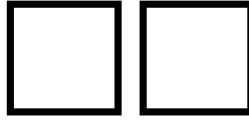
3. Special Districts

In alignment with planning and heritage attributes it was determined that there was a need to introduce special districts throughout the City wherein sign regulations would be area-specific to encompass and supplement the unique parameters and character that each district in the City is known for. Such regulations would warrant exemptions and/or limitations on advertising devices in order to improve upon the visual quality of the overall community image.

These Special Districts include:

- a. Bishop Hellmuth
- b. East Woodfield
- c. West Woodfield
- d. Old East London
- e. Downtown
- f. Blackfriars Petersville
- g. Old South Wortley Village

Additional special districts could also be added once they have been established. An example of this would involve the implementation of the London Plan or the establishment of new Heritage Conservation Districts.



Examples of prohibited signs in some of the Special Districts include:

- a) Third party billboard signs
- b) Signs with flashing illumination, with the exception of permanent signs for the following commercial uses: Place of Entertainment or Recreation; Hotel or Motel; Restaurant; and Theatre
- c) Inflatable signs
- d) Signs with animated signs
- e) Signs with electronic changing copy
- f) Read-o-graph mobile signs

4. CN railway overpass signs

In 2011, as a maximum two-year pilot program, municipal council resolved to approve a variance to the Sign & Canopy By-law to permit the erection of banner signs on each face of two CN railway overpasses, provided the proponents (CN Rail and RCC Media) entered into a licensing agreement with the City of London before any permits were issued. The railway overpass locations selected were at:

- a) Wellington Street south of York Street
- b) Oxford Street west of Wonderland Rd. N.

The municipality entered into a written agreement with CN Rail and RCC Media to permit signage on one face of the bridge structure that would be utilized by the City to convey messages of public interest. The alternate side of the bridge would be used by RCC Media for private advertising purposes. All signage was to comply with CN advertising guidelines. The final banner installation took place in March 2013.

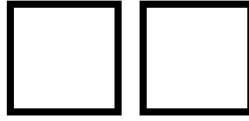
To date, staff have not received any complaints related to this pilot project. In fact, a citizen commented via email that the new banners were aesthetically pleasing in that for the most part they covered the oxidized bridge structures.

In 2011, staff had suggested that, if the pilot program was successful, this signage would be permitted under renewed agreements on five (5)-year terms thereafter.

Staff has reviewed the proposal to further extend the pilot to allow for signage on five year terms and to also permit additional CN railway overpass locations for similar signage. In keeping with the technological advances in digital signage, staff has reviewed the option of including both 'fabric' banner signs as well as LCD signs at the overpass locations. Furthermore, it is proposed that expansion of this signage would include, but not be limited to, the following additional locations:

- Richmond St north of Horton St
- Wonderland Rd south of Oxford St
- Veterans Memorial Parkway south of Gore Rd
- Wharnccliffe Rd north of Horton St
- Wortley Rd north of Horton St
- Thames St north of Horton St

A new RAILWAY OVERPASS SIGN definition is provided in the new Sign By-law in order to regulate these signs. In addition, railway overpass sign regulations are also included. Considering these are signs over a public road allowance, the proponent would have to enter into a written agreement with the Corporation of the City of London through the City Engineer in terms of the display timeframe and the associated conditions of the railway overpass signage.



5. Third party ground signs (billboards)

The current Sign & Canopy By-law defines a Non-Accessory sign as a sign that:

“...does not relate to the use of the premises on which the sign is situated or which is not by definition an accessory sign, and includes signs commonly known as poster panels, billboards, painted bulletins and pillar signs;...”

In the new By-law, staff is proposing to no longer use the term ‘Non-accessory’ but instead refer to these signs as ‘Third party’ for clarity purposes.

In keeping with the technological advances of billboard signage, and as a result of industry requests, the new By-law will permit the use of Liquid Crystal Displays (LCDs) or Light Emitting Diodes (LEDs). Restrictions have been proposed with respect to the rate of change of images, the levels and timeframes of luminance, as well as the use of video for billboards. These restrictions will resolve complaints received by the public for signs that were considered to be too bright.

As per the current By-law, the allowable locations of billboard signs is dictated by a Schedule which provides a list of main streets associated with ‘limits’ stipulated by the name of side streets. There are other location restrictions as well specified in the regulations (i.e. proximity to residential areas).

For the new By-law, staff is proposing to use a similar expanded Schedule to allow for additional locations of billboard signs; primarily on arterial roads.

6. Minor Variance process

The proposed Sign By-law includes a section addressing minor variances. These are ‘internal’ variances considered by staff and are granted or denied by the Chief Building Official.

Furthermore, in addition to the intent of the By-law, a breakdown is provided in terms of what the Chief Building Official is to consider with respect to a minor variance decision.

The By-law also provides information related to the appeal process.

7. Industrial Park signs

The current Sign & Canopy By-law does not permit these types of signs off premises, unless their proposed locations were those as indicated in Schedule ‘G’. As such, in most cases, they were not permitted outside the industrial park properties.

In keeping with council’s direction and policy to provide incentives for industrial development (i.e. Development Charges) and considering requests in the past for this type of signage, staff has reviewed the possibility of allowing these signs, in the new Sign By-law. Staff has defined this sign type and provided associated regulations for its size and placement. Industrial Park signs would be permitted on the public road allowance as long as the proponent has entered into a written agreement with the Corporation of the City of London.

The signs would have the form of a single (main) sign structure containing the names and/or company logos of the industries in the park and may provide directional information as to their locations.

It should be noted however, as per City Council policy 16(33):

“16(33) Gateway Structures, Fences and Walls - Ownership & Maintenance

That the following Gateway Structures, Fences and Walls - Ownership and Maintenance Policy be established:

(a) ornamental gateways to subdivisions shall not be allowed on City lands and the City shall assume no responsibility for their maintenance;

(b) privacy fences shall be placed on private properties, where required by the



proponents. Fencing designs will be consistent with City standards and shall be the responsibility of the individual property owners; and

(c) “retrofit” noise walls that are required as a result of a road widening adjacent to existing residential uses shall be placed on City property in accordance with Council Policy Section 25(12), namely Noise Barriers on Arterial Roads.

ADOPTED AUGUST 8, 2000, AMENDED MARCH 7, 2005”

Council may need to turn its mind to whether this policy would possibly contradict the intention of permitting this type of signage on City lands and may accordingly consider a possible amendment to this policy.

8. Sign Permit Fees

The sign permit fees have remained unchanged as of 2008 and staff are reviewing the fees based on the costs imposed for the Sign By-law’s administration and enforcement as well as comparing sign fees with other municipalities.

The current fees, in some instances (inflatable signs) as low as \$27.50 per 30-day display timeframe, do not adequately account for the costs to administer the Sign By-law. The costs account for both plan reviews and site inspections. Depending on the type, the minimum number of inspections varies from sign to sign with a minimum of one required inspection.

It is proposed to amend the current Sign & Canopy By-law with respect to fee changes as well as introduce sign fees under the new By-law. In both cases the fees will be provided in the Fees & Charges By-law.

For the proposed fees in the new By-law as well as those amending the current By-law, the required public notice as per Council’s Public Notice Policy, Schedule ‘E’, will be given prior to any said changes being made.

ISSUES RELATED TO SIGN PERMITS

Both industry stakeholders and building owners have brought forth concerns related to the sign permit provisions/regulations of the current Sign By-law. Staff has addressed these and provides recommendations below.

Signs on Vehicle Trailers

With respect to signs on vehicle trailers the current Sign & Canopy By-law prohibits:

“...a sign erected or painted on a vehicle (except a temporary sales trailer for new construction located on the site of the construction) where the vehicle is not used in weekly operation for transportation and is parked or located in a manner so as to make the sign visible from a street for the purpose of functioning as an identification, information or advertising sign;...”

As a result of past enforcement action taken, staff has reviewed the current sign By-law provisions as well as other municipalities’ regulations related to signs on trailers and has determined that no changes are warranted. As such, this prohibition is also reflected in the new Sign By-law.

Real Estate Advertising signs on buildings downtown

In the fall of 2011 the Sign By-law was amended as a result of banner signs that appeared on selected buildings in the downtown core. Thus, section 6.4 (c) of the current By-law was amended to read:

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“(c) Notwithstanding section 6.4 (b) above, the two existing signs at 131-137 Dundas Street and 208-210 Dundas Street which exceed the 5% permitted sign coverage area may remain for a period of time up to December 1, 2012...”

This clause is not included in the proposed By-law as its provisions have now expired. The existing wall signs referred to the aforementioned buildings would have to comply with the location and size requirements provided in sentence 7.7.2 of the current By-law which would still be applicable, as the By-law is being retained.

PROPOSED AMENDMENTS TO THE CURRENT SIGN & CANOPY BY-LAW

As previously mentioned, it is proposed to retain the current Sign & Canopy By-law for the regulation of specific existing signs. The following amendments are being proposed to the current By-law:

ADD a new subsection 1.7 to the current Sign & Canopy By-law as follows:

“This By-law applies to existing advertising devices lawfully erected or not substantially altered on or before (date of passing of new Sign By-law)”

Furthermore, Schedule ‘A’ of the existing Sign & Canopy By-law and references to this Schedule will be DELETED. The amending fees to the current By-law will be provided in the Fees and Charges By-law.

The detailed amendments as well as the sign permit fees will be included in staff’s report at the first public participation meeting held by Committee.

CONCLUSION

In keeping with technological advances that the sign industry has made, review of past issues related to sign regulations in London, and the need to update the current Sign & Canopy By-law, staff have prepared a new Sign By-law that includes provisions for current sign advertising practices and addresses past issues that were somewhat contentious. It is expected that the new Sign By-law will provide a balance between regulation, public safety, and industry demands as well as be user-friendly and easier to interpret and administer than its predecessor.

Due to restrictions as provided in section 99.(1) of the Municipal Act, 2001 with respect to regulating existing advertising devices, it is being proposed to retain the current Sign & Canopy By-law, with two proposed amendments.

Upon the conclusion of the public participation meetings and receipt of comments from industry stakeholders and other interested parties, staff will take consideration of said comments and report back at a future Planning & Environment Committee meeting with a final new Sign By-law draft as well as amendments to the current Sign & Canopy By-law.

ACKNOWLEDGEMENTS

This report was prepared with the assistance of Adam Salton, Ethan Ling and Lou Pompili from Development & Compliance Services.

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