

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING ON OCTOBER 17, 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

On the recommendation of the Managing Director, Development and Compliance Services and Chief Building Official,

- (a) the report dated October 17, 2016, from the Managing Director, Development and Compliance Services and Chief Building Official, which includes the attached draft Sign By-law, **BE RECEIVED** for information, and
- (b) the Civic Administration **BE REQUESTED** to report back at a public participation meeting to be held at a future meeting of the Planning and Environment Committee with any proposed changes to the draft by-law referenced in part (a) above, in response to comments received at the October 17, 2016, public participation meeting.

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
- New Sign By-law and amendments to the Sign & Canopy By-law S.-3775-94 : August 22, 2016 Planning and Environment Committee

EXECUTIVE SUMMARY

Civic Administration submitted a report at the August 22, 2016 Planning and Environment Committee meeting with respect to a request for future public participation meetings to be held at PEC regarding a proposed new draft Sign By-law as well as two amendments to the current Sign & Canopy By-law.

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 prior to the date of passing of the new Sign By-law.

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A review of sign permit fees is underway with respect to costs incurred to administer and enforce the By-law as well as a comparison of fees with other municipalities. As such, in addition to including the fees in the new By-law, it is proposed to amend the current Sign & Canopy By-law to revise Schedule ‘A’ (Fees for Minor Variances and for the inspection and approval of plans). The fees will be included in the updated draft By-laws at a future meeting of the Planning & Environment Committee.

BACKGROUND

The proposed Sign By-law is expected to be both ‘user-friendly’ and simple to interpret. 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 agreements and maps in support of submission for 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 currently being conducted giving consideration to costs associated with its administration.

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

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.

With respect to existing signs 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:

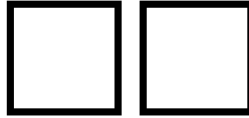
- (a) the advertising device was not lawfully erected or displayed on or before the By-law comes into force; or
- (b) the advertising device has been substantially altered.

Civic Administration recommends that Planning and Environment Committee conduct an additional public participation meeting after the October 17th meeting 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.

COMMENTS RECEIVED FROM DEPARTMENTS OUTSIDE DEVELOPMENT & COMPLIANCE

Roadway Lighting & Traffic Control:

1. *The definition of Banner Sign should be amended to exclude banners mounted on street lights and hydro poles. These have their own approval process.*



2. *The same definition for City Engineer as the Traffic & Parking By-law should be used which is “means Managing Director and City Engineer or any employee or agent of the Corporation designated by the said Managing Director and City Engineer to act on his or her behalf”.*
3. *By-law doesn’t address A-Board signs that interfere with pedestrian traffic.*
4. *The minimum clearance in Section 3.14 (g) should be 4.5m as per OTM Book 6.*
5. *The height of a sign referenced in Section 4.6 should be in relationship to the driver’s view. A 1 m sign on a property that is elevated above the road will still be a view obstruction.*
6. *Sections 6.4 & 6.6 do not address signs over the travelled portion of the road.”*

Transportation Planning & Design:

“The bylaw looks quite comprehensive.

- *It appears in Table 7.5, Temporary First party A-Frame Signs on Public Road Allowance. However, it could be addressed as a general condition early in the document.*
- *The daylight triangle requirements should also apply to at-grade road – rail crossings.*
- *There is a minor typo in the Schedule G title.”*

Geomatics Division:

“6.2.2 Signs on Public Road Allowance - Signs on a public road allowance shall be positioned so as to prevent damage to underground services, and shall not be positioned to restrict pedestrian or vehicular visibility.

to read:

6.2.2 Location of Signs on Public Road Allowance – Notwithstanding any provisions in Section 6.2, signs located on a public road allowance must comply with the City’s Street Encroachment Policy, Chapter 25(21).

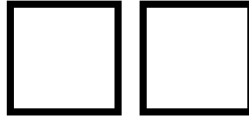
Planning Division:

Staff from Development & Compliance have met with Planning staff and comments are to follow.

COMMENTS RECEIVED FROM EXTERNAL STAKEHOLDERS/ PUBLIC

Comments have been received from the following stakeholders:

- London Home Builders’ Association
- London Development Institute
- Downtown London BIA
- Old East Village BIA (written comments appended to this report)
- Sign Association/fabricators/installers



The required notice for a public participation meeting was printed in the Public Notices section of *The Londoner* on September 29, 2016. There were no comments received through the public liaison. The notice will be posted again on October 6, 2016.

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:

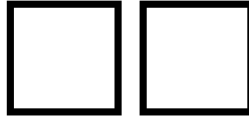
"The purpose of this By-law is to regulate all signs in the City of London with the intent of authorizing signs that:

- 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.

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.

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:

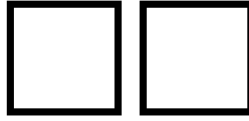
- Richmond St north of Horton St
- Wonderland Rd south of Oxford St
- Veterans Memorial Parkway south of Gore Rd
- Wharncliffe Rd north of Horton St
- Wortley Rd north of Horton St
- Thames St north of Horton St

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)

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.

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8. Sign Permit Fees

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

The proposed sign permit fees under the new Sign By-law will be presented at a future PEC meeting and will also apply to the current Sign & Canopy By-law. To address this, one of the amendments to the current Sign & Canopy By-law involves amending Schedule ‘A’ (Fees for Minor Variances and for the inspection and approval of plans).

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 will be amended to include adjusted fees.

A by-law amending the current Sign & Canopy By-law will be presented to PEC at a future meeting.

<p>CONCLUSION</p>

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 has 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 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.

After the October 17, 2016 public participation meeting and upon 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 with a second draft Sign By-law.

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ACKNOWLEDGEMENTS

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

PREPARED BY:	RECOMMENDED BY:
PETER KOKKOROS, P.ENG. DEPUTY CHIEF BUILDING OFFICIAL, DEVELOPMENT AND COMPLIANCE SERVICES	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL

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Dear Mr. Kotsifas,

Re: Proposed New Sign By-Law & Amendments to Current Sign & Canopy By-Law

In response to the *Proposed New Sign By-Law & Amendments to Current Sign & Canopy By-Law* presented to the Planning and Environment Committee on August 22, 2016, attached please find the *Old East Village BIA Sign By-Law Feedback Report*. We request that this report, its information, and recommendations be considered by staff and council when reviewing and amending the current Sign and Canopy By-Law.

London Buildings- Permits, Inspections and Property Standards team requested the comments of our membership and BIA staff was pleased to support this initiative. The Old East Village BIA looks forward to continuing to provide feedback and work with City staff to support this review process.

Sincerely,

A handwritten signature in black ink, reading "M. Drangova", is positioned below the word "Sincerely,".

Maria Drangova
Board Chair
Old East Village BIA

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Proposed New Sign By-Law & Amendments to Current Sign & Canopy By-Law

Old East Village BIA Sign By-Law Feedback Report

Submitted by: Jen Pastorius, Old East Village BIA Manager

The feedback provided below was gathered during one on one meetings, the ongoing management of files and at the Old East Village BIA Sign By-Law review meeting held on September 28th, 2016.

The business and property owners of the Old East Village were pleased to provide feedback to the recommended changes to the Sign By-Law. Thank you to the City of London Buildings- Permits, Inspections and Property Standards for receiving the information gathered by our business community.

The following feedback is specifically regarding the Proposed Draft Sign By-Law:

- The potential creation of Special Districts protects the work of Urban Regeneration and complements the Old East Village Urban Design Manual. This was positively received.
- The plain language commitment was viewed as a good step towards a better user experience.
- The business owners were pleased to hear the team is working to make the process to apply for projecting signs easier and less cost prohibitive.
- Businesses thought that basic fact sheets or a User Guide would be very helpful if it is available at a number of locations and points of process. (Service London, BIA offices, Business/Building Permit Application desk)
- Business owners were concerned about increases to the fees. It was noted that many businesses are applying for signs during the opening of a business and any significant increase to the fees will impose a financial stress at a time when so many other costs need to be paid. Further, businesses have shared feedback from other businesses on the corridor stating that some businesses decided against signage all together in order to avoid the process and fees.
- What is the rationale behind the By-Law Intent? Is it included to provide opportunities to support unusual cases and allow for flexibility?

The following feedback is specific to individual OEV business experiences when seeking signage approval and regarding the Sign By-Law application process. Although the following comments are outside the scope of the Draft Sign By-Law, we felt it was important to provide 'real-time' experiences, noting City staff encouraged the BIA to include all feedback received.

- The business owners recognize the need for a sign by-law and that regulations are necessary.
- The By-Law does not address issues in working with heritage age properties that predate the Sign By-Law. Identification of property lines for encroachment purposes can be difficult in these situations.
- The Awning without logo/name being under the purview of Building Permits and an awning with logo/name of business being under Sign By-Law is very confusing and would integrate another department and another set of forms. This process may deter those interested in both a sign and awnings
- Long delays in receiving application approvals have created scheduling problems for businesses which can be financially taxing. Improvements are needed.
- Businesses that have been through the process discourage other local businesses from going through the process as it is too complex and time consuming.

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- The overall customer service experience was characterized as in need of significant improvement from start to finish.
- Many businesses have had either significant delays in their application or problems navigating the process with little or no guidance from staff.
- Businesses have recently received “Payment Due” notices for old sign permits owned by closed businesses previously in their locations.

Final Comments and Suggestions:

- Small businesses are economic drivers, they are employers. Delays on permits keep these businesses from opening, and by extension, delays the positive effects of employment and commercial activity.
- Integrate Sign Permit information package (brochures) when a business licence application is submitted. Included in that package should be current estimated wait times for completed Sign Permits.
- Within the Sign Permit application process, provide current wait times even if they are long. Business owners can then plan accordingly.
- Provide a highly trained customer service representative whose specific role is to mediate issues with outstanding permit applications. A front line staff person who can look into delays and explain the process to applicants in such a way that manages good will between the City and the business community.

The general feedback from our business community was positive regarding the potential changes to the current Sign and Awning By-Law. Delays in application processing and customer service issues were identified. However, small business owners who are often over worked themselves empathized with City staff. They recognize the reality of scarce resources while work volume grows and that an increase of fees would be acceptable, if the costs were directed toward more staff to ensure that application processes could be completed more efficiently.

In our discussions about process there were also concerns regarding attaching personal information with their feedback. It was perceived by some that past interactions with City staff would colour their comments or that potential future experiences with the By-Law office could be affected. We understand the City of London and the Buildings- Permits, Inspections and Property Standards Division believe strongly in public participation and process and the Old East Village BIA would support work to assist in changing this perception.

Regarding situations which are unique and specifically related to heritage age buildings constructed before the London Sign By-Law was written, there does not appear to be a mechanism in this draft to address issues associated with buildings erected before the development and implementation of City By-Laws. As investment in urban renewal grows through the facilitation of City programs, it may be valuable to create policy that deals specifically with heritage age urban buildings and their unique characteristics which recognize built form that may conflict with current By-Law standards.

We recommend that appendices be included in the new Sign By-Law that depicts the type of sign and specific requirements (one-page tool). This would assist BIA's by empowering us to be the first point of contact to small business. The BIA could ensure all checks and balances are complete prior to submitting their application to City Hall. The City would continue to administer the process; the BIA would act as triage.

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The Old East Village Urban Design Manual highlights signage as integral to the overall esthetic of our commercial district therefore The Old East Village BIA is pleased to provide the above feedback. Further, the BIA has offered to support the By-Law staff by providing guidance to assist new businesses in understanding what is required to apply for a sign permit. By-Law staff feels that this will be a productive service for the small businesses in the Old East Village and will also support the work of the Sign By-Law office. Our office would like to thank London Buildings- Permits, Inspections and Property Standards team for requesting the comments of our membership. The Old East Village BIA looks forward to continuing to provide feedback and work with City staff to support this review process.