

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING ON APRIL 10, 2017
FROM:	G. KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT:	PROPOSED REVISED 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 revisions to the draft Sign By-law and 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 revised Sign By-law, and proposed amendments to the current Sign & Canopy By-law BE REFERRED to a public participating meeting to be held by the Planning & Environment Committee on May 23, 2017 for the purpose of seeking public input on the revised By-law and amendments to the current By-law; it being noted that the Civic Administration will continue to consult with industry stakeholders, Business Improvement Areas (BIAs), 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
- New Sign By-law and amendments to Sign & Canopy By-law S.-3775-94 : August 22, 2016 Planning and Environment Committee
- New Sign By-law and amendments to Sign & Canopy By-law S.-3775-94 : October 17, 2016 Planning and Environment Committee, Public Participation Meeting.

EXECUTIVE SUMMARY

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.

On August 22, 2016 civic administration tabled a draft new Sign By-law and requested the Planning and Environment Committee to hold a public participation meeting with respect to a proposed new draft Sign By-law as well as amendments to the current Sign & Canopy By-law. The PEC held a public meeting on October 17, 2016. Staff has reviewed comments received at the public meeting as well as comments received from industry stakeholders and where applicable, has considered those in revisions made to the draft By-law. No comments were received related to the proposed amendments to the current Sign & Canopy By-law.

A review of sign permit fees has been conducted with respect to costs incurred to administer and enforce the By-law as well as a comparison of fees with other municipalities. 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). These fees are also to be included in Schedule 'A' of the proposed revised Sign By-law as well.

BACKGROUND

The proposed Sign By-law makes a main differentiation 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 new provisions of 'special districts' wherein area-specific sign regulations are provided. In keeping current with industry practices, new regulations to address digital signage have also been introduced.

Furthermore, a review of sign permit fees was conducted 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.

It should be noted that as of March 27, 2017, Bill 68 to amend the *Municipal Act, 2001* was carried at the Second Reading stage and it has been referred to the Standing Committee on Social Policy. If passed, this Bill would repeal subsection 99.(1). Any new By-laws passed after the Bill comes into force, would not be restricted by the provisions in this subsection, although the City could decide to "grandfather" certain kinds of signs. If the new Sign By-law was passed after Bill 68 comes into effect, there would be no need to retain the current Sign & Canopy By-law (S.-3775-94) and therefore it could be repealed. Section 99(1) as it read before Bill 68 comes into force will continue to apply to any By-law passed before that Bill comes into force.

Seeing that the date of passing of Bill 68 is unknown at this time, staff is recommending to retain the current 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 Sign 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.

PROPOSED REVISED 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 now 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, specifically related to minor variances, while managing risk.

3. Special Districts

Considering planning and/or 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:

- Heritage Conservation Districts.
- Downtown Business Improvement Area.

Additional special districts could also be added once they have been established. An example of this would involve the establishment of new Heritage Conservation Districts or Culture Districts. Furthermore, additional districts could be introduced to accommodate for future Place Types as warranted under the London Plan.

4. CN railway overpass signs

In 2011, as a two-year (maximum) 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 sign 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 digital signs at the overpass locations. Furthermore, it is proposed that expansion of this signage would include, but not be limited to, the following additional railway overpass 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 and accordingly, 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 its City Engineer in terms of the display timeframe, the associated conditions including risk mitigation factors 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) for digital signs. 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. The restrictions, for new digital billboard signs, are expected to reduce future complaints received from the public for signs considered to be too bright.

During the October 17, 2016 public participation meeting, staff heard concerns from a representative of a billboard company related to the limit of number of billboards in the city and the fact that there were no opportunities for billboards to be erected in the west end of the city and specifically west of Adelaide Street. The current By-law, under section 7.2, requires an applicant for a billboard sign to be provided with an assigned number and to have their application 'maintained' in a Register of Completed Applications.

Staff is recommending the abandonment of the Register of Completed Applications and with respect to restricting the total number of billboards in the City, the regulations instead will address spatial location limits from residential zones as well as limits on distances between billboards themselves. Staff feels this solution will achieve a fair balance between industry needs and the need to regulate the number and locations of billboards throughout the city. Based on the above, staff has also reviewed the originally proposed Schedule 'E', where permitted locations of billboards were depicted based on street type criteria, and is recommending that the Schedule be replaced by a city-wide regulation permitting billboards on any premise zoned as Industrial or Commercial.

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 minor variance appeal process.

7. Industrial Park signs

The current Sign & Canopy By-law does not permit these types of signs "off-premise", unless their proposed locations were those as indicated in Schedule 'G', which addresses 'non accessory (billboard) signs. As such, in most cases, they were not permitted outside the industrial park properties; the preferred locations.

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 and regulating these signs, in the new Sign By-law.

Staff has defined this new sign type and has provided associated regulations for its size and placement. Industrial Park signs would be prohibited on the public road allowance with the exception of signs authorized by the City Engineer. The proponent would be required to enter into a written agreement with the Corporation of the City of London, through the City Engineer, for any authorized Industrial Park Signs. The agreement would also address risk mitigation factors.

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 respective 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. Signs erected at Road reconstruction projects

At the October 17, 2016 public participation meeting there was a concern raised with respect to signage erected by local businesses affected by the City's roadwork projects and specifically the fact that they are removed by By-law enforcement officers. During extensive roadwork projects it is not uncommon for individual business owners to erect signage indicating that their business is open during construction. These signs are erected without the benefit of a sign permit, when required and are usually placed upon the road allowance. In some instances they interfere with the construction activities and as a result of complaints received by the general public, these signs are removed by By-law enforcement staff.

In an effort to assist affected business owners, Building Division staff has consulted with Construction Administration staff and confirmed that there is a practice in place already for the erection of signage, by the City, indicating that “**Businesses are open during construction**” or conveying a similar message. Discussions take place during the pre-construction meetings in an effort to ensure adequate signage. The City sends letters to affected businesses in an effort to proactively inform them of the upcoming roadwork and discuss any signage needs. The signs erected by the City do not fall under the jurisdiction of the Sign By-law but instead would be considered as construction signage associated with the roadwork similar to traffic control signs.

This issue is not unique to London and Construction Administration staff is expecting to hear back from other municipalities as to a best practice guideline implementation. Construction Administration staff will also continue to work closely with affected business owners so that the erection of signage that does not comply with the Sign By-law is avoided.

9. Sign Permit Fees

The sign permit fees have remained unchanged as of 2008 and staff has reviewed them based on the costs incurred for the Sign By-law's administration and enforcement as well as comparing sign fees with other municipalities. The proposed sign permit fees are included in Schedule 'A' of the new Sign By-law.

These fees will also apply to the current Sign & Canopy By-law. In order to address this, one of the amendments to the current Sign & Canopy By-law involves the amendment of Schedule 'A' (Fees for Minor Variances and for the inspection and approval of plans).

SIGN PERMIT APPLICATION REVIEW PROCESS

As part of the proposed Sign By-law review process, staff has heard concerns from industry stakeholders related to the processing time to review an application and issue a sign permit. The following Table provides a snapshot as to application processing timeframes from 2012-2016.

Table 1. Sign permit application processing data

	2012	2013	2014	2015*	2016
No. of sign permits issued	492	558	512	426	533
Average no. of days to issue a permit where a variance was required	156	88	91	111	51
Average no. of days to issue a permit where no variance was required	51	22	43	59	53

* Processing times affected by work stoppage

** Staff vacancies and quality of submissions affect processing times.

*** Incomplete applications submitted and deficiencies found during plan reviews by staff result in permit issuance delays.

Industry has indicated that a two-week turnaround timeframe would be considered acceptable. To work towards this, the following actions are recommended and will be implemented:

- Enhance the existing sign permit application intake checklist and have the applicant complete it and submit it with their application. This will ensure that complete applications are submitted and processed. Incomplete applications result in permit processing delays and will no longer be accepted.
- Where signs are proposed to be installed in a manner where they will encroach on public property, simplify the current process where a legal encroachment agreement is required. A proposal is being considered to adapt a new internal process wherein the permit applicant will no longer need to register the agreement, but instead staff will undertake to do this post-permit issuance. This will significantly reduce the time it takes to issue a permit where any such encroachment is applicable.
- Streamline the review process so that where a structural engineering plan review is required, concurrent reviews take place. The current 'linear' review process will be eliminated.
- Expand the current building e-permitting program to allow for the electronic submission of sign permit applications and provide a 'portal' for applicants to be able to remotely access the progress of application reviews. Application drawings in electronic format will facilitate a concurrent review when multiple reviews are required. This program will also allow for the electronic issuance of sign permits.

To ensure a complete sign permit application package is submitted, staff will be preparing a 'Sign Permit Application Guide' to be available online and at our office. Incomplete applications result in review delays and it is expected that improved customer service delivery will be better achieved when an applicant is informed and has full knowledge of what documentation is required in support of a sign permit application. The City's Business Improvement Areas (BIAs) have offered to assist applicants/members in their respective areas, and in particular

small business owners, by offering a 'pre-screening' service to ensure they are aware of the documentation required as well as the processes involved.

Staff has considered the feedback and comments received at the October 17, 2016 PEC public participation meeting, the comments received from stakeholders, and reviewed the need for additional technical revisions. As a result, civic administration recommends revisions to the draft By-law, which is provided in Appendix 'A' of this report. A complete list of revisions is shown in Table 2, in Appendix 'B'.

PROPOSED AMENDMENTS TO THE CURRENT SIGN & CANOPY BY-LAW

Considering a new Sign By-law will come into force and effect, the current Sign & Canopy By-law is proposed to be amended to add a new subsection 1.7 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 current 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.

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 has prepared a new Sign By-law that includes provisions for current sign advertising needs 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.

ACKNOWLEDGEMENTS

This report was prepared with the assistance of Adam Salton, Ethan Ling and Lou Pompili 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