

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 19, 2018

Item 20, Report No. 21, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 19, 2018.

20 SIGN BY-LAW REVIEW – PHASE TWO

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Deputy City Manager, Community Services dated June 5, 2018, be approved; and**
- 2) That the following deputations be received:**
 - 1. Mr. Robert Corridore, RCC Media Inc., Steeles Avenue West, Toronto;**
 - 2. Mr. David Ezeard, Media City, Yorkville Avenue, Toronto; and**
 - 3. Mr. Nick Di Bona, Pattison Outdoor Advertising, Matheson Boulevard, Mississauga.**

Recommendations

- 1. That Council adopt the recommendations provided in Attachment 1 of this report; and**
- 2. That Council authorize staff to undertake any other actions required to implement the recommendations of this report, including any consequential amendments to other by-laws.**

Item:



Committee of the Whole Report

DATE: Tuesday, June 5, 2018

WARD(S): ALL

TITLE: SIGN BY-LAW REVIEW – PHASE TWO

FROM:

Mary Reali, Deputy City Manager, Community Services

ACTION: DECISION

Purpose

Staff have undertaken a review of the City's by-laws that regulate signs, in accordance with the Council-approved By-law Strategy. This report follows the Phase One report delivered in January 2018 which addressed urgent changes that could be easily implemented. This Phase Two report proposes more significant changes that will take longer to implement. The purpose of the proposed changes, both in Phase One and Two, is to meet the following goals:

- protect, preserve and promote the safety of Vaughan residents;
- support community standards and the attractiveness and livability of the City;
- serve the needs of businesses and the community;
- be user friendly, and easy to understand and comply with; and
- provide value to taxpayers through efficient and effective processes, and the optimal use of technology.

Recommendations

1. That Council adopt the recommendations provided in Attachment 1 of this report; and

2. That Council authorize staff to undertake any other actions required to implement the recommendations of this report, including any consequential amendments to other by-laws.

Report Highlights

- In line with the Council-approved By-law Strategy, staff are proposing recommendations as part of Phase Two of the Sign By-law review.
- The report will address emerging types of signage, such as digital technology, and make recommendations for large scale and long-term changes.
- Recommendations will address such areas such as digital signs and billboards, Heritage Conservation Districts and other Special Districts, temporary signage such as feather banners, and gateway signage.

Background

By-law & Compliance, Licensing & Permit Services (BCLPS) has been conducting a review of its sign by-laws in line with the Council-approved By-law Strategy.

To address the complexity of signage in the City, staff have proceeded to conduct the review in two phases. Phase One addressed urgent changes that could be implemented quickly, while Phase Two aims to address large-scale changes that will take longer to implement.

Stakeholders engagement and research

Staff began by drawing on the stakeholder engagement and research that began in Phase One; staff engaged a wide range of internal and external stakeholders, such as the general public, the sign industry, the business community, special event organizers, Community Service Organizations, other public agencies, such as the Ministry of Transportation Ontario (MTO), York Region (the Region) and York Regional Police (YRP), neighbouring municipalities, and City staff throughout the organization. An extensive summary of input is included in the Phase One report referenced in the Previous Reports section.

In the Phase Two, staff continued by:

- re-engaging external stakeholders to refine their input, such as through public consultations, an online survey and advertisement online on the City of Vaughan website as well as the Sign Association of Canada site;

- recommendations development in an interdepartmental working group to learn more about the needs and feedback from Vaughan residents, community organizations and business community;
- reviewing decisions made through the Sign Variance Committee and other City processes; and
- learning more about the regulations of other municipalities and obtaining feedback from stakeholders about these regulations.

Objectives of the Sign By-law

In Phase One, after extensive stakeholder engagement, staff developed the following a set of objectives for the review process:

- Objective 1 – Develop clear, accessible, relevant rules
- Objective 2 – Provide signage opportunities that protect community safety and uphold standards
- Objective 3 – Allow greater cost recovery for infractions and stronger penalties for offenders
- Objective 4 – Modernize Sign Permit services
- Objective 5 – Leverage knowledge and resources to provide collaborative, efficient enforcement
- Objective 6 – Environmental sustainability
- Objective 7 – Legislative sustainability

Phase One recommendations

On January 30, 2018, Council adopted staff recommendations to:

- develop one sign by-law to replace the three existing ones;
- strengthen the City's ability to enforce the Sign By-law through presumption clauses, introducing new cost recovery mechanisms and authorizing staff to dispose of certain signs in a timely manner;
- require real estate open house and similar signs to list the property being advertised;
- allow licensed renovators, fence installers, pavers, landscapers, pool installers, and certain provincially licensed tradespeople to use lawn signs on private property with the permission of property owners during the course of their work;
- eliminate design restrictions on mobile signage with respect to lettering and colour;
- eliminate the size restrictions on window signage in businesses outside of Heritage Conservation Districts;
- introduce third party election signage in line with the Municipal Elections Act; and

- exempt the City and Regional Municipality of York from the provisions of the bylaw.

Some key benefits of these recommendations are that:

- the multi-faceted strengthening of the City's ability to enforce the by-law was a key change in addressing the key public concerns of addressing posters, placards, stickers and other temporary prohibited signage;
- the elimination of various types of restrictions, such as design restrictions for mobile signage and size restrictions for window signage outside of Heritage Conservation Districts allowed the business community and community organizations greater opportunities and flexibility in advertising; licensed renovators, fence installers, pavers, landscapers, pool installers, and certain provincially licensed tradespeople would now have an additional avenue to promote their businesses through the use of lawn signs during the course of their work.

Phase Two recommendations

As outlined in the Phase One report, Phase Two will address the following areas:

- establishing legislation for **digital signage** that addresses community standards and safety;
- permitting **first-party pedestal signs** with a digital component;
- developing new legislation for **billboards**;
- aligning by-law regulations pertaining to developments with more recent decisions made by the **Sign Variance Committee**;
- expanding sign provisions that apply in **Heritage Conservation Districts**;
- exploring the possibility of **gateway signage** at major entrances to the City, in order to advertise City-sanctioned events and diffuse public messages;
- allowing **feather banners** on private non-residential property.

These areas are explored in more detail below.

Signage opportunities that protect community safety and uphold standards

As the City of Vaughan continues its rapid development, staff continue to observe the importance of signage for businesses and community agencies, as well as the public concern to keep our City beautiful and not overcrowded with signage.

Digital billboard and ground signage

As technology evolves and the cost of digital signage continues to become more cost effective for businesses, digital sign usage has become more frequently used, as well as requested to be used, within the City. In Vaughan, there are currently a variety of digital signs that currently exist and have been approved through various channels, such as:

- third-party digital billboard signs, such as over CN Rail bridges;
- ground sign “pylon signs” in plazas with a digital component, in addition to providing a list of businesses within the plaza; and
- the 10 ground “institutional signs” at our libraries and community centres, providing messaging about City programs and services.

To date the use of such signs has not identified any concerns leading staff to reasonably conclude, with the appropriate regulations in place as being recommended by staff, their use will support the greater public interests.

Staff have heard the following from stakeholders with respect to digital signage:

- **Effective advertising:** Staff heard that digital signage can provide a valued avenue for advertising, by providing larger, more easily visible, brighter and aesthetically pleasing messaging than smaller, temporary signs, such as for motorists driving by a large plaza.
- **Residential areas:** Staff have received few complaints about existing digital signage, however those received included that digital signage should not be intrusive into a residential area. Staff received suggestions that digital signs should be regulated with respect to brightness at different times of the day, how much light it casts on the surrounding area and how the brightness of one image varies, from one image to the next, in order to not be too distracting.
- **Consistent regulations:** We’ve heard from both internal and external stakeholders that there is a need for a consistent set of regulations by which everyone can operate.
- **Regulation in other municipalities:** From the sign industry that produce digital signs, staff also heard that the existing municipal regulations for digital signs, such as in Toronto, Ottawa and London, provide a fairly consistent and reasonable framework for digital signage that addresses residential concerns.
- **Digital sign timing:** We’ve heard from some members of the digital billboard industry that are hoping to align digital advertising times with

radio times advertising slots, for better alignment of their business processes.

- **Digital sign enforcement:** We've learned that in the City of Toronto, their enforcement staff conducts enforcement of digital signage through use of equipment which can measure brightness and the extent to which light is cast from a sign. They've explained that, where problems have arisen, they have been able to convict those who are non-compliant through submission of evidence using this equipment.

Number and size of permanent signs

The City's Sign Variance Committee has observed that as the City changes and developments become larger, there has been an increase in the number of signs that are being requested and an increase in the demand for larger signs, which have largely been approved.

In considering this matter, the Sign Variance Committee determined that:

- establishing an appropriate number of additional signs is often a complex matter determined by a number of unique factors, and could not easily be streamlined into a more efficient decision process than Committee review;
- establishing larger permitted sign sizes in the by-law, based on previous signs approved through the Sign Variance Committee process, would enable members of the public to directly apply for a permit rather than go through the comparatively lengthier Sign Variance process for a commonly approved change.

Mobile signs

We've heard from the Mobile Sign industry that they are very happy that Council approved the removal of text and colour design restrictions on mobile signs in Phase One, allowing them to better compete with other types of signage. In addition, they look forward to the modernization of the permitting process to allow online applications, a project that is currently underway.

The mobile sign industry advised that at present, they are not offering digital signage because it is too cost prohibitive.

Additionally, the industry is hoping to be able to remove the restriction that one business can use a mobile sign four times per year, and to reduce the moratorium time from 21 days to fewer days. They believe this would allow more advertising opportunities for small and medium-sized businesses.

Conversely, we have also heard from residents that the City should ensure that signage in Vaughan does not appear to be cluttered, also that the City should explore more permanent signage opportunities rather than more temporary ones.

While City staff maintain an interest to support the mobile sign industry's needs and that of the businesses who rely on their services, City staff must ensure a reasonable balance and regulatory framework is struck that will also support the greater public interest to ensure clutter and sign proliferation does not become a concern. In doing so, staff believe that the recommendations within this report achieve this deliverable accordingly.

City signage initiatives

In line with Council direction, the Municipal Partnerships Office has been developing a proposal to allow third-party digital billboards to lease space on public property, which was put forward to Finance & Administration Committee in May 2018. This initiative is both an opportunity to generate non-taxation revenue for investment into the City, as well as to expand the City's messaging to new areas of Vaughan, including in emergency situations.

In Phase One, Council adopted the recommendation to allow the City and the Regional Municipality of York (York Region) to be exempt from the provisions of the by-law, providing flexibility for staff in public service to be responsive to the City's needs. To ensure the City is able to participate in the above initiative and other potential opportunities as they arise, staff have reviewed this exemption provision.

Heritage Conservation Districts Signage

Businesses in Heritage Conservation Districts (HCDs) were hoping for greater enforcement of the Sign By-law, which staff have endeavoured to address by strengthening our ability to enforce standards, as approved by Council in Phase One.

We also heard the following:

- **Window signs:** It is important for the HCDs to maintain their standards, such as window sign size restrictions of 20 per cent.
- **Institutional signs:** Stakeholders in the Kleinburg Area Rate Payer's Association also expressed the desire to allow community organizations, such as churches, to have digital institutional signs with which they could advertise their programs and services.
- **Memorial signs:** Staff heard that free-standing memorial signs should be allowed, to provide alternative means to recognize culturally significant buildings.

In consultation with Heritage staff, staff believe that the proposed language within the amending sign by-law supports the needs of stakeholders while ensuring the integrity and significance of the Heritage Districts.

Feather banners

The current Sign By-law does not currently allow for or address feather banners, a type of signage that staff have noted are utilized for reasons such as temporary advertisement and/or as brand advertising (e.g. logos) and that a significant number of businesses have opted to use them on commercial properties. Staff considered the popularity of this signage, and that very few complaints about feather banners have been received, while also considering the public desire that the City not appeared crowded with signage.

Staff believe with the appropriate level of regulations as being proposed within the amending sign by-law, the interests of the business community and that of the greater public will be achieved.

Gateway signage

In line with Council's adoption of the 2014 Task Force report on the City's Role in Festivals and Community Events, staff considered the recommendation to consider gateway signage at major entrances to Vaughan to advertise City-sanctioned events, such as those held by Community Service Organizations (CSOs).

Previous Reports/Authority

This review is being conducted in line with the Council approved [City of Vaughan Bylaw Strategy](#), adopted by Council on June 24, 2014.

[Phase One recommendations of the Sign By-law Review](#) were adopted by Council on January 30, 2018, as per Item 2, Report No. 4, of the Committee of the Whole (Working Session).

Analysis and Options

Signage opportunities that protect community safety and uphold standards

To meet the advertising needs of our City, to address the different types of signage that exist and to support the beauty of the City, staff recommend the following:

- in areas outside of HCDs, to develop regulations that allow digital signage on billboards, and as a component of ground sign pylon signs and institutional signs;
- in HCDs, to develop regulations that allow digital signage as a component of institutional signs;

- to develop digital sign regulation that reduces potential distraction to motorists and the general public, such as light level limits related to ambient light, requirements to minimize fluctuations in brightness between different images, and the requirement to use static images only and for the sign to shut off during malfunction;
- to develop digital sign regulation that includes restrictions to reduce impact to residential areas, such as times of operation and the extent to which light levels of surrounding areas can be affected;
- to require those applying to erect digital signage to obtain certification from an expert, such as a digital sign manufacturer, that their sign complies with the required digital provisions, to encourage greater compliance; and
- to allow larger billboard and wall signs, in line with previous decisions that have gone through the Site Plan process and Sign Variation Committee.

Should Council adopt staff recommendations to allow first-party digital signage in commercial plazas, this would provide additional and expanded opportunity for businesses and community organizations to advertise; because of these opportunities, staff do not recommend adopting the other sign-industry suggested changes, in the aims of attempting to not overcrowd the City by allowing more temporary signage or allowing digital signs to stay on to later times at night.

Staff believe these recommendations would be in line with the review's Objective 2 to provide signage opportunities that protect community safety and uphold standards, as well as to shift toward use of more permanent signage rather than temporary, disposable signage.

City signage initiatives

To ensure the City has the authority and flexibility to participate in partnership opportunities as they arise, staff have recommended an expansion of the exemption provision that extends to third-parties who are developing signage with the City. This exemption would require an agreement with the third-party that outlines which by-law provisions, penalties and remedies would apply in each situation such as size, illumination levels, and the requirement to dim after sunset.

Heritage Conservation Districts Signage

Staff recommend providing additional provisions for Heritage Conservation Districts, developing clear guidelines as to what would be allowed, while incorporating different types of signage that still contribute to the character of the area. In line with the provision of signage opportunities in line with community standards, staff recommendations include:

- to allow institutional signs to have a digital component, that include restrictions on their proximity to residential areas, times of operation and light levels; and
- to allow free-standing memorial signs to commemorate culturally significant properties.

Feather banners

In line with demand by Vaughan businesses, and the low incidence of public complaints, staff wish to introduce provisions to allow use of feather banners, subject to restrictions on placement, size, condition and the authority to remedy for contraventions. This would provide businesses with an additional option to advertise, however subject to standards that address safety and community standards, establish provisions on number permitted, size, placement and condition.

Gateway signage

Staff do not recommend developing further gateway signage, as there are a variety of options currently available to advertise special events, such as some of the existing gateway signs and mobile signs, as well as through the Internet, radio and other media, which have proven to be successful in supporting the City’s many well established events and organizations.

Summary of changes in the Sign By-law review

The tables below provides a summary of approved and proposed changes within the review for each phase.

Table 1 – Summary of Approved Sign By-law Review **Phase One Changes**

| No | Prior to the review | Approved Phase One Recommendation | Benefits |
|-----------|--|---|--|
| 1 | Three by-laws, not consolidated | To consolidate three by-laws and amendments into one | Development of clear, accessible, relevant rules |
| 2 | No regulation of lawn signage | Allow licensed Renovators, Fence Installers, Pavers, Landscapers, Pool Installers and provincial trades to use lawn signs on private property during their work | Provision of signage opportunities that protect community safety and uphold standards, as well as promotion of the success of the business community |
| 3 | Mobile signs limited to black and white lettering of specific size | Removal of restrictions on mobile signs with respect to the use of graphics and lettering be eliminated | Enabling mobile sign industry to be more creative, competitive and attractive, contributing to the beauty of the City |

| No | Prior to the review | Approved Phase One Recommendation | Benefits |
|----|--|---|--|
| 4 | The City and Region had unclear exemptions, inconsistently applied | Exempt the City of Vaughan and Regional Municipality of York (Region) from the requirements of the City's Sign By-law | Updating the by-law to be in line with City and Regional practices, recognizing the existing processes in place to develop signage for the City, such as the Site Plan process |
| 5 | This type of sign was just introduced by the Municipal Elections Act | Introduction of third-party Elections signage, with a \$100 registrant fee | Ensuring the City is operating in line with Provincial requirements, and has regulation in place to support this new signage in advance of two 2018 elections |
| 6 | All signs required to be stored for 30 days | Allow illegal posters, stickers, and placards to be disposed of without notice to the owner | Enabling more efficient disposal of the types of illegal signs that most frustrate members of the public |
| 7 | A "presumption clause" existed to hold various parties responsible for infractions in the by-law | Expansion of the presumption clause to ensure that any party causing, permitting, or contributing to a contravention of the City's Sign By-law, or being advertised in contravention of the City's Sign By-law, may be held responsible | Enabling enforcement that extended the responsibility for infractions to more parties who were responsible, something the public expressed was important |
| 8 | There were set enforcement fees which applied to all activities | Strengthened enforcement provisions to recover any costs incurred by the City for the removal, storage and disposal related to such activities, pursuant to the Municipal Act | Recovering enforcement costs that are in line with the true cost of enforcement, and thus providing stricter penalties to those in contravention of the by-law |
| 9 | The City could not recover remedial costs in a manner similar to property taxes | Costs of remedial work may be collected in a manner like taxes where appropriate | This permits more effective cost recovery from those in contravention of the by-law, even those in other cities, providing more effectively enforcement |
| 10 | Window signs could only occupy up to 20% of a window, though this was often exceeded by businesses | Removal of size restriction for window signs with respect to the percentage of window area they can occupy, except in Heritage Conservation Districts | Enabling businesses to advertise freely using a popular type of signage, for which the City receives very few complaints |
| 11 | It was unclear whether excessive numbers of real estate signs | All real estate open-house or similar signs be required to include the address of the corresponding property | Helping to ensure appropriate numbers of signs are used, and to prevent overcrowding |

| No | Prior to the review | Approved Phase One Recommendation | Benefits |
|----|--|--|---|
| | were being used | | |
| 12 | Outdated maps of Heritage Conservation Districts in Special Sign Districts | To update Heritage Conservation Districts maps | Ensuring that our by-law is up-to-date and relevant |

Table 2 – Summary of Proposed Sign By-law Review Phase Two Changes

| No | Prior to the Phase Two | Proposed Phase Two Recommendations | Benefits |
|----|--|---|---|
| 1 | An outdated definition of electronic messaging existed | To develop a relevant definition for digital signage, allowing them on billboards and on ground signs | To update legislation to adequately address the types of sign present and requested in the City |
| 2 | No provisions to address digital signage behaviour | To develop digital provisions that address the display and timing of messages, brightness at different times of day, projection of light onto surrounding surfaces, light dimming and turning off with respect to sunlight levels and residential areas, and organizations that serve the public, such as hospitals | To have regulation of digital signage that uphold and supports community standards, health and safety |
| 3 | Outdated billboard provisions that were not being applied, such as to require removal of two billboards to erect one, and to remove the limits on the number of billboards | To delete outdated provisions | To have regulation that reflects current practices in the City, and provides opportunities for new billboards to be lawfully erected |
| 4 | Billboards are permitted to be 20 square metres on one sign face | To allow billboards with a sign face of up to 33 square metres, so up to 10 by 35 feet | To allow billboard sizes in line with past City decisions and standard industry sizes, reducing the requests which may go through Sign Variance Committee |
| 5 | No provisions which recognized Provincial restrictions on Billboard placement | To require that billboards cannot be placed within 400 m of any 400-series highways, as per Ministry of | To ensure City and Provincial regulations align |

| No | Prior to the Phase Two | Proposed Phase Two Recommendations | Benefits |
|----|---|---|--|
| | | Transportation Ontario requirements | |
| 6 | Wall signs are permitted to be 20 square metres on one sign face | To allow wall signs with a sign face of up to 30 square metres, and up to 1.0 square metre per linear horizontal metre of the exterior wall | To allow wall sign sizes in line with past City decisions, reducing the requests which may go through Sign Variance Committee |
| 7 | Digital signs not permitted in Heritage Conservation Districts | To expand the provisions that apply to Heritage Conservation District signs to allow ground signs on for institutional buildings, such as religious, educational or charitable institutions, to incorporate digital signs | To allow institutions, such as churches and community organizations, to advertise their events |
| 8 | Free-standing memorial signs are not permitted in Heritage Conservation Districts | To allow free-standing memorial signs in Heritage Conservation Districts | To provide an additional option to commemorate the City's heritage |
| 9 | Feather banners are not addressed in the by-law, though are popular with many businesses | To allow feather banners, subject to limits on placement, number and size | To provide an additional option for businesses to advertise, subject to constraints that support safety and community standards |
| 10 | The City and York Region, and partnering agencies, have an exemption from the provisions of the by-law | To expand the exemption to include third-parties with which the City has an agreement, provided that the agreement that addresses which by-law provisions apply | To enable the City to take advantages to partner with private agencies, such as the third-party billboard initiative mentioned above |
| 11 | There is no provision that addresses applicability of legislation to signs erected prior to the amendment | To allow previously approved signs to continue to exist, however required to comply with the by-law if any significant changes are made | To protect the signage which the community has previously invested in |
| 12 | The by-law contains outdated terminology, references and definitions, some dating back to the 1990s. | To update outdated terminology, references and definitions. | To ensure the by-law is up-to-date and relevant |

Financial Impact

The financial impact of these changes is being considered, such as with respect to additional permitting fees and costs of administration, inspection and

enforcement. Through implementation, any additional anticipated resource requests will proceed through the City's budget process within the appropriately identified budget cycle and fiscal year. Additionally, in line with budget principles for longer term operational considerations, staff will explore the applicability of off-setting increased expenditures through the appropriate user fees.

With respect to enforcement of digital signs, staff would need to procure several of the following types of equipment, as has been used by the City of Toronto for several years to support necessary enforcement:

- The REED SD-1128 SD Series Light Meter, to measure the amount of light cast by digital sign, approximately \$250; and
- The MAVO-SPOT 2 USB, to measure brightness by measuring the rate by which light is coming out, approximately \$3200.

As such, to procure four sets of the appropriate equipment, costs are approximately \$14,000, plus additional on-going operating costs, to be determined as required by manufacturers specifications for periodic maintenance, calibration and repair and any incremental future costs associated with increased equipment needs as required. These costs can be accommodated within the existing 2018 operating budget for BCLPS.

Broader Regional Impacts/Considerations

Staff have been collaborating with other agencies, such as the Ministry of Transportation Ontario and Regional Municipality of York, to ensure proposed changes are in line other legislative and policy requirements.

Conclusion

This report's recommendations propose to address the City's longer-term signage needs, endeavouring to provide signage opportunities that will protect community safety, uphold and establish enhanced standards and meet our community's signage needs.

Due to the widespread use, impact and complexity of signage throughout the City, BCLPS has continued to consult with Phase One stakeholders, including residents, members of the sign industry and business community, and the following staff groups and public agencies:

- Access Vaughan
- Building Standards
- City Clerk

- City Planning
- Corporate Communications
- Corporate Initiatives and Intergovernmental Relations
- Development Engineering and Infrastructure Planning
- Economic Development and Culture Services
- Environmental Services
- Fire and Rescue Service
- Human Resources
- Legal Services
- Ministry of Transportation Ontario
- Municipal Partnerships
- Parks Development
- Recreation Services
- Sign Variance Committee
- Vaughan Public Library
- Transportation Services, Parks and Forestry Operations
- Regional Municipality of York
- York Regional Police

This report's recommendations, which incorporate feedback from the aforementioned groups, aims to create regulation that is enforceable, relevant and addresses the needs of the City's diverse stakeholders.

For more information, please contact: Gus Michaels, Director, By-law and Compliance, Licensing and Permit Services Department, ext. 8735.

Attachments

1. Schedule A – Sign By-law review recommendations

Prepared by

Carol Ramchuram, Regulatory Policy Analyst, ext. 8783

Rudi Czekalla-Martinez, Manager of Policy and Business Planning, ext. 8782