

Committee of the Whole (2) Report

DATE: Tuesday, March 8, 2022

WARD(S): ALL

TITLE: SIGN BY-LAW RELIEF FOR BUSINESSES

FROM:

Gus Michaels, Deputy City Manager, Community Services

ACTION: DECISION

Purpose

This report seeks Council approval to provide businesses that use mobile and portable signs with temporary relief from a number of provisions of the Sign By-law. The relief is intended to allow more businesses, most of which have been adversely affected by COVID-19 emergency measures, to be able to use mobile and portable signs to advertise to the public.

This report was prepared in consultation with the Building Standards Department and Legal Services.

Report Highlights

- Since the declaration of the COVID-19 emergency in March of 2020, the City has introduced a number of relief initiatives to mitigate some of the adverse impacts of the emergency measures taken.
- In January of 2022, as the Omicron variant continued to exacerbate the emergency and drive the need for placing limits on business activity, staff continued to explore new ways of supporting businesses and, in consultation with the mobile sign industry, developed a number of recommendations to temporarily allow expanded use of mobile and portable signs by providing relief from specific provisions of the Sign By-law.
- The recommendations in this report include, on a temporary basis, allowing more mobile and portable signs per lot, allowing them for longer periods of time, and eliminating black-out period requirements.

Recommendations

1. THAT Council approve, despite the requirements of the Sign By-law, the following conditions for mobile and portable sign permits:
 - (a) Mobile signs be permitted on an eligible property, in accordance with section 8.10(a) of the Sign By-law, with a minimum distance of 100 metres between such signs, with up to three (3) signs per property, provided that the mobile sign does not directly abut a residentially zoned property;
 - (b) No limit be placed on the number of permits that may be obtained by any one business, subject to the limits in recommendation 1(a);
 - (c) No black-out period be imposed between permits, with permits continuing to be for 21 days, and each permit requiring a separate application and fee;
 - (d) To expedite the issuance process, application requirements be streamlined by temporarily suspending zoning clearances and the submission of site drawings; and
 - (e) The Director and Chief Licensing Officer be authorized to refuse mobile sign permit applications where he determines there are ongoing compliance issues.
2. THAT Council approve Recommendation 1 to be in effect until no later than 14 days after the municipal emergency declaration has been terminated by the Head of Council.

Background

Since the COVID-19 emergency declaration in March of 2020, the City of Vaughan has introduced a number of initiatives to support businesses and individuals, while continuing to also ensure the health, safety and well-being of the public. Most notably, through the direction of Council, in the summer of 2020, staff implemented the necessary processes to permit temporary outdoor patios and the expansion of existing outdoor patios, accessory to eating establishments including restaurants and banquet halls, across the City to enable a safe option of allowing additional outdoor seating capacity. This program continues to be well received. In addition, due to the provincially mandated periodic closures, the City has also supported businesses by allowing businesses to renew licences that would have otherwise have been considered lapsed and cancelled and by waving any associated late licence renewal fees. This measure is intended to encourage ongoing compliance with licensing requirements while recognizing the difficult context in which many businesses are operating.

With this more recent wave of COVID-19 Omicron variant, the City is now exploring further relief to businesses. One such initiative involves increasing the opportunities for local businesses to advertise using mobile and portable signs. With this in mind, staff explored potential temporary relief from current provisions of the Sign By-law that

regulate such signs. As part of this review, staff looked at what type of relief initiatives other GTA municipalities undertook (see Table 1).

In terms of the number of days available for a business to use mobile signs within a calendar year, the City of Vaughan provides for 84 days, compared to Toronto at 90 days, Mississauga at 120 days, Markham at 42 days, and Richmond Hill at 147 days and Brampton at 365 days (i.e., no limit imposed). In terms of permit fees, the City of Vaughan has the third highest nominal fee in the GTA, after Markham and Toronto, and also the second highest fee per permit-day, \$7.33 (compared to \$9.00 in Markham and \$5.66 in Toronto).

Table 1: Jurisdictional Scan of GTA Mobile Sign Regulations

Municipality	Fees	Number of signs	Time limits
Vaughan	\$154.00 (in 2022)	One per street line to a max of 2 per lot	- Max of 4 per year - 21 days per permit - At least 21 days between permits
Toronto	\$169.65	One (1) per business location	- Max of 3 per year - 30 days per permit - At least 30 days between permits
Mississauga	\$120.00	One (1) per street line of a property	- Max of 6 per year - 21 days per permit (now extended to 30 days)
Kitchener	\$90.00 (waived until end of pandemic)	One (1) sign per lot	- Max of 6 per year - 30 days per permit
Brampton	\$125.00	Four (4) signs per property	- No limit per year - 21 days per permit - No black-out period
Markham	\$189.00	One (1) sign per lot	- Max of two 21-day permits or three 14-day permits per year
Richmond Hill	\$118.00	One (1) sign per property	- No set limit - 21 days per permit - At least 30 days between permits

Aurora	\$100.00 (with fees being reduced by 50%)	One (1) sign per lot	- No set limit, but no more than 12 weeks in total in a calendar year
King	\$131.00	One (1) sign per property, with up to 2 additional signs allowed if the street frontage exceeds 350 metres	- No set limit - 30 days per permit - At least 30 days between permits
Newmarket	\$110.00 (fees were waved in 2020 and 2021, but were resumed in 2022)	One (1) sign per premises	- No set limit - 30 days per permit - no black-out period
Whitchurch-Stouffville	\$95.00 (fees waived for 2020 and 2021)	One (1) sign per premises	- Max of 2 permits per year - 15 days per permit - no black-out period
Georgina	\$50 (30-day); \$100 (60-day); and \$200 (90 day)	One (1) sign permitted on a frontage of less than 150 metres. If more, can have 1 additional sign. 1 additional sign also permitted if the lot abuts 2 or more highways, or if a lot contains more than 8 business premises.	- Max of 240 days per year - 30, 60 or 90 days per permit - No black-out period

Overall, the City of Vaughan's mobile sign regulations tend to be somewhat more restrictive than those in most neighbouring municipalities. As such, staff do see an opportunity to provide some regulatory relief in this area to businesses.

Previous Reports/Authority

Extension of Temporary Outdoor Patios

([Report](#) approved by Council on September 20, 2021)

COVID-19 Relief for Business Licensees

([Report](#) approved by Council on March 10, 2021)

Extension of the Temporary Outdoor Patio Permissions
([Report](#) approved by Council on October 21, 2020)

City of Vaughan Zoning By-law Amendment File Z.20.017 Temporary Use By-law to Permit Temporary Outdoor Patios for Eating Establishments and Banquet Halls
Amendment to Site Control By-law
([Report](#) approved by Council on June 29, 2020)

Analysis and Options

City staff reviewed five areas for potential relief from the Sign By-law. Each is discussed in turn. The sign industry was engaged through a virtual consultation on January 21, 2022. This meeting was open to all City of Vaughan licensed mobile sign providers. Three of the fourteen sign companies contacted attended. The objective of the meeting was to receive input on four areas for potential relief. The industry expressed an interest in also addressing a fifth area: permit fees. In addition to the virtual meeting with the industry, an on-line survey was also made available to provide additional feedback.

Number of Signs per Lot

Under the current provisions of the Sign By-law, one mobile sign is permitted along each street line of a lot, up to maximum of two mobile signs per lot, provided that the mobile sign does not directly abut a residentially zoned property. During the consultation, industry participants indicated that this was a particularly restrictive provision given that some lots can be quite large and, instead, suggested that a distancing requirement between signs, such as 100 metres, could be imposed along with a new maximum number of signs per lot set at three. Staff found that such limits are in line with what other municipalities permit. As a result, staff are recommending that this be adopted as the temporary standard.

Length of Permits

Under the current provisions of the Sign By-law, mobile sign permits are valid for twenty-one (21) days. Industry participants felt that this time frame was still adequate. The length of permits varies across municipalities surveyed, with most having terms of 21 to 31 days. As a result, staff are not recommending the length of permits to change.

Number of Permits Allowed per Year

Under current Sign By-law provisions, commercial or industrial premises are entitled to permits for up to a maximum of four (4) occasions per year, with each such occasion requiring a separate permit. Industry participants saw no need for such a restriction, expressing that the City should not regulate how often a business may advertise. The number of allowable permits tended to vary from municipality to municipality with

Vaughan having some of the more restrictive by-law provisions in this respect. Given that the intent is to allow businesses to advertise during these uncertain times, staff are recommending that the limit of the number of annual permits be temporarily removed.

Black-out Periods Between Permits

Under the current provisions of the Sign By-law, there is a requirement of a minimum of twenty-one (21) days between the expiry of one permit and the issuance of another on the same lot. During the consultation, industry participants indicated that they do not believe this black-out period is necessary, especially in the context of providing relief to businesses. A required period of time between permits is not something every municipality imposes. In light of the intention to provide relief, staff are recommending that the black-out period be temporarily removed.

Permit Fees

Current permit fees for a mobile sign is \$154. Industry participants indicated that they believe this fee to be amongst the highest in the GTA, with only Markham's being higher at \$189. (Staff did confirm that Toronto's fees are also higher.) Mobile sign providers indicated that a typical sign rental is priced at between \$225 and \$250; thus, total cost to a business for a 21-day permit is in the range of \$400 (or nearly \$20/day).

Consultation participants asked for staff to consider a reduction to \$100. Currently, no user fees of any type have been reduced by the City, with relief provided being limited to regulatory in nature. Staff have also confirmed that the no major municipality in the GTA has reduced fees as part of any regulatory relief. (In York Region, Newmarket, Whitchurch-Stouffville, and Aurora did temporarily waive or reduced fees; outside the GTA, Kitchener also waived permit fees.) Given the overall approaches surveyed, and in line with the City's relief initiatives to date, staff are recommending that mobile sign fees be maintained at current rates going forward.

Impact of Regulatory Relief

After consulting with the industry, staff expect that the regulatory relief will help businesses to advertise their re-openings, as well as promotions and any other important information. The recommendations in this report could, in theory, make a significant number of additional permits available, although the exact number is difficult to determine because it is dependent on the property and the number of businesses on that property that use mobile signs. For example, under current regulations, on a property where only one sign is permitted and there is only one business that uses mobile signs, the maximum number of permits that could be issued is four within the calendar year. On a similar property where only one sign is permitted, but there are five businesses that use mobile signs, the maximum number of permits that could be issued

is 17 within the calendar year (with four businesses using their total allotment of 4 permits and one business using one permit: $17 \times 21 \text{ days} = 357 \text{ days}$).

Under the proposed temporary regulations, a property in which a 100-metre separation between signs is not possible would continue to be allowed to have just one sign; however, the elimination of the number of permits and the black-out period would mean that even in the single-business scenario, up to 17 permits could be issued (i.e., one every 21 days) within the calendar year. On properties where the frontage allows 2 signs under proposed temporary regulations, where before only one sign was permitted, the number of permits could be as high as 34 within the calendar year. Despite the potential for a significantly higher number of signs, By-law staff would continue to ensure that standards of health, safety and nuisance control be enforced.

A significantly higher volume of sign permits would likely result in delays in the issuance of permits to businesses, thereby offsetting some of the intended benefits of the relief. To address this, staff are recommending that some of the more onerous application processes be temporarily suspended to streamline issuance, including zoning checks and the submission of site drawings to determine precise sign placement. The relief from application submissions would not reduce the onus on the applicant to comply with the established requirements – as this would be a condition of holding a permit; however, the City's role in ensuring compliance would shift from a more fulsome vetting upon application to backend monitoring through enforcement actions (e.g., responding to complaints and conducting spot checks). Staff are also recommending that where the Director and Chief Licensing Officer determines that there are ongoing compliance issues, the issuance of further permits to an applicant be denied, with such decision being final. This strengthened authority would help to prevent abuse of the relief process and encourage overall compliance.

Financial Impact

Fees will continue to be charged for mobile and portable signs, as the issuance of permits and the enforcement of standards continue to require resources. As such, there is no adverse financial impact expected to the City as a result of the recommendations of this report. Due to the periodic closure of businesses due to provincial orders, mobile sign revenues are significantly down from 2019 levels (821 permits, generating \$103,446 in revenue). However, with accelerated reopenings, the easing of COVID regulatory requirements, and warmer weather ahead, staff expect businesses to take advantage of the less restrictive provisions and advertise more, thus resulting in an increase in revenue from 2021 levels (320 permits, generating \$47,680 in revenue).

Broader Regional Impacts/Considerations

There are no broader regional impacts or considerations as a result of the recommendations of this report.

Conclusion

Since the start of the COVID-19 emergency, the City of Vaughan has sought to support its businesses and broader community through a number of measures. As businesses begin to reopen after the latest pandemic wave, staff see merit in providing further relief through an easing of mobile sign restrictions. The proposed temporary amendments will give businesses greater accessibility to advertising opportunities. Despite the potential for a significantly higher number of signs, By-law staff will continue to ensure that standards of health, safety and nuisance control continue to be enforced. The proposed measures are only intended to be in place until the pandemic emergency is terminated.

For more information, please contact: Gus Michaels, Deputy City Manager, Community Services, ext. 8735.

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Approved by

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Gus Michaels, Deputy City Manager,
Community Services

Reviewed by

A handwritten signature in black ink, appearing to read 'Nick Spensieri'.

Nick Spensieri, City Manager