

**Date: September 30, 2019**

## **Executive Summary**

City staff completed a comprehensive analysis of the existing administration, processes and by-law with regard to the use of permanent and temporary signs throughout the City, with the assistance of a consultant, Martin Rendl Associates, an expert in this field of practice.

City staff found a number of opportunities to make changes to be consistent with best practices for regulated signs in a Municipality. This will provide clarity for people involved in the sign industry as well as others that benefit from the use of signs. Further, this will clarify for these individuals the administration of this aspect of the City's business.

City staff are recommending the following changes to the Sign By-law:

- Administration

The responsibilities for permanent signs will be assigned to Building Services and temporary signs to By-law Enforcement. Variances will have delegated authority to staff with right of appeal to sign variance committee.

- Permanent Sign Regulations

These have been updated to current industry standards.

- Temporary Sign Regulations

Little change except for new regulations for flags, agricultural direction signs and new development signs.

- Poster Signs

The current permitting regime will be eliminated but the by-law will regulate size, height and location and prohibit commercial advertising using poster signs.

- Electronic Billboard Signs

By-law will include these signs and regulate their illumination and animation standards.

City staff are also recommending that the new sign by-law not be retroactive to existing signage except for the illumination and animation standards for electronic signage.

City staff have developed a communication plan which includes an information portal. They are also working on next steps related to Tourism and Right-of-Way signage.

Staff will also work with local BIAs on opportunities to develop community bulletin boards.

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## **Background**

### **Historical**

In 1978, the Region of Sudbury passed a sign by-law which regulated the erection of permanent signs and other advertising devices within the Region.

In 1988, the Region of Sudbury passed a new sign by-law which incorporated the previous regulations but also added new controls for the ever growing types and sizes of permanent signs.

Before amalgamation, each of the seven area municipalities had zoning by-laws which governed type, size and location of signs on private property.

After amalgamation and further to a public input meeting, a Comprehensive Sign By-law 2007-250 was passed by Council which regulated portable signs and poster signs. In 2010 when the new Comprehensive Zoning By-law 2010-100Z removed permanent signage from the zoning by-laws, By-law 2010-221Z amended Sign By-law 2007-250 to include permanent sign provisions.

### **Issues with Sign By-law**

The feedback from stakeholders prior to review identified a number of issues with the current sign by-law:

- By-law outdated causing need for numerous sign variance applications
- New technologies and types of signs not included in by-law
- Requires two permits, one for signs under the sign by-law and one for building permit under the Ontario Building Code
- No policy framework for signs in right-of-way
- CGS Tourism signage program does not allow for small farm and agriculture directional signage

Based on the above, a request from Council was made to undertake a review of the sign by-law. A request for proposal for a Comprehensive review of the current sign By-law 2007-250 was issued and Martin Rendl Associates were retained to undertake the review.

### **Scope of Review**

The consultant as part of the Comprehensive Sign By-law review was to:

- 1) Review of current state utilizing background information provided by the staff Steering Committee including the current by-law and policies involving signage with City of Greater Sudbury.
- 2) Assess existing conditions and prepare a report which would evaluate existing conditions including various types of signage currently in use in the City of Greater Sudbury.
- 3) Identify best practices for municipalities of same size, including administration, enforcement, application process and user fees so as to provide approaches for regulating all sign types.

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- 4) Undertake public and industry stakeholder consultation.

### **Consultation Process**

An internal staff steering committee was formed to work with Martin Rendl Associates and included divisional representation from various departments within the City of Greater Sudbury.

- By-law Enforcement
- Tourism and Culture
- Planning
- Roads and Transportation
- Leisure Services
- Earth Care Sudbury
- Building Services
- Economic Development

Staff helped to provide the consultant a current state analysis by providing the following from their divisional work with signage.

- Existing sign by-laws and policies
- Existing sign types regulated
- Current administrative and enforcement processes
- User fees
- Review of Committee of Adjustment variance decisions related to signage.

### **Public and Stakeholder Consultation**

Martin Rendl Associates, with the assistance of City staff, embarked on an initial series of fact finding presentations and met with the following stakeholder groups:

- Local sign association members and sign companies
- Sudbury Chamber of Commerce – Municipal Advocacy Committee
- Downtown Sudbury BIA
- Greater Sudbury Food Policy Council
- Sudbury Real Estate Association
- Two citizen public input sessions

As well, citizen surveys were undertaken by the City of Greater Sudbury's Corporate Communications section seeking citizen opinion on current sign standards and their priorities for improvements for a new sign by-law. Over a hundred people responded to the surveys and results were provided to the consultant.

## **Analysis**

Martin Rendl provided an initial assessment and critique of the existing sign by-law. This was based on the results of their current state analysis, including stakeholder feedback as well as results of a public survey.

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### **Positive Aspects**

- Sign By-law had a good overall structure
- Temporary sign regulations meet current industry best practice
- Generally few instances of roadside clutter as a result

### **Negative Aspects**

- By-law is outdated, shows its age and origins
- Lack of a consolidated single by-law
- Inconsistent and undefined terms
- Gaps filled by staff interpretations
- Current permanent sign regulations
  - Overly narrow range of permitted sign types
  - Standards often difficult to understand
  - Overly complex
- Gaps in by-law created
  - Unnecessarily rigid application of standards
  - Reliance on high number of recurring sign variances

### **Goal of New Sign By-law**

Based on the public and stakeholder feedback as well as consultant review our goal is to achieve appropriate community standards as follows:

- Signs that are appropriate in size and number and location to the type of activity or use to which they pertain.
- Signs which provide reasonable and appropriate means for public to locate and identify facilities, businesses and services without difficulty or confusion.
- Signs which are compatible with their surroundings
- Signs that protect and enhance the aesthetic qualities and visual character of the City of Greater Sudbury
- Signs which are consistent with the City of Greater Sudbury Planning, urban design and heritage objectives
- Signs which do not create a distraction or safety hazard for motorists and pedestrians
- Signs which minimize adverse impacts on nearby public or private property
- Signs which allow the public the right and freedom of expression while staying in proportion to the purposes and direction of the By-law
- Signs which are structurally sound and safe to withstand appropriate climatic loading

### **New Draft By-law (See Appendix “B”)**

The new draft sign by-law should address the following shortfalls in current by-law:

- Consistency in the terms used
- Clear definition for key terms within it
- Update regulation to address post 2007 signage trends including electronic and digital displays in signs.

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- Types of signs regulated

The current sign by-law provisions for temporary signs are generally appropriate and consistent with best municipal practice.

The provisions for permanent signs are the greatest weakness in the current sign by-law the new draft by-law addresses the following issues as recommended by Martin Rendl Associates in their Recommendation Report dated September 2019 (Attached).

## **Martin Rendl Associates Recommendations Report (Appendix “A”)**

Martin Rendl Associates based on the two rounds of public and stakeholder meetings has completed their current state analysis. They have provided Council and staff suggested modifications and upgrades for consideration. These include the following:

### **By-law Format**

Best practice by-law format which bases sign types allowed on zoning continues. However, the following deficiencies in current by-law have been addressed.

These include the following:

- Too narrow a range of permitted sign types
- Difficult to understand standards
- Overly complex provisions that impede understanding by users
- Failure of sign by-laws to recognize common sign types associated with modern development resulting in a high reliance on minor variance applications to fill by-law gaps.

### **Sign standards**

Appropriate best practice sign standards for size and location for all permanent signs including wall signs, canopy and awning signs, projecting signs, ground signs and billboard signs have been provided for Council consideration.

### **Aesthetic and safety consideration**

The new draft sign by-law will update current regulations and provides Council best practice standards to ensure that for various sign types their size, location and illumination will be consistent with the municipality's Planning and Community Design Policies. This shall ensure signage that is appropriate and suitable for their role and context so as to reinforce the physical character of their surroundings and maintain visual quality.

The recommendations and new by-law ensure signage does not create or conflict with other signs, specifically signs located adjacent to public road allowance.

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### **Approval processes**

Martin Rendl has reviewed the current administration and approvals processes related to signage within the City of Greater Sudbury including permits, variances and fees. This review was for all types of signs, portable, permanent and tourism signs as well as signs in public road allowances and has provided Council recommendations on governance as well as process improvements for Council's consideration, for inclusion in the new by-law.

### **Enforcement**

Enforcement provisions for signs has also been reviewed and best practice recommendations provided to Council. Again, this involved all sign types, however specific attention was provided to poster signs on City right-of-ways, based on citizen input.

### **Signs located on public road allowance**

The current state review has identified the need for clarity on how the City of Greater Sudbury manages signs in the public road allowance involving traffic control signs, tourism as well as agricultural directional signs. Signage on public road allowance within business improvement areas was also specifically reviewed.

Council has been provided recommendations on governance as well as appropriate frame work for managing non-traffic control signs in the road allowance, including tourism signage which will be addressed later in 2020 by a sub-committee including Tourism and Infrastructure Capital Planning staff to establish appropriate standards and framework.

This will provide certainty to community stakeholders for signs on the right-of-way.

## **Conclusions**

The summary of staff recommendations for Council's consideration based on the comprehensive review by Martin Rendl Associates including extensive public and stakeholder consultation may be summarized as follows:

### **Administration**

The new by-law will streamline the sign permit and building permit approval process by retaining responsibility for temporary signs within the By-law Services Division and consolidate the approval for permanent signs and building permits for permanent signs within the Building Services Division.

Further, the by-law will delegate authority for variances to staff with rights of appeal of a refusal of the variance to the sign variance committee.

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### **Permanent Sign Regulations**

The new by-law will contain updated best practice sign standards for size and location for all permanent and temporary signs. The by-law will provide clear definitions for key terms and consistency in the use of these terms. As well, the updated by-law will remove current regulation shortfalls causing needless recurring of variance applications.

### **Temporary Sign Regulations**

The current sign by-law provisions for temporary signs are currently appropriate and consistent with best municipal practice. Therefore, little is changing except the provisions of flags, agricultural direction signs and new development signs.

### **Poster Signs**

The new sign by-law will allow posters without the current permit regimen in all areas of the City. However, they will be subject to by-law regulations on size, height and location, i.e. not permitted in medians or on any traffic device adjacent to intersections.

Poster signs that are commercial advertising will be prohibited.

Staff will explore further opportunities with local BIAs for community bulletin boards since a business case with budget implications needs to be provided to Council for its consideration.

The by-law will provide for removal of any posters without notice or compensation by the owner of utility pole for those not meeting the new regulation.

### **Electronic Bill Board Signs**

The new sign by-law will fill the regulatory gap within the current by-law which does not recognize these as a distinct sign type. Regulations and standards will address the top public sign complaints of distraction and road safety by providing illumination and animation standards. Sign location as well as spacing regulations have been included in the by-law so as to address the public's road safety concerns.

Other electronic illumination signs such as electronic message boards, fuel price signs and electronic signs will have regulations and standards dictating maximum size, animation as well as brightness so as to not distract or impact adjoining properties.

### **Existing Signs (Legal Non-Conforming)**

The new sign by-law will not apply retroactively to an existing sign lawfully erected on the date the new by-law comes into effect provided it is not substantially altered.

However, existing electronic billboard signs and electronic message board signs will be subject to maximum illumination as well as animation regulations within the new sign by-law.

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## **Next Steps**

### **Signs/Banners in Public Road Allowance**

Martin Rendl Associates recommends and staff are committed to developing for the City of Greater Sudbury in the fourth quarter of 2020, criteria for the issuance of permits for signs, banners or other defined signs on or over a street or on any street fixture.

The criteria will be developed with the input of the stakeholders within our Business Improvement Areas by the Infrastructure Capital Planning Division in concert with the Economic Development, By-law and Building Services Divisions.

### **Tourism Sign Program**

Martin Rendl Associates recommends and Staff of the Economic Development Division are committed to revise the current eligibility criteria of the tourism signage program. This will be done in consultation with community stakeholders including the Greater Sudbury Food Council by the fourth quarter of 2020.

### **Sign Information Portal**

A signage information portal will be developed by staff from Economic Development, By-law Enforcement, Building Services and Infrastructure Capital Planning.

This will be done in concert with our communications group for directing public as well as other stakeholders to facilitate ease of obtaining information on signage and directing them to the proper divisions for assistance to align with Council's Customer Service Strategy.

## **Resources Cited**

Report Presented to [Policy Committee May 19, 2010](#)

Report Presented to [Policy Committee July 14, 2010](#)

Report Presented to [Policy Committee June 22, 2011](#)

Report Presented to [Operations Committee July 8, 2019](#)