

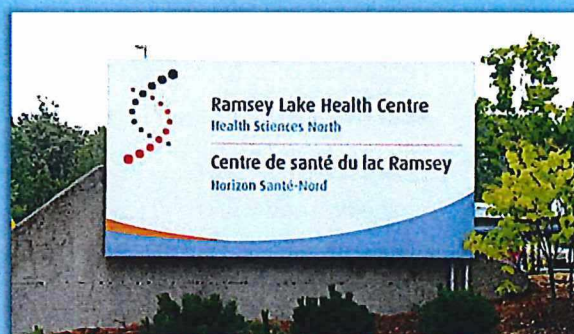
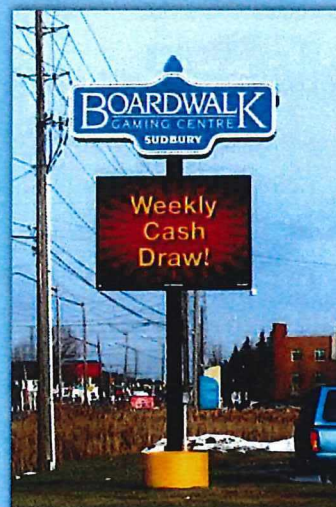
APPENDIX “A”

City of Greater Sudbury
Sign By-law Review
Recommendations Report

CITY OF GREATER SUDBURY

SIGN BY-LAW REVIEW

RECOMMENDATIONS REPORT



MARTIN RENDL ASSOCIATES

OCTOBER 2019

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EXECUTIVE SUMMARY

The City of Greater Sudbury has completed the first comprehensive review of its Sign By-law since its original passing by Council in 2007.

The Sign By-law Review identified a number of issues related to signs in Sudbury in general as well as the existing regulations in the current Sign By-law. The Review included consultation with the public and other stakeholders which helped to identify matters to be addressed.

Recommendations for a new Sign By-law are based on the findings of the Review.

This Report presents a series of findings with respect to the provisions of the current Sign By-law and associated approval processes that should be addressed in preparing a new Sign By-law for Sudbury. These include:

- Consistency in the use of terms;
- Clear definitions for key terms;
- Update the by-law to remove current regulations causing recurring variance applications that are approved;
- Delegation of variance approvals to City staff;
- Streamline the sign permit and building permit approval processes;
- Update regulations to address sign programs associated with specific types of development;
- Update Sign By-law regulations to address post-2007 signage trends including electronic and digital displays in signs;
- Clarify and if necessary, formalize or revise City programs for private signs in the road right-of-way and tourism signs.

The goal is for Council to pass a new Sign By-law that addresses current and future signage issues in Sudbury and is also easy to understand and administer. This will eliminate many of the current frustrations experienced by the public and City staff when dealing with Sudbury's existing Sign By-law.



SUMMARY OF RECOMMENDATIONS

1. ADMINISTRATION

- For permanent signs, consolidate the approvals for sign permits and building permits within the Building Services Division.
- For temporary signs, retain the responsibility for sign permits within the By-law Services Division.
- Delegate the approval for variances from the Consent Officer with applicants having the right to appeal a refusal of a sign variance application to the Sign Variance Committee.

2. PERMANENT SIGN REGULATIONS

The following is an overview summary of the recommended general regulations for permanent signs.

a) RESIDENTIAL SIGN DISTRICTS

Sign Type Permitted	Number of Signs	Maximum Sign Area	Maximum Ground Sign Height
Awning or Canopy Sign	1 per premises	50% of the awning or canopy area	2.75 m clearance above grade
Bed and Breakfast Sign	1 ground or wall sign	0.40 m ²	1.2 m
Ground Sign	1 per lot	2.0 m ²	3.0 m
Home Occupation Sign	1 ground or wall sign	0.40 m ²	1.2 m ground sign
Wall Sign	1 per premises	Varies: 0.40 m ² – 4.0 m ² ; 25% of the external façade of the premises	---

b) COMMERCIAL SIGN DISTRICTS

Sign Type Permitted	Number of Signs	Maximum Sign Area	Maximum Sign Height
Awning or Canopy Sign	1 per premises	50% of the area of the awning or canopy	2.75 m clearance above grade
Billboard Sign	1	20.0 m ²	8.0 m
Directional Sign	---	0.3 m ²	---
Electronic Billboard Sign	1	20.0 m ²	8.0 m
Electronic Message Board	1 as part of a ground sign	30% of the maximum sign area of a ground sign	---
Ground Sign	1 for each 200 m or less of the street line of a property	0.3 times the length of the street line, maximum 15 m ²	7.5 m
Home Occupation Sign	1 ground or wall sign	0.40 m ²	1.2 m ground sign
Menu Board Sign	1 per drive through lane	4.0 m ²	3.0 m
Pre-menu Board Sign	1 per drive through lane	2.0 m ²	3.0 m

Sign Type Permitted	Number of Signs	Maximum Sign Area	Maximum Sign Height
Projecting Sign	1 per premises	1.0 m ²	2.75 m clearance above grade
Wall Sign	---	25% of the external façade of that part of the building occupied by a business	Lesser of 4.5 m or the base of windows on any storey above the ground floor
Window Sign	1 per premises	0.5 m ²	---

c) INDUSTRIAL SIGN DISTRICTS

Sign Type Permitted	Number of Signs	Maximum Sign Area	Maximum Sign Height
Billboard Sign	1	20.0 m ²	8.0 m
Directional Sign	---	0.3 m ²	---
Electronic Billboard Sign	1	20.0 m ²	8.0 m
Electronic Message Board	1 as part of a ground sign	30% of the maximum sign area of a ground sign	---
Ground Sign	1 for each 200 m or less of the street line of a property	0.3 times the length of the street line, maximum 15 m ²	7.5 m
Projecting Sign	1 per premises	1.0 m ²	2.75 m clearance above grade
Wall Sign	---	25% of the external façade of that part of the building occupied by a business	Lesser of 4.5 m or the base of the window on any storey above the ground floor

d) INSTITUTIONAL SIGN DISTRICT

Sign Type Permitted	Number of Signs	Maximum Sign Area	Maximum Sign Height
Awning or Canopy Sign	1 per premises	50% of the area of the awning or canopy	2.75 m clearance above grade
Directional Sign	---	0.3 m ²	---
Electronic Message Board	1 as part of a ground sign	30% of the maximum sign area of a ground sign	---
Ground Sign	1 for each 200 m or less of street line of a property	0.3 times the length of the street line, maximum 15 m ²	7.5 m
Wall Sign	---	25% of the external façade of that part of the building occupied by a business	Lesser of 4.5 m or the base of the window on any storey above the ground floor

e) **RURAL AREA SIGN DISTRICT**

Sign Type Permitted	Number of Signs	Maximum Sign Area	Maximum Sign Height
Agricultural Directional Ground Sign	1	3.0 m ²	4.0 m
Bed and Breakfast Sign	1 ground or wall sign	0.40 m ²	1.2 m ground sign
Directional Sign	---	0.3 m ²	---
Ground Sign	1	4.0 m ²	3.0 m
Home Occupation Sign	1 ground or wall sign	0.40 m ²	1.2 m for a ground sign
Wall Sign	---	2.0 m ²	---

f) **OPEN SPACE SIGN DISTRICT**

Sign Type Permitted	Number of Signs	Maximum Sign Area	Maximum Sign Height
Electronic Message Board	1 as part of a ground sign	30% of the maximum sign area of a ground sign	---
Ground Sign	1 for each street line of a property	0.3 times the length of the street line, maximum 15 m ²	7.5 m
Wall Sign	---	25% of the external façade of that part of the building occupied by a business	---

3. TEMPORARY SIGN REGULATIONS

The following is an overview summary of the recommended general regulations for temporary signs.

a) **RESIDENTIAL SIGN DISTRICT**

Sign Type Permitted	Number of Signs	Maximum Sign Area	Maximum Ground Sign Height
Contractor Sign	1 per lot	0.40 m ²	1.2 m
Election Sign	NA	1.50 m ²	2.0 m
New Development Sign	1 per lot or plan of subdivision	10.0 m ²	7.5 m
Real Estate Sign	1 ground or wall sign	1.0 m ²	---
Real Estate Open House Sign	---	0.50 m ²	1.0 m

b) **COMMERCIAL SIGN DISTRICT**

Sign Type Permitted	Number of Signs	Maximum Sign Area	Maximum Ground Sign Height
Banner Sign	1 per business	6.0 m ²	---
Contractor Sign	1 ground or	0.40 m ²	1.2 m

Sign Type Permitted	Number of Signs	Maximum Sign Area	Maximum Ground Sign Height
	wall sign		
Election Sign	---	1.50 m ²	2.0 m
Inflatable Sign	1 per lot	---	---
New Development Sign	1 per lot	10.0 m ²	7.5 m
Portable Sign	Varies	5.0 m ²	2.5 m
Real Estate Sign	1 ground or wall sign	4.0 m ²	6.0 m
Sidewalk Sign	1 per business	1.5 m ²	1.2 m

c) **INDUSTRIAL, INSTITUTIONAL, RURAL AREA, OPEN SPACE SIGN DISTRICTS**

Sign Type Permitted	Number of Signs	Maximum Sign Area	Maximum Ground Sign Height
Banner Sign	1 per occupant	6.0 m ²	---
Contractor Sign	1 ground or wall sign	0.40 m ²	1.2 m
Election Sign	---	1.50 m ²	2.0 m
New Development Sign	1 per lot or plan of subdivision	10.0 m ²	7.5 m
Portable Sign	Varies	5.0 m ²	2.5 m
Real Estate Sign	1 ground or wall sign	4.0 m ²	6.0 m
Real Estate Open House Sign	---	0.50 m ²	1.0 m
Sidewalk Sign	1 per business	1.50 m ²	1.2 m

4. POSTER SIGNS

- Permit poster signs that are not commercial advertising on utility poles subject to regulations on size, height and not being permitted in the median or on any traffic control device;
- Provide for the removal of the poster without notice or compensation by the owner of the utility pole.

5. ELECTRONIC BILLBOARD SIGN REGULATIONS

An electronic billboard sign shall:

- Display only static copy for not less than 10 seconds without any animation;
- Not display any visible effects including motion, fading, dissolving, fading, flashing, intermittent or blinking, scrolling or the illusion of such effects;
- Not emit sound or be interactive in any way;
- Change from one message to another in the sign copy in 0.1 second or less;
- Involve the change of the entire sign copy;
- Not include a partial, incremental or sequential change of sign copy.
- Be equipped with an operating automatic light sensor that is set to control the brightness of the digital sign in compliance with the provisions of this By-law.
- Be erected not less than 200 metres from any other electronic billboard sign or electronic message board;
- Be erected not less than 120 metres from a road intersection with traffic controls or an at grade railway crossing

6. ELECTRONIC MESSAGE BOARD REGULATIONS

- a) Maximum 30% of ground sign area;
- b) 30 second minimum display time.

7. FUEL PRICE SIGN

Where an automotive service station or gas bar use is permitted, an illuminated Fuel Price Sign with a maximum area of 1 m² is permitted as part of a Ground Sign

8. ILLUMINATION REGULATIONS FOR ELECTRONIC SIGNS

- a) Not project onto any adjacent premises;
- b) Not increase the light levels within 10.0 metres of all points of the sign face by more than 3.0 lux above the ambient lighting level;
- c) Not exceed 5,000 nits during the period between sunrise and sunset;
- d) Not exceed 300 nits during the period between sunset and sunrise.

9. EXISTING SIGNS

- a) Provisions of the new Sign By-law do not apply to an existing sign that was lawfully erected on the date the new Sign By-law comes into force if the existing sign is not substantially altered.
- b) Existing electronic billboard signs and electronic message board signs shall be subject to the maximum illumination and minimum display interval regulations of the Sign By-law.

10. SIGNS IN BUSINESS IMPROVEMENT AREAS

- a) Any person, business or organization seeking to install a banner or other defined sign on or over a street or on any street fixture should obtain a permit from the City of Greater Sudbury.
- b) The City of Greater Sudbury should develop criteria for the issuance of a permit for such banners and signs, dealing with matters such as:
 - Size;
 - Material;
 - Lighting;
 - Requirements for installation on street fixtures including supports and fastening devices;
 - Installation and removal;
 - Indemnification requirements.

11. TOURISM SIGN PROGRAM

The Economic Development Division should revise the current eligibility criteria of the Tourism Signage Program in consultation with community stakeholders including the Greater Sudbury Food Council.

12. SIGNS IN THE PUBLIC ROAD ALLOWANCE

The Infrastructure Capital Planning Division should:

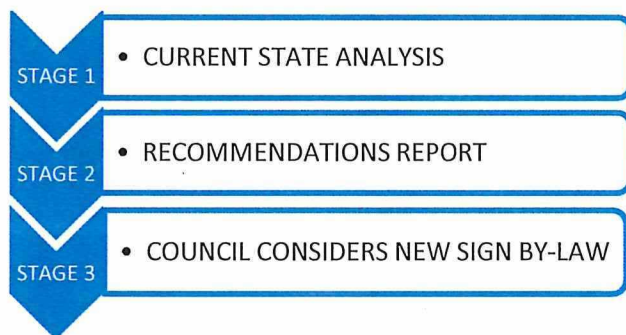
- a) Prepare the appropriate framework for managing non-traffic control signs in the road allowance based on:
 - A profile of the types of sign requests received by the City of Greater Sudbury in the past;
 - An assessment of which types of signs are appropriate to locate within the road allowance without jeopardizing traffic operations or risking public safety;
- b) Develop application requirements for the approval of such signs by the City of Greater Sudbury.

1. INTRODUCTION

The City of Greater Sudbury has completed a comprehensive review of its Sign By-law. The purpose of the review was to:

- Assess the current Sudbury Sign By-law;
- Identify the need for Sign By-law revisions and updates;
- Compare the Sudbury Sign By-law with the Best Practices of comparable municipalities;
- Prepare an up to date Sign By-law that is easy to understand and administer.

The review of the Sign By-law is proceeding in three stages.



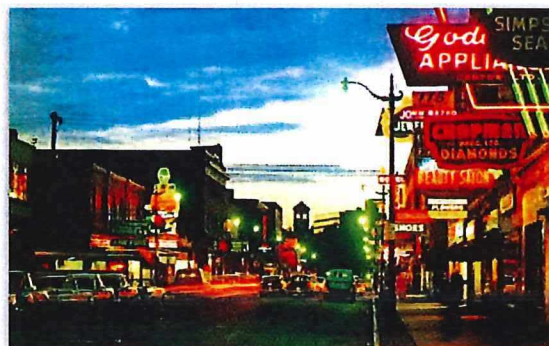
This Report:

- Provides an overview of the current Sign By-law 2007-250, as amended;
- Presents the findings of the Current State Analysis;
- Identifies priorities for by-law amendments based on the findings of the review and priorities for change.

The recommendations presented address the issues identified by and raised during the Review.



DURHAM STREET AT ELM STREET



DURHAM STREET CIRCA 1960



2. CURRENT SUDBURY SIGN BY-LAW

Sudbury's current Sign By-law 2007-250 has evolved since its original enactment by Council twelve years ago.

By-law 2007-250 was passed in 2007. At the time of its original passing, it contained only regulations dealing with temporary signs. This included banner signs, portable signs, poster signs, election signs, real estate signs, construction signs and sidewalk signs.

By-law 2007-250 originally did not deal with permanent signs because in 2007, permanent signs were regulated through the sign regulations contained in the zoning by-laws of the seven area municipalities that existed prior to the 2001 amalgamation that created the City of Greater Sudbury. Most of the zoning by-laws of these area municipalities were enacted in the early 1980s.

By-law 2010-221 was passed in 2010 by the City of Greater Sudbury as a major amendment to Sign By-law 2007-250. The main purpose of By-law 2010-221 was to remove the regulations for permanent signs from the seven zoning by-laws and consolidate them into a single Sign By-law, By-law 2007-250, as amended.

At the same time, Zoning By-law 2010-100Z was also passed. It replaced the seven area municipal zoning by-laws and consolidated zoning regulations into one City-wide zoning by-law for Greater Sudbury.

Sign By-law 2010-221 simply moved Sudbury's existing regulations at the time for permanent signs from the zoning by-laws passed under the *Planning Act*, to a sign by-law passed under the *Municipal Act*. The *Planning Act* contains no explicit power for a zoning by-law to regulate signs, whereas the power to pass a by-law respecting signs is found in subsection 10(2) of the *Municipal Act*.

Sign By-law 2007-250, as amended, is divided into nine logical sections:

- Definitions;
- Administration of the By-law;
- Application of the By-law;
- Rules of General Application;
- Permits;
- Rules for Temporary Signs;
- Rules for Permanent Signs;
- Penalties, Enforcement and Variation;
- General Provisions.

The structure and organization of Sign By-law 2007-250 adheres to the drafting norms for municipal by-laws in general and sign by-laws specifically.

The current Sign By-law evolved by combining the provisions from the several previously distinct by-laws of the pre-amalgamation municipalities. Given this history, there are a number of inconsistencies and gaps in the current Sign By-law. For example, although the Sign By-law refers to and defines 15 types of permanent signs, the By-law contains regulations for only 4 of these sign types.

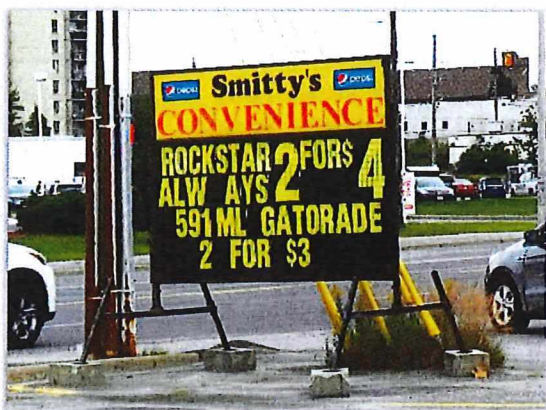
2.2 SIGN TYPES CURRENTLY ADDRESSED

Sign By-law 2007-250, as amended regulates signs in relation to the zoning of a property. This is the most common approach municipalities follow since signage needs vary by land use. Signs and sign regulations are therefore logically linked to the type of use and building on a lot.

Sudbury's Sign By-law regulates two broad types of signs: temporary signs and permanent signs.

2.2.1 TEMPORARY SIGNS

A temporary sign is any sign not permanently erected on a property or permanently affixed to a structure or building.

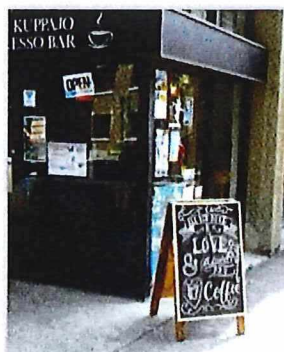


PORTABLE SIGN

By-law 2007-250 permits 8 types of temporary signs.

TEMPORARY SIGN TYPES	
Banner	Poster
Construction	Real Estate
Election	Sidewalk
Portable	Yard Sale

Temporary signs are generally permitted in all zones, subject to minor limitations. Temporary signs are usually subject to a maximum display period after which they must be removed. The following are examples of common types of temporary signs found in Sudbury.



SIDEWALK SIGN



REAL ESTATE SIGN



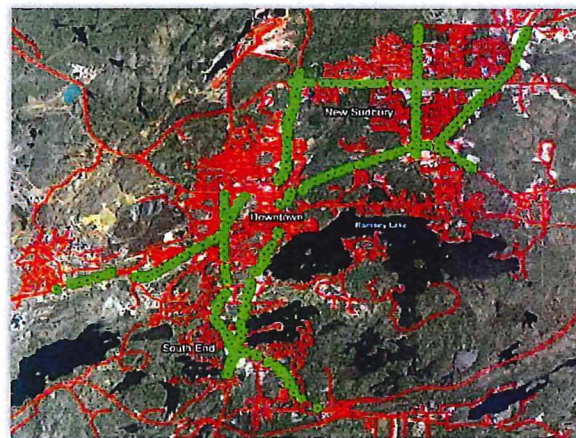
BANNER SIGN



POSTER SIGN

Most temporary signs (banner, construction site sign, election sign, information sign, official sign, real estate sign, sidewalk sign) do not require a sign permit but may be still be subject to restrictions on size and location.

Portable signs and poster signs require a sign permit. Both types of signs are subject to restrictions on their size and location.



**DESIGNATED POSTER POLE LOCATIONS
ACROSS SUDBURY**

Poster signs are currently permitted throughout Sudbury provided they are erected on one of 486 designated poster poles located in the street right-of-way of major roads across Sudbury.

2.2.2 PERMANENT SIGNS

A permanent sign is permanently erected on a property or permanently affixed to a building or structure. All permanent signs require a sign permit.

In contrast to temporary signs, permanent signs are more finely controlled with respect to the types of land use where they are permitted.

Permanent sign regulations apply to development in five general land use categories: Residential, Commercial, Industrial, Rural, and Other. These general land use categories used in the Sign By-law cover the 39 zoning categories of Zoning By-law 2010-100Z as illustrated in Table 1.

The type and number of permanent signs permitted as well as sign characteristics such as maximum area, maximum height and total sign area per property vary across the five Sign Classes. The intent is to tailor the sign regulations to the characteristics of the different land uses and their surrounding context.

By-law 2007-250 refers to or defines approximately 14 types of permanent signs but provides standards for only four types of permanent signs:

- Fascia (wall) sign;
- Projecting sign;
- Ground sign;
- Roof sign.

For example, while the terms directory sign, electronic variable message centre, menu board, mural, pump island sign, and reader board sign are defined in the Sign By-law, the Sign By-law makes no further reference to these sign types. They are not explicitly referred to in Schedules A – F of the By-law which contain the standards for sign types.

This mis-match creates uncertainty with respect to how these two sets of sign types relate to each other. In addition, several of the defined sign types not explicitly addressed in Schedules A – F do not have standards for their height, area, etc.

**TABLE 1
PERMANENT SIGNS**

SIGN CLASS By-law 2007-250	ZONING CATEGORY By-law 2010-100Z	
RESIDENTIAL	R1-1 to R1-6	Low Density Residential One
	R2-1 to R2-3	Low Density Residential Two
	R3, R3-1	Medium Density Residential
	R4	High Density Residential
	RMH	Residential Mobile Home
COMMERCIAL	C1	Local Commercial
	C3	General Commercial
	C3	Limited General Commercial
	C4	Office Commercial
	C5	Shopping Centre Commercial
	C6	Downtown Commercial
	C7	Resort Commercial
MIXED LIGHT INDUSTRIAL/ SERVICE COMMERCIAL	M1-1	Business Industrial
	M1	Mixed Light Industrial/Service Commercial
	M2	Light Industrial
	M3	Heavy Industrial
	M4	Mining Industrial
	M5	Extractive Industrial
RURAL	M6	Disposal Industrial
	A	Agricultural
	RU	Rural
	RS	Rural Shoreline
OTHER	SLS	Seasonal Limited Service
	I	Institutional
	P	Park
	OSC	Open Space - Conservation
	OSP	Open Space - Private
	OSR	Open Space - Recreation
	OSW	Open Space - Waterbody
	EP	Environmental Protection
	FD	Future Development

The following are examples of permanent signs commonly found in Sudbury.

WALL SIGNS



PROJECTING SIGNS



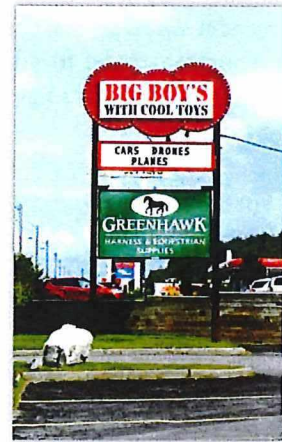
ROOF SIGN



ADVERTISING SIGNS



GROUND SIGNS



2.3 ADVERTISING ON SIGNS

Municipalities generally distinguish between signs that identify a business at the location where it is located, and signs located elsewhere that display advertising unrelated to the property on which the signs are located. This distinction between the purpose of the sign's message is sometimes referred to as first and third-party signage respectively.

Sudbury's Sign By-law distinguishes between business identification signs (first party signs) and advertising signs (third party signs) based on the location of the sign in relation to the business or use the sign copy refers to. This approach and distinction are consistent with municipal practices elsewhere.

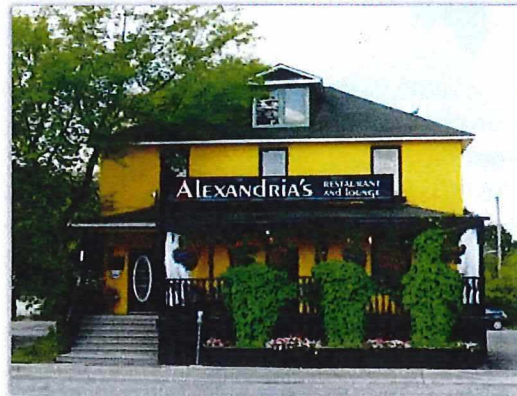


ADVERTISING GROUND SIGN



ADVERTISING GROUND SIGNS

The Sign By-law defines an advertising sign as "a sign directing attention to a business, commodity, service, entertainment or use which is not conducted, sold, offered or located on the same lot."



BUSINESS IDENTIFICATION WALL SIGN

A business identification sign is defined as "a sign identifying or advertising a business or other non-residential use located, operated or conducted on the same lot, with or without reference to a product sold, distributed or manufactured on the property or to an activity occurring in conjunction with such use."

With respect to temporary signs, only a portable sign cannot advertise a business, event or activity that is not located on the lot where the portable sign is located.

In the case of permanent signs, advertising signs may take the form of a wall, ground, projecting and roof sign. Permanent advertising signs are permitted with restrictions in some Commercial and Industrial Zones



2.4 FINDINGS

- The structure and organization of the current Sign By-law generally corresponds to the drafting norms for municipal by-laws in general and sign by-laws specifically.
- The current Sign By-law and its provisions are an amalgam of several former by-laws. This has resulted in many inconsistencies in wording and gaps in its content and regulations. This hampers the easy and effective use of the Sign By-law by the public and municipal staff.
- The provisions for temporary signs are generally appropriate and consistent with best municipal practices.
- The provisions for permanent signs are the greatest weakness in the current Sign By-law and are addressed in Section 6 of this Report.
- Weaknesses in the current regulations for permanent signs include:
 - Too narrow a range of permitted sign types;
 - Difficult to understand and apply standards;
 - Overly complex provisions that impede understanding by users;
 - Inclusion of regulations such as maximum sign area per lot that duplicate other sign regulations and are of questionable benefit since most signs are attached to buildings not the ground;
 - Failure of the Sign By-law to recognize common sign types associated with modern development often results in the rigid interpretation of the signage provisions creating the unnecessary by-product of a high reliance on minor variance applications to fill By-law gaps.

3. VARIANCES FROM THE SIGN BY-LAW

The Sudbury Committee of Adjustment may authorize relief from the provisions of the Sign By-law through the approval of minor variances from the Sign By-law's regulations. To authorize a minor variance, the Committee must be satisfied that the general intent and purpose of the Sign By-law are maintained. This criterion is similar to the test found in Section 45(1) of the *Planning Act* with respect to the approval of a minor variance from a zoning by-law.

The Sign By-law further directs the Committee and City Council when considering variance applications to have regard for:

- Special circumstances or conditions applying to the land, building or use;
- Whether the strict application of the By-law in the context of the land, building or use would create practical difficulties, unnecessary and unusual hardship for the applicant;
- Whether the special circumstances or conditions are pre-existing and not created by the owner of the land or building; and,
- Whether the proposed sign will alter the essential character of the area.

These criteria in the Sign By-law provide a good evaluation framework for the Committee of Adjustment follow when it considers applications for variances from the Sign By-law.

The Sign By-law does not currently provide a process for the appeal of a refusal of an application by the Committee of Adjustment.

3.1 REVIEW OF SIGN BY-LAW VARIANCES

One indicator of the degree to which the regulations of a municipality's sign by-law match the signage needs of the community is the number and type of applications the municipality receives for variances from its sign by-law.



A recurring pattern of similar variances for the same type of relief suggests the need to update the sign by-law, particularly when such variance applications are routinely or frequently approved.

The number and type of minor variances to By-law 2007-250, as amended, from 2011 to October 2017 were reviewed. The purpose was to identify any recurring patterns in the variance applications and approvals that would suggest the need to examine specific regulations in the Sign By-law with respect to the need for a revision or update.

A total of 119 applications for variances from the Sign By-law since 2011 were reviewed with respect to the type of variance requested by applicants. In many cases, an application involved multiple variances for the sign type or property. For example, a variance application for a double-sided ground sign also involves a variance from the maximum permitted ground sign area since only a single sided ground sign is permitted.

The Committee of Adjustment has approved all 119 variance applications submitted since 2011.

Table 2 lists ten general categories of variances that were identified ranging from a low of 2 occurrences in a category to a high of 56.

TABLE 2 SIGN VARIANCE APPLICATIONS: 2011 – 2017		
	Type of Variance	
1	More than 1 wall sign per main use	40%
2	Double sided ground sign	21%
3	Number of ground signs for drive through facility (menu boards)	11%
4	Increase in maximum sign area for property	9%
5	Double sided advertising sign	6%
6	Reduce ground sign setback	4%
7	Increase maximum ground sign area	3%
8	Increase number of ground sign permitted	3%
9	Roof sign	3%
10	Increase ground sign height	1%
	Total	100%

Table 2 shows the most common types of applications for variances from the Sign By-law in descending order of frequency. It shows that 81% of the observed variances since 2011 involve only four areas of the Sign By-law.

This pronounced concentration of Sign By-law variances in a few areas is a strong indicator that there are opportunities for updates and revisions to the current Sign By-law. This will significantly reduce the need for variance applications in the future.

For example, the Sign By-law's ground sign provisions pre-date the prevalence of drive through facilities for commercial uses and their associated signs such as menu boards and directional signs. Such variances can be eliminated in the future by updating standards to recognize this type of signage in the Sign By-law.

3.2 FINDINGS

- Updates to current Sign By-law regulations which are further described in Section 6 will significantly reduce the need for variances from the Sign By-law, most of which are currently repetitive and routinely approved. This will benefit the public by reducing current approval times and eliminate unnecessary costs and administrative overhead.
- Delegating the authority to staff to approve variances to the Sign By-law will simplify the variance process and reduce the administrative burden on City staff and cost to the public. The sign variance process should include the ability of an applicant to appeal the refusal of a sign application by staff to a Sign Variance Committee.

4. SIGNAGE TRENDS

The City of Greater Sudbury has regulated signs since its creation through the municipal amalgamation in 2001.

Sign By-law 2007-250 passed in 2007 was the last major update of the Sign By-law and addressed only trends in temporary signs.

Since then, Sudbury's Sign By-law has not kept pace with signage trends or the changes in the types of signs used by businesses. While By-law 2010-221 introduced permanent sign regulations into the Sign By-law, this amendment exercise seems to have been limited to an administrative by-law consolidation primarily for the purpose of removing sign provisions from the various zoning by-laws rather than any review of sign standards particularly in the case of permanent signs.

This gap between the signs used by businesses today and Sudbury's somewhat dated sign regulations creates a mis-match between the City's ability to regulate the signs businesses use today in an appropriate manner.

In some cases, the new types of signs businesses use end up not being regulated by Sudbury when the By-law has no standards that correspond to the sign's characteristics. A prime example is the growth in the use of electronic signs by Sudbury's businesses. The Sign By-law currently has no explicit regulations with respect to the location or brightness of these signs. Electronic signs are the most significant signage trend Sudbury's Sign By-law is out of step with.

The second signage trend the current Sign By-law does not recognize is signage associated with the drive through facilities of restaurants and financial institutions. There is no explicit recognition in the Sign By-law of directional signs or menu boards as being sign types that by their purpose and nature differ from generic identification ground signs.

4.1 ELECTRONIC DISPLAYS IN SIGNS

The Sign By-law's current regulations predate the advent of electronic or digital displays being incorporated into first and third party signs. As result, the Sudbury Sign By-law contains no provisions regulating signs containing this new type of display technology which can consist of the entire area of the sign. The proper management of these new electronic signs erected in the City, particularly their brightness, is also a leading concern of the public in Sudbury.



ELECTRONIC SIGN

The use of electronic displays in signs has become more common in recent years as the quality of such displays has increased while their cost has steadily decreased. As a result, the use of electronic displays in signs has in some cases replaced traditional sign materials and changed their original characteristics.

For example, the electronic displays in signs are now capable of displaying more than the traditional monochrome letters and numbers. These new electronic displays can now display full colour images in high resolution.

This electronic copy on the sign can be static, i.e., a series of slides displayed for a fixed time interval or it can be fully animated like a video.

These electronic signs are sometimes referred to as digital signs. They are simply large outdoor video screens and can display anything that can be viewed on a television or computer screen.

In most communities that permit electronic signs, these kinds of signs most frequently take the form of large outdoor advertising billboards. These electronic billboards are third party advertising signs. They tend to be located along high traffic corridors to take advantage of their exposure and visibility to large numbers of potential viewers passing by.



ELECTRONIC BILLBOARDS

Electronic displays in signs until recently were limited to the changeable copy portion of a sign. The message board or readograph consists of an LED display with coarse pixels of monochrome characters with no graphics. Common examples are time-temperature signs and the readograph portions of ground signs displaying changeable copy.



ELECTRONIC MESSAGE BOARD

Digital signs have also started to appear in first party signs usually to replace the traditional readograph and changeable copy portion of signs.

In these applications, the digital sign is used to display changeable copy as in a readograph or message board. However, in this case the electronic screen allows the changeable copy on the sign to include full colour images or videos with full animation.



ELECTRONIC MESSAGE BOARD

Most municipalities consider electronic signs to be a distinct type of sign due to their unique characteristics and new display capabilities that distinguish them from conventional and traditional signage. These new types of signs therefore require specific regulations not found in older sign by-laws.

Municipal regulations for electronic signs focus on the display characteristics of the electronic screen which makes up the sign. These regulations deal with matters such as:

- Minimum duration of the message displayed on the screen;
- Maximum time interval for the change of the electronic copy on the screen;
- Prohibition of animation, visual effects, sequential messages and interactive messages;
- Setting maximum levels for the brightness of the sign during the day and night;
- Limiting the increase in ambient brightness around the sign created by the electronic sign.

The Sudbury Sign By-law currently contains no regulations tailored to the unique display characteristics of electronic signs. This is a major gap in the current Sign By-law and leaves a matter that is a major concern to Sudbury residents unregulated and consequently often ignored by owners and operators of electronic signs.

These examples of existing electronic signs in Sudbury illustrate how the luminance level or brightness of an electronic sign can negatively impact its surroundings.



These Sudbury examples show the visual nuisance and impact an electronic sign can create on its surroundings when the brightness level of the electronic sign is not properly set and controlled by the sign owner.

The result is that when the electronic sign is too bright, it makes its surroundings significantly brighter than the ambient lighting level of public and private spaces including street lights.



These undesirable impacts from electronic signs in Sudbury are entirely avoidable because the electronic characteristics of these types of signs including their brightness and hours of operation are fully controllable by the sign owners through the software operating the display.

5. PUBLIC CONSULTATION

Throughout the review of the Sudbury Sign By-law, there were opportunities for public input and comment. These included:

- Two rounds of meetings with direct stakeholders;
- Two rounds of public open house;
- Public survey.

5.1 STAKEHOLDER MEETINGS

At the start of the review, a series of meetings were held with stakeholders that have a specific interest in signs. This included the owners of local sign companies, the Greater Sudbury Chamber of Commerce, the Downtown Sudbury BIA (Sudbury Metro Centre), the Sudbury Real Estate Board and the Greater Sudbury Food Policy Council.

The meetings gave stakeholders an opportunity to become familiar with the Sign By-law review, comment on what they saw as matters requiring attention, and have their questions answered.

Input received from these stakeholders included:



- The current sign by-law is hard to use and understand;
- The sign permit process is too complicated, hard for the public to grasp and navigate;
- The sign by-law is too restrictive;
- The public is too dependent on staff to understand what the by-law permits or does not permit;
- There is too much reliance on variances from the sign by-law to deal with matters the by-law does not address;
- Sign permit fees in Sudbury are too expensive;
- The requirement for a building permit and engineered plans for signs is unnecessary;

- Need sign regulations that achieve better quality signs and improve the appearance of commercial areas and streets in Sudbury;
- By-law standards need to be updated to better match the types of signs businesses use and the increased use of digital displays;
- City policies and by-laws need to provide better support for signs directing persons to local food producers selling produce in keeping with the Local Food Action Strategy.

Before the conclusion of the review, a second round of meeting were scheduled with stakeholders to present directions and options for the future sign regulations and obtain their feedback and suggestions.

5.2 PUBLIC OPEN HOUSES

Two rounds of public open houses were held In January 2018 and June 2019. The purpose was to provide the public with background on the review, learn of public concerns about signs and obtain comments and feedback on issues to be addressed.



The public's comments at the open houses in many cases were similar to the input received at the stakeholder meetings.

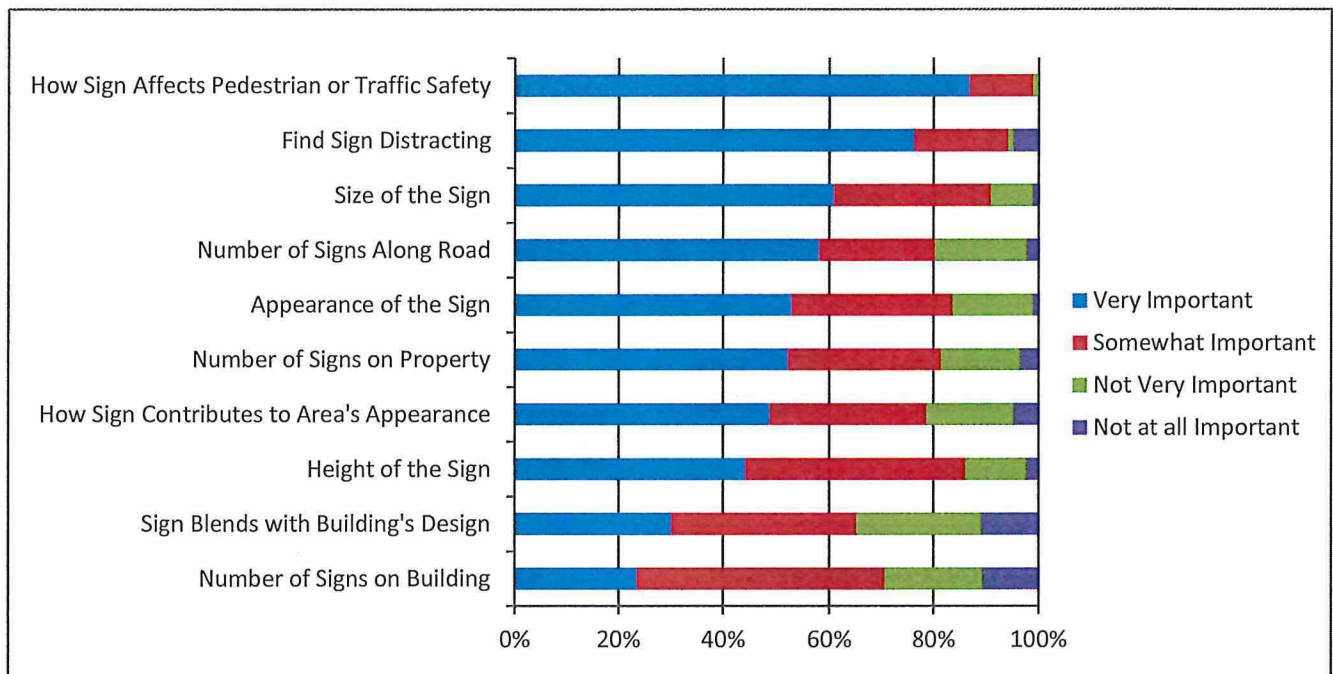
5.3 PUBLIC SURVEY

The public had an opportunity in December 2017 to complete an online survey about signs on the City's website. The responses identified the public's viewpoints on signs in Sudbury and their priorities for a new sign by-law.

The chart below shows the sign issues that ranked most important in 50% or more of responses were:

- traffic safety;
- the distraction created by signs; and,
- the number, size and appearance of signs.

The most common types of signs the public in Sudbury associated with distraction, traffic safety and being too bright were electronic signs and billboards.



The survey responses complement the input received from the stakeholder meetings and public open houses. Together they helped establish the priorities and focus for the content of the new sign by-law.

6. DIRECTIONS FOR A NEW SIGN BY-LAW

This Section outlines the priorities and principles for the regulations of the new Sudbury Sign By-law. It describes approaches to different types of signs that address the issues identified in the review of the current Sign By-law and the input received from public consultation

6.1 SIGN BY-LAW PRIORITIES

Municipalities in Ontario regulate signs to advance the overall public interest in their communities. This is achieved through Section 102 of the Municipal Act which enables municipal councils to “pass such by-laws and make regulations for the health, safety, morality and welfare of the inhabitants of the municipality.” Sign by-laws are specifically authorized by Section 99 of the Municipal Act.

Signs in Sudbury are erected by a wide range of public bodies, businesses and individuals. The regulation of signs in Sudbury should be based on a priority ranking of their function and relative importance to the public interest of different sign types.

Priority	
1.	SIGNS FOR GOVERNMENT PURPOSES <ul style="list-style-type: none">• Traffic Management & Control• Safety Warnings• Street & Directional Signs• Official Signs
2.	IDENTIFICATION SIGNS <ul style="list-style-type: none">• Signs identifying a business at its location
3.	ADVERTISING SIGNS <ul style="list-style-type: none">• Signs advertising a business, product, event or service located elsewhere

These priorities reflect current sign programs in Sudbury and the overall sign categories found in the current Sign By-law.

6.2 PRINCIPLES OF GOOD SIGNAGE

The Sign By-law regulations should support good signage that is effective and advances municipal objectives. These include signs that are appropriate and suitable for their role and context, reinforce the physical character of their surroundings, and maintain visual quality.

The following are relevant principles for good signs and sign regulations.

APPROPRIATE AND SUITABLE SIGNS

- The sign looks suitable in its location;
- The sign fits the immediate context of the area, the property and building;
- A wall sign is integrated with the design and architecture of the building;
- The location, size, height, scale, setback, lighting, and type of sign are appropriate to its surroundings;
- The sign complements rather than overwhelms its surroundings and context.

REINFORCE THE PHYSICAL CHARACTER OF SURROUNDINGS

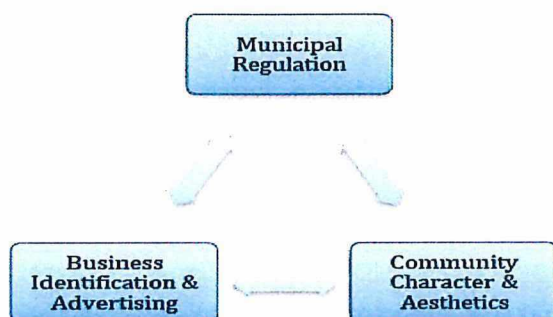
- The sign is appropriate to the associated use and immediate context;
- The sign contributes to its surroundings, it does not detract from its surroundings;
- The sign helps to define the character of a place in a positive manner.

VISUAL QUALITY

- The sign's design and materials contribute positively to the public realm;
- The sign does not create confusion or conflict with other signs;
- The sign does not contribute to an unattractive streetscape or public realm;
- The sign is consistent with the municipality's planning and community design policies.

6.3 SIGN BY-LAW RECOMMENDATIONS

A municipal sign by-law seeks to balance the needs of businesses for signs that identify and advertise their business with the interests of the broader public and community for safety, visual quality and aesthetics that support an attractive appearance and image for the community.



Municipal economic development programs generally acknowledge this balance. Economic development in part depends on quality of life and community character as factors contributing to the continued economic health of a community

Successful communities recognize that sign regulations are an important part of and contributor to the community's economic well being.

This section of the Discussion Paper presents proposed approaches for regulating different types of permanent and temporary signs in Sudbury. Each type of sign is described with reference to the intended outcomes and the regulations associated with achieving the desired signage outcome.

Signs can be categorized based on the main physical characteristics that distinguish them from one another with respect to:

- The length of time or duration the sign will be used to display its message, i.e., permanent or temporary;

- The party to which the message on the sign refers, i.e., first or third party;
- Whether the message on the sign or the sign copy is permanent or changeable.

These attributes along with sign's function are the core parameters municipalities use for the structure and content of their sign by-laws.

6.3.1 PERMANENT SIGNS

Permanent signs include wall signs, canopy and awning signs, projecting signs, ground signs and billboard signs.

WALL SIGN

OUTCOMES

- Primary purpose is business identification;
- Pedestrian oriented in size and location;
- Scale of sign is proportional with the building façade and does not dominate;
- Wall sign enhances the visual quality of the building façade;
- Wall sign achieves a unified appearance with adjacent building facades;
- Wall sign's appearance coordinates with other signs on the building or property.

STANDARDS

The key factors for an appropriate wall sign are its size and location in relation to the building façade on which it is located. Because a wall sign is one component of the building's façade, its design and visual characteristics are key factors in the identification of the premises that is also compatible with the building's façade.

The maximum wall sign area should be in proportion to the wall or building façade on which it is located. The wall sign should be located at ground floor level to correspond with the location of the associated business or activity.

- Maximum sign area: 25% of the first storey façade;

- Maximum height on façade: The lesser of 4.5 m or the base of windows on any storey above the ground floor;
- May be erected on the uppermost storey of a building provided the sign area does not exceed 10% of the area of the exterior wall of the uppermost storey.
- Cannot project above the roofline of a building.

CANOPY & AWNING SIGN

OUTCOMES

- May provide weather protection for pedestrians;
- May visually embellish the façade, windows and entrances of a building;
- Does not interfere with the safe passage of pedestrians below the canopy or awning;
- Suited to its purpose and function.

STANDARDS

Canopy or awning sign is similar to a wall sign.

- A wall sign is not permitted in addition to an awning or canopy sign;
- Maximum sign area: 50% of the area of the canopy or awning;
- Minimum 2.75 m vertical clearance above grade.
- 1 per facade

PROJECTING SIGN

OUTCOMES

- Pedestrian oriented in size and location;
- Pedestrian in its scale and character;
- Generally secondary to a wall sign;
- Complements other signs attached to the building;
- Generally oriented perpendicular to the wall to be visible to pedestrians.

STANDARDS

- Maximum one projecting sign per premises on a façade facing a street or lane;
- Limited to the occupancy on the ground floor of the building;
- Maximum 1.0 m² sign area;

- Minimum 2.75 m vertical clearance above grade.

GROUND SIGN

OUTCOMES

- Primary identification sign for a property where space allows;
- Integrates with its lot context with regard to size, shape, location and lighting;
- Sign size, scale and height are in proportion to the size of the property and its frontage on a street;
- Visually coordinates with other signs on the property and buildings;
- Does not impede the safe passage of pedestrians or vehicles;
- Does not block view related to safe pedestrian or vehicular access;
- Does not contribute to sign clutter along a street;
- Location is an appropriate distance from lot lines, other ground signs, buildings, and trees in order to be visible and not block other signs.

STANDARDS

- Maximum sign area 0.3 m² for each 1.0 m of lot frontage;
- 15 m² maximum sign area;
- 1 ground sign for each 200 m of a lot's frontage on a street;
- Maximum 4.0 m to 8.0 m height depending on land use and zoning.

FUEL PRICE SIGN

OUTCOMES

- Provide for fuel price to be displayed at an automotive service station or gas bar as changing copy on a ground sign.

STANDARDS

- Where an automotive service station or gas bar use is permitted, an illuminated Fuel Price Sign with a maximum area of 1 m² is permitted as part of a Ground Sign.

SIGNS FOR DRIVE THROUGH FACILITIES

OUTCOMES

- Provide signs giving direction to customers and facilitate ordering.

STANDARDS

- 1 pre-menu board per drive-through lane;
- Maximum 2.0 m² sign area and 3.0 m height;
- 1 menu board per drive-through lane;
- Maximum 4.0 m² sign area and 3.0 m height.

BILLBOARD SIGN

OUTCOMES

- Provides advertising for products, services or activities not available on the property or premises where the billboard is located;
- Integrates with its context with respect to size, shape, and lighting;
- Maintains appropriate spacing from other billboards to avoid clustering and the concentration of billboards along a street or in an area;
- Supports visual quality in the public realm;
- Does not conflict with public safety or traffic operations.

STANDARDS

- Maximum 20 m² sign area;
- Maximum 8.0 m height;
- 100 m minimum separation from any other billboard;
- Not permitted within 100 m of lands zoned for residential uses;
- Permitted on lands zoned commercial or industrial.

ELECTRONIC SIGNS

OUTCOMES

- Limit to locations appropriate to context and traffic safety consideration;
- Control impact of lighting on properties during hours of operation;

- Maintain appropriate spacing from other electronic signs, sensitive land uses and traffic controls.

STANDARDS

- Limited to billboard signs and electronic message centres;
- 200 minimum separation from any other electronic sign or land zoned for residential uses;
- Minimum 120 m separation from a road intersection with traffic controls;
- 10 second minimum duration for message;
- No animation, message sequencing or visual effects are permitted;
- 0.1 second maximum message transition;
- Maximum sign luminance: 5,000 cd/m² (nits) between sunrise and sunset, 300 cd/m² (nits) between sunset and sunrise;
- Maximum 3.0 lux above ambient light conditions within 10 m of the sign face;
- Mandatory control of sign luminance by light sensor.

6.3.2 TEMPORARY SIGNS

Temporary signs are signs not permanently erected on a property or building. Temporary signs are removed when their display period has ended.

Temporary signs include: portable signs, sidewalk signs, real estate signs, election signs, banners and posters.

PORTABLE SIGN

OUTCOMES

- The sign is temporary and not intended to substitute for a permanent sign;
- The temporary sign is secondary to other permanent signs on the premises;
- The sign is located entirely on private property and not on any part of the public road allowance;
- The sign's location does not interfere with the safe operation of vehicular traffic or the safety of pedestrians;

- The sign is not illuminated and contains no animation or visual effects;
- The sign is not located on vacant land;
- The sign does not display third party advertising.

STANDARDS

- Maximum 5.0 m² sign area and 2.5 m height;
- Located entirely on private property;
- Minimum 45 m separation between portable signs on the same property;
- Minimum 3.0 m setback from an adjacent property zoned for residential uses;
- Not located within a sight triangle;
- Number of permits per property per calendar year based on frontage of property on a street;
- Permitted in commercial and industrial zones.

NEW DEVELOPMENT DIRECTIONAL SIGN

OUTCOMES

- Provide directional information to the sales centre of new residential development.

STANDARDS

- Maximum 1.5 m² sign area and 2.0 m maximum height.

AGRICULTURAL DIRECTIONAL SIGN

OUTCOMES

- Provide directional information to the sale of farm products.

STANDARDS

- Maximum 1.5 m² sign area and 2.0 m maximum height.
- The sign is displayed during the hours of when the farm products are for sale.

SIDEWALK SIGN

OUTCOMES

- The sign is displayed during the hours of operation of the business;
- The sign's location does not interfere with the movement or safety of pedestrians.

STANDARDS

- Maximum 1.5 m² sign area and 1.2 m maximum height;
- Displayed adjacent to the business and only during the hours of operation of the business.

REAL ESTATE OPEN HOUSE DIRECTIONAL SIGN

OUTCOMES

- Provide directions to an open house when it is taking place.

STANDARDS

- Maximum sign area 0.6 m².

REAL ESTATE SIGN

OUTCOMES

- Only displays content advertising the sale or lease of a property or premises where the sign is located;

STANDARDS

- Maximum sign area 1.0 m² for a residential property and 4.0 m² for a non-residential property.

BANNER SIGN

OUTCOMES

- The sign is temporary and not intended to substitute for a permanent sign.

STANDARDS

- Maximum 6.0m² sign area;
- Maximum display period 30 consecutive days twice per calendar year.

ELECTION SIGN

OUTCOMES

- Election signs should be placed in locations that do not interfere with the safe movement and visibility of vehicles and pedestrians.
- Election signs should be placed in accordance with Provincial and Federal

legislative requirements including not in or on voting locations.

- The sign by-law should recognize recent amendments to *the Municipal Elections Act* that became effective in April 2018 and created a regulatory framework for third party advertising in elections.
- The sign by-law should recognize the recent election sign amendments of By-law 2018-53.

STANDARDS

- Maximum 1.5 m² sign area and 2.0 m maximum height;
- Not erected within 50.0 metres of the exterior main entrance of a polling station or the front façade of a building containing a polling station.

The recommended standards are based on the findings of the Sign By-law Review and comments received from stakeholders and the public.

7. SIGNS LOCATED ON THE PUBLIC ROAD ALLOWANCE

The current Sudbury Sign By-law primarily regulates permanent and temporary signs on private property. This scope has been in place since 2007 in Sudbury and is consistent with the practice in most municipalities which allow for very little private signage to be located within the public road allowance.

By-law 2007-250, as amended, generally does not permit a sign to be located on any public or City property such as a street or on any structure located on City property such as a bridge or utility pole. Private signs located within the public right-of-way or sight triangles can pose a safety risk to pedestrians and vehicles.



Section 33D of the current Sign By-law permits a permanent sign to be erected on public property only if approved by the authority owning the public property such as the City of Greater Sudbury.

Sign By-law 2007-250 currently controls the erection of posters on utility poles located in the street right-of-way. It also permits sidewalk signs to be located in the public right-of-way.

Except for posters and sidewalk signs, By-law 2007-250 in effect, restricts the location of all other private signs to private property.



POSTER SIGNS

This ensures that private signs do not encroach into the public right-of-way where signs can produce visual clutter and create risks to vehicle and pedestrian safety.

The Sign By-law Review has identified the need for greater clarity on how the City of Greater Sudbury manages signs in the public road allowance. This includes what, if any, types of signs should be permitted in the road allowance and what updates would be advisable to Sudbury's current sign programs for businesses or other persons or organizations wishing to locate signs in the road allowance to better address the needs of users.

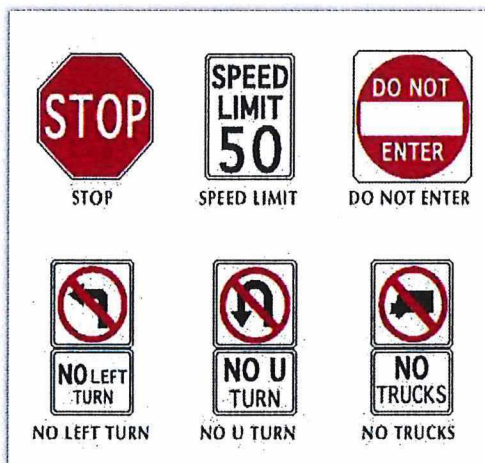
The City administers two sign programs that manage and control the location of signs within the public road right-of-way and along streets. These programs deal with (a) traffic control signs and (b) tourism signage. The City is also involved in banners erected in Business Improvement Areas such as Downtown Sudbury.

The City of Greater Sudbury directly administers the location of traffic control signs and tourism signs in the public right-of-way. These types of signs are therefore not regulated by the Sign By-law, nor is there a need to include them in the Sign By-law.

Since the City of Greater Sudbury owns the municipal streets and public road allowances, it is therefore in direct control of any structure or object that is placed or located in the road allowance. This includes any type of public or private sign.

7.1 SIGNS UNRELATED TO TRAFFIC CONTROL

The most prevalent signs in the road allowance are traffic control signs installed and managed by the City of Greater Sudbury.



The City's Infrastructure Capital Planning Division is responsible for traffic and transportation services. This includes the responsibility for vehicle and pedestrian control systems such as the traffic control signs located within the public rights-of-way of the City's road network.

These signs are erected by the City of Greater Sudbury as required by their purpose and context. Ontario municipalities refer to the Ontario Traffic Manual's guidance for such signs to promote uniformity in the design, application and operation of traffic control systems.

Traffic control signs ensure the City's road network operates in a safe and efficient manner for vehicles and pedestrians. This is the prime purpose for the signs the

City of Greater Sudbury erects in the public road allowance.

The City of Greater Sudbury manages and implements the installation of traffic control signs.

The Infrastructure Capital Planning Division receives requests from individuals, groups or other City departments wishing to install signs within road rights-of-way. These signs are unrelated to the control of traffic.

The City of Greater Sudbury does not appear to have any policies or other framework with which it can evaluate such sign requests. As a result, such requests are decided on an ad hoc basis.

Decisions on such requests for signs in the road allowance would be greatly improved if City staff had a policy, by-law or other framework to use in assessing such requests for signs. Persons seeking such signs would clearly know up front the City's policy and requirements for approval of such signs.

In addition, once a Council approved framework is in place, City staff would spend less time dealing with such requests in an ad hoc manner and the public would be better served by the clarity provided by a City policy, by-law or other framework.

RECOMMENDATIONS

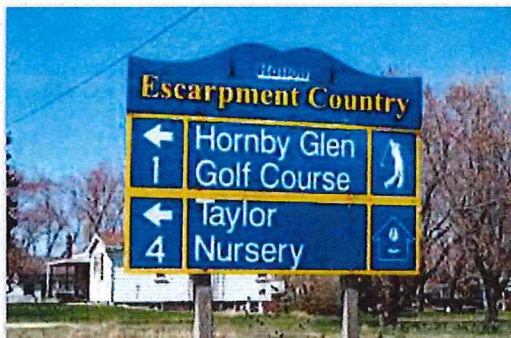
1. The current uncertainty within the City of Greater Sudbury's administration about where the responsibility lies for managing signs proposed to be located within the public road allowance should be addressed to improve service to the public.
2. The Infrastructure Capital Planning Division should be assigned the responsibility to manage all requests for signs in the road allowance. This is consistent with its existing mandate to oversee activities and objects in the public road allowance.
3. The Infrastructure Capital Planning Division should prepare the appropriate framework for managing

non-traffic control signs in the road allowance based on:

- A profile of the types of sign requests received in the past;
- An assessment of which types of signs are appropriate to locate within the road allowance without jeopardizing traffic operations or risking public safety;
- Develop application requirements for the approval of such signs by the City of Greater Sudbury.

7.2 TOURISM SIGNAGE

The City of Greater Sudbury administers a tourism signage program modeled on the Province of Ontario's Tourism Oriented Directional Signage (TODS) program. Like TODS, Sudbury permits signage for tourist facilities to be located on municipal streets in the road right-of-way.



These tourism-oriented signs are generally directional in nature, intended to guide persons to local tourism

destinations. In most cases these signs are located in major travel corridors and provide directions to tourism destinations and businesses not located on these main thoroughfares.

In Sudbury, these tourism directional signs are not regulated by the Sign By-law but are managed through the City's Tourism Signage Program.



TOURISM SIGN IN SUDBURY

All tourism signs and their location on municipal roads in Sudbury are approved through the Tourism Signage Program. It is administered by the City of Greater Sudbury's Tourism and Culture Section. The cost of the tourism sign and its installation is paid for by the business.

The City of Greater Sudbury uses the eligibility criteria of the tourism sign program to determine which businesses requesting tourism signs qualify for such signage. These criteria appear identical to those used by the Province of Ontario for TODS signs along Provincial highways.

During stakeholder consultations, local food producers commented that the current criteria of the City's Tourism Signage Program do not match with the characteristics of their farm gate and other operations. As a result, local food producers frequently are not eligible for the directional tourism signs administered

by the City. This appears to conflict with local support for the local agricultural sector and related businesses.

The City of Greater Sudbury has an active agricultural sector which forms part of Sudbury's economic base. The importance of the agricultural sector in the local Sudbury economy was recognized in 2017 when the Greater Sudbury Food Strategy was prepared. It strongly supports food produced locally on farms and facilitating consumer access to local food producers. The City of Sudbury supports the Sudbury Food Strategy.

The Greater Sudbury Food Council has identified the need for better directional signs to direct consumers to local farms which are often not located on major travel corridors. Better directional signs together with greater use by local food producers of Sudbury's Tourism Signage Program will support Sudbury's local food and agriculture community.

Revisions to the criteria of Sudbury's Tourism Signage Program that are more tailored to the characteristics of local users should be considered in part to support local economic development objectives.

RECOMMENDATION

1. The City of Greater Sudbury should revise the current eligibility criteria of the Tourism Signage Program in consultation with community stakeholders including the Greater Sudbury Food Council.

7.3 SIGNS IN BUSINESS IMPROVEMENT AREAS

There are two Business Improvement Areas (BIA) in Sudbury.

The Downtown Sudbury BIA and the Flour Mill BIA implement a variety of programs designed to support member businesses located within the BIA. This includes street beautification programs which often involve the erection of street banners on street lighting or other public utility poles in the BIA.

These banners are not on private property and are not regulated by the Sign By-law. The City of Greater Sudbury does not appear to have a policy or other published framework that governs the erection of banners on utility poles in BIAs.



It would be appropriate to formalize past practices with respect to the erection of such banners within Sudbury's BIAs as well as the public right-of-way in general. This would clarify policies and be consistent with the current Section 33D of the Sign By-law which acknowledges that signs can be located in the road right-of-way where the City (as the owner of the right-of-way) authorizes the sign.

Street banners and similar signs erected by a BIA should be addressed and controlled through a provision similar to the current Section 33D of the Sign By-law and require approval from the City.

There is the opportunity to formalize past practices with respect to this type of BIA signage to clarify and document current practices. This would provide clarity

This would also be consistent with the current Section 33D of the Sign By-law which acknowledges that signs can be located in the road right-of-way where the City (as the owner of the right-of-way) authorizes the sign.

1. The City of Greater Sudbury should require a permit from any person, business or organization seeking to install a banner or other defined sign on or over a street or on any street fixture.
2. The City of Greater Sudbury should develop criteria for the issuance of a permit for these banners and signs, dealing with matters such as:
 - a. Size;
 - b. Material;
 - c. Lighting;
 - d. Requirements for installation on street fixtures including supports and fastening devices;
 - e. Installation and removal;
 - f. Indemnification requirements.

Poster signs are private signs persons attach to utility poles located in the road right-of-way.

A photograph of a utility pole in a rural area, heavily covered with various signs and notices. The signs include "OVER THE FENCE", "WANT TO BUY", "HOUSE FOR SALE", "YARD SALE", "POWER OUTAGE", and "FIREWORKS". To the right, a green highway sign points left towards "BLEZARD VALLEY" and "CHELMSFORD". A white signpost is also visible in the background.

As described earlier, poster signs currently require a permit from the City and can only be erected on one of the 486 authorized poster poles across Sudbury. The person is also responsible for removing the poster sign.

In practice, most persons and businesses erect poster signs without a permit on a utility pole that may or may not be one of the 486 authorized poles. The authorized poster poles are not identified in the field making it difficult for a person to know where a poster can be posted in compliance with the By-law.

Quite often the poster signs are not removed by the persons or businesses that placed them on poles.

Common feedback from the public was opposition to posting because of the unattractive streetscapes that currently exist in parts of Sudbury where the proliferation of illegal posters detracts from the visual character of an area.

The legal basis for this type of posting was established in 1993 by the Supreme Court's decision in *Ramsden v. Peterborough (City)*.

The Supreme Court held that posting is a form of expression protected by the Charter of Rights and Freedom. It found that the City of Peterborough's by-law banning posters on public property violated the Charter.

The Supreme Court further found that posting on public property including utility poles, whether it is advertising, political speech or art "fosters political and social decision-making" and furthers the values of the Charter.

The Supreme Court held that municipalities could not ban posting in a municipal by-law but rather could only regulate it.

Sudbury's current posting regulations are grounded in the Ramsden decision. Posters are permitted provided a permit is obtained and the poster is placed on one of 486 designated utility poles.

This approach is similar to that many municipalities took in the wake of the Ramsden decision.

Municipal by-laws regulate where posters can be erected within the public right-of-way. Generally,

municipalities opted to permit posting only on designated utility poles, the same approach Sudbury took. Some municipalities also permit posting on community message boards.

The experience with posting in Sudbury under the current Sign By-law provisions has been mixed with a number of issues identified during the Review:

- Not everyone who puts up a poster obtains the required permit;
- Posters are not removed as required by the Sign By-law;
- Visual sign clutter results from the build up of posters on poles over time;
- It is difficult to identify in the field, the designated poles upon which posting is permitted;
- Posters are frequently attached to non-designated poles and other public infrastructure in the road right-of-way further detracting from an area's appearance.

To address these issues an updated approach to posting is recommended that upholds the principles of the Ramsden decision and builds on Sudbury's past approach.

RECOMMENDATIONS

The key elements of the recommended revised approach to posting include:

1. No longer require a permit to erect a poster;
2. Set maximum poster size and height;
3. Prohibit posters that are commercial advertising;
4. Prohibit posters in a sight triangle or the median of a road allowance or on any sign or traffic control device erected by the City of Greater Sudbury to control traffic and parking;

5. Permit posters on utility poles and light standards subject to the provision that the poster may be removed by the City or utility without notice or compensation to the person who placed the poster;
6. Direct City staff to examine erecting community bulletin boards managed by the City and located in high traffic areas or places of community focus, such as community centres, municipal buildings, Business Improvement Areas as a further option for non-commercial poster.

The following are examples of municipal community bulletin board programs in Hamilton, Oakville and Toronto.



COMMUNITY BULLETIN BOARDS



7.5 AGRICULTURAL DIRECTIONAL SIGNS

Greater Sudbury has an active agriculture industry.

The Greater Sudbury Food Strategy was prepared in 2017. It strongly supports food produced locally on farms and facilitating consumer access to local food producers.

The current sign by-law provides for various types of permanent and temporary signs in rural areas. These primarily are signs on a property that identify the use. For example, the Sign By-law permits ground and wall signs in rural areas to identify a farm, business or other use.

The Greater Sudbury Food Council has identified the need for better directional signs to direct consumers to local farms which are often not located on major travel corridors. Better directional signs together with greater use by local food producers of the TODS program will support the local food and agriculture community.

The need to revise the eligibility criteria of the City's Tourism Signage Program for food producers and related activities was described in Section 7.2.

It is further recommended that the Sign By-law provide for two other types of agricultural directional signs on private property and within the road allowance to provide directional information for local food producers and related activities.

RECOMMENDATION

1. An Agricultural Directional Ground Sign is:
 - Permitted in the Rural Sign District;
 - Located on a property with the permission of the owner;
 - Maximum 3.0 m² in sign area;
 - Maximum height of 4.0 m.
2. A temporary Agricultural Directional Sign is permitted within the road allowance provided it is:
 - Maximum 1.5 m² in sign area;
 - 2.0 m in height.



AGRICULTURAL DIRECTIONAL GROUND SIGNS



AGRICULTURAL DIRECTIONAL SIGN

8. SIGN BY-LAW ADMINISTRATION AND APPROVALS

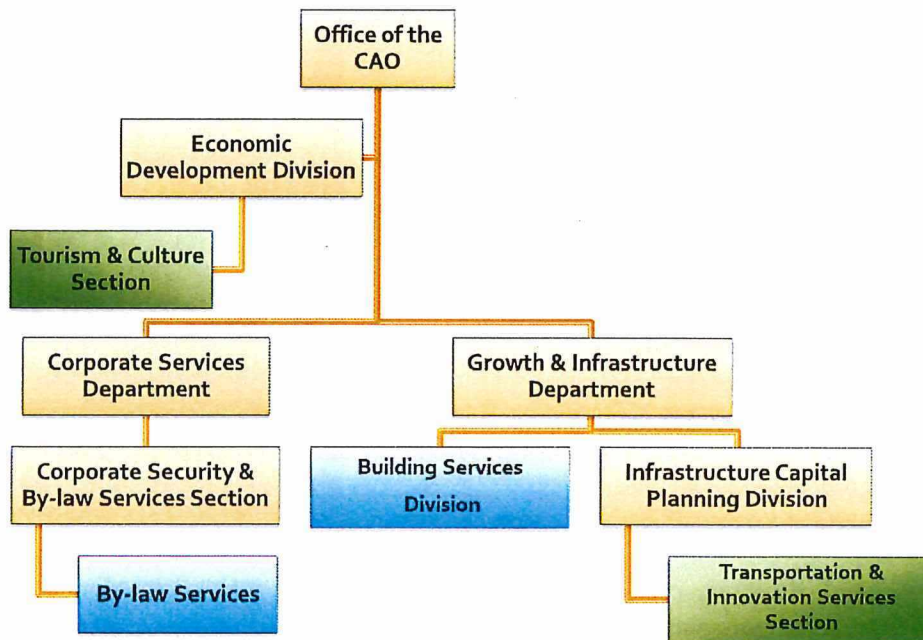
8.1 SIGN BY-LAW ADMINISTRATION

The City of Greater Sudbury through several by-laws, policies and programs manages and controls the various types of signs persons and businesses erect on private and public property throughout the municipality.

Currently the municipal responsibility for dealing with signs in Sudbury is distributed across several departments within City Hall as follows:

<u>Sign By-law</u> <u>Permanent Signs on Private Property</u> <ul style="list-style-type: none">• By-law Services Section• Building Division	<u>Signs in the Public Road Allowance</u> <ul style="list-style-type: none">• Infrastructure Capital Planning
<u>Sign By-law</u> <u>Portable Signs</u> <ul style="list-style-type: none">• Compliance & Enforcement Section	<u>Tourism Signs</u> <ul style="list-style-type: none">• Tourism & Culture Section

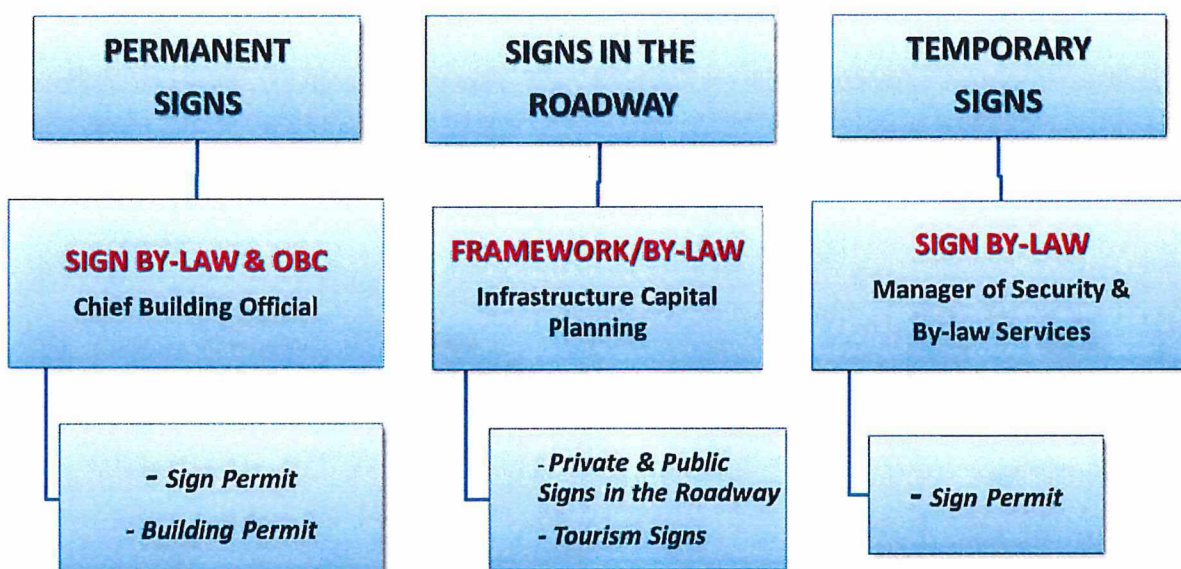
The following chart illustrates the current distribution of these sign responsibilities within the organizational structure of the City of Greater Sudbury's municipal administration.



Stakeholder's expressed a frustration the current division of responsibilities creates for the approval of permanent sign applications on private property. By-law Services is currently responsible for the review of a permanent sign for compliance with the requirements of the Sign By-law while Building Services is responsible for reviewing the same sign for compliance with the Building Code.

There is an opportunity to combine these two sign review and approval processes for permanent signs within the Building Division. This would improve customer service and streamline the process for applicants seeking permits for permanent signs.

Applications for permits for temporary signs would continue to be administered by By-law Services. The recommended realignment of sign permit responsibilities is illustrated below.



The Tourism and Culture Division will continue to administer the Tourism Signage Program.

Infrastructure Capital Planning will remain responsible for regulating how the public right-of-way is used to ensure all of the types of signs permitted in the right-of-way are in accordance with its policies and programs.

8.2 SIGN PERMITS

Most types of signs require a person to obtain a sign permit in compliance with Sign By-law regulations. Some types of signs also require approval of a building permit.

Section 13(1) of the current Sign By-law requires a person to obtain a sign permit before erecting any sign that requires a sign permit. Sections 21 to 33 provide details related to sign permit applications and the approval process. Sign permits are processed by the Compliance and Enforcement Services Division and issued by it pursuant to the *Municipal Act*.

Section 14(1) lists 11 types of signs that do not require a sign permit. These include election signs, banners, sidewalk signs and real estate signs.

8.3 BUILDING PERMITS FOR SIGNS

Certain types of signs are subject to the Ontario Building Code. Because they must comply with the Building Code, these signs require a building permit in addition to a sign permit. For example, the structural design of all signs must be in accordance with the Building Code. All Ontario municipalities must follow the Building Code.



GOLDEN ARCHES CRUSH CARS



SIGN TOPPLED BY STRONG WINDS

The Building Code also requires that an architect or engineer design any sign attached to a building if the sign weighs more than 115 kg, is a roof sign that has any face more than 10 m² or is a projecting sign attached to a parapet wall. Furthermore, the structure of any ground sign over 7.5 m in height must be reviewed by an architect or professional engineer.

Further to the Ontario Building Code, the Professional Engineer's Act of Ontario dictates that signage requires design by a professional engineer. The Professional Engineer's Act of Ontario is Applicable Law under the Ontario Building Code.

Section 10(c) of the Sign By-law prohibits the erection of any sign that is contrary to the Ontario Building Code. Building permits are processed by the Building Services Division and issued pursuant to the Chief Building Official's authority under the *Building Code Act*.

The Chief Building Official administers and applies the Building Code in the public interest. This role includes ensuring public safety in relation to the design and construction of signs which the *Building Code Act* assigns to the Chief Building Official and the designers of structures.

This responsibility includes ensuring that structures including signs, meet minimum standards so as not to place the public at risk from structures that do not demonstrate a satisfactory level of safety and performance in their design and construction.

The Chief Building Official of a municipality establishes operational policies to administer and enforce the provisions of the Building Code with respect to the design, review, construction and inspection of signs in compliance with the requirements of the Building Code and the Professional Engineers Act of Ontario.

The City of Greater Sudbury provides a Builder's Bulletin for applicants with information on building permit requirements for signs. The Chief Building Official has determined that a licensed Professional Engineer is the only acceptable qualified person to design sign structures in accordance with the Ontario Building Code and the Professional Engineers Act of Ontario.

The recommended consolidation of all reviews and approvals for permanent signs on private property within the Building Division described earlier in Section 8.1 will improve the delivery of permits for permanent signs to the public.

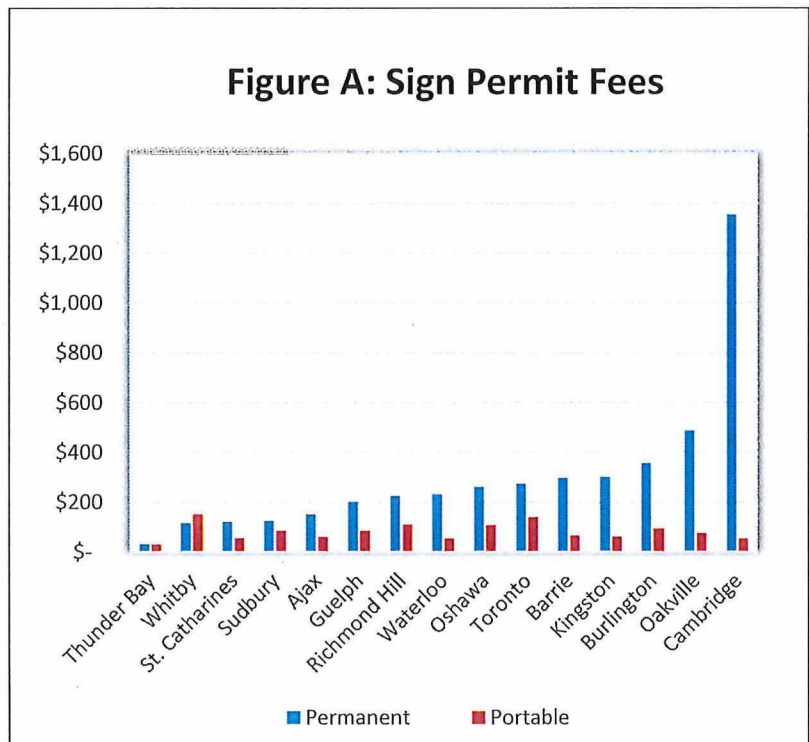
8.4 SIGN PERMIT FEES

During consultations with stakeholders, several sign companies stated sign permit fees in Sudbury were too high in comparison with other municipalities.

By-law 2017-24 establishes the fees Sudbury charges for various types of applications including sign permits. Sudbury charges a variable sign permit fee based on the area of a permanent sign and the display period of a portable sign.

Sign permit fees vary widely among Ontario municipalities with respect to both the amount of the fee and how the fee is calculated.

Figure A compares Sudbury's sign permit fees with the fees charged by the 13 other Ontario municipalities with a population between 100,000 and 200,000 persons. These similar sized municipalities were considered to be most relevant to and comparable with Sudbury. The City of Toronto is included as a comparative reference point.



Detailed sign permit fee information for the municipalities surveyed is found in Appendix A.

With respect to the sign permit fees charged by the other comparable municipalities:

- 9 of the 15 municipalities charge a flat permit fee for permanent signs ranging from \$116 to \$486;
- 6 municipalities charge a variable permit fee based either on the sign value or area of a permanent sign, the variable fees range from \$30 to \$1,352;
- 4 municipalities have a variable fee based on sign area, 2 base the fee on the value of the sign;
- All of the municipalities charge a flat permit fee for portable/mobile signs for a set display period;
- The average permit fee for a permanent sign is \$302 and \$81 for a portable/mobile sign.

The survey of comparably sized municipalities outside of Sudbury shows that for permanent sign permits, 77% of the municipalities surveyed charge a flat permit fee.

Based on the foregoing, Sudbury's sign permit fees are consistent with the fees charged by other comparable municipalities. Sudbury is not an outlier in the sign permit fees it charges.

As part of its periodic review of fees, the City of Greater Sudbury may wish to review the sign permit fees it currently charges. If it determines after analysis that the fees are not in line with the City's costs for the review and approval of sign permit applications, the City should consider revising the sign permit fees to better match its revenue objectives for these types of permits.

8.5 EXISTING SIGNS

There are existing signs in Sudbury that may not comply with the standards of a new Sign By-law. These signs may have been erected legally and in compliance with an earlier Sign By-law.

These existing and legally erected signs should generally be recognized and "grandfathered" i.e., they are not required to comply with the standards of the new Sign By-law provided they are not substantially altered.

In some cases, it may not be appropriate to grandfather all existing signs. For example, some existing signs may no longer be considered appropriate for a number of reasons. It may be in the public interest for the City to require such signs to comply with the regulations of a new Sign By-law.

The *Municipal Act* allows municipalities to determine which signs are to be grandfathered and which sign standards in a new Sign By-law are appropriate to apply to existing signs.

This power was recently introduced into the *Municipal Act* at the request of municipalities who found the previous *Municipal Act's* grandfathering of all existing signs from new sign by-law regulations impeded municipal implementation of measures to improve the appearance of their communities by addressing the negative impacts of some existing signs.

The new Sign By-law should contain provisions addressing the brightness and other characteristics of existing electronic billboards and electronic message boards in Sudbury. The current sign by-law contains no regulations controlling the display characteristics of these signs.

As described earlier, these types of electronic signs received the most frequent negative comments in the public survey. The public associated these electronic signs with distraction, traffic safety and being too bright.

The new sign by-law should contain provisions addressing the brightness and other display characteristics of existing and new electronic signs.

Existing electronic signs should be required to comply with the brightness and display time requirements recommended for the new Sign By-law. This will improve the compatibility of existing electronic signs with their surroundings and address a major gap in the current Sign By-law.



8.6 SUMMARY

The recommendations for a new Sign By-law for the City of Greater Sudbury provide for:

- A consolidation of sign regulations for private property into one by-law;
- An understandable by-law format;
- The use of consistent terms to promote clarity and understanding;
- The addition of current sign types to fill gaps in the existing by-law;
- Adding regulations for electronic signs to fill a current gap and address public concerns;
- Updating sign standards to current best practices;
- Reducing the future need for variances from the Sign By-law through the addition of new sign types and other updates;
- Improving customer service by streamlining the permits process for permanent signs on private property.

APPENDIX A

MUNICIPAL SIGN PERMIT FEES

SIGN PERMIT FEES			
City	Type of Sign		Permit Fee
Sudbury 161,531	Portable Sign	---	\$85.00
		More than 6 months & less than 1 year	\$174.00
	Any other sign type	---	\$82 per sign + \$0.50 per sq. ft. of sign
Ajax 119,677	Portable Sign	---	\$60
	Permanent Sign	---	\$150 per sign
Barrie 141,434	Freestanding Sign	---	\$296.80
	Mobile	30 days	\$66.50
		90 days	\$121.00
	Poster Panel	---	\$61.00 + \$24.75 per m ²
Burlington 183,314	Wall & Ground	Up to 2.5 m ²	\$178
		2.5 m ² – 8.0 m ²	\$356
		Over 8 m ²	\$535
	Billboard	All sizes	\$560
	Portable Sign	Per 15 day increment	\$46.92
Cambridge 129,920	Permanent Sign	---	\$52.00 per sign + \$52.00 per \$1,000 of sign value, \$124.00 minimum
	Mobile Sign	Same both sides	\$52.00
		Different each side	\$72.00
Guelph 131,794	Permanent Sign	10 m ² or less	\$200.00
		Over 10 m ²	\$400.00
	Mobile or Banner Sign	For each 30 days	\$85.00
	Portable Sign	Per calendar year	\$100.00
Kingston 123,796	Permanent Sign	---	\$12.00 per \$1,000.00 value \$35.00 minimum
	Portable Sign	---	\$62.00 per month
	A-Frame	---	\$74.00
	Boulevard Sign	---	\$48.00 per week
Oakville 193,832	Permanent Sign	Under 40 sq. ft.	\$244.00
		Over 40 sq. ft.	\$486.00
	Mobile, Portable & Banner Signs	15 days	\$37.00
	Billboard Sign	---	\$3,878.00
Oshawa 159,458	Sign not regulated by OBC	---	\$107.00
	Sign regulated by OBC	---	\$261.00
Richmond Hill 195,022	Ground & Wall	---	\$225.00
	Mural Sign	---	\$174.00
	Election Sign Fee	---	\$250.00
	Mobile & Portable	45 days	\$109.00
	All Other Signs	---	\$109.00

SIGN PERMIT FEES			
City	Type of Sign		Permit Fee
St. Catharines 133,113	Ground, Projecting; Wall Signs	---	\$121.00
	Portable Sign	30 days	\$55.00
		60 days	\$110.00
		90 days	\$136.00
		120 days	\$163.00
Thunder Bay 107,909	Mobile Sign	Up to 4 months	\$30.00
	All Other Signs	---	\$3.50 per m ² of sign face, \$30.00 minimum
Toronto 2,731,571	Permanent Sign	---	\$273
	Portable Sign	---	\$139
Waterloo 104,986	Permanent Sign	---	\$231.00
	Portable Signs	---	\$54.00
Whitby 126,377	Permanent Sign	---	\$115.91
	Mobile Sign	---	\$150.00
Assumption: Permanent sign fee is based on an 8 m ² ground sign or a sign with a \$10,000 value			

APPENDIX B

PUBLIC CONSULTATION COMMENTS

The following is an overview of comments received at the public open houses and at meetings with stakeholders.

- What is Sudbury Council's vision for signs in Sudbury?
- A standard theme would be nice to brand the city
- There are too many signs in Sudbury
- Reduce the number of signs, social media is making signs redundant
- Current sign by-law is difficult to understand
- Regulations should be easy for business owners to access and understand
- The sign by-law is very confusing and hard to decipher
- Sign approvals should be online
- No more black and neon portable signs left for the long term, only allow them for short periods
- Clarification needed on regulations for electronic signs
- Need a standard form for encroachment agreement
- Engineering fees on most signs are ridiculous, eliminate regulations
- City's process for approval of sign permits involves too much red tape
- Posters should not be permitted in the Downtown
- Community bulletin boards should be put up around the city for people to put to put their posters on
- Enforcement needed against illegal posters
- Businesses erect signs without obtaining approval
- By-laws should inhibit marketers as little as possible
- There are too many portable signs in commercial zones along main streets like Notre Dame, the Kingsway and Regent Street
- Too many signs at the Four Corners
- Projecting signs Downtown are a good idea
- Building permit fees for signs subject to the Building Code are too high
- Requirement that an engineer prepare drawings for signs subject to the Building Code is too expensive and not necessary
- In rural areas persons need to be able to advertise they have produce for sale
- Regulations for real estate sign should follow Toronto's approach
- Help our city look pretty again and not like a trashy dollar store city with multiple portable signs
- Persons who follow the sign rules are at a disadvantage to those that don't
- Spacing between portable signs is too restrictive
- Get rid of portable signs and downsize electronic signs
- Eliminate portable sign with removable lettering
- Don't allow too many electronic signs
- Electronic signs are too bright and unreadable
- Posters on utility poles are out of control and unsightly
- Signs are too close to entrances and block views of traffic
- Scrap the current requirement to only place posters on the very long list of poles across Sudbury
- Keep posters a minimum distance from intersections
- Signs must be maintained and repaired quicker
- Sudbury should install area for posters on poles like other cities
- Current sign permit approval process is challenging for first time applicants

- Projecting signs add character to the Downtown
- Sign by-law can only be effective if the City enforces it
- Signs should be safely erected and secured
- Current sign by-law relies too much on the approval of variances
- New sign by-law should focus on reducing the need for variance applications
- Too many regulations for signs
- Hire professional designers for major signs
- Permit fewer signs
- Reduce the amount of advertising, it's tacky
- Excessive signage makes Sudbury look messy
- Require damaged signs to be taken down
- Electronic signs are too bright, distracting to drivers and affect traffic safety
- Flashing electronic signs are a distraction to drivers
- Keep signs from blocking visibility and from being distracting or too bright
- The message change on electronic signs is too quick and distracts drivers
- Electronic billboards are too close to the road
- Limit brightness of electronic signs and turn them off after business hours
- Regulations in new sign by-law should result in better quality signs
- Sign by-law needs to be updated to deal with newer forms of signs
- Application fee should be refunded if sign permit is refused
- City only accepts cheque for sign permit fee, should accept credit card payment
- Need better directional signage to produce sales on farms off the beaten path