

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JANUARY 30, 2018

Item 2, Report No. 4, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on January 30, 2018.

2 SIGN BY-LAW REVIEW – PHASE ONE

The Committee of the Whole (Working Session) recommends:

- 1) That the recommendation contained in the following report of the Deputy City Manager, Community Services, dated January 24, 2018, be approved;
- 2) That the deputation of Ms. Kathryn Angus, President, Kleinburg & Area Ratepayers' Association, P.O. Box 202, Kleinburg and Communication C3, dated January 23, 2018, be received; and
- 3) That Communication C2, presentation material entitled "*Sign By-law Review – Phase One*", be received.

Purpose

Staff have undertaken a review of the City's by-laws that regulate signs, in accordance with the Council-approved By-law Strategy. As part of this review, the three existing municipal by-laws, which govern signage on public and private property, as well as the Sign Variance Committee, will be consolidated into a comprehensive Sign By-law. In addition, the other goals of the review are to produce regulations that will:

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

To address the complexity of sign regulation in the City, while also moving forward quickly on long-needed changes, the review is being conducted in two phases, as detailed in the Background section.

Recommendations

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

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JANUARY 30, 2018

Item 2, CW (WS) Report No. 4 – Page 2

Report Highlights

- Development of one by-law to govern sign regulation, to be referred to as the “Sign By-law” to repeal the existing three by-laws, as amended, pertaining to sign regulation.
- Permission for certain licensed and certified businesses to use lawn signs on private property during the course of their work and requirements for real estate open-house or similar signs to include the address of the corresponding property.
- Elimination of design restrictions on mobile signs and size restrictions on window signs in businesses outside of Heritage Conservation Districts.
- Introduction of provisions for third party elections signage, in line with the Municipal Elections Act, including the introduction of a \$100 fee per registrant.
- Strengthening of the City’s ability to enforce the Sign By-law, through measures that include presumptive offences, broader authority to recover costs, and greater latitude for removal and disposal.
- Provision to exempt the City and the Regional Municipality of York from the requirements of the by-law.

Background

The City of Vaughan is a thriving metropolis in the midst of a period of rapid expansion. In this environment of growing choices and options, signage continues to be a valued opportunity by which Vaughan’s diverse business community and other organizations strive to engage members of the public.

In accordance with the Council-approved By-law Strategy, By-law and Compliance, Licensing and Permit Services (BCLPS) has been conducting a review of its by-laws, including the City’s various by-laws that regulate signs in order to address the range of advertising needs.

Stakeholders and research

With a view to developing a comprehensive set of regulatory opportunities, BCLPS staff engaged and will continue to engage a wide range of internal and external stakeholders. Consultation thus far have generated a broad range of feedback from stakeholder groups, including the general public, the sign industry, the business community, special event organizers, Community Service Organizations, other public agencies, such as the Ministry of Transportation Ontario (MTO), York Region (the Region) and York Regional Police (YRP), neighbouring municipalities, and City staff throughout the organization.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JANUARY 30, 2018

Item 2, CW (WS) Report No. 4 – Page 3

Phases

Due to the review's complexity, this review is being conducted in two phases, in order to fulsomely engage stakeholders and consider the implications of different options.

Phase 1: January 2018 report

Recommendations in this report will address opportunities which can be implemented in the near future, such as by-law consolidation, providing regulatory relief to the sign industry and businesses that use signs, developing third-party elections regulations, allowing licensed contractors to use signage in the course of their work, and strengthening the City's ability to enforce violations and recover costs.

Phase 2: Spring 2018 report

These recommendations will address longer-term opportunities and emerging issues. Staff will provide advice to Council on expanding opportunities for advertising using permanent signage and on developing guidelines to support consistent decision-making. Specific areas to be considered will include:

- establishing legislation for digital signage, which addresses community standards and safety
- permitting first-party pedestal signs with a digital component
- developing new legislation for billboards, (also called "poster panels"), including the deletion of the provision that requires two billboards be taken down for every one that is put up
- aligning by-law regulations pertaining to developments with more recent decisions made by the Sign Variance Committee
- expanding sign provisions that apply in Heritage Conservation Districts
- exploring the possibility of gateway signage at major entrances to the City, in order to advertise City-sanctioned events and diffuse public messages allowing feather banners on private property

Stakeholder engagement

To engage stakeholders, staff have established a review web page, communicated through established business community newsletters, conducted internal and external public consultations, held meetings, examined complaints data, conducted an Access Vaughan telephone survey, and engaged individuals through email and telephone. A detailed description of these activities is provided in Schedule B of this report.

Previous Reports/Authority

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

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JANUARY 30, 2018

Item 2, CW (WS) Report No. 4 – Page 4

More information about the review is available online at www.vaughan.ca/bylaw on the [Sign By-law Review](#) webpage.

Analysis and Options

Staff identified both regulatory and operational opportunities in relation to the objectives of the review. These are discussed below with respect to the review's objectives and in support of the specific recommendations outlined in Schedule A.

Objective 1 – Develop clear, accessible, relevant rules

BCLPS identified that most internal and external stakeholders had some level of confusion about existing sign legislation, including how it applies to the public, City staff, and other public agencies.

Signage approval in the City can occur through several channels:

- Building Standards permits, which permits signage compliant with Vaughan by-laws
- the Sign Variance Committee, for consideration of signs which are not compliant with the by-law
- the Site Plan Review process, in which an entire development plan, including its signage, is reviewed
- special projects managed by the City, in which signage is a component of the project
- signs posted by the Regional Municipality of York ("the Region")

Signs approved through any of these channels undergo significant staff scrutiny and, as a result very rarely receive any complaints from public; for these reasons, and to ensure the City and Region have the flexibility to post the required signage, staff recommended that the City and Region be exempt from the provisions of the By-law.

With that said, to support consistent decision-making, staff recommend amending current regulations to consider signage decisions which have been made throughout these channels, such as allowing larger signage, or more signage.

To meet this objective, staff propose to:

- consolidate the three existing Sign By-laws into one, which provides clear rules for all stakeholders
- exempt the City and the Region from the requirements of the By-law
- develop legislation to address new and emerging types of signage, as described in Objective 2

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JANUARY 30, 2018

Item 2, CW (WS) Report No. 4 – Page 5

- expand upon existing media for the dissemination of information, including the City's customer service channels, such as Access Vaughan, service counters throughout the City, and in the course of enforcement activities

Objective 2 – Provide signage opportunities that protect community safety and uphold standards

Staff considered a diverse range of input in order to recommend changes to existing legislation and to develop additional opportunities to meet the advertising needs of Vaughan businesses and community organizations, while balancing priorities of protecting community safety and standards.

Prohibited signs

With respect to signage and promotional materials, the majority of complaints received by BCLPS from the public are about illegal signage, such as posters, stickers, placards and lawn signs. This concern was confirmed by an Access Vaughan survey of over 271 residents, who complained that the proliferation of illegal signage was causing safety and nuisance issues, such as impeding line of sight for motorists, and creating litter, which detracts from the beauty of the City and litters the streets.

Businesses

Businesses are continuing to seek opportunities to advertise through signage, with some advising that more opportunities are needed. In particular, stakeholders with the greatest need include small- and medium-sized businesses who are conscious of the cost of advertising, as well as businesses which are located in the backs of plazas and/or are setback far from the street.

Feather banners

Staff note that many businesses have opted to use "feather banners", which are a type of sign now also being permitted in Aurora, Brampton, Ottawa, Richmond Hill, Whitchurch-Stouffville, and several other municipalities; they are sometimes restricted to particular types of businesses, such as car dealerships and new home sales centres.

Examples of restrictions include that they not be on residential property, that there be a limit of two per property, or that they be displayed for a maximum of 8 weeks and have a height restriction of 2.4 m. Few complaints have been received about this type of signage in Vaughan.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JANUARY 30, 2018

Item 2, CW (WS) Report No. 4 – Page 6

Mobile signs

The sign industry expressed support for a reduction on use and design restrictions on mobile signs, such as requiring that all characters must be white with letters of a certain size. Both the sign industry and staff indicated that there is considerable demand for opportunities for small- and medium-sized businesses to advertise, with the sign industry suggesting that more mobile signs might be a good deterrent of the use of illegal signs. Conversely, many Vaughan residents did not indicate a desire to see more temporary signage.

Digital and billboard signs

Survey respondents, as well as the sign industry and staff, also suggested making use of digital/ electronic technology to satisfy the City's advertising needs. Other municipalities, such as London, Ottawa and Toronto, currently allow digital signage, subject to provisions that address community safety and standards, including restrictions on location, distancing from residential areas, the use of animated or variable, and illumination.

In addition, the City has several billboards, including digital billboard signs, which have been implemented through various special projects. Both the Sign industry and staff believe that consistent rules across the City with respect to these types of signage will benefit both businesses and residents.

Window signs

At present, window signage in Vaughan is prohibited from covering more than 20% of a premise's window to a maximum of 0.5 square metres. In reviewing this provision, staff considered Heritage and community standards, legislation in other municipalities and the benefits of window signage.

Staff noted that a number of businesses view window signage as an important form of advertising, with many opting to use signage which covers more than 20%.

Staff also noted that other types of window coverings are not regulated or restricted; as such, nothing prevents businesses from painting their windows a solid colour, using a tinted or reflective coating, putting up interior blinds or taking other privacy measures, which many choose to do.

A review of various Canadian municipalities revealed that cities have a variety of approaches on the proportion of a window that can be covered with signage, ranging from no restriction up to a restriction of 50%, with some requiring additional approvals for areas of cultural and historical significance.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JANUARY 30, 2018

Item 2, CW (WS) Report No. 4 – Page 7

In consultation with the Kleinburg and Area Ratepayer's Association (KARA), the Kleinburg Business Improvement Association and other Heritage Conservation District stakeholders, staff heard that it was important that the character of these areas be upheld, and that illegal and poorly suited signage was a common problem which requires greater attention from the City.

To address this range of interests, staff propose the following for business premises:

- continuing to require current window signage size restrictions within Heritage Conservation Districts, in order to continue to support the specific character of those areas
- removing the restriction for premises outside of Heritage Conservation Districts, supporting the preference of businesses to use the size of window signage they see fit

Third-party election signs

In line with Municipal Elections Act, the municipality will now allow third-party elections signs, subject to the same placement and size restrictions as other election signs. Third parties will be required to register with the municipality and may produce signage in support or opposition of either a certified candidate or a “yes” or “no” balloted question, as defined in the Act.

Development signs

At present, a development sign can be erected to advertise a development that has not yet been approved by the City, because our municipal by-law does not regulate the content of the sign. Over the last year, staff received a handful of complaints about this, with residents stating that they believed that developments should be approved before a sign can be erected.

To understand the perspective of developers, staff reached out to several developers, as well as consulted with the Building Industry and Land Development (BILD) Association on the matter. BILD is an association that includes over 1,400 builders, land developers, and renovators from across the Greater Toronto Area.

BILD explained that many of these signs advertise developments as “coming soon”, with their purpose being to generate interest and to contribute to securing funding for these projects. If development signs were prohibited until approval for the development were received, BILD expressed that this could potentially lead to significant delays in securing important funding.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JANUARY 30, 2018

Item 2, CW (WS) Report No. 4 – Page 8

As a responsible partner and steadfast promoter of professional best practices, BILD expressed that they would be open to exploring a voluntary solution, facilitating communications between the City and developers to encourage them to voluntarily provide project approval statuses on their development advertising, as a way to support transparency and contribute to consumer confidence.

No instances of harm or fraud to consumers were reported to BCLPS as a result of developers' advertising prior to approval. In addition, staff noted that the defrauding of consumers by developers was not listed as an issue on the Province's Consumer Protection Ontario site.

Staff also noted a mixed regulatory approach to this issue, with some cities opting not to impose any restrictions, such as Toronto and Vancouver, and others requiring various municipal approvals prior to posting signage, such as Markham, London, Newmarket, King, Richmond Hill, and Hamilton.

Given the above considerations, staff considered development signage both from the consumer protection perspective and from supporting the developments that will serve the City's rapidly growing population. For these reasons:

- staff recommend engaging developers to voluntarily advertise the approval statuses of their projects; and
- staff will continue to monitor for any consumer concerns arising from development signage.

Developing signage opportunities that protect community safety and uphold standards

To address the opportunities identified under this objective, staff propose developing the recommendations that consider the following areas for the Phase 2 Spring 2018 report:

- Consideration of more permanent signage opportunities, such as:
 - Allowing digital signage with first-party advertising, as well as permanent signage such as plaza pedestal signs with digital components
 - Allowing greater use of billboards, both traditional and digital usage
 - Exploring whether more permanent signage or larger permanent signs can be permitted within plazas, considering their characteristics and past decisions through the Sign Variance process
- Relaxation of design restrictions on mobile signage to allow use of colour, graphics and different fonts.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JANUARY 30, 2018

Item 2, CW (WS) Report No. 4 – Page 9

- Allowance of some temporary types of signage with clear regulations and accountability, such as:
 - Allowing licensed contractors to use lawn signs on private property during their work
 - Allowing businesses to use first-party feather banners subject to conditions
- Requiring real estate open house signs to display the address being advertised
- Engagement of other public agencies to discuss the impacts of permanent signage.

To develop permanent signage, the City will continue to engage key stakeholders to ensure an appropriate range of interests are represented.

Objective 3 – Allow greater cost recovery for infractions and stronger penalties for offenders

The public indicated that there should be harsher penalties for those who create clutter within the City through use of prohibited signage and promotional materials.

To provide stronger deterrents, staff propose the following:

- Strengthen fine provisions to account for multiple and ongoing offences
- Allow fees for the recovery of costs relating to the removal, storage, recycling and disposal of signage
- Extend accountability for violations to those who produce, distribute, allow and benefit from signage
- Where costs of remedial work cannot be recovered, the City is to collect fines in a manner like taxes. This shall extend to offenders that hold property and outside, as well as within, Vaughan

Objective 4 – Modernization of Sign Permit services

Sign industry stakeholders have recommended that the City look at allowing online and email applications for sign permits.

To address this, Building Standards and BCLPS will consult with the Office of the Chief Information Officer (OCIO) to explore how departments can processes electronic permit applications and accept the electronic submissions. This is a priority within the Corporation's Digital Strategy, and address two key focus areas:

- Focus 2: Citizens Can Do Business with The City Through Digital Channels; and
- Focus 4: Internal Digital Transformation.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JANUARY 30, 2018

Item 2, CW (WS) Report No. 4 – Page 10

The implementation of future e-services will provide efficiencies and cost-savings for submitting sign permit applications, as well as increase the level of service delivery.

Objective 5 – Leverage knowledge and resources to provide collaborative, efficient enforcement

Public agency collaboration

At present, BCLPS, Public Works and York Region all share enforcement responsibilities for signage and promotional materials. York Region provides regulatory oversight of Regional roads, and City staff provide oversight on City roads, with the exception of 400-series highways, which is the purview of the MTO.

In the 2014 elections, BCLPS worked with York Region to provide education and enforcement related to election sign placement. As a result, the 2014 elections had many fewer complaints than in previous years.

Open house real estate signs

Overcrowding of Open House real estate signs on weekends is also an issue of concern. At present, real estate agents are restricted to displaying three signs per open house. In instances where agents are showing several properties in one area, it may appear that they are using more signs than permitted. To clearly identify instances where a prohibited number of signs is being used, staff and real estate stakeholders both suggested including the name of the property on the signage.

To continue to build upon these collaborative relationships, staff propose to:

- review enforcement practices for opportunities to better share information to address and respond to concerns, such as the proliferation of prohibited signs, which are the community's largest concerns
- require open-house signs to display the name of the property
- leverage partnerships with the Region to make the best use of shared and combined resources, such as providing public education and collaborative enforcement for elections
- engage other internal and external stakeholders when developing recommendations for the Spring 2018 report, ensuring that different priorities are optimally addressed

Objective 6 - Environmental sustainability

As an industry that produces many disposable products, staff suggested that the City should explore opportunities to support companies which demonstrate more sustainable

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JANUARY 30, 2018

Item 2, CW (WS) Report No. 4 – Page 11

business practices.

To address this, staff propose to:

- explore opportunities to build environmental sustainability into future procurement practices for sign vendors which work with the City

Objective 7 - Legislative sustainability

In line with the Council-approved By-law Strategy to ensure the by-law continues to be relevant, staff propose to:

- consolidate the three by-laws governing into one
- develop protocols to monitor and identify trends, issues and needs
- support future information-based decision-making

Financial Impact

There is no anticipated financial impact as a result of these recommendations.

Broader Regional Impacts/Considerations

As a result of the review, staff have already begun examining best approaches to collaborate with other agencies, such as discussion of:

- the development of third-party election sign legislation with the Region
- MTO involvement in permit approvals for large signage within 400 metres of 400-series highways

As well, BCLPS will consult with the Region, MTO and YRP for development of permanent signage for the Spring 2018 report.

Conclusion

This report's recommendations propose to address the City's urgent needs to strengthen staff's ability to enforce legislation, address provincially mandated signage and current processes, and establish regulations to address common sign types. The Spring 2018 recommendations will address the City's longer-term signage needs, endeavouring to provide signage opportunities that will protect community safety, uphold standards and meet our community's signage needs.

Due to the widespread use, impact and complexity of signage throughout the City, BCLPS has consulted and will continue to do so with residents, members of the sign industry and business community, and the following staff groups and public agencies:

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JANUARY 30, 2018

Item 2, CW (WS) Report No. 4 – Page 12

- Access Vaughan
- Accessibility Office
- Building Standards
- City Clerk
- City Planning
- Corporate Communications
- Development Engineering and Infrastructure Planning
- Economic Development and Culture Services
- Environmental Services
- Fire and Rescue Service
- Legal Services
- Ministry of Transportation Ontario
- Municipal Partnerships
- Parks Development
- Recreation Services
- Sign Variance Committee
- Toronto Public Library
- Transportation Services, Parks and Forestry Operations
- York Region
- York Regional Police

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

For more information, please contact:

Gus Michaels, Director, By-law and Compliance, Licensing and Permit Services Department, ext. 8735.

Attachments

1. Schedule A – Sign By-law review recommendations
2. Schedule B – Sign By-law review summary of stakeholder engagement and research

Prepared by

Carol Ramchuram, Regulatory Policy Analyst, ext. 8783

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

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)