Agenda – Council – December 12, 2012

Report – Standing Policy Committee on Property and Development – November 30, 2012

Item No. 7 Digital Sign and Billboard Regulations and Fees

STANDING COMMITTEE RECOMMENDATION:

On December 5, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, as amended, and submits the following to Council:

1. That the Winnipeg Public Service be directed to prepare amendments to the Winnipeg Zoning By-Law pertaining to Advertising Signs, Electronic Message Centres signs, Electronic Message Centres as 'Advertising Signs' and Electronic Message Centres as 'Event Signs', in accordance with Appendix "A" as follows:

   A. Category 1: Sign Definitions
   B. Category 2: Billboard Sign Locations
   C. Category 3: Billboard Sign Sizes
   D. Category 4. Billboard Sign Heights
   E. Category 5: Billboard Separation from Other Land Uses
   F. Category 6: Billboard Separation Distances Between Signs
   G. Category 7: Billboard Expiry Dates
      i. with the following amendment:
         a. delete the words "5-year expiry date for all billboards" and replace with the words "8-year expiry date for all billboards".
   H. Category 8: Digital Accessory Sign Locations
   I. Category 9: Digital Accessory Sign Sizes
   J. Category 10: Digital Accessory Sign Heights
   K. Category 11: Digital Accessory Sign Separation Between Signs
   L. Category 12: All Digital Signs – Effective Operation of Public Streets
   M. Category 13: All Digital Signs – Brightness

   and amendments to the Planning, Development and Building Fees By-law, in accordance with Appendix "A" - Category 14: Fees.

2. That an extension of time of 180 days be granted to enable the Public Service to work further with Downtown stakeholders to prepare regulatory options pertaining to Advertising Signs, Electronic Message Centres signs, Electronic Message Centres as 'Advertising Signs' and Electronic Message Centres as 'Event Signs' regarding the Downtown Winnipeg Zoning By-Law.

Report – Standing Policy Committee on Property and Development – November 30, 2012

3. That the Winnipeg Public Service be directed to report back to the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management with regulatory options regarding Downtown, for review and consideration of regulatory changes.

4. That the Winnipeg Public Service be directed to consult with the industry regarding fees, and report back to the meeting of the Standing Policy Committee on Property and Development on January 15, 2013.

5. That the Winnipeg Public Service be directed to report back to the Standing Policy Committee on Property and Development in 18 months with digital accessory sign statistics, to provide Council with an assessment of the proposed regulations regarding the number of signs allowed per lot, signs within Traffic Decision Locations identified by Public Works, and signs in "R" and "PR" Districts.

6. That Winnipeg Public Service be directed to undertake a review of this process and report back to Committee in three (3) years.

7. That the Proper Officers of the City of Winnipeg be directed to do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Property and Development – November 30, 2012

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 5, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development with the following amendments:

- Delete Recommendation 4, and renumber the remaining recommendations accordingly
- Amend new Recommendation 4 (formerly Recommendation 5) by adding the following words at the end thereof, namely, ", and report back to the meeting of the Standing Policy Committee on Property and Development on January 15, 2013",

and forwarded to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 30, 2012, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service with the following amendments,

- Recommendation 1. G. Category 7: Billboard Expiry Dates:

  Delete the words "5-year expiry date for all billboards" and replace with the words "8-year expiry date for all billboards".

- Recommendation 4:

  Delete "$48.00" and replace with "$34.20".

- Add the following new Recommendation 5:

  "5. That the Winnipeg Public Service be directed to consult with the industry regarding fees."

- Add the following new Recommendation 7:

  "7. That Winnipeg Public Service be directed to undertake a review of this process and report back to Committee in three (3) years."

Report – Standing Policy Committee on Property and Development – November 30, 2012

DECISION MAKING HISTORY: (continued)

STANDING COMMITTEE RECOMMENDATION: (continued)

- Renumber the remaining recommendations accordingly.

and submitted the matter to the Executive Policy Committee and Council.

Further, on November 30, 2012, the Standing Policy Committee on Property and Development received submissions with respect to Digital Sign and Billboard Regulations and Fees from the following:

- Charles Chappell, Aikins Law, submitted communications (30 pages)
- Doug Forsyth, Senior VP, Development, Pattison Outdoor Advertising, submitted communications (30 pages)
- Caroline Abougoush, Manager, Real Estate, Prairies, Canadian Pacific Railway, submitted communication dated November 28, 2012

On November 6, 2012, the Standing Policy Committee on Property and Development laid over the matter to its meeting on November 30, 2012.

On October 9, 2012, the Standing Policy Committee on Property and Development laid over the matter to its meeting on November 6, 2012.

On September 11, 2012, the Standing Policy Committee on Property and Development laid over the matter to its meeting on October 9, 2012.

On July 3, 2012, the Standing Policy Committee on Property and Development laid over the matter to its meeting on September 11, 2012.

On June 12, 2012, the Standing Policy Committee on Property and Development laid over the matter for thirty (30) days.

On April 10, 2012, the Standing Policy Committee on Property and Development granted the Winnipeg Public Service an extension of time of sixty (60) days to report back on the matter.

On February 14, 2012, the Standing Policy Committee on Property and Development laid over the matter to its meeting on April 10, 2012.

Report – Standing Policy Committee on Property and Development – November 30, 2012

DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION (continued):

On July 5, 2011, the Standing Policy Committee on Property and Development recommended that the Planning, Property and Development Department report back within 180 days on:

1. A cross-jurisdictional analysis of the existing land-use regulations and civic revenue opportunities in major North American Cities governing:

   A. Advertising Signs
   B. Electronic Message Centres signs
   C. Electronic Message Centres as 'Advertising Signs' and
   D. Electronic Message Centres as 'Event Signs'

2. A summary of existing land-use regulations in Winnipeg governing Electronic Message Centres (including the impact of various Neighbourhood Plans and Overlays);

3. An examination of the current trends in Winnipeg with regards to Electronic Message Centres;

4. Recommendations and options regarding changes to regulations governing Advertising Signs, Electronic Message Centres signs, Electronic Message Centres as 'Advertising Signs' and Electronic Message Centres as 'Event Signs' in the City of Winnipeg

ADMINISTRATIVE REPORT

Title: Digital Sign and Billboard Regulations and Fees

Critical Path: Standing Policy Committee on Property and Development – Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	B. Thorgrimson	M Ruta	D Joshi COO

RECOMMENDATIONS

1. That Council direct the Winnipeg Public Service to prepare amendments to the Winnipeg Zoning By-Law pertaining to Advertising Signs, Electronic Message Centres signs, Electronic Message Centres as 'Advertising Signs' and Electronic Message Centres as 'Event Signs', in accordance with Appendix "A" as follows:

    a. Category 1: Sign Definitions
    b. Category 2: Billboard Sign Locations
    c. Category 3: Billboard Sign Sizes
    d. Category 4. Billboard Sign Heights
    e. Category 5: Billboard Separation from Other Land Uses
    f. Category 6: Billboard Separation Distances Between Signs
    g. Category 7: Billboard Expiry Dates
    h. Category 8: Digital Accessory Sign Locations
    i. Category 9: Digital Accessory Sign Sizes
    j. Category 10: Digital Accessory Sign Heights
    k. Category 11: Digital Accessory Sign Separation Between Signs
    l. Category 12: All Digital Signs – Effective Operation of Public Streets
    m. Category 13: All Digital Signs – Brightness

    and amendments to the Planning, Development and Building Fees By-law, in accordance with Appendix "A" - Category 14: Fees.

2. That an extension of time of 180 days be granted to enable the Public Service to work further with Downtown stakeholders to prepare regulatory options pertaining to Advertising Signs, Electronic Message Centres signs, Electronic Message Centres as 'Advertising Signs' and Electronic Message Centres as 'Event Signs' regarding the Downtown Winnipeg Zoning By-Law.

3. That Council direct the Public Service to report back to the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management with regulatory options regarding Downtown, for review and consideration of regulatory changes.

4. That Council direct the Assessment and Taxation Department to prepare amendments to the Advertising Signs Business Tax By-law (6928/96) to include a rate of $5.70 per square foot of the face of each non-digital billboard, and a rate of $48.00 per square foot of the face of each digital billboard, subject to Council's endorsement of Recommendations 1 and 2; and that the net revenue generated be allocated to the creation of one full-time position for enforcement of sign regulations, with the balance allocated to image route enhancement.

5. That Council direct the Public Service to report back to the Standing Policy Committee on Property and Development in 18 months with digital accessory sign statistics, to provide Council with an assessment of the proposed regulations regarding the number of signs allowed per lot, signs within Traffic Decision Locations identified by Public Works, and signs in "R" and "PR" Districts.

6. That the proper officers of the City of Winnipeg be directed to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

On July 5, 2011, Standing Policy Committee on Property and Development recommended that the Planning, Property and Development Department report back within 180 days on:

1. A cross-jurisdictional analysis of the existing land-use regulations and civic revenue opportunities in major North American Cities governing:
A. Advertising Signs
B. Electronic Message Centres signs
C. Electronic Message Centres as 'Advertising Signs' and
D. Electronic Message Centres as 'Event Signs'

2. A summary of existing land-use regulations in Winnipeg governing Electronic Message Centres (including the impact of various Neighbourhood Plans and Overlays);

3. An examination of the current trends in Winnipeg with regards to Electronic Message Centres;

4. Recommendations and options regarding changes to regulations governing Advertising Signs, Electronic Message Centres signs, Electronic Message Centres as 'Advertising Signs' and Electronic Message Centres as 'Event Signs' in the City of Winnipeg.

On July 3, 2012, Standing Policy Committee on Property and Development laid the report over to its September 11, 2012 meeting, in order to allow additional time for stakeholder consultation. To address new information that came to light through those consultations, the Public Service submits this Supplementary Report which includes recommended revisions to three of the proposed regulations (Categories 1, 8 and 12 in Appendix "A"), as well as updates to the Consultation Report (Appendix "C"). Additional research was also added to Category 12.

IMPLICATIONS OF THE RECOMMENDATIONS

- Regulatory implications – Following Council endorsement of the Digital Sign and Billboard Regulations and Fees, the Winnipeg Public Service will prepare and submit corresponding amendments to the Winnipeg Zoning By-Law and the Planning, Development and Building Fees By-law. In 180 days, the Winnipeg Public Service will provide recommended regulatory options

regarding the Downtown Winnipeg Zoning By-Law to the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management. That Committee will consider those options with a view to Council making corresponding amendments to that By-law.

- Financial implications – Following Council endorsement of the recommended Digital Sign and Billboard Regulations and Fees:
    - A new permit category "Digital Signs" will be established in the Planning, Building and Development Fees By-law with a fee of $145.00; and the Conditional Use fee for signs will be increased from $524.00 to $1,119.00. As per the City of Winnipeg Charter, these fees will be used to help offset related permit administration and enforcement costs.
    - The Assessment and Taxation Department will prepare amendments to the Advertising Signs Business Tax By-law (6928/96) to include a rate of $5.70 per square foot of the face of each non-digital billboard, and a rate of $48.00 per square foot of the face of each digital billboard. The net revenue derived from the Advertising Signs Business Tax to be directed to image route enhancement and to enforcement of the new sign regulations. The existing rate as per the Advertising Sign Business Tax By-Law is $1.50 per square foot, and currently, digital billboards do not have a unique rate, and are taxed at the same rate ($1.50 per square foot) as non-digital billboards.

- General implications – Following Council endorsement of the recommended Digital Sign and Billboard Regulations and Fees and amendment of the relevant City by-laws, regulations governing Advertising Signs, Electronic Message Centres signs, Electronic Message Centres as 'Advertising Signs' and Electronic Message Centres as 'Event Signs' will 1) align with OurWinnipeg and the *Complete Communities Direction Strategy*, 2) reflect current best practice in Canadian cities, 3) include new, more specific definitions, 4) help ensure these signs are sensitive to their context with respect to locations, dimensions, separation distances, and brightness, and will 5) reflect a balanced approach that provides options for the sign industry.

HISTORY

Best practice research was done and an inventory of existing billboard Advertising Signs (including photos) was created and entered into GIS. Discussion took place with the cities of Edmonton, Calgary and Toronto on their processes for consultation in their recent sign by-law reviews.

A cross-departmental Sign Policy Group was set up to review research completed, discuss the current experience in Winnipeg (issues, public concerns, industry concerns), and to explore potential policy directions. Four interdepartmental Technical Advisory Teams explored specific topics for Digital Signs and Billboards. The findings of these Teams have been incorporated into the Digital Sign and Billboard Regulations and Fees (Appendix "A").

Appendix "A" is organized into numbered categories. Each category includes the proposed regulations, followed by the purpose, references, and rationale where appropriate. The proposed regulations represent a balanced approach that 1) reflects current best practice in Canadian cities, 2) provides options for the sign industry and 3) aligns with OurWinnipeg and the Complete Communities Direction Strategy. Where appropriate, some categories include existing City of Winnipeg regulations and regulations found in other Canadian jurisdictions, to provide a basis for comparison. Appendix "B" is a Background Report that provides a summary of research done in response to the Motion. Appendix "C" is the Consultation Report which summarizes the stakeholder consultation that has been conducted to date.

Best practice research found that Canadian cities with recently updated sign by-law regulations incorporate:

- Specific sign definitions
- Sign location regulations
- Dimensional standards (sizes and heights)
- Separation distances from other land uses
- Separation distances between signs
- Sign expiry dates (mandatory renewal period - Billboards)
- Effective operation/safety of streets
- Sign brightness standards (Digital Signs)

Sign Definitions

The sign definitions contained in the Winnipeg Zoning By-Law do not distinguish effectively between different types of Digital Signs and Billboards, or different sizes and copy types. Sign definitions attached in Appendix "A" provide increased clarity and respond to current industry practices for definitions.

Sign Locations

The Winnipeg Zoning By-Law regulates locations of Digital Signs and Billboards but does not provide clarity as to which zoning districts are most appropriate for different types of Digital Signs, which are changing in nature and becoming more prevalent. Proposed location regulations attached in Appendix "A" align with the intent for mixed use corridors in the *Complete Communities Direction Strategy*.

Dimensions (Sizes and Heights)

The Winnipeg Zoning By-Law does not provide dimensional standards (sizes and heights) for Billboards, whether they are Poster or Digital copy. The Conditional Use process leads to variable results regarding dimensions, because of the lack of clear guidance from the By-Law. Proposed regulations attached in Appendix "A" provide simple size and height standards for each type of sign, depending on its context.

Separation Distances Between Signs and Other Land Uses

The Winnipeg Zoning By-Law does not provide separation distances between Billboards and other land uses. Canadian cities that have recently updated their by-law regulations pertaining to Billboards include minimum separation distances from residential and other land uses.

Separation Distances Between Signs

The Winnipeg Zoning By-Law does not provide separation distances between Billboards or Digital Signs. Separation distances help address aesthetics and context - objectives that the *Complete Communities Direction Strategy* identifies as important for Winnipeg over the next 20 years. Proposed regulations attached in Appendix "A" use current Canadian best practices as a guide, but are more permissive by specifying linear rather than radial separation between Billboards. Digital Accessory Signs are proposed to have a maximum number allowed per lot rather than separation distances.

Expiry Dates

The Winnipeg Zoning By-Law does not provide expiry dates for Billboards. All Canadian cities researched have mandatory expiry dates for these signs. An expiry date requires the sign company to reapply for the Conditional Use, which allows the City to review the appropriateness of the sign on a periodic basis. Proposed regulations attached in Appendix "A" propose expiry dates for Billboards that reflect industry standards.

Effective Operation of Public Streets

The Winnipeg Zoning By-Law specifies a 100 ft separation distance between Digital Signs and signalized intersections and pedestrian crossings, from every direction of travel. This regulation may be overly restrictive as it prohibits Digital Signs on lots that contain large setbacks from the street. Proposed regulations attached in Appendix "A" provide more flexibility while addressing street operation standards identified by Public Works.

Brightness

The Winnipeg Zoning By-Law does not currently provide brightness standards for Digital Signs. Digital Signs are often brighter than ambient lighting such as street lights, buildings, and non-digital signs. Proposed regulations attached in Appendix "A" build on a practice already in place on most new Digital Signs in Winnipeg – automatic dimming. Automatic dimming technology is a simple method that the industry is already familiar with, to ensure that a sign's brightness always correlates to ambient lighting levels.

Permit Fees

The introduction of new regulations for Digital Signs and Billboards will increase services required for permit issuance and enforcement. New sign permit and Conditional Use fee recommendations attached in Appendix "A" address this need. Permit fees can only be charged to recover costs associated with the provision of a service.

License in Lieu of Business Tax

The City of Winnipeg taxes non-accessory signs (Billboards) through the Advertising Signs Business Tax By-Law. Based upon research performed by other jurisdictions, the level of tax revenue derived by Winnipeg was considerably low in comparison to other jurisdictions. In addition, given the enhanced revenue profile of Digital Billboards, a different tax structure / rate would be appropriate for these types of signs, to align with recent taxation changes in other cities.

Business License - Doing Business in Winnipeg By-Law

Licensing Billboards and/or Digital Signs as businesses was explored with the Community Services Department. The Public Service does not recommend licensing these signs because:

- Increasing Permit and Conditional Use fees instead would provide the City with a similar level of revenue to support enforcement as licensing would, while consolidating all administration and fees in one department (PPD). This maintains the 'single window' that is currently enjoyed by the sign industry;
- Licensing these signs does not appear to align with the intent of the Doing Business in Winnipeg By-Law, because no City services are provided to the business owner (the sign company) as part of the license.
- Like permit fees, license fees can only be charged to recover costs associated with the provision of a service.

Existing Signs

The City of Winnipeg Charter restricts the placement of new conditions on existing non-accessory signs (Poster and Digital Billboards) which do not have expiry dates. However, existing accessory signs may be made subject to the application of new operational standards if Council passes zoning by-law amendments to that effect. The Winnipeg Public Service may recommend changes to performance standards, for example, with respect to brightness and moving copy on existing accessory signs, and will endeavor to consider appropriate changes as resources permit. This will assist in addressing concerns raised by sign industry stakeholders regarding the need for a 'level playing field' between new and existing signs.

Downtown – Downtown Winnipeg Zoning By-Law

Due to the currently evolving vision for the SHED district, a collaborative process with stakeholders must be continued in order to ensure that regulatory options proposed for the downtown are aligned and supportive of that vision. An extension of time is requested to undertake the appropriate level of due diligence with stakeholders on this issue.

Consultation – See Appendix "C"

Face-to-face consultations took place with Business Improvement Zones, the Manitoba Sign Association, representatives from the outdoor sign industry and CentreVenture. Surveys were distributed to BIZ groups through the Winnipeg BIZ Association. Key points from these discussions are:

1. Sign industry representatives are willing to work with the City on new regulations
2. Signage should be context-sensitive
3. Regulations should enable signage to be effective
4. Large outdoor sign companies are moving away from the use of full motion video signs, deeming them less effective for advertising purposes.
5. Downtown signage should be part of an overall strategy including SHED, with stakeholders.

Recommended Revisions

New information came to light as a result of additional stakeholder consultations conducted after the July 3, 2012 meeting of Standing Policy Committee on Property and Development. The feedback from stakeholders is incorporated into the Consultation Report (Appendix "C"), and the following changes to the proposed regulations (Appendix "A") are recommended:

Issue	Previously proposed regulation (July 3 Report)	New proposed regulation	Rationale for change
Digital Static Copy signs in the "R" and "PR" Districts	Not Allowed	Conditional – must be turned off between 10 PM-7 AM. (See Category 8, Appendix “A”) Monitor over 18 months and report back to SPC	More flexibility for schools and community centres Community Use digital static signs turned off at night, with their limited size, may have little injurious effect on residents and parks
Digital signs within Traffic Decision Locations identified in Category 12, Appendix “A”	Not Allowed	New sign definition proposed: “24-Hour Hold Digital Sign”. (See Category 1, Appendix “A”) 24-Hour Hold Digital Signs will be considered, as Conditional, within Traffic Decision Locations. (See Category 12, Appendix “A”) Monitor over 18 months and report back to SPC	Even playing field for businesses Digital signs with a 24-hr hold time and dimming based on ambient light conditions may perform in a nearly identical manner as non-digital static signs.

FINANCIAL IMPACT

Financial Impact Statement

Date: November 15, 2012

Project Name:
Digital Sign and Billboard Regulations and Fees

First Year of Program **2013**

	2013	2014	2015	2016	2017
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ 221,000	$ 650,000	$ 664,000	$ 676,000	$ 690,000
Less: Revenue/Recovery	432,000	865,000	883,000	900,000	918,000
Net Cost/(Benefit)	$ (211,000)	$ (215,000)	$ (219,000)	$ (224,000)	$ (228,000)
Less: Existing Budget Amounts	(211,000)	(215,000)	(219,000)	(224,000)	(228,000)
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: Revenues in 2013 consist of license-in-lieu of business taxes of $417,000 plus permit & conditional use fees of $15,000. The license-in-lieu is based on the existing inventory, new rates (i.e. 1,472 s.f. of digital @ $48/per s.f. + 133,791 s.f. of non-digital @ $5.70/per s.f.) and an effective date of July 1, 2013. Permits and conditional use fees are based on proposed rates x average volume during the past 5 years effective January 1, 2013. Direct costs represent incremental costs for one full-time positon for enforcement of sign regulations (estimated annual cost of $85,000 has been prorated to $64,000 based on assumed April 1 commencement date) and a transfer of $157,000 to the General Capital Fund for Image Route Enhancements. Existing budget amounts is comprised of $203,000 in license-in-lieu + $8,000 in permit & conditional use fees. Direct costs beginning in 2014 include $87,000 in salaries & benefits and a transfer of $563,000 to the General Capital Fund for Image Route Enhancements. From 2015, onward all amounts are increased by an assumed inflation rate of 2%.

"Original signed by"
Mike McGinn, CA
Manager of Finance

CONSULTATION

In preparing this Report there was consultation with:

Assessment and Taxation
Community Services
Public Works
Legal Services

Consultations took place with the Winnipeg Chamber of Commerce, the Manitoba Sign Association, representatives from the outdoor sign industry, Business Improvement Zones (BIZs) and CentreVenture.

SUBMITTED BY

Department: Planning, Property and Development Department
Division: Urban Planning
Prepared by: Andrew Ross, MCP
Date: November 15, 2012
File No.

Attachments:

Appendix A - Digital Sign and Billboard Regulations and Fees



Adobe Acrobat Document

Appendix B - Background Report



Adobe Acrobat Document

Appendix C - Consultation Report



Adobe Acrobat Document

o:\reports directive\planning and land use\long range planning\digital sign and billboard regulations and fees - ris supplementary rpt nov 15 2012.doc

UD2012-079