Agenda – Executive Policy Committee – July 9, 2019

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 24, 2019

Item No. 12 Sign Approval Process

STANDING COMMITTEE RECOMMENDATION:

The Standing Policy Committee on Property and Development, Heritage and Downtown Development did not concur in the recommendation of the Winnipeg Public Service and submitted the following to Council:

1. That the matter be referred to the OurWinnipeg Review Process.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Agenda – Executive Policy Committee – July 9, 2019

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 24, 2019

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On June 24, 2019, the Standing Policy Committee on Property and Development, Heritage and Downtown Development did not concur in the recommendation of the Winnipeg Public Service, and recommended:

1. That the matter be referred to the OurWinnipeg Review Process.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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

Shane Neufeld, Outfront Media, submitted a communication dated June 20, 2019, in opposition to the matter.

Charles Chappell, MLT Aikins LLP, on behalf of Pattison Outdoor Advertising, submitted a communication dated June 21, 2019, in opposition to the matter.

On April 23, 2019, the Standing Policy Committee on Property and Development, Heritage and Downtown Development laid over the matter for 60 days in order for the Winnipeg Public Service to conduct further consultation with industry stakeholders on the administrative processes.

Charles Chappell, MLT Aikins LLP, on behalf of Pattison Outdoor Advertising, submitted a communication dated April 17, 2019, in opposition to the matter.

On April 1, 2019, the Standing Policy Committee on Property and Development, Heritage and Downtown Development granted an extension of time of 30 days for the Winnipeg Public Service to report back on the matter.

COUNCIL DECISION:

On July 19, 2018, Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 24, 2019

DECISION MAKING HISTORY (continued):

COUNCIL DECISION (continued):

1. That the Winnipeg Public Service be directed to report back to the Standing Policy Committee on Property and Development, Heritage and Downtown Development within 180 days with an itemized lists of the specific sections of the Winnipeg Zoning By-Law No. 200/2006 where the Board of Adjustment have ruled against the recommendations of the Winnipeg Public Service for the last two years, including but not limited to decisions regarding the size and placement of signs, as well as identifying the key specifics in which way the Board of Adjustment decisions have contravened in the Winnipeg Zoning By-Law No. 200/2006.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

ADMINISTRATIVE REPORT

Title: Sign Approval Process

Critical Path: Standing Policy Committee on Property and Development, Heritage and Downtown Development - Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith, RPP	J. Kiernan	N/A	M. Jack, Acting CAO

EXECUTIVE SUMMARY

The Public Service held additional consultation with sign industry stakeholders on May 15, 2019 regarding administrative sign approval processes.

Previously, industry stakeholders were generally unsupportive of the proposed change to the sign approval process. Following the May 15, 2019 additional consultation, industry support is more mixed, with some members expressing support and others uncertain whether the process will lead to better outcomes. Feedback is detailed in Appendix C.

The Public Service recommends that authority be granted to the Director of Planning, Property and Development ("the Director") to approve applications for variances and conditional uses that are related to signs and billboards and, following the additional consultation, the Public Service has included recommendations 2 and 3 in addition to the recommendations of the previous Sign Approval Process Administrative Report dated March 18, 2019, which was considered by the Standing Policy Committee on Property and Development, Heritage and Downtown Development ("SPC") on April 23, 2019. These additional recommendations direct the Public Service to assess the proposed approval process after it takes effect, with input from the sign industry.

The Public Service has collected an itemized list of the specific sections of the Winnipeg Zoning By-Law No. 200/2006 where the Board of Adjustment ("the Board") has ruled against the recommendations of the Public Service for the last two years. The data shows that the most common sign variances recommended for rejection by the Public Service and then subsequently approved by the Board over the last two years are for increased **size**, and increased **height**.

The data also shows that over the past ~7 years, variances and conditional uses for **63.5%** of accessory signs and **53.5%** of billboards that were recommended for rejection by the Public Service, were subsequently approved by the Board.

The result of these approvals, contrary to the Public Service recommendations, is a proliferation of signage that is not in alignment with Council's goals for the city as articulated in the *Complete Communities Direction Strategy* ("Complete Communities").

The Public Service believes that the City's regulations, which are already relatively permissive according to cross-jurisdictional research, should be followed. Variances should only be approved if they meet the four (4) criteria for approval of variances under subsection 247(3) of The City of Winnipeg Charter.

The Public Service recommends that decisions regarding conditional uses and variances for signs and billboards, in the area covered by the Winnipeg Zoning By-Law No. 200/2006, be delegated to the Director or their designate. It should be noted that all Director decisions may still be appealed in accordance with The City of Winnipeg Charter. This is the process currently used for the downtown.

The Public Service maintains that Director approval, with provision for appeal, is the best way to improve adherence to Council's adopted zoning regulations regarding signs and harmonize the process for sign approvals throughout the city.

RECOMMENDATIONS

1. That Council enact a by-law to amend the Development Procedures By-Law No. 160/2011 to give authority to the Director of Planning, Property and Development to approve applications for variances and conditional uses that relate to signs and billboards (draft amending by-law is attached as Appendix D).

2. That the appropriate members of the Public Service meet twice a year with members of the sign industry for a minimum of 2 years, and then as required as determined by the Public Service with input from members of the sign industry, to review and assess the approval process.

3. That the Public Service report back to the Standing Policy Committee on Property and Development, Heritage and Downtown Development in 3 years on the process with input from the sign industry.

4. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

On July 19, 2018, Council directed the Public Service to report back to SPC with "an itemized list of the specific sections of the Winnipeg Zoning By-Law No. 200/2006 where the Board of Adjustment have ruled against the recommendations of the Winnipeg Public Service for the last two years, including but not limited to decisions regarding the size and placement of signs, as well as identifying the key specifics in which way the Board of Adjustment decisions have contravened in the Winnipeg Zoning By-Law No. 200/2006".

On April 23, 2019, after receiving the above-mentioned report from the Public Service, SPC laid over the matter for 60 days in order for the Winnipeg Public Service to conduct further consultation with industry stakeholders on the administrative processes.

Only Council can enact by-law amendments.

IMPLICATIONS OF THE RECOMMENDATIONS

Adoption of the recommendations of this report will have the following implications:

Process

- Decisions regarding conditional uses and variances for signs and billboards, in the area covered by the Winnipeg Zoning By-Law No. 200/2006, will be made by the Director. Currently, such decisions are made by the Board. Decisions of the Director in respect of applications for conditional uses and variances may be appealed in accordance with The City of Winnipeg Charter.

- This proposed sign approval process is the same as that used in the area covered by the Downtown Winnipeg Zoning By-law No. 100/2004.

Administrative

- The new process will reduce red tape, by:

    - Reducing the approval timeline for sign applications from the current ~8-9 weeks down to ~4-5 weeks.

    - Reducing the number of hearings for each sign approval from the current 1-2 (Board hearing and possible Appeal hearing) to 0-1 (possible Appeal hearing).

    - Reducing the total number of items heard by the Board by ~ 15-20 per year.

- Appeals:

    - Assuming a continuation of the last 2 years of Appeal data, the new process will mean approximately 1 sign or billboard Appeal every 3 Appeal Committee meetings.

Policy & Zoning

- The new process is expected to generally align sign and billboard decisions with the City's existing zoning regulations governing sign locations, sizes, heights, and operating standards, OurWinnipeg and Complete Communities, and the City of Winnipeg Charter.

HISTORY

On December 12, 2012, as part of the adoption of the Digital Sign and Billboard Regulations and Fees report pertaining to Winnipeg Zoning By-Law No. 200/2006, Council directed that the Winnipeg Public Service undertake a review of this process and report back to SPC.

The matter pertains to the area regulated by the Winnipeg Zoning By-Law, shown in grey on Figure 1.

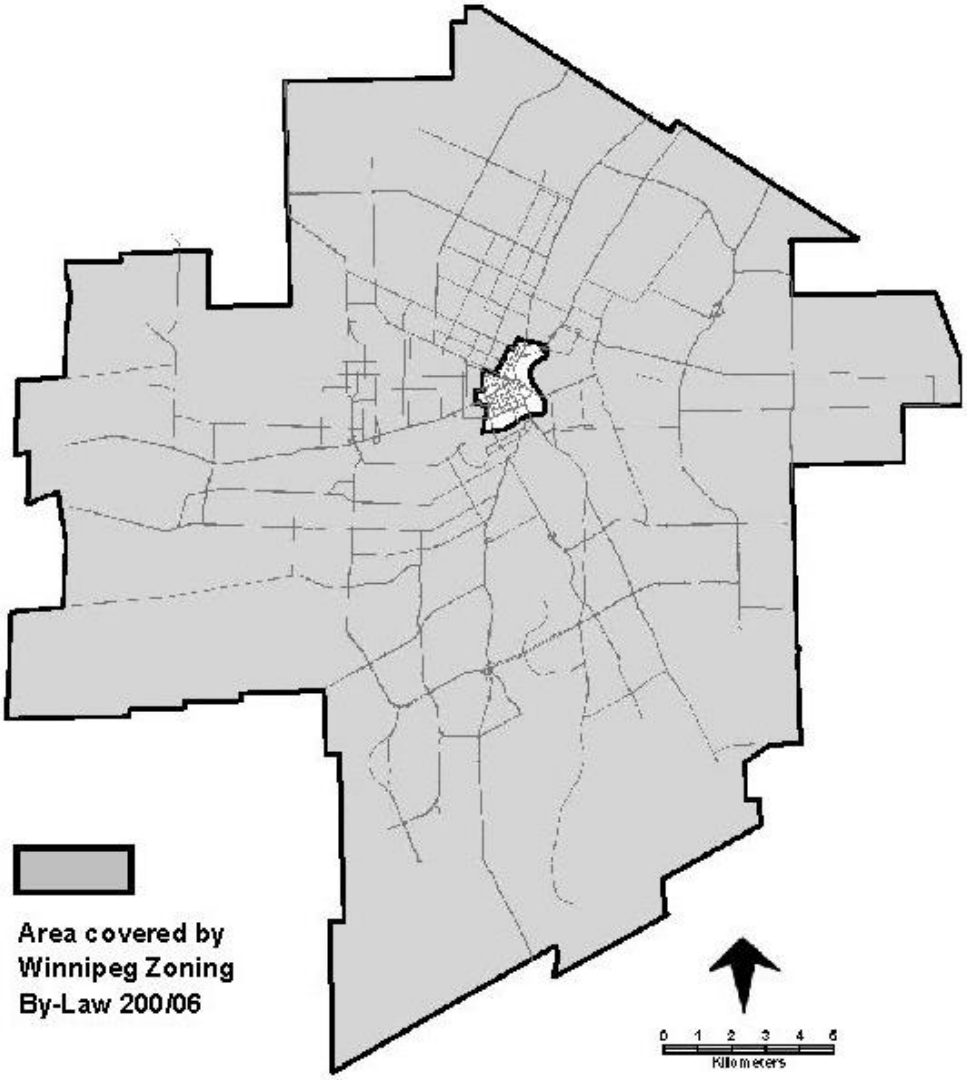


Figure 1: Area covered by Winnipeg Zoning By-Law 200/06

On June 7, 2016, SPC considered the report from the Winnipeg Public Service regarding its Digital Signs and Billboards – 3-year review, and directed the Public Service to report back on the following:

1. Alternative approval options, other than the Board of Adjustment, for digital sign and billboard applications,

2. Ways to improve the enforcement of non-compliant digital signs and billboards; and

3. A review of all decisions, not limited to digital signs and billboards, made by the Board of Adjustment.

On February 7, 2017, SPC considered the report from the Winnipeg Public Service regarding its 3-Year Review and Recommendations on Digital Signs and Billboards.

SPC directed the Winnipeg Public Service to report back with recommendations to increase adherence to accessory sign and billboard regulations, to improve the enforcement of non-compliant digital accessory signs and billboard signs and to enhance Board of Adjustment learning opportunities. SPC directed that the report include:

a. amendments to the Development Procedures By-Law No.160/2011 to provide that signs and billboards in the area regulated by Winnipeg Zoning By-Law No. 200/2006 may be approved by the Director of Planning, Property and Development, subject to appeal;

b. suggested by-law amendments and operational requirements necessary to license digital accessory signs; and

c. recommendations for Board of Adjustment information sessions focused on pertinent land use policy and zoning regulations.

A report addressing item “a” above was provided to SPC on June 25, 2018.

At that meeting, SPC directed that the Winnipeg Public Service report back to the Standing Policy Committee on Property and Development, Heritage and Downtown Development within 180 days with an itemized lists of the specific sections of the Winnipeg Zoning By-Law No. 200/2006 where the Board of Adjustment have ruled against the recommendations of the Winnipeg Public Service for the last two years, including but not limited to decisions regarding the size and placement of signs, as well as identifying the key specifics in which way the Board of Adjustment decisions have contravened in the Winnipeg Zoning By-Law No. 200/2006.

At its meeting on July 19, 2018, Council concurred in the June 25, 2018 direction from SPC.

The information requested by Council on July 19, 2018 is contained in Appendices A and B of this report.

On April 23, 2019, SPC laid over the matter for 60 days in order for the Public Service to conduct further consultation with industry stakeholders on the administrative processes.

Further consultation with industry stakeholders was held on May 15, 2019 and is summarized in Appendix C of this report. The consultation led to the addition of recommendations 2 and 3 of this report.

FINANCIAL IMPACT

Financial Impact Statement

Date: June 10, 2019

Project Name:

Sign Approval Process

COMMENTS:

There are no direct financial implications associated with this report.

"Original Signed By"
Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with:

City Clerks
Legal Services (as to legal issues)

OURWINNIPEG POLICY ALIGNMENT

Adoption of the attached amendments is expected to improve alignment between sign approval decisions and *Complete Communities.* The Key Direction for Centres and Corridors in *Complete Communities* is as follows:

> Focus a significant share of growth to Centres and Corridors in a manner that:
>
> - provides compact, mixed-use, high-quality urban development,
> - concentrates urban development in a built form that helps to optimize existing investment, municipal infrastructure, and facilities; and
> - encourages a built form that supports a pedestrian-friendly environment while incorporating climate-sensitive site and building design.

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning
Prepared by: Andrew Ross, RPP, MCIP
Date: June 12, 2019

Attachments:
Appendix A: Planning Discussion
Appendix B: Detailed Sign Approval Data
Appendix C: Stakeholder Consultation
Appendix D: Draft Amending By-Law

Appendix A: Planning Discussion

1. Background

On December 12, 2012, Council directed the Winnipeg Public Service to undertake a review of the sign and billboard zoning regulations and to report back to SPC in three (3) years. The regulations were newly adopted and followed a wholesale review and consultation with the sign industry.

The report-back (the "2016 Report"), which was considered by SPC on June 7, 2016, included data on approvals. The data highlighted a disparity that often exists between Winnipeg Public Service recommendations regarding sign and billboard applications, and decisions that are subsequently rendered by the Board of Adjustment (the "Board").

Specifically, the report found that the Board was approving applications for variances and/ or conditional uses against Public Service recommendations 85% of the time for accessory signs and 64% of the time for billboards.

In light of this information, SPC requested that the Public Service report back with suggested changes to the Development Procedures By-Law, to provide that signs and billboards be approved by the Director of Planning, Property and Development, rather than the Board.

The Public Service submitted that report with a proposed by-law amendment in order to institute those approval changes. The new proposed process allowed for approval of variances and conditional uses relating to billboards or accessory signs by the Director, with provision for appeal. This is similar to the process that has been in place in the downtown area, under the Development Procedures By-Law, for many years.

SPC forwarded the above-mentioned report and amending by-law to Council with a recommendation that the Public Service first report back with additional data on the issue (as outlined in Recommendation 1 of the Executive Summary of this report). Council concurred in the recommendation of SPC.

This report provides this data and recommends that Council enact a by-law to amend the Development Procedures By-Law No. 160/2011 to give authority to the Director to approve applications for variances and conditional uses that relate to signs.

2. Approval Congruence

2.1 Accessory signs

From July 1, 2016 to July 1, 2018, there were 24 variance applications for accessory signs.

The Public Service and the Board **agreed on approval** of **10** of those sign applications (42% of the time); and **agreed on rejection** of **4** sign applications (17% of the time).

For the remaining 10 signs, the following is the approval data:

- **42%** of variance applications for accessory signs recommended for **rejection** by the Public Service were subsequently **approved** by the Board.

2.2 Billboards

From July 1, 2016 to July 1, 2018, there were 10 applications for conditional uses or variances for billboards.

The Public Service and the Board **agreed on approval** of **1** billboard application (10% of the time); and **agreed on rejection** of **4** billboard applications (40% of the time).

For the remaining 5 billboards, the following is the approval data:

- **53%** of applications for conditional uses or variances for billboards recommended for **rejection** by the Public Service were subsequently **approved** by the Board.

2.3 Aggregated data

On June 7, 2016, the Public Service submitted a report to SPC entitled, "Digital Signs and Billboards – 3-year review", which provided approval data from 2012-2016.

When the data from the present report is combined with that data, the following is the data for the last ~7 years:

2.3.1 Accessory signs

- **100%** of variance applications for accessory signs recommended for **approval** by the Public Service were concurrently **approved** by the Board; and
- **63.5%** of variance applications for accessory signs recommended for **rejection** by the Public Service were subsequently **approved** by the Board.

2.3.2 Billboards

- **100%** of conditional use or variance applications for billboards recommended for **approval** by the Public Service were concurrently **approved** by the Board; and
- **53.5%** of conditional use or variance applications for billboards recommended for **rejection** by the Public Service were subsequently **approved** by the Board.

3. Variances – Accessory Signs

The following were the most common variance applications relating to signs where the Public Service recommended rejection but which were subsequently approved by the Board (see Table 1 for details):

- Height (**80%** of such variances)
- Size (**50%** of such variances)

Table 1: Accessory sign variances most frequently approved against Public Service recommendations, July 1, 2016- July 1, 2018.

ACCESSORY SIGNS										
					Size (sign surface area)	Height	Yards	Traffic Decision Location	Additional Digital Sign	Digital Readerboard
Public Service recommends rejection, Board approves										
1	08-2016	1655 Dugald	DAV	free-standing	1	1	1			
2	08-2016	380 Raleigh	DAV	free-standing	1	1				
3	09-2016	850 Regent	DAV	free-standing		1				
4	09-2016	3210 Portage	DAV	free-standing		1		1		
5	05-2017	2143 Portage	DAV	free-standing		1				
6	06-2017	2700 Portage	DAV	free-standing				1		
7	08-2017	700 Sterling Lyon	DAV	free-standing	1	1				
8	01-2018	1330 Dugald	DAV	free-standing	1	1	1			
9	02-2018	2935 Pembina	DAV	free-standing						
10	04-2018	1777 Brookside	DAV	free-standing	1	1				
				TOTALS	**5**	**8**	**2**	**2**	**0**	**0**
				RELATIVE %	**50%**	**80%**	**20%**	**20%**	**0%**	**0%**

See Appendix B for detailed sign approval data during the time period.

4. Variances - Billboards

The following were the most common variance applications relating to billboards where the Public Service recommended rejection, but which were subsequently approved by the Board (see Table 2 for details):

- Size (**20%** of such variances)
- Height (**20%** of such variances)
- Yards (**20%** of such variances)
- Proximity to other billboards (**20%** of such variances)
- Visible from residential (**20%** of such variances)

Table 2: Billboard variances most frequently approved against Public Service recommendations, July 1, 2016- July 1, 2018.

BILLBOARDS												
Public Service recommends rejection, Board approves					**Size (sign surface area)**	**Height**	**Yards**	**Traffic Decision Location**	**Proximity to Other Billboards**	**Visible from Residential**	**Heritage Building**	**Rooftop Mount**
1	08-2016	900 Harrow	DCU + DAV	digital billboard	1				1			
2	12-2016	2735 Pembina	DCU + DAV	poster billboard			1					
3	02-2017	3004 Portage	DCU + DAV	poster billboard								
4	03-2017	2001 Portage	DCU + DAV	digital billboard								
5	01-2018	6003 Roblin	DCU + DAV	poster billboard		1				1		
				TOTALS	**1**	**1**	**1**	**0**	**1**	**1**	**0**	**0**
				RELATIVE %	**20%**	**20%**	**20%**	**0%**	**20%**	**20%**	**0%**	**0%**

See Appendix B for detailed sign approval data during the time period.

5. Contravention of Winnipeg Zoning By-Law No. 200/2006

Council requested an assessment of the ways in which Board decisions have contravened Winnipeg Zoning By-Law No. 200/2006 (the "By-law"). The following data shows the rationale of the Public Service for recommending rejection for those applications for variances relating to accessory signs and billboards which were subsequently approved by the Board.

Often, the Public Service recommended rejection of an application due to misalignment of the application with *Complete Communities* and/or a lack of justification for a conditional use and/or variance (e.g.: the Zoning By-Law did not pose an injurious effect on the applicant). See Table 3 for more information.

The City of Winnipeg Charter states:

> *Pursuant t*o Section 247(3) of The City of Winnipeg Charter, an application for a variance with respect to a property may be approved if the variance:
>
> (a) is consistent with Plan Winnipeg and any applicable secondary plan;
>
> (b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;
>
> (c) is the minimum modification of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and
>
> (d) is compatible with the area in which the property to be affected is situated.

Subsection 247(3) also applies to conditional uses.

Table 3: Contravention to the Zoning By-Law. Reasons for rejection recommendations for signs that were subsequently approved at the Board. Taken from Public Service reports.

ACCESSORY SIGNS	
1	1655 Dugald
	Product-related signage, blurring line between accessory and billboard; not a high-quality sign design
2	380 Raleigh
	ZBL poses no injurious effect (sign could conform); not in spirit of CC policies for Corridors
3	850 Regent
	ZBL poses no injurious effect; not compatible with context
4	3210 Portage
	Safety risk - close to signalized intersection and ped crosswalk (supporting comments from PW)
5	2143 Portage
	Misaligned with CC policies; no injurious effect; visible from seniors home; adjacent to herit. resource
6	2700 Portage
	Misaligned with CC policies for Corridors; not supported by PWD; traffic safety
7	700 Sterling Lyon
	Misaligned with CC policies for Corridors; no injurious effect - new signage nearby conforms
8	1330 Dugald
	Product-related signage, blurring line between accessory and billboard; not a high-quality sign design
9	2935 Pembina
	Misaligned with CC policies for Corridors; no injurious effect - new signage nearby conforms
10	1777 Brookside
	Not compatible with context; no injurious effect
BILLBOARDS	
1	900 Harrow
	Within 500 ft. of another billboard, applicant wished to upgrade it to digital.
	PS supported continuance of poster but not upgrade because does not meet separation distance.
2	2735 Pembina
	Multifamily redevelopment occurring nearby, not in spirit of CC policies for Corridors
3	3004 Portage
	Limits ability to transition toward ped-friendly intensification, not in spirit of CC policies for Corridors
4	2001 Portage
	Would be visible from residential properties and public park, not in spirit of CC policies for Corridors
5	6003 Roblin
	Faces residential; detracts from adjacent WWII memorial, not in spirit of CC policies for Corridors
KEY:	CC = Complete Communities Direction Strategy
	PS = Public Service
	ZBL = Zoning By-Law
	PW = Public Works

6. Analysis

6.1 Approval congruence

The level of incongruence between Public Service recommendations and Board decisions is substantial in the reporting period of the last 2 years. The discrepancy is **42%** for accessory signs and **50%** for billboards. The discrepancy is **63.5%** and **53.5%** respectively over the past approximately 7 years of data.

The role of the Board is to make decisions on conditional use and variance applications, and these decisions are not required to align with the recommendations of the Public Service; however, the Board must not approve an application for a conditional use or a variance unless it is satisfied that the statutory criteria for approval set out in subsection 247(3) of The City of Winnipeg Charter (the "Charter") are met.

The Public Service remains concerned, as it has identified in reports on this topic over the last several years, with the frequency at which the recommendations of the Public Service with respect to conditional use or variance applications for billboards and accessory signs are being disregarded by the Board.

The current By-Law sign regulations were arrived at through an in-depth consultation process in 2011-2012 between the City's Planning, Property and Development Department, the City's Public Works Department, and the sign industry.

These regulations form an essential part of advancing Council's vision for our city as articulated in *Complete Communities* while at the same time meeting standards for traffic safety. The 2016 Report showed that sign regulations in Winnipeg are already more permissive than those in several other Canadian cities.

6.2 Accessory signs - variances

The new data shows that the types of variances being approved against Public Service recommendations are mostly for increased size and increased height beyond the Zoning By-Law regulations.

6.2.1 Accessory signs – size and height

Meeting standards for the size and height of signs is fundamental to assist the Public Service in achieving Council's vision for mixed use and residential development along the City's Mixed Use Corridors.

Development and investment along the City's Mixed Use Corridors has been part of Winnipeg's planning policy context since Council's adoption in of *Complete Communities* in 2011.

When introduced, *Complete Communities* represented somewhat of a policy shift away from decades of auto-centric development on the city's Mixed Use Corridors. *Complete Communities* has attempted to guide Corridor development toward a more pedestrian-friendly design approach which includes less emphasis on billboards and large signs. To illustrate the effect of this policy shift, the image below taken from *Complete Communities* identifies billboards and larger signs in the 1st image giving way to more walkable communities in the 4th image) over time:

POSSIBLE TRANSFORMATION OF A REGIONAL MIXED USE CORRIDOR FOLLOWING COMPLETE COMMUNITY PRINCIPLES



When the Public Service conducted its review of signage standards in 2011-2012, the resulting set of regulations did not fully achieve this vision. The City's regulations currently allow signage to be scaled with an emphasis on drivers. This is shown in Table 5-15.1 of the By-Law, which allows for accessory sign heights of 20 ft. or 30 ft. in C2 and C3 districts (the most common districts along Corridors).

Sizes of 323 sq. ft. and heights of 20 ft. and 30 ft. are designed to be visible to passing motorists at driving speed.

While these regulations should perhaps be reviewed again for alignment with *Complete Communities*, the Public Service supports them at the present time. The issue from the perspective of the Public Service is that variances above those regulations are often being approved in spite of their existing permissive dimensions.

In addition to this, sign owners or consultants may also apply for additional size and height increases with a 5% tolerance on top of the standard, without a formal variance or public hearing. This adds even greater flexibly to increase the available dimensional standards.

Table 3: Accessory Sign Dimensional Standards, Winnipeg Zoning By-Law 200/06

District	Type [note a]	Maximum Height	Permitted Surface Area Per Zoning Lot
A	Free-standing	25 feet above grade	100 sq. ft.
	Attached to building	Wall height	25% of building wall
RR5, RR2, R1, R2	Free-standing or attached to building	20 feet for lot containing a permitted non-residential principal use	48 sq. ft. per lot containing a permitted non-residential principal use [note c]
	Attached to building	Wall height	1.5 sq. ft. per dwelling unit
PR1, RMF, RMU, RMH	Free-standing	8 feet above grade [note b]	48 sq. ft. maximum [note c]
	Attached to building	wall height	25% of building wall -- 48 sq. ft. maximum
PR2, PR3, TOD, C1, M1 *amended 135/2016*	Free-standing	8 feet above grade [note b]	48 sq. ft. maximum [note c]
	Attached to building	Wall height	25% of building wall maximum
EI, C2, CMU, MMU, M2, M3	Free-standing	20 feet above grade	1.25 sq. ft. per foot of frontage to a maximum of 323 sq. ft.
	Attached to building	Wall height	25% of building wall maximum
C3, C4	Free-standing	30 feet above grade	1.25 sq. ft. per foot of frontage to a maximum of 323 sq. ft. per frontage [note d]
	Attached to building	Wall height	25% of building wall maximum

6.2.2 When variances make sense

There are times when the Public Service supports size and height variances and recommend approval of them as per the City of Winnipeg Charter criteria.

Examples can include circumstances in which there is something blocking the view of the proposed sign, or when the sign is a large distance away from traffic and cannot attract attention without greater height than the By-Law allows.

The Public Service has supported variances for accessory signs 42% of the time over the past two years.

However, when unique situations *do not* exist, and the By-law standard *does not* pose an injurious effect on the applicant per Charter criteria for approval of variances, the Public Service's position is that the standards should be respected, so that the Public Service can advance Council's vision for Mixed Use Corridors.

6.3 Billboards - variances

All Billboards must be approved through a conditional use application. This means that with or without variances, the Public Service reviews each billboard application for suitability within its context.

Ten (10) billboard conditional use applications were received in the reporting period. The Public Service recommended approval of 1, and recommended rejection of 9.

In addition, there were associated variances requested for 6 out of the 10 billboards.

Often (67% of the time), recommendations of rejection for conditional use applications occurred in cases where along with the conditional use, variances were also being sought.

The data show that when recommending rejection of a conditional use application for a billboard, the Public Service often cites specific policies of *Complete Communities* such as those regarding Mixed Use Corridors. These policies express the aim of transitioning Corridor development toward a more compact, walkable, pedestrian oriented form. Because billboards by their very nature can be contrary to the policies, the Public Service often views the addition of new billboards as a detriment to the visual quality and pedestrian orientation of the streetscape, depending on its location.

6.3.1. Size, height, yards, separation distance, visibility from residential

In addition to billboard size and height, variances for separation distances, yards, and visibility from residential uses were also approved by the Board against Public Service recommendations.

Given there was only one example of each such variance in the reporting period, analysis of the impact of these does not offer useful information.

However, size and height remain important issues, because these factors appear in both the accessory sign and billboard data. With the Board approving both accessory signs and billboards, the issues surrounding sizes and heights becomes compounded and significant when looked at as a whole, setting a precedent for future sign approvals across the city.

The concern of the Public Service regarding billboards is therefore similar to that regarding accessory signs as articulated in Section 6.2.1.

Table 4: Billboard dimensional standards, Zoning By-Law 200/06

Height and Size

(1) The height and size must not exceed the limits shown in Table 4-4 below:

TABLE 4-4: Height and Size

Maximum Height (ft)	Maximum Sign Surface Area (sq ft)
30 [Note a]	200
Note a: If the billboard sign is attached to a building or is free standing within 5 feet of a building, the maximum permitted height of the billboard sign is the height of the building wall.	

7. Appeals

7.1 Accessory signs

During the reporting period, there were 2 instances of appeals for accessory signs. Both were recommended for rejection by both the Public Service and the Board. 1 rejection was upheld, 1 was overturned and approved by the Appeals Committee.

7.2 Billboards

During the reporting period, there were 3 instances of appeals for billboards. All were recommended rejections by both the Public Service and Board. 1 rejection was upheld, 2 were overturned and approved by the Appeals Committee.

7.3 Number of anticipated Appeals

During the reporting period, there were 2 accessory signs and 3 billboards (5 combined) that went to Appeal, out of 34 total conditional use and variance applications.

Assuming a continuation of this frequency, the new process will mean approximately 1 sign or billboard Appeal heard every 3 Appeal Committee meetings.

8. Proposed new sign approval process

The new proposed process includes amendment to the Development Procedures By-Law, to list variances and conditional uses for all signs and billboards in the area regulated by the Winnipeg Zoning By-Law as “B” variances and “B” conditional uses.

“B” variances and “B” conditional uses are reviewed by the Director and are either approved or rejected. The decision of the Director is posted on the property, and the decision may be appealed to the Appeals Committee.

Table 5 below summarizes the new proposed process. Table 6 summarizes the anticipated reduced approval timelines associated with the new proposed process.

Table 5: Summary of new proposed sign approval process

Accessory signs and Billboards **not requiring** a variance or conditional use	
Current Process	**New proposed process**
Permit is approved administratively. If tolerance is required (up to 5%), tolerance may be granted administratively.	No change.

Accessory signs and Billboards **requiring** a variance or conditional use	
Current Process	**New proposed process**
Processed as a "C" variance or conditional use.	Processed as a "B" variance or conditional use.
Application receives a recommendation from the Public Service and proceeds to a public hearing.	Application receives a decision from the Public Service, decision is posted onsite for 14 days, no hearing unless appealed.
Decision can be appealed.	Decision can be appealed.

9. Timelines – new proposed sign approval process

Below is a summary of the anticipated approval timelines for the new proposed process, for signs and billboards requiring a variance and/or conditional use.

Table 6: Approximate timelines for new proposed sign approval process

Current process	**New proposed process**
Application received by Zoning ~1 week.	Application received by Zoning ~1 week.
Application sent to Planner – review and schedule for public hearing ~1 week depending on hearing schedule.	Application sent to Planner – review and render decision ~1 week.
File sent to Zoning to prepare posters for public hearing ~1-2 weeks.	File sent to Zoning to prepare onsite posters ~1-2 days.
Posting period – 2 weeks.	Posting period – 2 weeks.
Public hearing.	
Appeal waiting period 17 days.	
TOTAL ~8-9 weeks (if appealed, add ~4 wks.)	**TOTAL ~4-5 weeks** (if appealed, add ~4 wks.)

10. Consultation

In preparing this report, consultation was held with sign industry stakeholders ("industry") including the Manitoba Sign Association (MANSA).

Feedback was mixed, with some members supportive of the proposed process and others unsure as to whether it will lead to better outcomes for their industry and the City.

Some industry members voiced support for the similar process that is used Downtown. Billboard industry members were concerned about the high rate of rejection recommendations they've experienced in recent years. The Division subsequently brought this concern to an internal meeting with staff on May 21, 2019.

Some industry members suggested that if the proposed process is approved, a review be conducted after a set period of time, with input from the industry.

Feedback is further detailed in Appendix C: Stakeholder Consultation.

11. Recommendation

The Winnipeg Public Service believes that the new proposed approval process is the best way to improve adherence to Council's adopted zoning regulations regarding signage. The Public Service believes that these regulations are important to uphold as much as possible, for the following reasons:

1. The current Zoning By-Law sign regulations were arrived at through in-depth consultation between the Planning, Property and Development Department, the Department of Public Works, and the industry.

2. Many of the regulations are already more permissive than in other Canadian cities.

3. The regulations form an essential part of advancing Council's vision for our city as articulated in *Complete Communities* while at the same time meeting standards for traffic safety.

4. Variances should only be approved if they meet the four (4) criteria for approval of variances under subsection 247(3) of The City of Winnipeg Charter.

5. Applicants can already receive 5% tolerances to the regulations in terms of size, height, and location without a variance or conditional use.

The proposed new sign approval process will be the same as the process that is used for sign approvals downtown.

It is expected to generally increase the amount of congruence between approval decisions and the City's existing zoning regulations governing sign locations, sizes, heights, and operating standards. It will reduce red tape by:

- Speeding up decisions on sign applications (reduce timeline from current ~8-9 weeks down to ~4-5 weeks).

- Reducing public hearings for sign applications from the current 1-2 (Board hearing and possible Appeal hearing) to 0-1 (possible Appeal hearing).

For the above reasons, the Winnipeg Public Service recommends that the new proposed approval process be approved and the Amending By-Law, attached as Appendix D, be adopted.

Appendix B – Detailed sign approval data, July 1, 2016 – July 1, 2018

Accessory signs

	Address	Date of Order	Variances	Public Service Recommend	Board Decision	Appeal Y/N	Appeal outcome
1	DAV 125698/2016C 1655 Dugald Rd.	Aug 25, 2016	Free-standing sign - addition to existing sign Sign surface area of 125 sq. ft. instead of 48 sq. ft. Sign height of 20 ft. instead of 8 ft. Front yard of 25 ft. instead of 5 ft.	Rejection	Approved	N	N/A
2	DAV 138086/2016C 380 Raleigh St.	Aug 25, 2018	Free-standing sign Sign height of 24 ft. instead of 8 ft. Sign surface area of 198 sq. ft. instead of 48 sq. ft.	Rejection	Approved	N	N/A
3	DAV 139612/2016C 1360 Inkster Blvd.	Sept 15, 2016	Free standing sign Front yard of 5 ft. instead of 75 ft.	Approval	Approved	N	N/A
4	DAV 151822/2016C 850 Regent Ave.	Sept 15, 2016	Free-standing sign Alteration to existing free standing sign by way of addition of a digital static copy sign at a height of 40 ft. in the C3 zone (instead of 30 ft.)	Rejection	Approved	N	N/A
5	DAV 116144/2016C 3210 Portage Ave.	Sept 26, 2016	Free-standing sign Sign height of 21 ft. (instead of 20 ft.) Digital static copy located within restricted area of a traffic decision location (intersection)	Rejection	Approved	N	N/A
6	DAV 150663/2016C 815 Sterling Lyon Pkwy.	Sept 26, 2016	Free-standing sign Surface area of 109 sq. ft. instead of 48 sq. ft. in RMU zone	Approval	Approved	N	N/A
7	DAV 153008/2016C 499 Warsaw Ave.	Oct 25, 2006	Free-standing sign Adding a digital static copy sign to an existing 24-ft tall sign	Rejection	Rejected	N	N/A

8	DAV 169552/2016C 1330 Dugald Road	Jan 5, 2018	Free-standing sign 1 foot front yard Sign surface are of 242 sq. ft. Sign height of 26 ft.	Rejection	Approved	N	N/A
9	DAV 101517/2017C 1501 Dugald Rd.	Feb 16, 2017	Free-standing sign Sign surface area (114.9 sq. ft.) Sign height (20 feet)	Approval	Approved	N	N/A
10	DAV 108210/2017C 1675 Inkster Blvd	Mar 3, 2017	Free-standing sign Front yard of 15 ft. in the M2 zone	Approval	Approved	N	N/A
11	DAV 101700/2017C 1300 Notre Dame	Mar 3, 2017	Wall sign Maintenance of a fascia sign surface area covering 54% of wall area instead of 25%	Rejection	Rejection	Y	Rejection
12	DAV 115534/2017C 2143, 2145 & 2147 Portage Ave.	May 8, 2017	Free-standing sign Height of 23.8 feet instead of 20 ft.	Rejection	Approval subject to Director Plan Approval	N	N/A
13	DAV 122059/2017C 2700 Portage Ave.	June 20, 2017	Free-standing sign Alter existing sign to permit digital within restricted area of traffic-controlled intersection	Rejection	Approved subject to conditions	N	N/A
14	DAV 115290/2017C 1370 Sony Pl.	June 30, 2017	Free-standing sign Fascia with a height of 30 ft. instead of 20 ft.	Rejection	Rejected	N	N/A
15	DAV 135379/2017C 1845 Mathers Ave.	July 31, 2017	Free-standing sign Sign surface area of 49.08 sq. ft. Sign height of 16 ft. Interior side yard of 2.58 ft.	Approval subject to conditions	Approved subject to conditions	N	N/A
16	DAV 143333/2017C 700 Sterling	Aug 29, 2017	Free-standing sign Surface area of 395 sq. ft.	Rejection	Approved	N	N/A

	Lyon Pkwy.		Height of 36 ft.				
17	DAV 163619/2017C 625 Wall St.	Nov 20, 2017	Free-standing sign Surface of 52.08 sq. ft. Height of 16 ft. Front yard of .075 ft.	Approval subj to conditions	Approved, amended	N	N/A
18	DAV 176024/2017C 35 Melnick Rd.	Jan 8, 2018	Free-standing sign Height of 30 ft.	Rejection	Rejected	Y	Approved
19	DAV 181737/2017C 2935 Pembina Hwy.	Feb 5, 2018	Free-standing sign Alter existing sign with height of 41 ft.	Rejection	Approved	N	N/A
20	DAV 112347/2018C 1777 Brookside Blvd.	April 23, 2018	Free-standing sign Alteration of existing sign with: Surface area of 165.2 sq. ft. Height of 45 ft.	Rejection	Approved	N	N/A
21	DAV 115765/2018C 790 Sherbrook St.	May 7, 2018	Free-standing sign Sign height of 34 ft.	Approval	Approved	N	N/A
22	DAV 124420/2018C 426 Osborne St.	June 5, 2018	Attached digital sign reader board projecting sign	Approval	Approved	N	N/A
23	DAV 122669/2018C 711 Jefferson Ave.	June 5, 2018	Free-standing sign Second digital static copy sign	Approval	Approved	N	N/A
24	DAV 132036/2018C 2405 McGillivray Blvd.	June 15, 2018	Free-standing sign Sign surface area of 185.25 sq. ft. Sign height of 24.5 ft.	Approval	Approved	N	N/A

Billboards

	Address	Date of Order	Variances	Public Service Recommend	Board Decision	Appeal Y/N	Appeal outcome
1	DCU 138134/2016C 900 Harrow St.	Aug 25, 2018	**Billboard -** modification to existing sign Conditional Use to establish Digital Static Copy billboard in C2	Rejection (would have supported replacement of poster with digital)	Approved	N	N/A
	DAV 138138/2016C 900 Harrow St. *(Combined w/ above)*	Aug 25, 2018	**Billboard** Sign surface area of 400 sq. ft. instead of 200 sq. ft. Billboard sign located within 500 ft. of another existing billboard use.	Rejection	Approved	N	N/A
2	DCU 166882/2016C 2735 Pembina Hwy.	Dec 21, 2016	**Billboard** Conditional Use to establish a Poster Billboard in C2	Rejection	Approved	N	N/A
	DAV 168610/2016C 2735 Pembina Hwy. *(Combined w/ above)*	Dec 21, 2016	**Billboard** Free standing poster billboard with a front yard of 2.3 ft. instead of 20 ft.	Rejection	Approved	N	N/A
3	DCU 177750/2016C 3004 Portage Ave	Feb 16, 2017	**Billboard** Conditional Use to establish a Billboard use in C2	Rejection	Approved	N	N/A
4	DCU 101430/2017C 2001 Portage Ave	Mar 23, 2017	**Billboard** Conditional Use to establish a Digital Static Copy and Poster billboard use	Rejection	Approval	N	N/A
5	DCU 167818/2016C 578 St. Mary's Rd.	April 24, 2017	**Billboard** Conditional Use to establish a digital static copy billboard	Rejection	Rejected	N	N/A

	DAV 105727/2017C 578 St. Mary's Rd. *(Combined w/ above)*	April 24, 2017	**Billboard** Within 500 feet of another billboard Billboard within the restricted area for traffic decision location	Rejection	Rejected	N	N/A
6	DCU 141525/2017C 2495 Main St.	July 31, 2017	**Billboard** Conditional Use to establish Billboard Poster use in C2	Approval subject to conditions	Approved subject to conditions	N	N/A
7	DCU 156972/2017C 1105 St. Mary's Rd.	Oct 20, 2017	**Billboard** Digital Static Copy, Billboard use in C3	Rejection	Rejected	**Y**	Approved Subject to Community Ctee. Plan Approval
8	DCU 173931/2017C 650 Portage Ave.	Jan 8, 2018	**Billboard** Conditional Use to establish Billboard Poster use in C2	Rejection	Rejected	**Y**	Approved Subject to 8-yr expiry
	DAV 173950/2017C 650 Portage Ave. *(Combined w/ above)*	Jan 8, 2018	**Billboard** Height greater than 30 ft. Surface area of 672 sq. ft. Located on a heritage bldg. Roof billboard Visible from adjacent residential use	Rejection	Rejected	**Y**	Approved Subject to 8-yr expiry
9	DCU 177920/2017C 6003 Roblin Bv.	Jan 18, 2018	**Billboard** Conditional Use to re-establish a billboard, poster in C2	Rejection	Approved	N	N/A
	DAV 177923/2017C 6003 Roblin Bv. *(Combined w/ above)*	Jan 18, 2018	**Billboard** Billboard poster visible from adjacent residential use	Rejection	Approved	N	N/A
10	DAV 122703/2018C27 Red River Blvd W.	June 15, 2018	**Billboard** Digital static copy billboard located in traffic control intersection area	Rejection	Rejected	**Y**	Rejected

Appendix C: Stakeholder Consultation

Sign Industry Meeting
May 15, 2019

The following industry representatives were invited:

- Manitoba Sign Association (MANSA)
- Pattison Outdoor
- Zero Din Marketing
- Electra Sign
- Postime
- OutFront Media
- Astral Media

The following industry representative attended:

- Manitoba Sign Association (MANSA)
- Pattison Outdoor (also sent a letter in opposition to the new proposed process)
- Electra Sign
- Postime
- OutFront Media

Comments / questions in meeting raised by participants	**Public Service assessment/ response**
The vast majority of billboard applications are rejected, so they will be appealed. Concern that this process will not save any time.	Working together with Public Service could result in agreement on variances or conditional uses prior to a public hearing.
The public hearing process adds value by giving the public a chance to voice their concerns and giving the applicant an opportunity to respond.	Working together with Public Service could result in agreement on variances or conditional uses prior to a public hearing. If not, there is opportunity for appeal or to make representation at an appeal hearing.
Suggestion that the City wait until the Complete Communities Direction Strategy review is complete before making changes to the approval process.	Review and approval of Complete Communities may take 1-2 years which would constitute a significant delay. Any future policy changes adopted by Council will guide *approval* decisions made by the Public Service, as is the case now with *recommendations* made by the Public Service.
Concern about length of time to receive call backs/ responses from some planners.	The Division will raise this issue with staff.
A suggestion was made that if the process is changed, periodic meetings between the industry and the City occur.	The Division agrees with this feedback and has changed its recommendations to accommodate periodic meetings.
Suggestion that the Public Service should review the number of variance and conditional use applications made in last two years to see if they are coming down.	Feedback received.

Concern that the rate of billboard rejection recommendations from the Public Service has increased over the past few years.	The Division brought this concern to an internal meeting with staff on May 21, 2019.
Difficult to trust the Public Service to administratively approve any billboards based on recent history of so many rejection recommendations.	The Division brought this concern to an internal meeting with staff on May 21, 2019.
The process in the Downtown works well. There seems to be collaboration between the applicant and City staff on sign applications in the Downtown.	The proposed process is the same as that used in the Downtown. Collaboration will be inherent in the proposed process outside of Downtown as well.
A suggestion was made that if this change is approved, a review be conducted after a set period of time, with input from the industry.	The Division agrees with this feedback and has changed its recommendations to accommodate a 3-year review.

Previous Sign Industry Meeting
March 15, 2018

The following industry representatives were invited:

- Manitoba Sign Association (MANSA)
- Pattison Outdoor
- Zero Din Marketing
- Electra Sign
- OutFront Media
- Astral Media
- Bell Media

The following industry representative attended:

- Manitoba Sign Association (MANSA)
- Pattison Outdoor (also sent a letter in opposition to the new proposed process)
- Zero Din Marketing
- Electra Sign
- OutFront Media

Comments / questions in meeting raised by participants	**Public Service assessment/ response**
Does the By-law changing the Development Procedures By-Law have to go to Council for approval?	Yes, Council needs to adopt the proposed by-law changes.
Concern about not being able to make representation at the Board of Adjustment.	Working together with Public Service could result in agreement on variances or conditional uses prior to a public hearing. If not, there is opportunity for appeal or to make representation at an appeal hearing.

Do not feel that the process will be transparent any longer.	This process is the same that has been used in the downtown for many years. There is opportunity for a hearing at Appeals if applicants do not agree with the decision of the Director.
Feel that our rights are being taken away.	This process is the same that has been used in the downtown for many years. There is opportunity for a hearing at Appeals if applicants do not agree with the decision of the Director.
The Board of Adjustment is an independently appointed group. It is important to have an independently appointed group as part of the decision-making process. The Administration and Appeals Committee are both part of the City.	Feedback received.
The Board of Adjustment has no allegiance to anyone. They are more representative of the applicant and the sentiment of the business community.	Feedback received.
In 2013, when the Zoning By-law was changed and new regulations were added, was told by the City that we still had the right to apply for a variance. Concern that this is being taken away.	The new proposed process does not change the ability to apply for variances.
Do not see the variance process as broken, so why change it.	The current variance process has been resulting in sign decisions that approximately 75% of the time, are not aligning with Public Service recommendations and/or zoning regulations.
Concern that this is a knee jerk reaction by the City.	The new proposed process addresses a long-standing issue, not a recent issue.
With the Board of Adjustment, there are 3-4 people making a decision. Instead, it will be 1 city staff person making the decision.	The Public Service will be weighing variances and conditional use decisions based on the merits of the request in light of statutory approval criteria and City policies. It will be discussing requests with applicants where possible, and for more complex cases will consult with other members of the Public Service before making a decision.
Concern about how the change will affect the decisions that are made.	The Public Service will be weighing variances and conditional use decisions based on the merits of the request in light of statutory approval criteria and City policies. It will be discussing requests with applicants where possible, and for more complex cases will consult with other members of the Public Service before making a decision.
Concern that this will slow things down.	Our analysis is that on average, the new proposed process will result in a quicker ~4-5 week approval rather than the current ~8-9 week approval.
The Ward Councillor is more aware of the process	The Ward Councillor may appear in delegation at

if it goes to the Board of Adjustment. They can appear if they like.	the appeal hearing.
(One participant): Billboard variances are always rejected by the Administration. Prior to 2013, the Administration would support variances on a case by case basis. Concern that this is no longer happening.	The City will look into this.
(One participant): The sign industry has compiled data on variance applications and has found that the total number of variance applications has gone down over the last few years.	The Public Service can review this if data provided.
Comments / questions in meeting raised by Public Service	Industry response
Unlike other types of development applications where applicants engage early with planners, most signage applications seem to be submitted directly to Zoning & Permits with no opportunity for Urban Planning to review. It can be helpful to engage with Urban Planning early on to discuss options. Doing so may at times lead to agreement on supportable variances and conditional uses that in turn may receive approval.	Some participants responded that they would be interested in doing this up-front engagement on their applications.

Appendix D: Draft Amending By-Law

THE CITY OF WINNIPEG

BY-LAW NO. /2019

A By-law of THE CITY OF WINNIPEG to amend the Development Procedures By-law in respect of the approval of applications for conditional uses and variances relating to signs or billboard signs.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1 Part 3, subsection 5B, of the Development Procedures By-law No. 160/2011 is amended:

(a) in the DIRECTOR VARIANCES (DAV 'A' and 'B') section, by adding the following after subclause (ii)(g):

h. ***signs***

1. *Any variance of the applicable zoning rules for signs, including billboard signs, in any zoning district under the Winnipeg Zoning By-law.*

and

(b) in the DIRECTOR CONDITIONAL USES (DCU 'B') section, by adding the following after subclause (i)(c):

d. ***billboard signs***

i. *a conditional use to allow a billboard sign under the Winnipeg Zoning By-law.*

DONE AND PASSED this day of , 2019.

Mayor

City Clerk

Approved as to content:

Director of Planning, Property and Development

Legally reviewed and certified as to form:

for Director of Legal Services and City Solicitor

DRAFT