

Cape Breton Regional Municipality

Workshop:
Regulating Signs Within CBRM

AGENDA

WEDNESDAY, FEBRUARY 5, 2020

1 1:00 A.M. – 1:00 P.M.

Council Chambers
2nd Floor, City Hall
320 Esplanade, Sydney, NS

Cape Breton Regional Municipality

Workshop: Regulating Signs within CBRM

Wednesday, February 5, 2020
11:00 a.m. – 1:00 p.m.

AGENDA ITEMS

1. Sign Bylaw Workshop:
 - a) Staff Memo: Kristen Knudskov, Planner (See page 3)
 - b) PowerPoint Presentation (See page 16)

2. Councillor Jim MacLeod (See page 24)

Adjournment



Memo

TO: Council

FROM: Planning & Development

DATE: February 5, 2020

RE: Sign Bylaw Workshop

BACKGROUND

On June 18, 2019, Council directed Staff to initiate the Bylaw Development Process to examine options to regulate signs. Members of Council and their constituents identified on-going problems with visual clutter and potential safety hazards as a result of a lack of restrictions on signage in CBRM.

Currently, signs are addressed by the Streets Bylaw, the Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB) (Attachment A).

The Streets Bylaw prohibits placing signs within the limits of CBRM road right-of-ways. At the June 18th meeting of Council, Council moved to proceed with enforcement of the Streets Bylaw to remove unauthorized signage from utility poles.

Planning documents take a tolerant stance on signs, stating that permitting shall not be required for any sign. Current regulations address:

- Signs which are a traffic or safety hazard to the public or any public facilities and infrastructure, and
- Signs in residential areas.

The *Municipal Government Act* (MGA) authorizes Council to create bylaws which regulate “businesses, business activities, and persons engaged in business” [Part 7, Section 172(1)(f)]. Signs can also be regulated under the LUB, provided the MPS contains supporting policy [Part 8, Section 220(5)(b)].

To carry out Council’s motion, thus far, Staff have:

- undertaken a jurisdictional scan,
- engaged in stakeholder consultation,
- drafted the first iteration of regulations, and
- taken the draft back to the stakeholder group for further comment.

STAKEHOLDER CONSULTATION

The Stakeholder Committee is comprised of representatives of internal departments and external agencies and groups. The Committee includes representatives of the:

- Business community,
- Mobile sign businesses,
- Tourism sector,
- General public,
- CBRM Police Service,
- Engineering and Public Works Department, and
- Planning and Development Department.

Three meetings have been held to date, which have covered an array of concerns regarding current signage practices and regulations. There are a few recurring key issues within stakeholder discussions.

SURVEY

Staff are seeking direction from Council on what they envision a Sign Bylaw would achieve. The attached survey (Attachment B) lays out specific questions for each of the key issues identified in stakeholder discussions.

We will go through each section with a chance to discuss and fill out the survey at the conclusion of each Part. Answers to these questions will help guide the draft document to be presented to the public for input. **A separate copy will be provided to you at the workshop to be filled out by Council during the workshop.**

PART 1: COMMUNITY BULLETIN BOARDS

Stakeholders expressed that CBRM should explore the option of providing community bulletin boards where individuals and community groups can post notices or event advertisements. This would offer a concentrated location where people can appropriately advertise with small posters, reducing clutter and offering an alternative to attaching signs to utility poles.

Questions 1-4 in Part 1 of the survey pertain to community bulletin boards.

PART 2: PERMANENT SIGNS

Stakeholders have voiced that permanent signs are not perceived as a significant issue. However, we have heard concerns about illumination, the number of billboards, and obstruction of sightlines for vehicular traffic. Additionally, regulation of temporary signs may result in the proliferation of permanent signs. Permanent signs could be regulated under the LUB's Development Permit process.

Questions 5-11 in Part 2 of the survey pertain to permanent signs.

PART 3: MOBILE SIGNS

Mobile signs (also known as glow signs) have been a significant theme. Stakeholders expressed that CBRM should reduce the volume of mobile signs without overregulating them.

The consensus among stakeholders was that mobile signs should be prohibited along Tourist-focused highways and certain areas (ex. Downtowns), with the exception of short-term event advertising. Off-site advertising refers to a sign which contains an advertisement for a business or service located on different property than where the sign is located. Off-site signage was not a concern among the Stakeholders. Please note that this is in regard to mobile signs only. Permanent signs (such as billboards) would be permitted to advertise off-site businesses or services.

Duration of sign placement will ultimately impact CBRM's streetscapes. One consideration is that temporary signs should be placed for a limited duration, otherwise be subject to permanent sign regulations. Members of the Committee expressed that moving these signs regularly will be too cumbersome for CBRM in terms of administration and enforcement, and logistically for the local sign companies. Members of the Committee would prefer the Bylaw to allow mobile signs to be placed on private commercial property on an annual and renewable basis.

CBRM could regulate mobile signs through a system of licencing, permitting, or both. Requiring an annual licence to place mobile signs in CBRM would be a less bureaucratic process for both CBRM and mobile sign providers. It would also allow CBRM to review regulations with Licensees on an annual basis. Licences could also be revoked for non-compliance with the Bylaw. However, without a permitting process to determine compliance of individual signs, CBRM would have to rely strictly on enforcement, rather than proactive review of proposed locations. This might mean operating on a complaints-driven basis with licencing alone. With a permitting system, CBRM could keep a record of where authorized signs are located.

Questions 12-24 in Part 3 of the survey pertain to mobile signs.

PART 4: BUDGETARY IMPLICATIONS

If CBRM implements a Sign Bylaw, there is not sufficient excess capacity in staffing to accommodate the additional responsibilities. This includes administration of the Bylaw, enforcement, as well as the removal of non-conforming signs.

There will be long-term operating costs associated with the additional staff and equipment required. This could include additional staff salaries, benefits, and training; vehicles, insurance, and mileage; and costs associated with non-conforming sign removal.

Questions 25-26 in Part 4 of the survey pertain to budgetary implications.

PART 5: OTHER ISSUES

Parts 1-4 have covered the key issues identified by stakeholders to date. The purpose of this Part is to provide an opportunity to discuss any concerns which have not been raised in this Workshop thus far.

Question 27 in Part 5 of the survey pertains to other issues.

NEXT STEPS

Staff request that Council please complete each question of the survey and return it for our records. The working draft will be updated to reflect stakeholder comments and the direction of Council. This will be recirculated to the Committee.

The Planning Department will then work with CBRM's Communications Officer to formulate and conduct the PPP. Staff are proposing a two-pronged approach:

1. Engaging the business community and local sign companies
2. Using print and online media to elicit feedback from the general public

Staff intend to bring a refined draft, incorporating responses from the PPP, to Council for discussion by the end of the first quarter in 2020.

Respectfully submitted by:

ORIGINAL SIGNED BY

Kristen Knudskov
Planner, Planning and Development

Streets Bylaw:

5. (1) No person shall erect or place any sign or other structure, whether moveable or not, within the limits of any street in the Regional Municipality.
- (2) Subsection (1) does not apply to a sign or awning that projects over a sidewalk or other part of the street allowance, excepting the travelled way, at a minimum height of not less than seven feet.
- (3) Subsection (1) does not apply to a movable sign situate on the sidewalk in front of a place of business, that relates to the business carried on within, and that does not impede the movement of pedestrians.

Municipal Planning Strategy:

SIGNS

A comprehensive sign by-law to be in effect throughout the CBRM is not proposed in this Municipal Planning Strategy for the following reasons. There is no evidence of a groundswell of public abhorrence to the placement of signs. Sign placement is generally correlated with high traffic corridors (*where business is also attracted to locate*) to take advantage of the greatest number of potential viewers. Signs are such a ubiquitous part of the landscape. It would take a significant investment in a bureaucracy to regulate them by means of a permit issuing process.

While no Development Permit shall be required to erect a sign, the CBRM will not tolerate signs that jeopardize traffic safety (*both vehicular and pedestrian*) and impede vehicular flow. As well, we do recognize the need to protect cloistered predominately residential neighbourhoods from the adverse affects of the proliferation of business advertising signs.

POLICY

10. A liberal tolerance of signs will be accepted under this Planning Strategy. A Development Permit shall not be required to erect, place, or replace a sign. However, any sign shall be prohibited that:
 - is considered a traffic hazard; or
 - is placed in a precarious location subjected to high winds in the vicinity of facilities or infrastructure frequented by pedestrian traffic.

No sign shall be tolerated in an urban or suburban neighbourhood where residential development predominates except:

- property identification and protection signs;
- temporary signs advertising a short-term business transaction associated with a property or a construction site
- commemorative signs and other such similar signs
- discreet signs advertising a small business permitted in the neighbourhood on the site of the business.

Land Use Bylaw:

Section 36 Signs

No development permit shall be required to erect a sign.

Section 37 Signs Permitted in Residential Zones

Unless there is a specific requirement pursuant to a site plan approval, bonus or performance zoning provisions, only the following signs shall be permitted in zones with the word "Residential", "neighbourhood", or "estate" in the title:

- a. Signs identifying name and address of resident, and of not more than 2 sq.ft. in sign area.
 - b. "No trespassing " signs or other such signs regulating the use of a property, and of not more than 2 sq.ft. in area.
 - c. Real estate signs, or other similar temporary business signs, not exceeding 5 sq.ft. in sign area which advertise the sale, rental or lease of the premises.
 - d. Memorial signs or tablets and signs denoting the date of erection of a structure.
 - e. The flag, pennant, or insignia of any government, or of any religious, charitable or fraternal organization.
 - f. A sign having an area of not more than 50 sq.ft. incidental to construction and within the area designated for such purposes.
 - g. Signs advertising a home business in compliance with the provisions regulating home businesses.
 - h. signs advertising that apartments are available for rent or lease on the premises.
 - i. Signs erected by a government body, or under the direction of such a body, **and bearing no business advertising**, such as traffic signs, railroad crossing signs, safety signs, signs identifying public schools, and public election lists are permitted.
 - j. Signs erected by a government body, or under the direction of such a body giving direction to a business district, that could include a list of businesses, may be erected or placed at the site of an existing business development by Site Plan Approval. The Development Officer shall approve a site plan where the following matters have been addressed.
 - The combination of the size and siting of the sign shall be influenced to minimize any adverse effects to abutting residential properties that would include blocking streetscape view planes, looming over windows, or outdoor gardens or recreational facilities that result in significant sun blockage.
 - The aesthetic design of the sign shall not include gauche embellishments that obviously would be incompatible with the landscaping and site design of any abutting residential property.
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Section 38 Signs Prohibited in all Zones

The following signs shall not be permitted in any zones:

- a. any sign or sign structure which constitutes a hazard to public safety or health;
- b. signs which by reason of size, location, content, coloring, or manner of illumination obstruct the vision of drivers, either when leaving a roadway or driveway, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets/roads;
- c. any sign which obstructs free ingress to or egress from a fire escape door, window or other required exit way.

Section 39 Sign Safety and Maintenance

- a. Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with the building, electrical, and fire prevention bylaws.
- b. All signs and all parts thereof shall be kept in a good state of repair and maintenance.

Council Survey

Sign Bylaw
February 5, 2020

Where the question offers a yes or no option, please clearly circle your answer. Where a yes or no option is not provided, please fill in your answer in the space provided below the question.

Part 1: Community bulletin boards

1. CBRM should provide community bulletin boards.

YES NO

2. Each former town should have a community bulletin board.

YES NO

3. Providing community bulletin boards would have budget implications for the bulletins themselves and possibly for maintenance. Are you prepared to add the necessary funds to the budget to implement community bulletin boards?

YES NO

4. Do you have anything else you would like to add regarding community bulletin boards?

Part 2: Permanent signs

5. CBRM should require permits for permanent signs.

YES NO

6. There should be a limit to the number of permanent signs on a commercial property.

YES NO

7. How many permanent signs should be allowed on a commercial property?

8. The height of large permanent signs such as billboards and directory signs should be limited.

YES NO

9. The area (size of the face) of large permanent signs such as billboards and directory signs should be limited.

YES NO

10. The brightness of illuminated and digital signs should be limited.

YES NO

11. Do you have anything else you would like to add regarding permanent signage? If you require additional space, please use the reverse of this page.

Part 3: Mobile signs

12. There should be fewer mobile signs throughout the CBRM.

YES NO

13. Mobile signs should be permitted on commercial property year-round.

YES NO

14. If you disagree, how long is appropriate for a mobile sign to be in one location? Ex. 14 days / 30 days / 60 days / 90 days / other specified period (please specify)

15. Mobile signs should be permitted along major highways.

YES NO

16. Off-site advertising refers to a sign which contains an advertisement for a business or service located on different property. Off-site advertising on mobile signs should be permitted.

YES NO

17. Mobile signs should be permitted on vacant properties (ie. properties without a building on them).

YES NO

18. There should be a limit to how many mobile signs can be placed on a property.

YES NO

19. How many mobile signs should be permitted on a commercial property?

20. Mobile signs should be required to be placed a certain distance from another mobile sign.

YES NO

21. If yes to the above question, how far apart should mobile signs have to be from one another?

22. CBRM could require that individuals or businesses be a licenced Mobile Sign Provider in order to place mobile signs within the CBRM. Should CBRM use a system of licencing, permitting, or both?

23. (If you agree with permitting above) CBRM should require a permit for each mobile sign location (ie. Require a new permit each time a sign is moved to a new location).

YES NO

24. Do you have anything else you would like to add regarding mobile signs? If you require additional space, please use the reverse of this page.

Part 4: Budgetary Implications

25. There will be long-term operating costs associated with the administration and enforcement of a Sign Bylaw. This could include additional staff salaries, benefits, and training; vehicles, insurance, and mileage; and costs associated with non-conforming sign removal. Are you prepared to authorise the necessary additions to the CBRM budget to successfully implement and enforce a Sign Bylaw?

YES NO

26. Is there anything else you would like to add regarding budget implications for a Sign Bylaw?

Part 5: Other Issues

27. Parts 1-4 cover the key issues raised by the Stakeholder Group. Are there any other aspects of signage you expected or wanted to discuss today

Workshop: Regulating Signs Within CBRM



CBRM Council
February 4, 2020

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Workshop Objectives

- Identify and discuss Council's concerns with signs
- Confirm Council's direction given Stakeholder comments to date
- Address budgetary implications
- Complete a survey on key issues



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Background

- June 2019, Council directed staff to initiate Bylaw Development Process
 - Concerns about visual clutter and safety hazards
 - Due to lack of restrictions on signage
- Current documents where signs are addressed:
 - Streets Bylaw
 - Municipal Planning Strategy (MPS)
 - Land Use Bylaw (LUB)

Current Regulations

- Streets Bylaw
 - No signs within limits of any street
 - Moved to enforce to remove signs on utility poles in June, 2019
- MPS
 - CBRM should not enact a Sign Bylaw
 - Little public concern
 - Concentrated along high-traffic corridors
 - Would require significant investment to regulate and enforce
- LUB
 - No permits required
 - Residential zones
 - Safety hazards

Work to Date

- Completed a jurisdictional scan
- Engaged in stakeholder consultation
- Drafted first iteration of bylaws
- Reviewed draft with stakeholder group
- Prepared public survey

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Stakeholder Consultation

- Representatives of:
 - Business community
 - Mobile sign businesses
 - Tourism sector
 - General public
 - CBRM Police Service
 - Engineering and Public Works Department
 - Planning and Development Department
- Three meetings held to date

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Part 1: Community Bulletin Boards

Community signage and bulletin boards could be a concentrated location for posting notices or event advertisements, offering an **alternative to utility poles.**

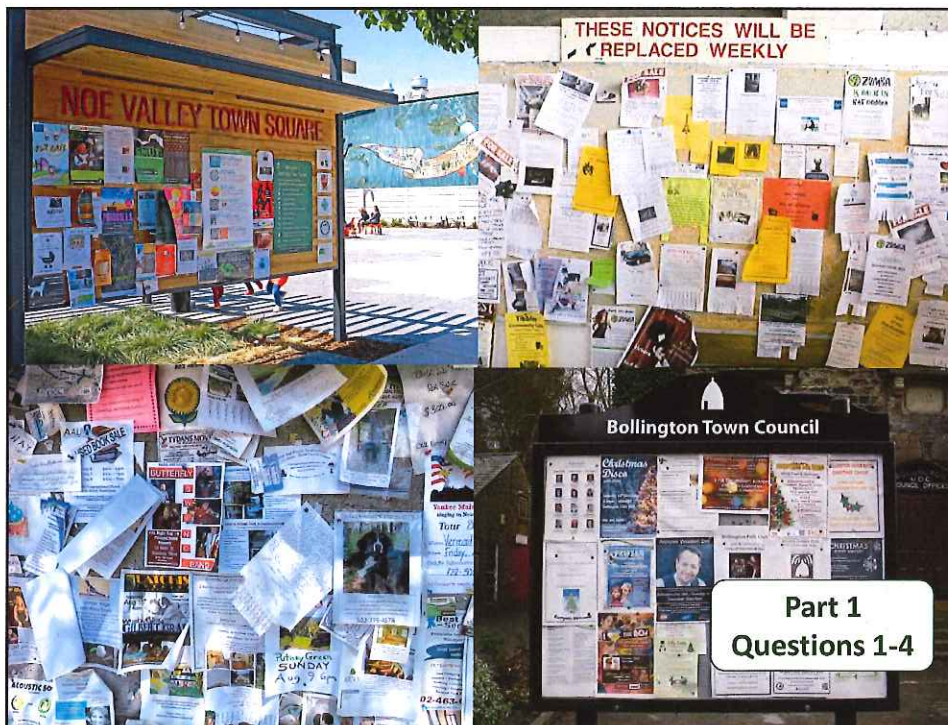
- What we heard:
 - CBRM should explore the possibility of providing community bulletin boards
 - Questions about cost and maintenance



Part 1
Questions 1-4

7

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Part 2: Permanent Signs

Permanent signs can be problematic (ie. Obstructing sightlines or bright illumination). They may proliferate if mobile signs are regulated. Permanent signs can be regulated through the Development Permit process.

- What we heard:
 - Not a significant issue (solving a problem we don't have)
 - Concerns about the number of billboards
 - Brightness should be limited



Part 2
Questions 5-11

9

9



Part 2
Questions 5-11

10

Part 3: Mobile Signs

Mobile Signs have been a significant theme with the stakeholders. There are a few controversial topics among the group. These mainly center around the trade-off between effectively regulating and reducing the number of signs and the financial impacts on sign companies and CBRM enforcement.

- What we heard:
 - Mixed feedback
 - Reduce volume without overregulating
 - Prohibited along Tourist-focused highways and areas (ex. Downtowns), with the exception of event advertising
 - Off-site advertising is not a concern



Part 3
Questions 12-24

11

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Part 3: Mobile Signs

Mobile signs could be regulated through a system of permitting, licencing, or both.

- **Annual licencing**
 - Less bureaucratic process
 - Ability to review regulations with Licensees
 - Ability to revoke licences for non-compliance
 - Would not provide the option to review proposed sign locations
- **Permitting**
 - More bureaucratic process
 - Allow CBRM to review proposed locations
 - Keep record of where authorized signs are placed
- **Annual licencing and permitting**
 - More bureaucratic process
 - Benefits of both licencing and permitting



Part 3
Questions 12-24

12

12



13

Part 4: Budgetary Implications

- Logistics and capacity to absorb additional responsibilities
 - Administration
 - Enforcement
 - Removal of non-conforming signs

- Potential associated costs
 - Permitting and/or Licencing Officer (salary and benefits)
 - Bylaw Enforcement Officer (salary and benefits)
 - Vehicle, insurance, and mileage
 - Removal of non-conforming signs and their storage

Part 4
Questions 25-26

14

Part 5: Other Issues

Parts 1-4 have covered the key issues raised by the Stakeholder Group.

Are there any other aspects of signage you expected or wanted to discuss today which were not?

Next Steps

- Public consultation
 - Engaging the business community and local sign companies
 - Using print and online media to elicit feedback from general public
- Incorporate feedback from stakeholders, Council, and the public into a refined draft
- Goal: present refined draft for Council's consideration by end of 1st quarter of 2020

Sharon MacSween

From: Jim MacLeod
Sent: January 30, 2020 4:24 PM
To: ClerksOffice; Michael E. Ruus
Cc: All Council; Wayne H. Macdonald - Eng
Subject: RE: Mobile signage

My apology I miss read the message, the policy indicates that an electronic billboard does not have to be within 1000 meters of the center line "but "if it is it within 1000 meters it requires a permit , such is not the case
Jim

-----Original Message-----

From: Jim MacLeod
Sent: January 30, 2020 4:14 PM
To: ClerksOffice <ClerksOffice@cbrm.ns.ca>; Michael E. Ruus <meruus@cbrm.ns.ca>
Cc: All Council <AllCouncillors@cbrm.ns.ca>; Wayne H. Macdonald - Eng <whmacdonald@cbrm.ns.ca>
Subject: RE: Mobile signage

I just receive some very important information Tom Ayers he stated that he received word from TIR that a permit is required and that the signage is suppose to be 1000 meters from the center line of a Provincial Road , it may be thirty meters, this signage on Grand Lake Road does not meet what is required by Provincial Standards and that Pattinson does not have a permit, this has to be called into question Jim

-----Original Message-----

From: Jim MacLeod
Sent: January 30, 2020 3:15 PM
To: ClerksOffice <ClerksOffice@cbrm.ns.ca>; Michael E. Ruus <meruus@cbrm.ns.ca>
Cc: All Council <AllCouncillors@cbrm.ns.ca>; Wayne H. Macdonald - Eng <whmacdonald@cbrm.ns.ca>
Subject: FW: Mobile signage

Greetings all, it is very important to address the mobile sign issue, this is a real concern within the CBRM or at least the residents that I am speaking with, I have included several pictures of misuse of private property's , I present these recommendations prior to the Signage meeting to be held on the 5th of February.

Sign #1 , Ashby Corner this property is owned by CBRM , not Allan Nathenson, the CBRM should not allow any signage on the property of the tax payers. This would be showing favouritism, weather the signage be political of mobile, no signage of any kind permitted.

Sign #2, this picture was just taken this morning , its at the bottom of Weiner Dr. and Kings Road, Sydney River, what do you see wrong with this picture, if this was a vehicle parked four feet from the hydrant the owner would be fined for parking within fifteen feet of a fire hydrant, where is the difference.

Sign #3,Corner of Welton St and Victoria Road what do you see wrong is this sign not on the "ROW" what would happen if a handicap person either walking or operating a mobile wheelchair hit the sign and was injured because its clearly a danger even with the cinder block who would be libel , would it be CBRM because they allowed this problem to exist on the property owner something to think about.

Signage # 4, Welton St. this is again on private property not a business in sight , a clear distraction to a motorist, also what is the value with this disgusting environment eyesore.

There are several suggestions that I would like to suggest.

(1) that no mobile sign be allowed property where the business advertising is not located.

(2) that all mobile sign company's be reregistered as a ligament company with the CBRM and a fee be charged .

(3) that permits also be applied and a min fee of \$35.00, this would be a monthly fee

(4) that proof of ownership of the property where the mobile signage is being located be provided by the applicant allowing the mobile sign.

(5) that a specific time frame allowing mobile signage to be located at one location with a maximum of three months would be allowed , after the time allotted and the sign is not removed that CBRM have the right to have the sign removed by a towing company and the cost of the towing would be the responsibility of the mobile signage company.

(6) that all Mobile Signage have a clear standard relating to the areas where a mobile sign can be located, as stated only on the property of the company advertising, not everywhere and anywhere, no exclusion between urban, suburban or rural one bylaw fits all of the CBRM

Pattison Outdoor Advertising , (Digital Signage) speaking with Brad Miller Leasing & Operations Manager, Dartmouth NS I have forward all information to Director Mike Ruus, Brad totally agrees with me , he indicated that he was totally surprised when he found out that no permit or regulations were in place with the CBRM , as he called it free range, He is very willing to sit and be part of the solution , not part of the problem, this is very encouraging .

What is above is some of what I know is taking place elsewhere, I don't agree that the urban core is the only place where this propose bylaw is applied, no exceptions.

I particularly like what PEI has , they want to be a tourist attraction, not a mega sign operation with absolutely no benefit to the CBRM, I understand that all owner operators of the Mobile Signage receives \$150.00 Per month not bad money when after your initial investment of which would be expected there is no cost only to change the advertisement, by the way of which is if the advertisement is changed because the sign is stationary there is an addition cost of \$75.00 along with the \$150.00

As stated this is just some of my thoughts, get the bylaw established right the first time, but we shouldn't be waiting much longer because its over a year since Steve brought the matter forward requesting an issue paper , we are not re inventing the wheel we all know now that its round, we cant continue to remain oblivious to a real concern.

Councillor Jim MacLeod
District 12, CBRM

-----Original Message-----

From: Jim MacLeod

Sent: January 30, 2020 1:45 PM

To: Jim MacLeod <JMACLEOD@cbrm.ns.ca>

Subject: Mobile signage







