

**Agenda – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 7, 2017**

**REPORTS**

**Item No. 4                    Digital Signs and Billboards – 3-Year Review and Recommendations**

**WINNIPEG PUBLIC SERVICE RECOMMENDATION:**

1.        That the Public Service report back to Standing Policy Committee on Property and Development, Heritage and Downtown Development (the “Committee”) within 180 days with recommendations to increase adherence to sign and billboard regulations, to improve the enforcement of non-compliant digital accessory signs, and to enhance Board of Adjustment learning opportunities. The report shall 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; and
  - B.        suggested by-law amendments and operational requirements necessary to license digital accessory signs;
  - C.        recommendations for Board of Adjustment information sessions focused on pertinent land use policy and zoning regulations.
2.        That the Public Service undertake an analysis/planning initiative for the City’s high visibility, regional mixed use corridors to determine whether further adjustments to digital sign and billboard regulations are required to more fully implement the intent of the *Complete Communities Direction Strategy*.
3.        That the Public Service review the new Transportation Association of Canada’s *Digital and Projected Advertising Displays: Regulatory and Road Safety Assessment Guidelines* and report back to the Committee at a later date if further adjustments to sign and billboard regulations are warranted subsequent to such review, to align with best practices.

## **Agenda – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 7, 2017**

### **DECISION MAKING HISTORY:**

### **STANDING COMMITTEE RECOMMENDATION:**

On January 17, 2017, the Standing Policy Committee on Property and Development, Heritage and Downtown Development granted a further extension of time of up to 120 days for the Winnipeg 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.
3. A review of all decisions, not limited to digital signs and billboards, made by the Board of Adjustment.

On November 8, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development granted a further extension of time of 60 days for the Winnipeg Public Service to report back on the matter.

On September 20, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development granted an extension of time to its November 8, 2016 meeting for the Winnipeg Public Service to report back on the matter.

On June 7, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development directed the Winnipeg Public Service to report back in 60 days 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.
3. A review of all decisions, not limited to digital signs and billboards, made by the Board of Adjustment.

# ADMINISTRATIVE REPORT

**Title:** Digital Signs and Billboards – 3-year review and recommendations

**Critical Path:** Standing Policy Committee on Property and Development, Heritage and Downtown Development

## AUTHORIZATION

Division Head	Department Head	CFO	CAO
B. Smith	J.Kiernan	n/a	D. McNeil

## EXECUTIVE SUMMARY

This 3-year Review of the 2012 Digital Sign and Billboard Regulations and Fees report identifies that:

- The regulations adopted are reasonable and balanced from a land use perspective when viewed as a whole, but there is low adherence among digital accessory sign owners to required operational standards.
- The low adherence to operational standards (brightness, automatic dimming, ad hold and transition times) is in misalignment with industry standards for traffic safety.
- Current enforcement strategies have limited effectiveness. A more effective method of addressing non-compliance with operational standards, including repeated non-compliance, would be to set up a licensing regime for digital accessory sign operators.
- Eighty-five percent (85%) of digital accessory signs and sixty-four percent (64%) of billboards that were recommended for rejection by the Public Service were subsequently approved by the Board of Adjustment.
- By-law changes are recommended to have applications for signs and billboards in the area regulated by the Winnipeg Zoning By-Law approved by the Director of Planning, Property and Development rather than the current decision-making body for these signs - the Board of Adjustment. This new approval process is recommended to be applied to all signs rather than just digital, because analysis finds that the approval issues apply to all signs.
- Due to the frequency with which billboard conditional uses and variances are being approved contrary to the Public Service recommendations, coupled with their high-visibility locations, some continue to misalign with the City's goal of attracting pedestrian-friendly, mixed-use development to corridors.

## RECOMMENDATIONS

1. That the Public Service report back to Standing Policy Committee on Property and Development, Heritage and Downtown Development (the “Committee”) within 180 days with recommendations to increase adherence to sign and billboard regulations, to improve the enforcement of non-compliant digital accessory signs, and to enhance Board of Adjustment learning opportunities. The report shall 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; and
  - (b) suggested by-law amendments and operational requirements necessary to license digital accessory signs;
  - (c) recommendations for Board of Adjustment information sessions focused on pertinent land use policy and zoning regulations.
2. That the Public Service undertake an analysis/planning initiative for the City’s high visibility, regional mixed use corridors to determine whether further adjustments to digital sign and billboard regulations are required to more fully implement the intent of the *Complete Communities Direction Strategy*.
3. That the Public Service review the new Transportation Association of Canada’s *Digital and Projected Advertising Displays: Regulatory and Road Safety Assessment Guidelines* and report back to the Committee at a later date if further adjustments to sign and billboard regulations are warranted subsequent to such review, to align with best practices.

## REASON FOR THE REPORT

On December 12, 2012, as part of adoption of the Digital Sign and Billboard Regulations and Fees report pertaining to Winnipeg Zoning By-Law No. 200/2006, Council directed the following:

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

On June 7, 2016, The Standing Policy Committee on Property and Development, Heritage and Downtown Development directed the Winnipeg Public Service to report back in 60 days 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.

Appendix "A" of this report provides a summary of data and observations since the digital sign and billboard regulations were adopted in December 2012, highlights of enforcement approaches and ways to improve enforcement, an overview of Board of Adjustment decisions, and alternative approval options regarding signs and billboards.

The December 12, 2012 report and the present report both pertain to the area regulated by the Winnipeg Zoning By-Law, shown in grey on Figure 1.

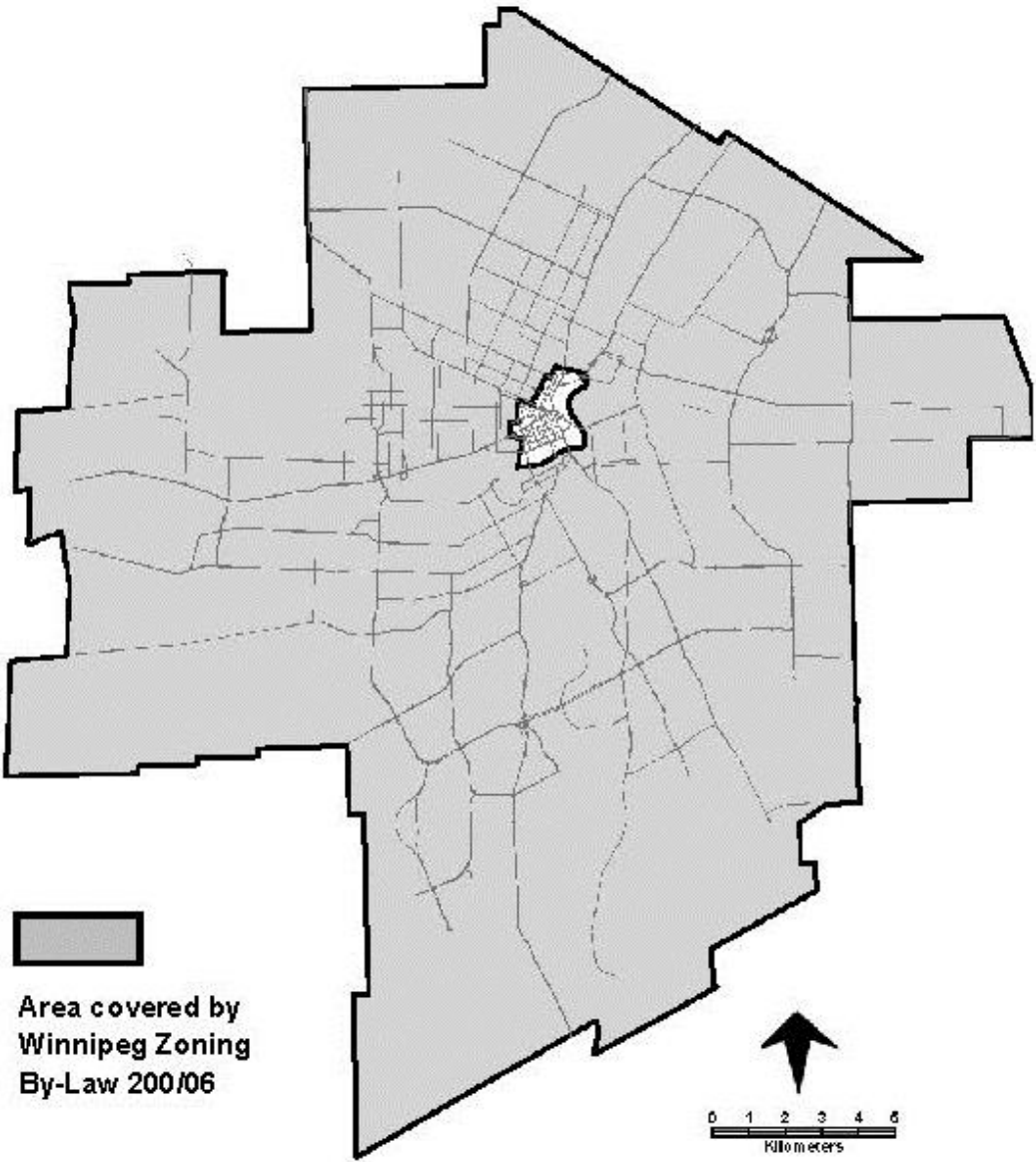


Figure 1

## IMPLICATIONS OF THE RECOMMENDATIONS

The following are key implications of the recommendations of this report.

1. The Public Service will prepare amendments to the Development Procedures By-Law to transfer approval authority for conditional uses and variances regarding signs (accessory signs and billboards) from the current decision-making body – the Board of Adjustment – to the Director of Planning, Property and Development. This pertains only to the area of the City regulated by the Winnipeg Zoning By-law. Signs within the area regulated by the Downtown Winnipeg Zoning By-Law already follow this process.
2. The Public Service will investigate the feasibility of requiring that digital accessory sign owners (both in and outside the Downtown area) obtain a license to operate their signs.
3. The Public Service will make recommendations for Board of Adjustment information sessions focused on pertinent land use policy and zoning regulations.

## HISTORY

On December 12, 2012, Council adopted Item No. 7 of the Report of the Standing Policy Committee on Property and Development dated November 30, 2012, entitled Digital Sign and Billboard Regulations and Fees, which provided new definitions and regulations governing locations, sizes, heights, separation distances, expiry dates and brightness/operation of digital accessory signs and billboards, fees, and rationale and cross-jurisdictional analysis. This report also provided direction to the Public Service to prepare corresponding text amendments to the Winnipeg Zoning By-Law No. 200/2006, to implement the proposed fees, and to work with the sign industry regarding tax rates for billboards.

The sign fees included the establishment of a new permit category, “Digital Signs”, which was established in the Planning, Development and Building Fees By-law No. 77/2009 with a fee of \$145.00. The Conditional Use fee for billboards was increased from \$524.00 to \$1,119.00. These fees were recommended by the Public Service in order to offset costs of enforcement of the new sign regulations.

In addition to adopting the Digital Sign and Billboard Regulations and Fees report on December 12, 2012, Council’s decision included the following:

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

New sign regulations were also adopted in 2012 for the Downtown area regulated by the Downtown Winnipeg Zoning By-Law No. 100/04. However, the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management, in their recommendations to Council, did not include a recommendation that the Public Service review and report back on the Downtown context.

On February 27, 2013, City Council adopted increased tax rates for Billboard signs as recommended by the Assessment and Taxation Division. These new rates were \$3.20/ sq. ft. for

Poster billboards and \$27.50 / sq. ft. for Digital billboards. In May 2013, the Digital Billboard rate was adjusted to \$28.00 / sq. ft.

On April 24, 2013, City Council enacted By-law No. 36/2013 which made text amendments to the Winnipeg Zoning By-Law with respect to digital signs and billboards.

On June 25, 2014, as per a paragraph 5 of Council's decision dated December 12, 2012, the Public Service reported back to Standing Policy Committee on Property, Development, Heritage and Downtown Development (the "Committee") with a summary of digital accessory sign statistics for the areas of the city regulated by the Winnipeg Zoning By-law No. 200/2006. This summary included an assessment of the newly adopted regulations regarding:

- 1) the number of signs allowed per lot,
- 2) signs within Traffic Decision Locations identified by Public Works; and
- 3) signs in "R" (Residential) and "PR" (Parks and Recreation) zoning districts.

This report was received as information.

On June 7, 2016, following receipt of the Digital Signs and Billboards – 3-year Review Report, the Committee directed the Winnipeg Public Service to report back in 60 days 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.

**FINANCIAL IMPACT**

**Financial Impact Statement**

**Date:** [October 11, 2016](#)

**Project Name:**

**Digital Signs and Billboards – 3-year review and recommendations**

**COMMENTS:**

There is no financial impact associated with the recommendation contained in this report.

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



## CONSULTATION

In preparing this Report there was consultation with:

Public Works  
Development & Inspections  
Clerks  
Legal Services (as to legal issues)  
Zoning and Permits Division  
Community By-Law Administration

## OURWINNIPEG POLICY ALIGNMENT

The Digital sign and Billboard Regulations and Fees, adopted December 12, 2012, were drafted in alignment with *OurWinnipeg* and the *Complete Communities Direction Strategy*, based on the Key Direction for 03-2 Centres and Corridors. This report provides a 3-year follow-up and recommendations based on those adopted regulations.

## SUBMITTED BY

Department: Planning, Property and Development Department  
Division: Urban Planning  
Prepared by: Andrew Ross, MCP, MCIP  
Date: December 8, 2016  
File No. o:\reports directive\planning and land use\urban planning reports\2017 reports\digital signs and billboards - 3 yr review and recommendations\risk digital signs and billboards - 3 year review and recommendations - nov 25 2016.doc

Attachments:

### Appendix "A" – Planning Discussion

O:\Reports Directive\Planning and Land Use\Urban Planning Reports\2016 Reports\Digital Signs and Billboards 3 Year Review\RIS Digital Signs and Billboards - 3 year review and recommendations - Nov 25 2016

## **Appendix “A” – Planning Discussion**

### Background

On April 17, 2013, City Council adopted new sign regulations for the Winnipeg Zoning By-Law.

Zoning regulations regarding signs had not previously been updated since 2008. A new long-term development plan (*OurWinnipeg*), and the increasing prevalence of digital sign technology were issues that drove the need for the regulatory review.

As part of the December 12, 2012 report, Digital Sign and Billboard Regulations and Fees, extensive industry consultation was done to arrive at acceptable performance standards for digital copy. Analysis of best practices was also done on the subject of digital moving copy. The adopted regulations govern the definitions, locations, sizes, heights, separation distances, expiry dates and brightness/ operation of digital accessory signs and billboards.

As part of the December 12, 2012 report, the Public Service recommended that the Assessment and Taxation Division be directed to prepare amendments to the Advertising Signs Business Tax By-law (6928/96) for billboards. The revenue generated was recommended to be allocated to the creation of one full-time position for enforcement of sign regulations, with the balance allocated to image route enhancement.

This subject report addresses two motions.

The first motion addressed is the December 12, 2012 motion from Standing Policy Committee on Property, Development, Heritage and Downtown Development (the “Committee”) that directed the Public Service to report back on sign regulations and fees.

The second motion addressed is the June 7, 2016 motion from the Committee that directed the Winnipeg Public Service to report back in 60 days on alternative approval options, other than the Board of Adjustment, for digital sign and billboard applications; ways to improve the enforcement of non-compliant digital signs and billboards; and a review of all decisions, not limited to digital signs and billboards, made by the Board of Adjustment.

The Public Service understands the scope/intent of these two motions to include the following key issues, which are addressed further below.

1. Data and observations since regulations were adopted,
2. Enforcement approaches and options,
3. Overview of Board of Adjustment decisions,
4. Alternative approval options regarding digital signs and billboards; and
5. Options and recommendations.

The Public Service understands the request regarding Board of Adjustment decisions to include a review going back 5 years. Since a decision-by-decision review was not feasible to undertake, a general analysis covering that timeframe is provided.

As noted in the History section of this report, no direction was given in 2012 for the Public Service to report back on the sign regulations for the Downtown area regulated by the Downtown

Winnipeg Zoning By-law. Changes made to regulations of the Downtown Winnipeg Zoning By-Law following the comprehensive signage review in 2012-2013 were few compared to the scope of those made to the Winnipeg Zoning By-Law. The Downtown changes mainly included digital performance standards. Billboards continue to be a prohibited use Downtown and therefore no regulations were drafted for Billboards. Further, signs in the Downtown area are approved by the Director with provision for appeal, and issues/ concerns about that process have not been identified within the Downtown area.

1. Data and observations since regulations were adopted

Table 1 shows data for **Digital Accessory Signs** since December 12, 2012. Highlights include:

- There were thirty-two (32) digital accessory sign applications in this period,
- Nineteen (19) were recommended for **approval** by the Public Service,
- Thirteen (13) were recommended for **rejection or approval in part** by the Public Service,
- 100% of those recommended for **approval** by the Public Service were concurrently **approved** by the Board of Adjustment; and
- 85% of those recommended for **rejection or approval in part** by the Public Service were subsequently **approved** by the Board of Adjustment.

TABLE 1: DIGITAL ACCESSORY SIGN APPLICATIONS - DECEMBER 2012 TO MARCH 2016  
(all signs below are in the area regulated by the Winnipeg Zoning By-Law; none are Downtown)

	ADDRESS	SIGN TYPE	RECOMMENDATION	DECISION	APEAL
1	Queen Elizabeth Way	Accessory	Approval in part	Approval	N/A
2	Salter Street	Accessory	Rejection	Approval	N/A
3	St James Street	Accessory	Rejection	Approval	N/A
4	McPhillips Street	Accessory	Rejection	Approval	N/A
5	Ferry Road	Accessory	Approval	Approval	N/A
6	McPhillips Street	Accessory	Rejection	Approval	N/A
7	Notre Dame Avenue	Accessory	Rejection	Approval	N/A
8	King Edward Street	Accessory	Rejection	Approval	N/A
9	Portage Avenue	Accessory	Rejection	Approval	N/A
10	Main Street	Accessory	Rejection	Approval	N/A
11	Main Street	Accessory	Rejection	Approval	N/A
12	Main Street	Accessory	Approval	Approval	N/A
13	Dakota Street	Accessory	Approval	Approval	N/A
14	King Edward Street	Accessory	Approval	Approval	N/A
15	Arlington Street	Accessory	Approval	Approval	N/A
16	St. Mary's Road	Accessory	Approval	Approval	N/A
17	Notre Dame Avenue	Accessory	Approval	Approval	N/A
18	Portage Avenue	Accessory	Approval	Approval	N/A

19	Springfield Road	Accessory	Approval	Approval	N/A
20	Ellice Avenue	Accessory	Approval	Approval	N/A
21	Logan Avenue	Accessory	Rejection	Rejection	N/A
22	Buffalo Place	Accessory	Approval	Approval	N/A
23	Osborne Street	Accessory	Approval	Approval	N/A
24	Corydon Avenue	Accessory	Rejection	Rejection	Approval
25	Corydon Avenue	Accessory	Approval	Approval	N/A
26	Mathers Avenue	Accessory	Approval	Approval	N/A
27	Pembina Hwy	Accessory	Approval	Approval	N/A
28	Wilkes Ave	Accessory	Approval	Approval	N/A
29	Pembina Hwy	Accessory	Approval	Approval	N/A
30	Henderson Hwy	Accessory	Approval	Approval	N/A
31	Pembina Hwy	Accessory	Approval	Approval	N/A
32	Regent Ave	Accessory	Rejection	Approval	Approval

Table 2 shows data for **billboards** since December 12, 2012. Highlights include:

- There were fifty (50) Billboard applications in this period,
- Twenty-five (25) were recommended for **approval** by the Public Service,
- Twenty-five (25) were recommended for **rejection** by the Public Service,
- 100% of those recommended for **approval** by the Public Service were concurrently **approved** by the Board of Adjustment; and
- 64% of those recommended for **rejection** by the Public Service were subsequently **approved** by the Board of Adjustment.

TABLE 2: BILLBOARD APPLICATIONS - DECEMBER 2012 TO MARCH 2016  
(all signs below are in the area regulated by the Winnipeg Zoning By-Law; none are Downtown)

	ADDRESS	SIGN TYPE	RECOMMEND.	DECISION	APPEAL	YEAR
1	Portage Av.	Billboard (rooftop)	Rejection	Rejection	Approval	2013
2	St. Mary's Rd.	Billboard Digital Static Copy	Approval	Approval	N/A	2013
3	Waverley St.	Billboard Digital Static Copy	Approval	Approval	N/A	2013
4	Pembina Hwy	Billboard Digital Static Copy	Approval	Approval	N/A	2013
5	McGillivray Blvd	Billboard Digital Static Copy	Rejection	Approval	Rejection	2013
6	Dugald Rd.	Billboard Poster	Approval	Approval	Approval	2013
7	Lowson Cresc	Billboard Poster/Digital	Approval	Approval	N/A	2013
8	Provencher Blvd	Billboard Poster/FS	Rejection	Approval	Approval	2013
9	Pembina Hwy	Billboard Digital Static Copy	Approval	Approval	Approval	2013
10	Inkster Blvd.	Billboard Poster	Approval	Approval	N/A	2013
11	Century St.	Billboard Digital Static Copy	Approval	Approval	N/A	2013

12	Higgins Av.	Billboard Digital Static Copy	Approval	Approval	N/A	2013
13	Portage Av.	Billboard (rooftop)	Rejection	Rejection	Approval	2013
14	Weston St.	Billboard Poster	Approval	Approval	N/A	2013
15	River Av.	Billboard Digital Moving Copy	Rejection	Rejection	N/A	2013
16	McPhillips St.	Billboard Digital Static Copy	Approval	Approval	N/A	2013
17	Desalaberry St.	Billboard Poster	Approval	Approval	N/A	2013
18	Portage Av.	Billboard Poster	Rejection	Approval	N/A	2013
19	Panet St.	Billboard Poster	Approval	Approval	N/A	2013
20	Main St.	Billboard Poster	Rejection	Approval	N/A	2013
21	Henderson hwy	Billboard (rooftop)	Rejection	Approval	N/A	2013
22	Portage Av.	Billboard (rooftop)	Rejection	Rejection	Approval	2014
23	Portage Av.	Billboard Digital Static Copy	Rejection	Rejection	Rejection	2014
24	Empress Av.	Billboard Poster	Approval	Approval	N/A	2014
25	Salter St	Billboard Poster	Approval	Approval	N/A	2014
26	Pembina hwy	Billboard Poster/FS	Rejection	Approval	N/A	2014
27	Sutherland av.	Billboard Digital Static Copy	Rejection	Approval	N/A	2014
28	Portage Av.	Billboard Digital Static Copy	Rejection	Approval	N/A	2014
29	Lagimodiere Blv.	Billboard Digital Static Copy	Rejection	Approval	N/A	2014
30	Main St.	Billboard Poster	Rejection	Rejection	N/A	2014
31	Wilkes Av.	Billboard Poster	Approval	Approval	N/A	2014
32	Roblin Blv.	Billboard Poster	Approval	Approval	N/A	2014
33	Roblin Blv.	Billboard Poster	Rejection	Rejection	Approval	2014
34	St. Mary's Rd.	Billboard Digital Static Copy	Approval	Approval	N/A	2014
35	Marion St.	Billboard Digital Static Copy	Rejection	Rejection	Rejection	2014
36	Waverley St.	Billboard Digital Static Copy	Rejection	Approval	N/A	2014
37	Rothwell Rd.	Billboard Digital Static Copy	Approval	Approval	N/A	2014
38	Chevrier Blv.	Billboard Poster	Approval	Approval	N/A	2014
39	University Cresc.	Billboard Digital Static Copy	Rejection	Approval	Rejection	2014
40	DAV14 - 110366/C	Billboard poster	Approval	Approval	N/A	2014
41	DAV14 - 110348/C	Billboard poster	Approval	Approval	N/A	2014
42	DAV13-177359/C	Billboard poster	Rejection	Approval	N/A	2013
43	Portage Ave	Billboard Digital Static Copy	Rejection	Approval	Rejection	2015
44	Ellice Ave	Billboard Poster	Rejection	Rejection	Rejection	2015
45	Waverley st	Billboard Digital Static Copy	Rejection	Approval	Approval	2015
46	St. Mary's Rd	Billboard Poster	Rejection	Approval	N/A	2015
47	Roblin Blv	Billboard Digital Static Copy	Rejection	Approval	N/A	2015
48	Dugald Rd	Billboard Poster	Approval	Approval	N/A	2015
49	Pembina Hwy	Billboard Poster	Approval	Approval	N/A	2015
50	Lowson Cres	Billboard Digital Static Copy	Approval	Approval	N/A	2015

## 1.1. Public Service assessment/ issues

The Public Service generally believes that the regulations adopted in 2013, while still considered fairly permissive relative to other Canadian cities, are nonetheless reasonable and balanced from a land use perspective when viewed as a whole. The Public Service identifies the following as implementation issues:

### 1.1.1. Adherence to standards

Tables 1 and 2 above highlight a disparity that often exists between Public Service recommendations regarding digital sign and billboard applications, and decisions that are subsequently rendered. Records indicate that all digital accessory signs approved were “C” Variances, all billboards were “C” Conditional Uses, and all signs in Tables 1 and 2 were heard at the Board of Adjustment. Eighty-five percent (85%) of digital accessory signs and sixty-four percent (64%) of billboards that were recommended for rejection by the Public Service were subsequently approved by the Board of Adjustment.

The regulations were arrived at through in-depth consultation with the Department of Public Works and the sign industry, and align with the spirit and intent of the *Complete Communities Direction Strategy*. There is some concern about the number of recommendations being disregarded by the Board of Adjustment.

The Public Service maintains that adherence to the Council-adopted sign regulations is an essential part of advancing Council’s vision for our city as articulated in the *Complete Communities Direction Strategy* while at the same time meeting standards for traffic safety.

### 1.1.2. Separation distances/ quantity of signs

Over the last 10 years, two planning consultants (Clarion Associates and Waterford Partners) provided their opinions to the City that the number of signs and billboards in Winnipeg appears to be excessive relative to other Canadian and North American cities. To add perspective to this, research by the Department has found that some cities prohibit billboards altogether. As of 2012 when research was completed on this topic, Ottawa was found to prohibit digital billboards outright, and Toronto prohibits them aside from in two geographically-contained sign districts.

The standards adopted in 2013 were intended to address the number of signs in the city. To provide an ‘even playing field’ for business owners, these standards allow for one (1) digital accessory sign per lot. This is more permissive than most cities studied in 2012, however the Department believes that when dimensional standards and performance standards are met, the injurious effects posed by digital accessory signs (aside from their potential effects on residential uses) are relatively minor and can be mitigated.

Proliferation of billboards in Winnipeg continues to be an issue as it was prior to 2013. As of 2013, the Public Service had record of 340 billboards in the city, with approximately 7 new installations per year. Since 2013, fifty (50) additional billboards were added, bringing the total to approximately 400.

Billboards have a required minimum separation distance of 500 feet. Billboard companies have submitted applications for billboards very close to this distance and sometimes less than this distance, and as Table 2 shows, nearly all these have been approved. Even at a distance of 500 feet, the Department believes that the regulation is continuing to have a proliferation effect of billboards lining some of our corridors.

In addition to separations between billboards on different properties, the Department identifies that the number of billboards per property has been an issue. Situations have arisen whereby a property that is more than 500 feet wide has been allowed to have two billboards on the same property. This is because the zoning by-law only requires the 500 foot separation but is silent on the number of billboards per lot.

#### 1.1.3. Effect on residential

In order to support mixed use and residential development on corridors as per the vision of the *Complete Communities Direction Strategy*, the regulation prohibiting digital billboards from being visible from residential uses might also best be applied to digital accessory signs. In 2012, a separation requirement for digital accessory signs was not put in place, with the rationale that accessory signs are usually smaller than billboards and the adverse effect resulting from their copy was deemed to be less.

It is possible however that even though most accessory signs are not as large as billboards, their brightness may travel the same distance and may have similar injurious effects on nearby residents.

#### 1.1.4 Effects on Mixed Use Corridors

Billboards are permitted a size of 200 sq. ft. as-of-right. Several have received variances, which results in larger sizes (up to 600+ sq. ft. in some cases). Variances for billboards are not usually supported by the Public Service but are often approved by the Board of Adjustment. This is leading to circumstances where billboards are being erected at heights of more than 30 feet (higher than a 3-storey building), installed as a two-in-one double-sized billboard, and as noted above, installed less than 500 feet from one another on the same street and being visible from residential dwellings.

On an individual basis, a variance for an accessory sign or billboard may not seem like a major issue but when taken together, there is a cumulative effect on the character of our corridors. Signs that are bigger, taller or brighter than the by-law allows are generally at odds with the City's goal of attracting pedestrian-friendly mixed use and residential investment to our corridors – a clearly articulated objective of the City's *Complete Communities Direction Strategy*. The Key Direction for Centres and Corridors in *Complete Communities* is:

Focus a significant share of growth to Centres and Corridors in a manner that:

- provides **compact, mixed-use, high-quality** urban development,
- concentrates people and jobs in areas well served by the primary transit service, located close to transit stops,
- 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.

As noted, City policy priority is given to transitioning our corridors to pedestrian-friendly streets that attract new residential and mixed use investment. The Department believes that part of attracting this type of investment is minimizing amenities that are geared toward drivers (billboards being a prime example of this), and instead supporting built form and amenities that are geared toward pedestrians.



Photo Illustration: Urban Advantage

The image above, from the *Complete Communities Direction Strategy*, illustrates the City's vision for Regional Mixed Use Corridors, such as Pembina Highway, Portage Avenue, Henderson Highway, and others. Notice that the intention is for billboards and other large signs geared for drivers to give way to mixed use development designed for the pedestrian.

Below are photo examples of three signs erected along our corridors in the last three years. The first image shows a billboard approved in 2015 that has a direct impact on the sidewalk. The second image shows a billboard, recommended for rejection but approved in 2012. The third image shows a 40-ft. high accessory sign that was recommended for rejection but approved in 2015. (Images: Google Street view).

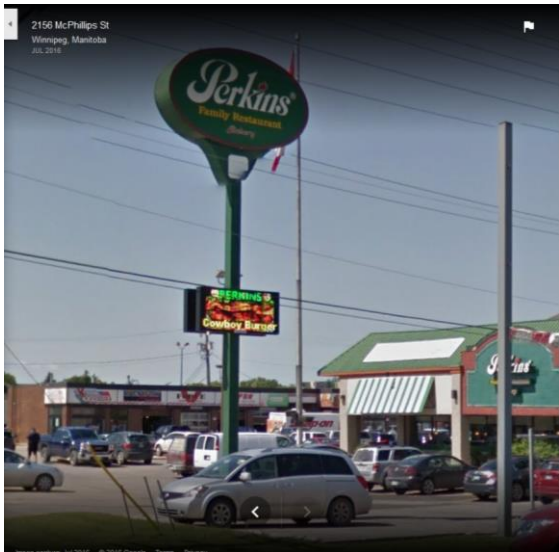




Pembina Highway looking south



Portage Avenue looking east



McPhillips Street looking south

1.1.4. Operation of public streets

In 2015, the Transportation Association of Canada published *Digital and Projected Advertising Displays: Regulatory and Road Safety Assessment Guidelines* (the “Guidelines”). The Public Service has not had the opportunity to review the findings extensively enough to provide recommendations for any changes to the by-law required to align current policy with the Guidelines. The Public Works Department has indicated however that while they believe the issues identified in the Guidelines are generally covered in Winnipeg’s zoning by-laws, Winnipeg’s regulations may be more permissive than what the Guidelines recommend.

In terms of current observations, many digital accessory signs around the city violate the minimum 6-second ad hold time and maximum 0.25-second ad transition time, including many that show full motion video. Similar violations exist with respect to automatic dimming features. These factors have been identified by the Public Service as being issues of concern related to traffic safety.

Window signs are currently under-regulated. An example is a digital window sign on Notre Dame Avenue which is in direct line of sight of a traffic signal at an intersection, leading to potential interference with signals and potential distraction of drivers at a busy intersection. This is the type of interference that Council attempted to prevent through adoption of the 2013 standards. Because window signs are currently exempt from the Winnipeg Zoning By-Law, the Public Service is in the midst of putting forward a recommended adjustment to address this, as part of an omnibus Winnipeg Zoning By-Law update.

1.2. Public issues

The following are issues that have been raised by the public regarding digital signs and billboards since adoption of the 2013 regulations, based on formal complaints and opposition at public hearings. This data is not exhaustive, but provides a snapshot of concerns.

1.2.1. Brightness

The following complaints have been received by Zoning and Permits Division through “311” regarding digital signs since 2012:

Year	Address	Complaint by	Issue
2012	Henderson Highway	Driver(s)	brightness
2013	Melnick Road	Caller	brightness
2013	Waverley	Public Works	brightness
2013	Dakota	Resident	brightness
2013	Notre Dame	Public Works	Traffic Decision Location
2014	Henderson Hwy	Caller	Brightness & traffic safety

The 2013 standards are intended to address traffic safety through maximum brightness levels of 0.3 foot-candles above ambient light conditions, hold times of 6 seconds for messages or 24-hours if located within a traffic decision location, and transition times of 0.25 second between messages.

### 1.2.2. Effect on public space

In addition to complaints received by 311, impacts on the public have been evidenced through attendance at public hearings where billboards are being considered for approval. As one example of several billboard applications that have garnered media attention in the past few years, a proposal in 2015 for a digital billboard on Portage Avenue in the Wolseley area brought **twenty-four (24)** residents to the Appeal hearing, to express opposition to a digital billboard being erected near the public sidewalk.

## 2. Enforcement approaches and issues

### 2.1. Background

The following is the enforcement program that was implemented by the Public Service in 2014, following adoption of the new regulations:

- February 2014 – Information bulletin and request to comply with new operational standards developed,
- March 2014 – More than 300 bulletins mailed to all owners of digital accessory signs as determined by permit records; and
- May 2014 – Active enforcement of operational standards commences with site inspections

The above steps yielded some success but it was short-lived, and many sign-owners returned their signs to previous non-compliant operating standards after a period of time.

Like mobile signs, the Public Service has found that enforcement of digital accessory signs is an ongoing process. Operating standards such as brightness, ad hold times and transition times are adjustable, and the Public Service has found that changes to these features get made at different times, often bringing them out of compliance. Because of this, setting targets and timelines for compliance is problematic.

The City does not have the authority to issue fines as an enforcement tool – fines can only be issued through the courts.

The Public Service has however taken the following renewed enforcement steps in 2016:

- Zoning Enforcement Officers have been conducting a corridor-by-corridor examination of signs for compliance,
- Streets examined include Main Street, Roblin Blvd, Corydon Ave, St. James St, St. Mary's Road, Waverley Street, Nairn Avenue, Regent Avenue, Grant Avenue, St. Anne's Road, Henderson Highway and McPhillips Street,
- Further ongoing inspections on a corridor-by-corridor basis will occur on a regular monthly schedule,
- Starting in February 2016, violation letters were sent to the sign owners/business tenants who were operating their signs in non-compliance,
- Re-inspections to check for compliance for these signs is currently occurring,

- Enforcement activities will continue to be tracked in the Department's permit tracking system; and
- The Department will pursue compliance on a sign-by-sign basis which may include orders and/or charges through the courts.

The following are findings of the 2016 enforcement:

- Eighty-five (85) digital accessory signs have been examined so far, which is estimated to represent approximately 25% of the total digital sign inventory,
- Of this sample, forty nine (49) signs, or **58%, were non-complaint on hold times** (they were changing images at a rate faster than every 6 seconds),
- Thirty-three (33) signs, or **39%, were non-static** (they showed motion and/or full motion video, which is prohibited for traffic safety reasons),
- Thirty-four (34) signs, or **40%, were deemed to be non-compliant for brightness level**, which is prohibited for traffic safety reasons,
- Fourteen (14), or **16% contained flashing or scrolling text; and**
- Only eleven (11) or **13% were deemed to be fully compliant.**

The above data applies to digital accessory signs. The City has not experienced any known non-compliance issues for operation of digital billboards since the new standards were adopted. The two main billboard companies operating in Winnipeg – Pattison Outdoor and OutFront Media (formerly CBS) – appear to have been operating digital billboards with the required automatic dimming features at the appropriate levels as well as the 6-second ad hold time and .25 second ad transition time.

For this reason, the enforcement discussion and options presented below deal with digital accessory signs only. If operational non-compliance becomes an issue for digital billboards in the future, the Public Service may propose similar enforcement measures for those signs at that time.

## 2.2. Current enforcement tools

There are two main categories of non-compliance related to digital signs:

1. Physical sign and status (for example signs non-compliant in terms of size, location, or being erected without appropriate permits).
2. Operational (for example signs non-compliant in terms of use such as brightness, ad hold times and/or transition times, or third party advertising).

Current enforcement strategies include warnings in the form of letters or by-law violation notices, Orders to Comply, and Common Offence Notices. Each of these options has limitations.

- Warnings require on-going monitoring by City enforcement staff (resourcing) and do not prove effective for repeat offenders.
- Orders to Comply can be very effective for physical / status offences that need to be brought into compliance. However, for operational non-compliance relating to the use of the sign, Orders are less effective, because the user can simply change the operational

characteristics to bring the Order into compliance, and then re-offend. This requires substantial City resources for ongoing monitoring and issuance of new Orders.

- Common Offence Notices can have some effect and can be served each day that an offence is observed. However, these charges can take over a year to get to trial, and magistrates often take a soft view if the property is in compliance at the time of the trial. However, as with an Order to Comply, the offender can simply become non-compliant again after the trial / conviction, which repeats the cycle. In the case of digital signs, the sign-related revenue for the offender during the period prior to trial may be well in excess of any fine a judge might impose.

## 2.3. Enforcement options

### 2.3.1. Escalating fees and monetary penalties for non-compliance

Escalating fees or penalties may be quite effective if they become significant. However, this approach would still require ongoing monitoring by the City, and may not offset sign-related revenues experienced by the sign owner enough to impose sufficient hardship.

### 2.3.2. Licensing

Repeated operational non-compliance should ultimately result in the loss of privilege. That is, the permission to operate a sign should be revoked if an operator repeatedly violates the requirements. This may be particularly true in the case of digital sign violations, which are in some cases intentional because they are precipitated by a manual change to the settings.

Unfortunately, a variance or conditional use granted by the City cannot be legally revoked on the basis of repeated operational offences.

An effective method to address compliance including repeated non-compliance would be to set up a licensing regime for digital accessory sign operators. The by-law could include the conditions and appeal provisions that may result in a sign operator/user losing a license temporarily or permanently and effectively revoking his/her ability to operate the sign.

A licensing regime would allow for more effective enforcement, and may serve in part to generate the revenue needed to pay for the enforcement regime rather than have those costs borne by other permit applicants or tax payers generally. As noted in the History Section of this report, fees were adjusted in 2012 in order to help offset the costs of enforcement of the new sign regulations at that time and to assist in offsetting initial costs of verification that the sign is located and sized appropriately, and is displaying the appropriate content.

The fee however was never set to cover enforcement and monitoring costs in perpetuity nor was it foreseen at the time that the level of periodic non-compliance of operational standards would be as significant as is being shown.

Additionally, the 2009 fee adjustments primarily pertained to billboards (permit change from \$524.00 to \$1,119.00). The Digital Sign Fee instituted at that time was \$145. Any investigation of a potential licensing regime would need to re-evaluate these fees and recommend a package of fees (initial permit fees and ongoing licensing fees) that would look to full cost recovery. This package might include initial licensing fees to be pre-paid as part of the initial permit fee.

If the City begins a licensing regime as recommended, it would be designed to help offset the cost of equipment and monitoring, and to measure and more effectively enforce the operating standards of digital accessory signs, which have proven unique in the difficulty they present for ongoing enforcement.

To provide an even-playing field of enforcement and clarity for all parties, the licensing regime is recommended to apply both to the areas regulated by the Winnipeg Zoning By-Law and the Downtown Winnipeg Zoning By-Law.

Prior to submitting a proposal for licensing, the Public Service proposes consultation with existing sign owners and/or the sign industry.

### 3. Overview of Board of Adjustment decisions

As noted above, the Public Service understands the request regarding Board of Adjustment decisions to include a review going back 5 years. Since a decision-by-decision review was not feasible to undertake, a general analysis covering that timeframe is provided.

The following information was obtained from Departmental staff who have served as Public Service representatives on the Board of Adjustment since 2011.

#### 3.1. Board Decision making

A beneficial aspect of the Board of Adjustment (the "Board") is that decisions made are unfettered by concerns related to wards or constituents. Overall, the less 'politicized' nature of decisions by the Board is seen as a positive factor for these decisions on conditional uses and variances that are heard by the Board.

Another benefit of the Board is its ability to reduce decision-making 'load' that would otherwise be placed onto other parts of the decision making framework. This is seen as being helpful in dealing with the minutia of conditional use and variance applications, which generally can be seen to carry less weight and impact than rezonings, subdivisions, plans and other applications that are heard by Community Committees.

Given the number of conditional use and variance applications heard by the Board (approximately 300-400 per year), the Public Service believes that the reduction in decision making 'load' is a strong benefit. The Board was established partly for this reason. The City Clerks Department notes that when the Board was first created in 1991, it was meant to eliminate some of the political nature of the decision making regarding minor applications, reduce the workload of Community Committees who were hearing these applications, and create a group that should be more neutral and consistent on minor adjustments.

A reintegration of these applications into Community Committees would likely pose significant resource demands for Councillors.

Internal analysis shows that issues raised with respect to Board decision-making appear to be related mainly to signage (all signage, not just digital copy), and do not reflect a structural issue of relevance and importance of the Board generally.

The Public Service sees strong rationale for the continuation of the Board and recommends that adjustments to the role of the Board be focused on signage applications.

In terms of Board procedure, it is identified that as with all Board decisions, signage decisions communicated by Board members in hearings are generally not accompanied with rationale. When an application is rejected or approved against the Public Service recommendation and the reason(s) for the decision is not stated, the Public Service feels that justification for such a stance is not always clear.

### 3.2. The Board and land use policy and regulation

Some Board members remain in their role for 20 or more years. This is not necessarily a bad thing, as it can lead to members becoming familiar with the City's zoning by-laws, which can prove helpful for clarifying issues in hearings.

A larger issue raised is related to training, specifically as it relates to experience with *OurWinnipeg* and the *Complete Communities Direction Strategy*. Given Board member turnover from time to time, as well as long-serving members, it may be useful to provide members with 'refreshers' on key Council policies and overviews of zoning regulations, especially given that policies and regulations change from time to time.

Some zoning regulations leave room for interpretation and the Public Service provides a perspective on how they should be read and applied which may differ from the Board's view. It may be beneficial for the Public Service to identify these regulations together with the Board, discuss how the Public Service views them, and if needed, the Department continue to explore by-law text amendments to better reflect intent.

### 4. Alternative approval options for signs and billboards

The Public Service has reviewed options for alternative ways to deal with approvals of conditional use and variance applications for signs and billboards. This has included options such as removal of all applications from the Board, and treating sign and billboard applications as "B" variances and "B" conditional uses.

As noted above, internal analysis shows that issues raised with respect to Board decision-making appear to be related to signage in particular, and are not seen to reflect on the Board generally. In addition, there are benefits to maintaining the Board including the less 'politicized' nature of decisions for conditional uses and variances that they bring, as well as the ongoing significant reduction in decision making 'load' from Community Committees.

For these reasons, the Public Service recommends that adjustments to the role of the Board be focused on signage applications.

The Public Service recommends that an alternative approval mechanism be implemented for **all** signage, and that it not be limited to signs and billboards with digital copy. As noted in Sections 1.1.4. and 3.1, internal analysis reveals that the decision-making issues identified apply to both digital and non-digital signs and billboards. Another reason for this recommendation is that procedurally, it is most logical to subject all signage conditional use and variance applications to the same approval process, rather than diverting different signs to different approval processes.

The option below is the approach recommended by the Public Service.

Treat sign and billboard applications as "B" variances and "B" conditional uses

Downtown sign applications are classified as “B” variances, however sign and billboard applications outside of Downtown are currently classified as “C” variances and “C” conditional uses. Under the Development Procedures By-Law, “C” type applications receive public hearing at the Board of Adjustment.

The Public Service recommends that adjustments be made 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” applications are reviewed by the Director of Planning, Property and Development and are either approved or rejected. The decision of the Director is posted on the site/ property, and the decision may be appealed to Appeals Committee.

This change would have the following implications:

- Applications for signs and billboards would no longer be heard by the Board of Adjustment,
- Applications for signs and billboards would instead be considered and approved by the Director of Planning, Property and Development,
- Consideration and approval by the Director of Planning, Property and Development would allow the Public Service to ensure that signage approvals are in alignment with Council-adopted policies applicable to them,
- The decision of the Director is posted on the site/ property for public view,
- If an applicant or a member of the public objects to the decision of the Director, they would have the right to appeal the decision. As per the Development Procedures By-Law, the appeal would be heard by Appeals Committee,
- This new process would have the added benefit of eliminating time and monetary resources for public hearings for signs. It would bring the number of hearings down from 1-2 (Board of Adjustment hearing and possible Appeal hearing) to 0-1 (possible Appeal hearing). Director approval will not lead to extra staff time under this process, because the Director already writes sign reports with recommendations, which would be the same process going forward. The only change in resources is the reduction from fewer hearings; and
- This new process is the same as is used for approval of signs within the Downtown area (except that appeals in the Downtown are heard by the Committee rather than Appeals Committee).



## 5. Options and recommendations

In summary, some billboards continue to misalign with the City's goal of attracting pedestrian-friendly, mixed-use development to corridors, through the frequency with which conditional uses and variances for them are being approved. Digital accessory signs have been found to show a very low rate of compliance with use/operational standards, and many variances for their dimensions are being approved.

To address regulatory issues identified in this report, the Public Service plans to continue to monitor billboard and digital signs and their impacts. Necessary adjustments stemming from ongoing monitoring, as well as from sign-related motions, can be combined into annual Zoning By-Law updates proposed by the Public Service.

The following are the recommendations in light of the issues contained in this report:

1. That the Public Service report back to Standing Policy Committee on Property and Development, Heritage and Downtown Development (the "Committee") within 180 days with recommendations to increase adherence to sign and billboard regulations, to improve the enforcement of non-compliant digital accessory signs, and to enhance Board of Adjustment learning opportunities, which report shall 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.
2. That the Public Service undertake an analysis/planning initiative for the City's high visibility, regional mixed use corridors to determine whether further adjustments to digital sign and billboard regulations are required to more fully implement the intent of the Complete Communities Direction Strategy.
3. That the Public Service review the new Transportation Association of Canada's *Digital and Projected Advertising Displays: Regulatory and Road Safety Assessment Guidelines* and report back to the Committee at a later date if further adjustments to sign and billboard regulations are warranted subsequent to such review, to align with best practices.