



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
*Licensing and By-law Services Division*

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	September 18, 2018
<b>SUBJECT/REPORT NO:</b>	Digital Sign Strategy (PED18184) (City Wide) (Outstanding Business List)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Robert Ustrzycki (905) 546-2424 Ext. 4721
<b>SUBMITTED BY:</b>	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That funding consideration be referred to the 2019 Capital Budget for Licensing and By-law Services to retain a consultant for research and comparatives for digital signs, including public consultation, and upon approval of the 2019 Capital Budget funding that staff be directed and authorized to prepare a Digital Sign Strategy (DSS) to develop an approach to interface digital technology in the current Sign By-law with a critical path for completion in 2020;
- (b) That the item respecting Digital Signs be identified as complete and removed from the Planning Committee Outstanding Business List.

**EXECUTIVE SUMMARY**

On August 12, 2010 Council enacted Sign By-law 10-197 to replace Sign By-law 06-243. The regulations prohibits any flashing or animated digital signage and limits the exposure to new technologies in signage for digital signs, with the exception of an Electronic Message Display or Readograph Sign as permitted under the By-law.

In response to requests from the billboard industry and businesses to allow the use of digital technology for third party billboard signs City Council at its meeting held on October 26, 2016 approved Item 4 of the Planning Committee Report 16-018 as amended regarding Digital Signage Budget Enhancement Opportunity (FCS16082/PED16196) to amend Sign By-law 10-197. The digital billboard amendment allowed the installation of 12 digital billboard screens on City-owned

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properties and approved three digital billboard sign variance applications on private property.

Staff was further directed by Council to present to the Planning Committee an updated Digital Sign By-law. More generally, this initiative stems from a growing recognition that the City's sign regulations are lagging behind technological and business trends.

***Alternatives for Consideration – Not Applicable***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial / Staffing: A source of funding will be required to allow the use of a contract specialist as part of the 2019 Capital Budget process to participate in the development of the Digital Sign Strategy, conduct presentations and public consultations to groups and individuals, and assist in the development of an approach to interface digital technology in the current Sign By-law. The one-time Capital cost for a consultant is \$90,000.

Costs associated with developing and implementing process improvements have not been accounted for in this request. The final report will identify new technology; process, administrative and enforcement costs to be included in future budget cycles.

If the Capital request for a contract specialist is not approved, the project would need to be re-scoped and completion timelines extended. This will result in reduced customer satisfaction, by-law clarity, and enforceability until the extended process can be completed.

Legal: N/A

**HISTORICAL BACKGROUND**

On August 9, 2006, Council enacted Sign By-law 06-243, which came into force and effect on February 1, 2007. The Economic Development and Planning Committee discussed and approved staff reports regarding the enforcement of the Sign By-law as it relates to postering, the use of hydro poles and the placement and costs of poster kiosks with comprehensive recommendations on the overall effectiveness of a new Sign By-law.

On August 9, 2010, the Planning and Economic Development Committee considered Report PED05172(h) to repeal and replace Sign By-law 06-243 with the current Sign By-law 10-197, which prohibited any flashing or animated digital signage and limits the

exposure to new technologies in signage for digital signs, with the exception of an Electronic Message Display or Readograph Sign as permitted under the By-law.

On May 27, 2015, Council approved Item 12 of General Issues Committee Report 15-011 directing staff to investigate the feasibility of Digital/LED based signage on City of Hamilton owned lands and report the findings back to the General Issues Committee. Concurrently, staff held public consultations with the Business Improvement Areas (BIAs), Business Associations, Neighbourhood Associations, the signage industry, the Chamber of Commerce and other stakeholders as part of the By-law review in accordance with Item (f)(i) of Planning Committee Report 16-008, approved by Council on May 11, 2016. The research and results were largely focused on addressing the financial benefits, key issues of safety, residential impacts and new technologies to amend the current Sign By-law for digital billboard signs.

City Council at its meeting of October 26, 2016, approved Item 4, of the Planning Committee Report 16-018, as amended, regarding Digital Signage Budget Enhancement Opportunity (FCS16082/PED16196) to amend Sign By-law 10-197. The amendment allowed for the installation of 12 digital billboard screens on City-owned properties along the Lincoln M. Alexander Parkway, and approved three digital billboard sign variance applications on private properties located at Limeridge Road, Dundurn and King Streets, and Dundurn and Main Streets.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

N/A

## **RELEVANT CONSULTATION**

Staff from the Planning and Economic Development Department Planning, Building and Economic Development Divisions and the Public Works Department Roads and Traffic Division; and Corporate Services Department Finance and Administration Division were consulted in preparation of this Report.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Signage is important to local businesses and the economy, allowing business and brand identification, and providing communication and marketing opportunities. The City's Sign By-law regulations are intended to manage and deal with visual clutter/blight and safety while balancing streetscape compatibility of signs and preserving the City's unique character. The City's objective and policy is codified in Section 2.3 of Sign By-law 10-197:

*The purpose of this By-law is to regulate signs in the City with the intent of authorizing signs that:*

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- a) *are appropriate in size, number, and location to the type of activity or use to which they pertain;*
- b) *provide reasonable and appropriate means for the public to locate and identify facilities, businesses, and services without difficulty or confusion;*
- c) *are compatible with their surroundings;*
- d) *protect and enhance the aesthetic qualities and visual character of the City;*
- e) *are consistent with the City's planning, urban design and heritage objectives;*
- f) *do not create a distraction or safety hazard for pedestrians or motorists;*
- g) *minimize adverse impacts on nearby public and private property.*

Since the passing of the Sign By-law in 2010, there have been numerous changes in technology, business sector marketing needs and practices, community expectations, enabling legislation and related applicable law and guidelines. The demand for digital signage has increased due, in part, to rapid advancements in advertising display technology as well as the associated reduction in cost for these devices. The current ad-hoc process to consider digital signs that are not allowed in By-law 10-197 by means of a minor variance application or waiver to the By-law cannot be relied upon to deal with the anticipated growth in applications for new digital signs.

It was through amendments to the current Sign By-law in 2016 that permissions for third party digital billboard signage were first introduced in the City of Hamilton. Public consultation for the digital billboard amendment presented the opportunity for the Business Community, the signage industry and other stakeholders to provide input on the proposed changes to third party digital billboard signs. Staff review consisted of an examination of digital billboard regulations in other municipalities, a literature review and the retention of an external planning consultant to provide an unbiased and balanced assessment. The analysis and merits of each of these points were discussed in Report FCS16082/PED16196 Digital Signage Budget Enhancement Opportunity dated October 18, 2016. The data used in this report does not make a distinction between the larger digital billboard signs and other common first party signs used throughout the City. First party digital signs are usually displayed as message centre displays scrolling text or static/copy images, which is directly related to the activity on the site at which the sign is located.

Many larger centers (e.g. Toronto, Oakville, Vaughan, Milton, Ottawa, London, Calgary, Edmonton, Vancouver) reviewed in 2016 have since enacted new Sign By-laws, or are still engaged in a comprehensive consultation process. Other types of digital signs and locations (i.e. mixed commercial/residential zones) are still untested in other jurisdictions. Staff review of 21 Ontario Municipalities and several outside the Province

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determined the By-laws provided widely varying limitations to the quantitative measures for digital signs and only the following general qualitative findings:

- restricted to commercial/industrial zones, institutional uses or entertainment districts;
- prohibited from residential, schools, or heritage zones or complicated traffic areas;
- varied height/size of signs, operation time, dwell time, duration and transition time of static/copy digital image;
- prohibiting or strict regulations for animated, moving or video display; and,
- prohibiting mobile digital signs.

Changes to the City's Sign By-law may have an impact on a number of stakeholders including, but not limited to, other Departments within the City, the business sector, as well as the public at large. More analysis is needed to update the substantive provisions of the by-laws relating to first party digital signs.

#### Digital Sign Strategy (DSS)

It is important that sign regulations are accurately reviewed to ensure that effects of new technology, both positive and negative, are considered so that streetscapes, sensitive uses and the public are not adversely impacted for first party digital signs. A more rigorous public consultation and review is required to examine the varied digital technology used for first party signs.

Staff proposes a scoped review focusing on changes in digital sign technology, regulatory frameworks and by-law improvements in other jurisdictions for first party digital signs. Given the large number of sign types that could be converted to digital (e.g. ground signs, wall signs, and message centre signs), an audit is required to estimate the maximum potential number of signs in Hamilton that could be converted to digital.

Further review is required to develop an approach to manage the broader spectrum and potential proliferation of digital signs. Staff requires input from stakeholders in the review process by way of agency circulations, public information centres, a public opinion survey, and use of the City's website to engage the public and ensure that the Sign By-law amendments adequately address the needs of the community. In preparing the DSS, there will be an extensive public engagement process that reflects the concerns and values of Hamilton's citizens, as well as a shared responsibility for its implementation.

A contracted consultant based on specialized knowledge or user experiences is required in the development of the DSS; to participate at presentations and consultations to groups and individuals interested in providing feedback; and assist in developing an approach to interface digital technology in the current Sign By-law.

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Consultation modes and timing will be determined through an action plan to provide final results of the public engagement, research and comparatives.

#### Technical Team Review

Consultation and technical review from City Planning, Building, Economic Development, Roads and Traffic staff is needed to provide input and feedback to the DSS and final analysis relating to the following:

- support for business and economic development;
- conversion of conventional signs to digital signs;
- technical review and testing;
- traffic safety;
- screen brightness (light pollution);
- location restrictions;
- sightlines and view angles (lightshed concept);
- sign content;
- timing and image changes;
- consistency with the City's planning, urban design and heritage objectives; and,
- environmental implications (energy and waste management).

The review would also examine existing processes including permit issuance and enforcement to identify opportunities to streamline processes and enhance customer service.

#### Areas Not To Be Revisited

As a result of the prior public consultation processes and significant legislative history, the review process for introducing digital signs will not revisit other provisions of the current Sign By-law. The objective of this review would primarily focus upon the manner digital signs interface with existing first party signs (e.g. ground signs, wall signs, window signs and message centre signs).

#### Conclusion

An updated Sign By-law affects the economic, cultural and social pillars of sustainability. Allowing reasonable advertising opportunity without negatively affecting the community can assist economic development while maintaining community standards. It is now prudent to update the City's position with respect to the emerging technologies in signage in order to offer greater clarity to businesses and residents.

### **ALTERNATIVES FOR CONSIDERATION**

N/A

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Community Engagement and Participation**

*Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.*

**Economic Prosperity and Growth**

*Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.*

**Healthy and Safe Communities**

*Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.*

**Our People and Performance**

*Hamiltonians have a high level of trust and confidence in their City government.*

**APPENDICES AND SCHEDULES ATTACHED**

N/A

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