



City of
Peterborough

To: **Members of the Planning Committee**

From: **Ken Hetherington, Manager, Planning Division**

Meeting Date: **February 9, 2015**

Subject: **Report PLPD15-005
Proposed Amendments to the Sign By-law for the Regulation
of Electronic Signs**

Purpose

A report to recommend the City's Sign By-law be amended to include new regulations with respect to Electronic Signs.

Recommendations

That Council approve the recommendations outlined in Report PLPD15-005 dated February 9, 2015, of the Manager, Planning Division, as follows:

- a) That Chapter 624 (Sign By-law) of the City of Peterborough Municipal Code be repealed and replaced with the Sign By-law amendment, attached as Exhibit 'B' to Report PLPD15-005.
- b) That the revised Sign By-law be monitored over the course of 2015 and any necessary modifications to the electronic signs regulations be brought forward in 2016.

Budget and Financial Implications

There is a limited budget or financial implication arising from the approval of the recommendation. The enforcement of the proposed regulation with respect to the brightness of electronic signs will require the purchase (or rental from time to time) of a

Luminance Meter. The purchase of a Luminance Meter will cost in the range of \$2,000 - \$4,000 CDN.

Background

Interim Control for Electronic Signs:

The Planning Act provides that Council may undertake a review or study of its land use policies related to a specific area, or areas, of the City by passing an “Interim Control By-law”. Passage of this sort of By-law effectively prohibits the continued use of the land, buildings or structures within the specified area(s), except for those uses set out in the By-law. An Interim Control By-law may be in effect for up to one year, to allow sufficient time to complete the desired review or study. However, Council may amend the By-law to extend the period of time during which it will be in effect for one more year, provided the total period of time does not exceed two years from the date that the initial Interim Control By-law was passed

In Report PLPD14-004 to the Planning Committee on January 20, 2014, staff reported that the current Sign By-law is twelve years old, and since that time, technological advancements have allowed for significant changes to Electronic Signs. They can vary in colour and light intensity. They can flash and are able to have continuous motion with rapid changes in advertising copy. Staff’s recommendation to pass the Interim Control By-law was precipitated by an increasing number of sign permit applications for Electronic Signs with continuous movement – especially adjacent to street intersections.

At its meeting on February 3, 2014, Council passed By-law Number 14-016, being an Interim Control By-law prohibiting the issuance of permits for Electronic Signs for a period of four months to allow for the completion of consultation and further research.

On May 5, 2014, Planning Report PLPD14-026 recommended amendments to the Sign By-law for Electronic Signs, which was passed but later deferred in City Council. The Interim Control By-law was extended by an additional four months to allow for further consultation with local sign companies. A further four month extension was granted as discussions were continuing and the municipal election was approaching.

Key Messages from the Sign Industry:

The main point of contention with respect to the recommendation of the original Planning Report related to a proposed amendment that would have prohibited Electronic Signs from having any sort of movement. Representatives from some of the sign companies expressed that certain types of movement should be permitted, because it is necessary for Electronic Signs to be effective. They also expressed that in this day and age, digital displays are everywhere: on the dash of cars and trucks, on smart phones and tablets. They felt that it was time for municipalities to enact Sign By-laws that permit this form of roadside advertising – because it is affordable and effective.

The original Planning Report expressed concerns with Electronic Signs – especially the signs with moving copy – because it reflects on the urban character of the City. Staff studied the Sign By-laws of many other municipalities across Ontario and most of them prohibit Electronic or LED Signs with moving copy. These municipalities include Kingston, Cobourg, Belleville, Toronto¹ and Guelph, to name some. Other municipalities permit them with some restrictions, such as Hamilton, Mississauga and Cambridge.

As the original Planning Report outlined, there has been considerable research conducted to determine whether Electronic Signs are distracting enough to be a hazard to the safe operation of vehicles. The research concluded that the movement does attract the attention of drivers, but it has not been proven to be the cause of motor vehicle accidents.

The original draft By-law proposed the prohibition of all types of movement, based on the premise that movement was being used to attract attention to the sign, rather than being used to effectively convey a message. The sign companies stated some movement is necessary in order to effectively convey a message. An example was given where people would encounter an Electronic Sign adjacent to a road, where a message would be displayed. If the message changed instantaneously, it would not be read together with the first message and the third message with the second. Some sort of scrolling or page turning effect needed to be incorporated so that the advertising or message would be perceived by the reader in sequence. For example, a sign could initially display: “Circ du Soleil, April 24”, then transition to the next message: “Tickets go on Sale March 1”, then transition to: “Get your Tickets now”! The sign companies asserted that movement is needed between messages so that the reader can perceive the sequence of the messaging.

Key Changes to the Recommended Draft Sign By-law:

At the Council meeting of May 5, 2014, Staff was directed to consult further with the local sign companies to determine if more opportunities for electronic signs could be incorporated in the amended Sign By-law. As a result of discussions that followed with local sign companies participating on the Electronic Sign By-law Working Group, the draft By-law is much more permissive. A summary of the key changes to the recommended By-law is provided here in this report, followed by more a detailed explanation in Exhibit A.

- **Five New Categories of Electronic Signs:**

Whereas the present Sign By-law does not make any distinction between different types of electronic signs, the draft By-law proposes five new categories as follows:

¹ The City of Toronto prohibits electronic signs with moving copy but there is a “master plan” that prescribes specific areas where they are permitted, such as Dundas Square. Toronto justifies this by saying the signs contribute to “place making”.

Electronic Text Message Signs are electronic signs that display static text information only. Free-standing Electronic Text Message Signs are permitted in the proposed By-law on lands zoned with a Local Commercial Designation and lands zoned as a “Public Service District” and “University and College District” with the following uses as defined by the Zoning By-law: an arena, a recreation centre, a fire station, a police station, a museum, an art gallery, a public administration office, a school, a hospital, a college and a university, provided that the sign is set back not more than 3.0 metres from an arterial road as depicted on “Schedule “B” of the City’s Official Plan.

Previously, the original draft By-law permitted Electronic Text Message Signs at the following locations: Showplace at 290 George Street North, The Market Hall at 336 George Street North, The Venue at 286 George Street North and The Galaxy Cinema at 320 Water Street. The revised By-law **now permits horizontal movement**, in keeping with traditional marquees at the main entrances to theatres. The sign’s message may be displayed in no less than 5 seconds.

Electronic Moveable Copy Signs are defined as signs that may display moving text and/or images. The proposed By-law permits Electronic Moveable Copy Signs on properties with the following Land-Use Designations as defined in the Official Plan: Service Industrial and General Industrial, Major Shopping Centers, Special purpose Retail and Service Commercial, in the Neighbourhood Centers on Chemong Road, between Wolsley Street and Highland Road and on Lansdowne Street West, west of Brealey Drive.

Staff are recommending greater sign location controls for properties near intersections where Electronic Moveable Copy Sign are permitted. The proposed regulation will have the effect of keeping the field of view clear for vehicle drivers as they approach an intersection.

Electronic Window Signs are a new type of Electronic Sign that has been defined in the Draft By-law recognizing that electronic signs are appearing in windows with greater regularity. The Draft By-law recognizes that this type of sign may be useful to businesses where there are greater numbers of pedestrians such as the interior of a site where there are many commercial or industrial establishments, or in the Central Area. Being primarily oriented to pedestrians, their size is limited to 1.2 square meters in the Downtown and up to 1.5 square meters in other areas where they are permitted.

As agreed with members of the Electronic Sign By-law Working Group, **certain types of movement are prohibited**. This includes flashing, twirling, pulsing, spinning and shaking of the text and/or images. These special effects were deemed to be unnecessary to effectively advertise or convey a message. Grand movements of this nature were believed to be blatant attempts to attract attention to the sign rather than effectively and creatively convey a message.

Electronic Price Indicator Signs are signs generally associated with a hotel or motel or a gas station indicating a price.

Electronic Billboard Sign is a category that would allow the conversion of a select few existing billboard signs. The draft By-law specifies the locations.

- **Brightness Control**

The regulation with respect to the brightness of an electronic sign has been modified to accurately prescribe the amount of light that may be cast from it at any given time.

- **“Grandfathering” Provisions and Exceptions**

It is recommended to continue to permit all existing electronic signs to remain in their present locations and to allow them to continue to exist with the same sign area and height in accordance with the sign permits granted for them. This applies as well to the electronic signs granted permits before the passage of the Interim Control By-law, but may not have been installed yet. However, it is recommended to have all electronic signs be brought into compliance with the General Prohibitions section of the By-law (Section 7 in the Draft Sign By-law attached as Exhibit “A” to this report). This would include prohibiting flashing and certain types of movement. Existing signs will not have to comply with the brightness regulation in the By-law because it is not possible to have them retrofitted to include an ambient light sensor.

Consultation

Subsequent to the Council meeting where Planning Staff was directed to consult further with the local sign industry, several meetings were conducted and drafts of proposed regulations were scrutinized.

Early in the process, discussion centred on permitting some forms of movement for the effective transitioning of one message to another. As staff began to understand the sign companies’ request for some forms of movement in the transitioning of messages, the focus shifted from electronic text messages to electronic signs with images. If it is palatable to permit movement for text message type signs, why cannot certain types of movement be permitted for electronic signs with images?

As the discussion evolved, it was determined that some forms of movement should be permitted for electronic signs other than those with text alone. This would allow some of the companies to advertise as they have become accustomed to in the City over the past several years without impacting significantly on the operation of their businesses. However, it was agreed that movement that deliberately attempts to attract people’s attention to the sign rather than using movement to effectively and creatively convey a message needs to be prohibited.

As a result, it was agreed that an Electronic Sign cannot exceed a maximum allowable brightness as set out in the regulations during the transitioning of sign copy. It was also agreed that effects such as flashing, shaking, spinning, twirling and pulsing of images or text (sign copy) would be prohibited, as it was determined that these movements were deliberately being used to attract a person's attention to the sign rather than to reasonably convey a message.

Special effects that cause the sign to be unreadable during the message transition are recommended to be prohibited as well.

Other Features of the Recommended Sign By-law Amendment

One of the key differences between the City's Sign By-law when compared to other municipalities is that in ours, the permitted locations for signs relates to Official Plan Land-Use Designations. In other municipalities, it most often relates to zoning categories. By having their permitted locations relate to Official Plan Land-Use Designations, the regulations accord with the area in the City the signs are situated. There are a great number of zoning categories for the City of Peterborough. To slot the permitted types of signs for each zoning category would be an arduous undertaking.

However, there are some specific sites and locations where staff and the Sign By-law Working Group believe exceptions should be made:

- As mentioned earlier in this report for specified entertainment venues, Electronic Text Message Signs may scroll horizontally, in keeping with the messaging encountered on traditional marquees.
- An Electronic Moveable Copy sign and/or an Electronic Window Sign is proposed to be permitted at the Neighbourhood Centre as depicted on Schedule I of the Official Plan on Chemong Road between Wolsley Street and Highland Road and on Lansdowne Street West, west of Brealey Drive. Although these areas are designated "Neighbourhood Centres", they are located on intensely commercial stretches of major arterial streets, well away from other sensitive areas.
- Electronic Movable Copy Signs and Electronic Window Sign are not permitted within 30.0 meters of The Parkway. However, Electronic Text Message Signs are permitted. The intention is to allow for the replacement of traditional reader-boards but maintain the gateway and "parkway" feel by not allowing electronic signs with moving copy.
- An Electronic Movable Copy Sign is proposed to be permitted at the Memorial Centre at 151 Lansdowne Street West. The proposed exception accords with the City of Toronto's premise that some sites can have Electronic Movable Copy Signs because the use of the property is associated with entertainment, large gatherings of people and the sign is useful in "place making".

- A Free-Standing Electronic Text Message Sign is permitted along the George Street frontage of Del Crary Park subject to the review and approval of the Planner, Urban Design, or his/her designates. The Electronic Text Message Sign on this property would be useful to announce events at Del Crary Park. Although the property is designated Open Space in the Official Plan, the exception is deemed appropriate due to the park being used as an entertainment venue in the summer and the large number of people that can gather there.
- Freestanding Electronic Text Message Signs are recommended to be permitted on lands zoned with a Local Commercial Designation and lands zoned as a “Public Service District” and “University and College District” with the following uses as defined by the Zoning By-law: an arena, a recreation centre, a fire station, a police station, a museum, an art gallery, a public administration office, a school, a hospital, a college and a university, provided that the sign is set back not more than 3.0 metres from an arterial road as depicted on “Schedule “B” of the City’s Official Plan.

It is recommended that Freestanding Electronic Text Message Signs should be permitted for these specific land-uses. However, the signs may be situated adjacent to arterial roads only. This has the effect of keeping them out of quieter, residential areas.

Summary

Electronic signs have migrated from our televisions to our computers, from our computers to our hand-held devices and, in the past decade, have appeared next to our sidewalks and roads. The proposed Sign By-law Amendments for Electronic Signs attempt to allow for some electronic sign advertising potential in the City, while being sensitive to distinctive areas such as our designated Open Space, Natural Areas, Residential Districts and the Downtown.

The recommended Sign By-law Amendment extends additional opportunity for electronic signs in some areas such as commercial and industrial designations and pulls it back in other more sensitive areas, such as in residential areas. It is suggested that further amendments with respect to other types of signs (non-electronic) may be a logical next step, given that digital technology is able to replace some traditional road side signs.

Submitted by,

Ken Hetherington
Manager, Planning Division

Prepared by,

Concurred with,

Brian Buchardt
Planner, Urban Design

Malcolm Hunt, Director
Planning and Development Services

Contact Name:

Brian Buchardt
Planner, Urban Design
Phone: 705-742-7777, Extension 1734
Toll Free: 1-855-738-3755
Fax: 705-742-5218
E-mail: bbuchardt@peterborough.ca

Attachments:

Exhibit A - Key Features and Further Details Regarding the Recommended Sign By-law
Amendment

Exhibit B – Draft Sign By-law

Key Features and Further Details Regarding the Recommended Sign By-law Amendment

The Electronic Sign Working Group was not only made up of representatives of local sign companies, but also included staff members, those with environmental concerns, a creative advertising person and an individual who specializes in electronic design and lighting.

The proposed By-law amendment differs from almost all other Ontario municipalities' Sign By-laws because it specifically sets out the amount of light that can be emitted from an electronic sign. All Electronic Signs will have to be equipped with a light sensor that reads the ambient light level. The amount of light emitted from the sign can not exceed 0.50 times the ambient light at any given time. This will have the effect of the Electronic Sign being its brightest on sunny occasions. The amount of emitted light will be reduced on cloudy occasions and much more so at night. The regulation is designed to control the brightness of electronic signs, as it has been identified as an issue relative to other signs and when located with proximity to traffic signals and natural areas.

Whereas the present Sign By-law does not make any distinction between types of Electronic Signs, the draft Sign By-law proposes five new categories:

a) Electronic Text Message Signs:

This type of sign will display static text message information only. Movement is prohibited.

These signs are intended to be used to replace the interchangeable reader-board signs that are typically seen along arterial roads in front of public service institutions, convenience stores, restaurants and other industrial and commercial uses. They are not permitted in residential districts except on designated arterial roads.

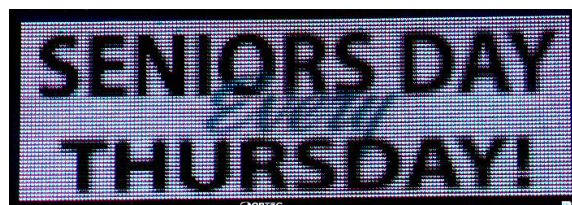


It is recommended not to permit Electronic Text Message Signs on building exteriors or on free-standing signs in the City's Central Area. Exceptions are proposed for established entertainment venues such as ShowPlace, Galaxy Cinemas, The Venue and the George Street frontage of Del Crary Park for the Little Lake Music Fest. For the specified entertainment venues, the text messaging may horizontally scroll, in keeping with the messaging encountered on traditional marquees. It is recommended in the By-law to permit Electronic Text Message Signs in the Industrial Conversion Sub-Area because the Official Plan permits the conversion of properties to larger format retail establishments, in a setting much different than the mix of land-uses and densities encountered elsewhere in the Central Area.

The prohibition of most types of Electronic Signs in the majority of the Central Area is intended to maintain the area's distinctiveness. It recognizes that most of the Central Area is more pedestrian oriented than most areas beyond its limits, has greater existing and planned residential density with a mix of uses and a considerable stock of heritage buildings.

b) Electronic Moveable Copy Signs:

Electronic Moveable Copy Signs can display moving text and/or images, subject to the prohibition of certain kinds of movement, such as flashing, shaking, spinning, twirling and pulsing. The prohibition of certain kinds of movement and message transitions is designed to allow the message to be conveyed effectively without using movement and special effects that are only meant to draw attention to the sign itself.



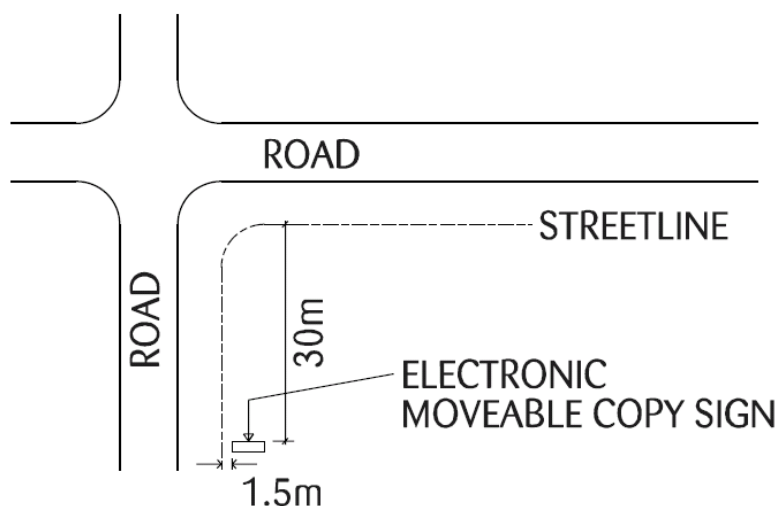
One of the greatest areas of controversy relates to the proximity of Electronic Moveable Copy Signs relative to street intersections. Some By-laws from other municipalities have arbitrarily selected a setback distance, which has the effect of prohibiting properties near intersections from having this kind of sign.

Staff are recommending to allow properties near intersections to have the potential for an Electronic Moveable Copy Sign. However, when the sign is located at the minimum

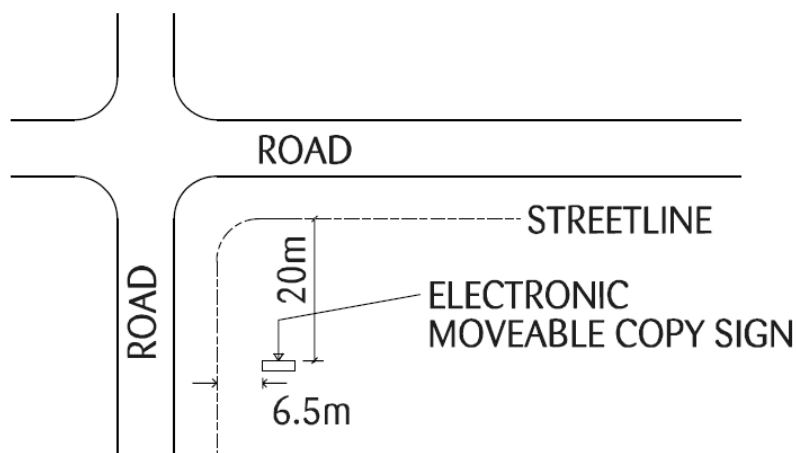
distance from the street-line (1.5 metres), the minimum distance from any intersection shall be 30 metres. For every metre closer to the intersection, the sign must be setback and additional 0.5 metres from the street-line. The minimum distance any Electronic Moveable Copy Sign can be located to an intersection is 11.5 metres. This proposed regulation will have the effect of keeping the field of view clear for vehicle drivers as they approach an intersection. The regulation was modelled from the existing setback distance of the Electronic Moveable Copy Sign at the north-east corner of Monaghan Road and Lansdowne Street West. The existing sign was deemed to be effective yet not overly distracting to drivers as they approach the intersection.

The following illustrations show how the setback distance for a free-standing Electronic Moveable Copy Sign increases relative to the adjacent road as the sign is placed closer to the intersection.

30 Metres from an Intersection (Projection of Intersecting Street-lines):



20 Metres from an Intersection (Projection of Intersecting Street-lines):



The Land-Use Designation matrixes in the proposed Sign By-law Amendment attached as Exhibit “A” to this report describe where Electronic Moveable Copy Signs may be located in the City. This type of sign is proposed to be located well away from Residential Districts and is not permitted on Prestige Industrial and Major Institutional designated lands. When located within 120 metres of a property designated as a Residential District in the Zoning By-law or a Protected Natural Area as depicted on Schedule A of the Official Plan, the sign must be turned off between the hours of 9:00 p.m. and 7:00 a.m.

The Draft By-law prohibits the location of Electronic Moveable Copy Signs along the frontages of properties abutting The Parkway. The Parkway is the City’s main vehicular gateway into the City. Upon approach, the design of the Visitor’s Centre and the planned “Welcome to Peterborough Sign” is intended to be themed in keeping with Peterborough and its relationship with land and water. Although there are some commercial/industrial uses encountered as people travel north of the Crawford Drive intersection, it is recommended to keep Electronic Moveable Copy Signs off The Parkway, which would assist in creating a character for the road consistent with its name. The static Electronic Text Message Signs are permitted in the Draft By-law for specified types of land-uses along the Parkway.

c) Electronic Window Signs:

The Sign By-law Working Group felt it was time to create a category for electronic signs in windows. The current By-law does not address any sign appearing in a window. As a result, an electronic sign can be placed in a window anywhere, without compliance with any of the regulations. They may be overly bright, flash, in a residential area and placed within a few metres of an intersection. As a result a definition for Electronic Window Signs has been created:

An Electronic Window Signs is “...an electronic text message sign or electronic moveable copy sign located inside a building, facing an exterior window, located no greater than 1.5 metres from the exterior window”.

Similar to other types of electronic signs, their brightness is regulated in the proposed Sign By-law Amendment and their distance from intersections and Residential Districts is controlled. Outside of the City’s Central Area, they are limited to windows on the first storey (ground floor) of buildings.

Other than horizontal scrolling on theatre marquees, Electronic Window Signs are the only type of electronic sign with movement permitted in the Central Area. Here, they are permitted on the ground floor only up to a maximum sign area of 1.2 square metres. As is the case with any type of building fascia sign in the Central Area, the draft By-law proposes that a permit for an Electronic Window Sign may only be issued by first obtaining the approval of the City Planner, Urban Design or his or her designate. The approach adds a measure of protection for any adjacent dwellings from potential

detrimental effects from the sign. Furthermore, it ensures the sign's compatibility with a building's architectural features with an emphasis on pedestrian orientation.

The premise for permitting limited sized Electronic Window Signs in the Downtown recognizes their advertising/messaging potential for services and businesses while still having regard for the distinctiveness of the area.

d) Electronic Price Indicator Signs:

This type of electronic sign is defined as a sign that makes up a portion of a free-standing sign on a lot with a service station or hotel or parking lot or parking garage use, as defined by the Zoning By-law, with static text copy displaying a price.



Example of an Electronic Price Indicator Sign

e) Electronic Billboard Sign:

The Draft By-law proposes the creation of an Electronic Billboard Sign category for the potential conversion of a select few existing billboard sign locations. The municipal address of the properties where a conversion of an existing Billboard Sign to an Electronic Billboard Sign would be permitted appears in the Draft By-law in Section 17. All are Lansdowne Street locations, on Commercial or Service Industrial Districts well away from Residential areas. For this type of electronic sign, the display can be pictorial, text, or a combination of both, but must be static for a period of time not less than 10 seconds. The brightness of Electronic Billboards is regulated in the same manner as other types of electronic signs. This type of sign is prevalent along side the Gardner Expressway in the City Toronto.



Example of an Electronic Billboard Sign



The Corporation of the City of Peterborough

By-Law Number 15-

Being a By-law to Regulate Signs and Advertising Devices in the City of Peterborough

The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

1. Title

This by-law shall be known as the “Sign By-law”.

2. Permitted Signs

2.1. Land Use Designation Matrixes

Signs may be located within land use designations as depicted on Schedules A, M, O and I of the Official Plan, only in accordance with the following matrix and subject to the exceptions listed thereafter:

Sign Type	A	B	C	D	E	F	G	H	I
Animated			x				x2	x2	
Directional	x	x	x	x	x	x	x	x	x
Facia	x	x	x	x	x	x	x	x	x
Freestanding	x	x	x	x	x	x	x	x	x
Portable	x6	x4	x			x4	x2	x2	x3
Electronic Text Message Sign		x9	x	X10	x9 x8	x9	x	x	x
Electronic Moveable			X13				X13	X13	x11

Copy Sign									
Electronic Window Sign			X13				X13	X13	x11
Electronic Price Indicator Sign		x	x			x	x	x	X

Signs may be located within land use designations as depicted on Schedule J of the Official Plan, only in accordance with the following matrix and subject to the exceptions listed thereafter:

Sign Type	J	K	L	M	N	O	P	Q
Animated								
Directional	x	x	x	x	x	x	x	x
Facia	x5	x5	x5	x5	x5	x5	x5	x5
Freestanding	x	x	x	x	x	x	x	x
Portable								
Electronic Text Message Sign	x1		x				x7	
Electronic Moveable Copy Sign								
Electronic Window Sign	x12	x12	X13	x12				
Electronic Price Indicator Sign	x	x	x	x	x	x		

2.1.1. Land Use Designation Legend (Official Plan Schedules A,M,O and I)

The following land use designations have the same meaning as is contained in the specific schedule to the Official Plan:

- A. Residential Designation, excluding Local Commercial sites (Schedule A)
- B. Local Commercial sites within the Residential Designation (Schedule A)
- C. Service Industrial and General Industrial (Schedules M and O)

- D. Prestige Industrial Designation (Schedules M and O)
- E. Agriculture and Major Open Space Designation (Schedule A)
- F. Major Institution Designation (Schedule A)
- G. Major Shopping Centre (Schedule I)
- H. Special Purpose Retail and Service Commercial (Schedule I)
- I. Neighbourhood Centre (Schedule I)

2.1.2. Land Use Designation Legend (Official Plan Schedule J)

The following land use designations have the same meaning as is contained in the specific schedule to the Official Plan:

- J. Commercial Core Area
- K. Waterfront Commercial Area
- L. Industrial Conversion Area
- M. Business Districts
- N. Transitional Uses Area
- O. Industrial Area
- P. Open Space Area
- Q. Special Policy Area

2.1.3. Exceptions

- X1 an Electronic Text Message Sign with horizontal movement is permitted at the following locations: Showplace at 290 George Street North, The Market Hall at 336 George Street North, The Venue at 286 George Street North and The Galaxy Cinema at 320 Water Street, subject to the review and approval of the Planner, Urban Design, or his/her designates.
- X2 Animated or Portable signs are not permitted on The Parkway between Lansdowne Street West and Clonsilla Avenue.
- X3 Portable signs with a maximum sign area of 4.5 square metres are permitted only on Chemong Road between Wolsely Street and Highland Road.
- X4 Portable signs with a maximum sign area of 2.0 square metres are permitted.

- X5 Facia signs are permitted if approved by the Manager of the Building Division and the Planner, Urban Design or his/her designates.
- X6 Portable signs with a maximum sign area of 2.0 square metres are only permitted on lands zoned as a “Public Service District”
- X7 A Free-Standing Electronic Text Message Sign is permitted along the George Street frontage of Del Crary Park subject to the review and approval of the Planner, Urban Design, or his/her designates.
- X8 An Electronic Movable Copy Sign is permitted at the Memorial Centre at 151 Lansdowne Street West.
- X9 A Freestanding Electronic Text Message Sign is permitted on lands zoned with a Local Commercial Designation and lands zoned as a “Public Service District” and “University and College District” with the following uses as defined by the Zoning By-law: an arena, a recreation centre, a fire station, a police station, a museum, an art gallery, a public administration office, a school, a church, a hospital, a college and a university, provided that the sign is set back not more than 3.0 metres from an arterial road as depicted on “Schedule “B” of the City’s Official Plan.
- X10 An Electronic Text Message Sign is permitted, up to 30% of the Free-standing Sign area, displaying continuously in a static manner for a period of time not less than 5 seconds.
- X11 An Electronic Moveable Copy sign and/or an Electronic Window Sign is permitted at the Neighbourhood Centre as depicted on Schedule I of the Official Plan:
 - i) on Chemong Road between Wolsley Street and Highland Road;
 - ii) on Lansdowne Street West, west of Brealey Drive.
- X12 An Electronic Window Sign is permitted up to a maximum of 1.2 square metres within the first floor of a building, subject to the review and approval of the Planner Urban Design or his/her designates.
- X13 An Electronic Movable Copy Sign and an Electronic Window Sign is not permitted within 30.0 metres of The Parkway.

3. Definitions

In this By-law:

- Ambient Light:** means natural and/or artificial light in the vicinity of a sign, coming from such a direction as to illuminate the face of the sign.
- Animated Sign:** means a sign which revolves, oscillates or moves, either in whole or in part.
- Architectural Elevation:** means that portion of the exterior of a building, which is visible at right angles from the building, excluding any portion above the eave line.
- Banner Sign:** means a sign made of non-rigid material such as vinyl, cloth or canvas.
- Billboard Sign:** a large, off-premise free-standing sign, placed and maintained on a property by a person or company engaged in the sale or rental of the space on the sign to a client upon which space is displayed which advertises goods, products, services or facilities not necessarily sold or offered or conducted on the property.
- Chief Building Official:** means the person appointed from time to time by by-law as Chief Building Official for the City of Peterborough.
- City:** means the Corporation of the City of Peterborough.
- Council:** means the Council of the Corporation of the City of Peterborough.
- Directional Sign:** means a freestanding sign to control or direct vehicular or pedestrian movement on a lot.
- Election Campaign Sign:** means a sign which:
- i) advertises or promotes a candidate in a Federal, Provincial or Municipal election, including an election of a local board or commission; or
 - ii) is intended to influence persons to vote for or against any question or by-law submitted to the electors under the Municipal Elections Act, 1996.
- Electronic Billboard Sign:** means a Billboard Sign except the sign copy is changed remotely, displaying static text and/or images.
- Electronic Moveable Copy Sign:** means a sign where sign copy is changed remotely, which may display moving text and/or images,

subject to the general prohibitions outlined in Section 7 of this By-law.

Electronic Text Message Sign: means a sign where sign copy is changed remotely, displaying static text information only.

Electronic Price Indicator Sign: a portion of a free-standing sign on a lot with a service station, hotel, parking lot or parking garage use, as defined by the Zoning By-law, with static text copy displaying a price.

Electronic Window Sign: is an electronic text message sign or electronic moveable copy sign located inside a building, facing an exterior window, located no greater than 1.5 metres from the exterior window.

Fascia Sign: means a sign attached to, marked, inscribed or painted onto an exterior wall of a building.

Freestanding Sign: means a sign permanently affixed to a foundation in the ground and visually separated from a building.

Intersection: means where the two property lines (or projections thereof) abutting a road allowance intersect.

Land Use Designation: means the designation of property made in accordance with the Official Plan.

Lot: means a separately owned parcel of land.

Luminous: means a sign which is lighted by an internal light source.

Lux: means a unit of luminance equivalent to one lumen per square metre.

Nit: means unit of luminance equivalent to one candela per square metre.

Official Plan: means the Official Plan of the City of Peterborough as amended from time to time.

On Premises Sign Copy: means sign copy that advertises exclusively for the business or service located on the subject property.

Portable Sign:	means a sign intended to be moved from one location to another, which is not permanently affixed to a foundation in the ground, or any structure
Projection Sign:	A type of Electronic Sign where images or text are projected onto a building structure or any surface
Real Estate Development Sign:	a freestanding sign which advertises the lease, sale or development of land and/or buildings.
Rear Lot Line:	means a lot line other than a street line or side lot line.
Side Lot Line:	means a lot line which intersects a street line.
Sign:	means any device, including its supporting structure and other component parts, which is used or capable of being used to attract attention to a specified subject matter, other than itself, for identification, information or advertising purposes.
Sign Area:	means the total surface area of that portion of a sign, which is used or capable of being used to provide information or advertising, and which can be viewed from any one perspective. In the case of a sign composed only of individual letters or numerals, the sign area shall be the area bounded by the outside periphery of the letters and/or numerals.
Sign Copy:	means any colour, graphic logo, symbol, word, numeral, text, image, message, picture or combination thereof displayed on a sign face.
Sign Elevation:	means the vertical distance between the average elevation of the ground directly beneath the sign and the lowest point of that portion of the sign which is used to provide the identification, information or advertising.
Sign Face:	means the interior area of a sign, excluding its frame portion.
Sign Height:	means the vertical distance between the average elevation of the ground directly beneath sign and the highest point of the sign.
Street:	means a dedicated public highway.

Street Line:	means a lot line separating a lot from a street, or a 0.3m reserve which abuts a street.
Total Sign Area:	means the total of the sign area of all signs on a lot.
Zoning By-Law:	means Restricted Area By-law 1997-123 as amended from time to time.

4. Non-Conformity

- a) This By-law applies to signs erected after its passage. All signs lawfully erected prior to the passage of this By-law will be permitted to continue to exist, provided the degree of non-conformity with this By-law is not increased. If a sign permit has been issued prior to the passage of this By-law, and the permit has not been revoked, a sign may be constructed in accordance with the permit, and shall be deemed to have been lawfully erected prior to the passage of this By-law.
- b) All Electronic Signs issued a Sign Permit before the passage of this By-law shall comply with Section 7 in its entirety.

5. General Provisions

5.1. Compliance

No person shall erect, install, alter, or use, any sign except in accordance with the provisions of this By-law.

5.2. Sign Permit

- a) Except as hereinafter provided, no person shall erect, install, or alter any sign without having obtained a permit from the Chief Building Official. Where a complete application has been submitted along with the required plans and fee, and the proposed work set out in the application conforms with this By-law, and all other applicable by-laws, the Chief Building Official shall issue a sign permit.
- b) An application for a permit pursuant to this By-law shall include such information as the Chief Building Official requires, which may include:
 - i) A scaled site plan, showing the street lines and other boundaries of the lot upon which it is proposed to erect the sign, and its location in relation to other signs, buildings and structures on the lot and the abutting lands and streets;

- ii) Complete plans and specifications covering the construction of the sign and its supporting structure;
 - iii) Drawings and such other information with respect to any buildings or structures upon which it is proposed to locate the sign, as may be necessary to determine whether the construction of such building or structure will carry the additional loads and stresses imposed thereto.
- c) Permit requests for Electronic Signs shall include:
 - i) Evidence that the brightness of the sign is in compliance with sections 8.1e, 9.1c, 10.1b, 11.1b and 17.1d of this By-law.
 - ii) Where there is disagreement concerning the type of movement an Electronic Moveable Copy Sign possesses, a City Staff Committee comprised of the Sign By-law Enforcement Officer, the Planner Urban Design and the City Solicitor or his/her designates to determine compliance.
- d) Where the applicant for a permit is not the owner of the lot, or his/her authorized agent, the application shall include the written authorization of the owner or agent.
- e) A permit for a fascia sign or a portable sign which would project over, or be located in whole or in part on, public property shall not be issued until the owner of the lot, or his/her authorized agent, has entered into an Encroachment Agreement with the City covering at least the following matters:
 - i) The owner shall provide evidence of public liability and property damage insurance in the minimum amount of \$2,000,000.00, with the City as an additional-named insured and containing a satisfactory cross-liability clause. The policy shall not be altered, revoked or terminated except upon at least thirty (30) days written notice to the City.
 - ii) The owner shall agree to indemnify and save harmless the City against any actions, losses, damages, suits, judgments, orders, awards, claims, costs or demands arising from the existence of the encroachment.
 - iii) The owner shall agree to remove the encroachment upon ninety (90) days written notice from the City, in the event that the public property is required by the City for municipal purposes.

The Chief Building Official and the Planner of Urban Design or his/her designates are hereby authorized to execute any such Encroachment Agreements on behalf of The Corporation of the City of Peterborough, so long as they are satisfied that all other requirements for the issuance of the sign permit have been met.

- f) Applicable Fees: The fees to be paid to the City for permits issued under this By-law shall be in the amounts as established from time to time by resolution of City Council.
- g) Inspections: The Chief Building Official, or his designate, may enter upon private property at any reasonable time for the purpose of inspecting a site on which a sign permit has been issued or an application for a sign permit has been made, or determining if a permit is required to be issued.
- h) The holder of a sign permit shall notify the Chief Building Official that the new sign is ready for inspection at the following stages:
 - i) In the case of a freestanding sign, when the foundation is ready to be poured and at completion.
 - ii) In the case of a fascia sign, when the sign is ready to be installed and at completion.
 - iii) In the case of a portable sign, when the sign is installed.

5.3. Exempt Signs

This By-law shall not apply to signs erected by the Corporation of the City of Peterborough.

5.4. Exceptions

- a) The following signs may be located on any lot, and do not require a permit:
 - i) a non-electronic sign located inside a building.
 - ii) a sign located outside a building, provided the sign area does not exceed 0.2 square metres.
 - iii) a sign formed by a landscaping design.
- b) The following alterations to signs do not require a permit.
 - i) The changing of the advertising copy or message on a sign.
 - ii) Maintenance or repair of a sign.

- c) Notwithstanding anything else in this By-law, the following shall apply to the properties municipally known as 598 Lansdowne Street West and 890 Monaghan Road:
 - i) On the property known as 598 Lansdowne Street West, only one (1) freestanding sign, having a maximum sign area of 52 square metres and sign height of 10.0 metres, shall be permitted and provided that the owner of the property at 598 Lansdowne Street West enters into a Site Plan Agreement with the City of Peterborough, pursuant to Section 41 of the *Planning Act*.; and
 - ii) On the property known as 890 Monaghan Road, only one (1) freestanding sign, having a maximum sign area of 7.2 square metres, shall be permitted,

5.5. Amendment to the By-law

If a proposed sign does not conform to this By-law, an application may be made to either the Committee of Adjustment to permit a minor variance, or to City Council to amend the By-law. The Committee of Adjustment is hereby authorized to grant minor variances to this By-law provided that the general intent and purpose of the provisions are maintained, excepting a change in the type of sign which is permitted in a particular land use designation. Any such change shall require an amendment to this By-law.

5.6. Removal

- a) When the Chief Building Official, or his/her designate, determines that a sign has been erected, displayed or altered, without a permit first having been obtained, or contrary to the approved plans in respect of which a permit was issued, the owner of the sign and/or the owner of the lot shall either make the sign comply with this by-law, or shall remove the sign, within any period directed in writing by the Chief Building Official, or his/her designate.
- b) Where the Chief Building Official, or his/her designate, has determined a sign to be in an unsafe condition, the owner of the sign and/or the owner of the lot shall remove the sign, or make it safe, within any period directed in writing by the Chief Building Official or his/her designate.
- c) Upon expiry of the period directed in writing by the Chief Building Official, or his/her designate, if the sign has not been made to comply with this By-law, or has not been removed, the Chief Building Official, or his/her designate may cause such sign to be pulled down or removed at the expense of the owner of the sign and/or the owner of the lot. Any costs incurred by the City may be recovered in like manner as municipal taxes on the lot where the

sign was located, or may be recovered by action, pursuant to Section 326 of *The Municipal Act*.

5.7. Offence

Every person who contravenes any provision of this By-law is guilty of an offence and is liable to the penalty imposed by applicable law, which is recoverable pursuant to the *Provincial Offences Act*.

6. Directional Signs

6.1. Regulations

- a) Maximum sign area per sign - 0.5 square metres
 - i) the sign area of Directional Signs shall not form part of the maximum sign area for Freestanding Signs on a lot.
- b) If located at a vehicular entrance:
 - i) maximum number of signs - 2
 - ii) maximum sign height - 1.2m if within 3m of a street line
 - iii) minimum distance from the side lot line - 0.75m

7. Electronic Signs: General Prohibitions

No Electronic Sign shall:

- a) Emit sound;
- b) Change the brightness during the transitioning of sign copy;
- c) Contain sign copy that creates the effect of shaking, spinning, twirling, pulsing or flashing;
- d) Contain sign copy that is not readable during the message transition period;
- e) Contain the words or phrases, 'Stop', 'Go Slow', 'Caution', 'Danger', 'Warning', 'Emergency', 'Yield', or 'Detour', unless such word or phrase is part of the name of a business or product and is displayed solely to identify such business or product.
- f) Have images or text projected onto a building structure or any surface, Unless approved by the Planner, Urban Design, and a permit obtained from the City's Building Division; or

- g) Be left on if malfunctioning such that the sign is no longer effective in delivering the message.

8. Electronic Text Message Sign

8.1. Regulations

- a) Maximum Free-standing Sign area – 50% of the sign area and must be located on the bottom three quarters of the sign.
- b) Maximum Facia Sign area – Outside the Central Area as defined in the City's Official Plan: 30% of the potential sign area up to a maximum of 6.0 square metres.
- c) Duration of message – sign copy shall be displayed continuously in a static manner and without any change for a period of time not less than 10 seconds.
- d) Transition of message – sign copy may change if the transition is no longer than 0.3 second and is a change of the entire sign copy area.
- e) Brightness – the brightness of the brightest portion of a sign (measured in Nits) must not exceed 0.5 times the ambient light level (measured in Lux). The brightness of any sign must not exceed 10,000 Nits but need not be less than 100 Nits.
- f) Minimum distance from an abutting property designated as a Residential District in the Zoning By-law – 20 metres.
- g) When located within 120 metres of a property designated as a Residential District in the Zoning By-law or a Protected Natural Area as depicted on Schedule A of the Official Plan, the sign must be turned off between the hours of 9:00 p.m. and 7:00 a.m.
- h) May not change the brightness during the display of sign copy.

9. Electronic Moveable Copy Sign

9.1. Regulations

- a) Maximum Free-standing Sign Area - One Electronic Moveable Copy Sign per Free-standing Sign up to 75% of the sign area to a maximum of 6.0 square metres and must be located on the bottom three quarters of the sign.

- b) Maximum Facia Sign Area – Outside the Central Area as defined in the City's Official Plan: 30% of the potential Facia Sign area up to a maximum of 6.5 square metres.
- c) Brightness – the brightness of the brightest portion of a sign (measured in Nits) must not exceed 0.5 times the ambient light level (measured in Lux). The brightness of any sign must not exceed 10,000 Nits but need not be less than 100 Nits.
- d) Minimum distance from an abutting property designated as a Residential District in the Zoning By-law – 20 metres.
- e) When located within 120 metres of a property designated as a Residential District in the Zoning By-law or a Protected Natural Area as depicted on Schedule A of the Official Plan, the sign must be turned off between the hours of 9:00 p.m. and 7:00 a.m.
- f) When the sign is located at the minimum distance from a streetline, the minimum distance from any intersection shall be 30m. For every metre closer to the intersection, the sign must be setback and additional 0.5 metres from the streetline. No Electronic Moveable Copy Sign shall be located any closer than 10 metres to an intersection.
- g) Only one Electronic Moveable Copy Sign is permitted per property.

10. Electronic Window Sign

10.1. Regulations

- a) Maximum Sign Area - Outside the Central Area as defined in the City's Official Plan: 1.5 square meters.
- b) Brightness – the brightness of the brightest portion of a sign (measured in Nits) must not exceed 0.5 times the ambient light level (measured in Lux). The brightness of any sign must not exceed 10,000 Nits but need not be less than 100 Nits.
- c) Minimum distance from an abutting property designated as a Residential District in the Zoning By-law – 20 metres.
- d) When located within 60 metres of a property designated as a Residential District in the Zoning By-law or a Protected Natural Area as depicted on Schedule A of the Official Plan, the sign must be turned off between the hours of 9:00 p.m. and 7:00 a.m.
- e) Minimum distance from any intersection – 9 metres.

- f) No Electronic Window Sign shall be located in a window above the first storey of a building.
- g) Minimum distance between each Electronic Window Sign 6 metres.

11. Electronic Price Indicator Sign

11.1. Regulations

- a) May only be part of a Free-standing Sign up to 1.0 square metre in sign area.
- b) Brightness – the brightness of the brightest portion of the sign (measured in Nits) must not exceed 0.5 times the ambient light level (measured in Lux). The brightness of any sign must not exceed 10,000 Nits but need not be less than 100 Nits.

12. Facia Signs

12.1. Regulations

- a) No person shall erect, display or alter a Facia Sign within the Central Area, as shown on Schedule J of the Official Plan, without first having obtained the approval of the Chief Building Official and the Planner, Urban Design, or his/her designates. Approval of a Central Area Facia Sign application shall be in accordance with the Central Area Facia Sign Design Guidelines, as established by Council from time to time.
- b) Maximum Sign Area -15% of the area of the architectural elevation to which it is attached.
- c) Maximum vertical projection of a sign above the eave line of the roof of the building to which it is attached - 0.6 metres, except where the proposed sign forms part of the architectural design of the building.
- d) A sign located on, or within 15 metres of, a lot within land use designation A, may not be luminous.

13. Freestanding Signs

13.1. Regulations

- a) Minimum distance between signs on a lot - 30m.
- b) Maximum sign area per street line on any lot:

- i) on a lot with land use designation N - 1.5 square metres
 - ii) on a lot within land use designation K and P - 0.1 square metres per metre of street line
 - iii) on a lot within any other land use designation - 0.15 square metres per metre of street line, to a maximum of 37 square metres.
- c) Maximum sign height on a lot within land use designation D - 2m.
- d) Maximum sign height on a lot within land use designation N - 1.5m.
- e) Maximum sign height on a lot within land use designations C, H or I:
 - i) where the street line is less than or equal to 60m - 6.5m.
 - ii) where the street line is greater than 60m, and less than or equal to 90m - 7m.
 - iii) where the street line is greater than 90m, and less than or equal to 120m - 7.5m.
 - iv) where the street line is greater than 120m, and less than or equal to 150m - 8m.
 - v) where the street line is greater than 150m - 9m.
- f) Maximum sign height on a lot within land use designation G:
 - i) where the street line is less than or equal to 60m - 7m.
 - ii) where the street line is greater than 60m, and less than or equal to 90m - 7.5m.
 - iii) where the street line is greater than 90m, and less than or equal to 120m - 8m.
 - iv) where the street line is greater than 120m, and less than or equal to 150m - 9m.
- g) where the street line is greater than 150m - 10m.
- h) Maximum sign height on a lot within all other land use designations:
 - i) where the street line is less than or equal to 60m - 5m.
 - ii) where the street line is greater than 60m, and less than or equal to 90m - 5.5m.
 - iii) where the street line is greater than 90m, and less than or equal to 120m - 6m.

- iv) where the street line is greater than 120m, and less than or equal to 150m - 6.5m.
- v) where the street line is greater than 150m - 7m.
- i) Minimum distance from a side lot line:
 - i) on a lot within land use designation N - 3m.
 - ii) on a lot line within any other land use designation - 6m.
 - iii) Minimum distance from a street line - 1.5m.
- j) A sign located on, or within 15 metres of, a lot within land use designation A, may not be luminous.

14. Portable Signs

14.1. Regulations

- a) A portable sign shall only be located on the lot in respect of which the permit is issued or on the road allowance which abuts such lot.
- b) A portable sign shall not be located in a motor vehicle parking space required under the Zoning By-law.
- c) Maximum sign area:
 - i) in land use designations C, G, H and I - 4.5 square metres.
 - ii) in land use designations A and B - 2.0 square metres.

The sign area of a portable sign shall not form part of the maximum sign area for freestanding signs on a lot.
- d) Maximum sign height:
 - i) in land use designations C, G, H and I - 2.1m.
 - ii) in land use designations A and B - 1.8m.
- e) e) Minimum setbacks
 - i) from a side lot line - 4.5m
 - ii) from a driveway entrance - 6.0m
 - iii) from the back of a sidewalk on a public road allowance - 1.5m
 - iv) from the curb, or the back edge of the shoulder of the travelled road - 4.5m

- f) Minimum distance between portable signs on, or in front of, a lot - 30m.
- g) A portable sign shall not be luminous, or an electronic or animated sign.
- h) A portable sign shall at all times have a sticker visibly displayed showing the permit number, the address, and the expiry date of the permit.
- i) A permit for a portable sign shall expire six (6) months after issuance.

15. Real Estate Development Sign

15.1. Regulations

- a) Maximum sign area - 20.0 square metres
- b) Maximum sign height - 5.5m.
- c) Minimum setback from a street line -1.5m, plus an additional 0.5m for every square metre of sign area greater than 1 square metre.
- d) Minimum setback from a side or rear lot line - 6.0m.
- e) Minimum distance from any other freestanding sign -30m.
- f) A Real Estate Development Sign shall not be luminous, or an electronic or animated sign.
- g) A permit for a Real Estate Development sign shall expire two years after issuance.

16. Banner Signs

16.1. Regulations

- a) A Banner Sign shall be permitted only as a Facia Sign.
- b) A permit for a Banner Sign shall expire sixty (60) days after issuance.

17. Billboards

17.1. Regulations

- a) A Billboard shall be permitted only as a free-standing sign.
- b) One existing Billboard may be an Electronic Billboard Sign only at the following municipal addresses: the property at 971 Lansdowne Street West,

843 Park Street South, 861 Lansdowne Street West and 16 Lansdowne Street West.

- c) Duration of message for an Electronic Billboard Sign: background, pictorial or graphic copy shall be displayed continuously in a static manner and without any change for a period of time not less than 10 seconds.
- d) Brightness – the brightness of the brightest portion of a sign (measured in Nits) must not exceed 0.5 times the ambient light level (measured in Lux). The brightness of any sign must not exceed 10,000 Nits but need not be less than 100 Nits.

18. Election Campaign Signs

18.1. Regulations

- a) Election campaign signs shall not be permitted on any property owned by The Corporation of the City of Peterborough prior to:
 - i) Labour Day, for a Municipal election; and
 - ii) the date of issuance of the Writ of Election, for a Federal or Provincial election;
- b) and not later than three (3) days following voting day in any such election.

19. Repeal

Chapter 624 of the City of Peterborough Municipal Code (The Sign By-law); and By-laws 02-045, 04-201 and 05-250, by-laws to amend Chapter 624 of the Municipal Code, are hereby repealed.

By-law read a first, second and third time this day of , 2015.

Daryl Bennett, Mayor

John Kennedy, City Clerk