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PERMANENT SIGNS ON PRIVATE PROPERTY -  
AMENDMENTS TO PERMIT DIGITAL BILLBOARD SIGNAGE  
ACS2012-PAI-PGM-0185 CITY-WIDE

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**REPORT RECOMMENDATIONS:**

**That the Planning Committee recommends Council:**

1. **Amend the Permanent Signs on Private Property By-law 2005-439, as amended, to allow digital billboards, subject to the regulations, substantially in the form as contained in Document 1, effective December 1, 2012; and**
2. **Close the digital billboard pilot project, and direct Building Code Services to explore other emerging sign technologies with a view to establishing pilot programs if warranted, and return to Council in 2015 with an update on digital billboards and recommendations with respect to other emerging digital technologies in signs.**

The Committee received a detailed PowerPoint slide presentation overview of the report (held on file with the City Clerk) from Ms. Arlene Grégoire, Director and Chief Building Official, Building Code Services Branch (BCS), Planning and Growth Management (PGM). Ms. Grégoire also introduced Ms. Françoise Jessop, Manager, Business Integration Services, BCS, PGM, and Mr. Peter Giles, Program and Project Management Officer, Business Integration Services, BCS, PGM, who were present to respond to questions.

The report outlined that, following analyses undertaken during a two-year pilot project, the location of new digital signage would be restricted to private (not municipally-owned) property in commercial and industrial areas, and prohibited in rural and suburban residential areas, pending further future study and follow-up. It was noted that the digital billboard industry is one of the most compliant and receptive to direction because of the financial commitments involved, estimated to be between three and five times the cost of a 'standard' billboard. Ms. Grégoire explained that the request for a more restrictive set of regulations was to set firm guidelines to regulate the placement and use of digital billboards in the City from the outset, as other municipalities, which had established no such standards initially, were now attempting to implement regulations afterward, and were finding this to be a difficult exercise.

Responding to questions from the Committee, staff explained that this report spoke only to the issue of digital *billboards*, and not to other forms of electronic signage, i.e., wall-mounted digital signage.

In response to questions about whether the City would be gaining revenue from this initiative, it was explained that the signs will be privately-owned, and situated on privately-owned land; the only revenues the City will see will be from permit fees over time, which will cover administrative and regulatory costs, per the stipulations of the *Municipal Act*, with a one-time \$4,000.00 expense to the City for a handheld luminance meter, to be used for enforcement purposes.

In response to questions as to why staff are seeking to make Ottawa more restrictive in terms of digital billboard signage, Ms. Grégoire suggested this was to be a best practice for Ottawa, noting that other municipalities currently without any such standards are seeking to model themselves after Ottawa. In addition, staff were taking a proactive approach in asking Committee and Council for their endorsement to forestall a possible proliferation of illegal digital billboard signage in advance of the adoption of such regulations.

As to why digital billboards were not being recommended for rural areas or hydro corridors, Ms. Grégoire suggested the signs would be too bright for such areas, especially given that no buffers exist to lessen their impact. Ms. Grégoire also suggested that those responsible for putting up such signs would not want to do so in areas that would see limited vehicular traffic. Further, she explained that the Signs By-law is linked to the Zoning By-law, which speaks to the appropriate use of land, and that billboards in rural areas are permitted where the Zoning By-law allows. Councillor Harder proposed it might be more prudent to control the product to ensure the signage was inoffensive, rather than attempt to control the placement of the billboards themselves, as she felt Ottawa might benefit from visually appealing signage. Others raised concerns over the potential for the billboards to diminish, rather than enhance, public space. Councillor Harder also suggested that staff consult with Agriculture and Rural Affairs Committee (ARAC) as, in general terms, the rural landscape was already undergoing change, citing examples such as increased use of agricultural land for wind and solar farming.

Responding to queries regarding collision statistics, staff pointed out that data acquired during the two-year pilot phase indicated no increase in either collisions or fatalities from a baseline norm. In addressing concerns about a recommended 100 metre setback from highway ramps, raised by Councillor Hobbs in reference to a digital billboard sign at the intersection of Kirkwood and Carling Avenues (Kitchissippi Ward), staff explained that under the proposed regulations, such a billboard would not be allowed in its current setting, and will eventually be moved, once its current 'grandfathered' contract period has expired.

Ms. Grégoire explained the process for pursuing a variance through the Signs Bylaw process, should an applicant wish to locate a sign in an area outside of that encompassed by the regulations, and explained that while the signs were to be restricted to commercial, industrial and institutional zones, certain bodies, i.e., churches, would likely not be able to put up billboards, as most are situated within residential areas. Responding to questions on the cost of the applications, Ms. Grégoire explained the goal was to set a revenue-neutral averaged flat rate, noting the suggested \$2,500.00 fee would cover administrative costs, with the acknowledgement that some applications will require more work than others.

In response to queries about providing rural Ottawa with greater opportunities for revenue generation, as might be offered through the use of digital billboards, Ms. Grégoire noted that feedback gathered during the consultation phase of the last Rural Summit had indicated a desire for greater restriction in this area. However, she expressed that staff would consult with ARAC, with a review to be completed by the end of 2013. She explained that a review encompassing rural areas had not been undertaken at the same time as the current pilot, because staff had been responding to a specifically worded Council direction, which had provided a more restricted scope.

In terms of messaging, staff noted that if a sign is not located on City property, the City has no ability to regulate the messaging contained thereon. However, it was noted that the industry is self-regulating, with its own guidelines, and seeks to cooperate, as with incidences of Amber Alerts. Councillors pointed out that such signage would be helpful for messaging traffic information in instances such as that experienced during the recent Highway 174 sinkhole incident, and suggested that staff pursue this possibility.

Capital Ward Councillor Chernushenko questioned the need to have digital billboards illuminated on a “24/7” basis. Ms. Grégoire explained that all digital signage would be lit “24/7”, and that the level of illumination would be at the lowest level in Canada. She noted that staff resources would be insufficient to enforce on a 24/7 basis. In response to a query from the Councillor about a high percentage of negative feedback received, Ms. Grégoire noted the studies undertaken had not been scientific, and it was likely that those strongly opposed to digital signage would be most vocal in their opposition, with the opinions of a possible ‘silent majority’ remaining unvoiced.

Further responding to Councillors’ questions, Ms. Grégoire pointed out that the Lansdowne Park digital scoreboard, within Capital Ward, would have its own Council-approved sign plan and By-law.

The Committee then heard from the following public delegations, as noted:

The following individual spoke in support of the report recommendation:

- Mr. Robert Lacas, Astral Media

The following individuals spoke in opposition to the report recommendation:

- Ms. Jackie DaSilva; and
- Mr. Steve Furr\* (who also provided written comment; as noted below)

The following individuals had originally indicated an interest in speaking to this item, but removed themselves from the speaking list prior to the consideration of this item by the Committee:

- Mr. John Dance, Old Ottawa East Community Association
- Normand Fortier, Pattison Outdoor Advertising

Written correspondence was received from the following, as noted:

- Mr. Jim Harris\* (in opposition)
- Joint written submission (in opposition) from Mr. Steve Furr\*, on behalf of:
  - *Action Sandy Hill*
  - *Carlington Community Association*
  - *Centretown Citizens Community Association*
  - *Old Ottawa East Community Association*
  - *Old Ottawa South Community Association*
  - *Rockcliffe Park Residents Association*
- Ms. Sharon Ogilvie\* (in opposition)
- Mr. Tim Morton\* (in opposition)
- Mr. David Cuddy\* (in opposition)
- Mr. Robert Crout\* (in opposition)
- Mr. Kevin O'Donnell\* (in opposition)

*[ \* All individuals marked with an asterisk either provided their comments in writing or by email; all such comments are held on file with the City Clerk. ]*

At the conclusion of Committee deliberations involving discussions on the restrictive nature of the proposed regulations, the prudence of taking a more cautious approach, the appropriateness of considering the current proposal without taking the rural area into consideration, and the need for the City to undertake greater due diligence involving additional possibilities and options, the Committee considered the two-part recommendation separately. Committee CARRIED the first recommendation, with Councillor Hobbs dissenting. Councillor Hubley moved an amendment to the second recommendation to ask that staff return to Council in the third Quarter of 2013 with an update on digital billboard location criteria in the suburban and rural areas. This amended recommendation was CARRIED, with Councillor Hobbs dissenting.

### **MOTION N<sup>o</sup> PLC 41/1**

Moved by Councillor A. Hubley:

**That the Planning Committee recommends Council close the digital billboard pilot project, and direct the Planning and Growth Management Department to explore other emerging sign technologies with a view to establishing pilot programs if warranted, and return to Council in Q3 of 2013 with an update on digital billboard location criteria in the suburban and rural areas and recommendations with respect to other emerging digital technologies in signs**

CARRIED, with Councillor K. Hobbs dissenting.

The report recommendations were then put to Committee and were CARRIED, as amended by Motion N<sup>o</sup> PLC 41/1, with dissents from Councillor Hobbs as noted:

**That the Planning Committee recommend Council:**

- 1. Amend the Permanent Signs on Private Property By-law 2005-439, as amended, to allow digital billboards, subject to the regulations, substantially in the form as contained in Document 1, effective December 1, 2012.**

CARRIED, with Councillor K. Hobbs dissenting

- 2. Close the digital billboard pilot project, and direct the Planning and Growth Management Department to explore other emerging sign technologies with a view to establishing pilot programs if warranted, and return to Council in Q3 of 2013 with an update on digital billboard location criteria in the suburban and rural areas and recommendations with respect to other emerging digital technologies in signs.**

CARRIED as amended, with Councillor K. Hobbs dissenting