

Staff Report



Development Services Department

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REPORT TO: Community and Infrastructure Services Committee

DATE OF MEETING: May 13, 2024

SUBMITTED BY: Rosa Bustamante, Director of Planning & Housing Policy,
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PREPARED BY: Joanne McCallum, Coordinator of Planning & Zoning Services,
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WARD(S) INVOLVED: All wards

DATE OF REPORT: April 15, 2024

REPORT NO.: DSD-2024-116

SUBJECT: Sign By-law General Amendments

RECOMMENDATION:

That the proposed by-law attached as Attachment A to report DSD-2024-116, to repeal and replace specific sections of the existing Sign By-law number 2011-099, be adopted; and further,

That the updated regulations of the Sign By-law be incorporated into The City of Kitchener Municipal Code.

REPORT HIGHLIGHTS:

- The purpose of this report is to implement amendments to the Sign By-law to address the Council motion on September 25, 2023, related to excessive boulevard signs, as well as other general amendments to the Sign By-law.
- It is Planning staff's recommendation that the proposed Sign By-law amendment be approved as it enhances regulations to address excessive boulevard signage and provides general amendments identified by staff based on sign variances, updates needed to reflect the new Zoning By-law 2019-051, and other minor updates.
- There are no financial implications to this report.
- Community engagement included a virtual meeting with the Waterloo Region Association of Realtors on January 16, 2024, a presentation to the Kitchener Development Liaison Committee on January 19, 2024, and a virtual community meeting on January 25, 2024.
- This report supports the delivery of core services.

BACKGROUND:

The Sign By-law regulates and enforces signs throughout the city. The intent of the Sign By-law is to:

- authorize the appropriate size, number and location of signs to the type of activity or use to which they pertain;
- provide reasonable and appropriate means for the public to locate and identify facilities, businesses and services without difficulty or confusion;
- be compatible with their surroundings;
- protect and enhance the aesthetic qualities and visual character of the city;
- be consistent with planning, urban design and heritage objectives;
- not create a distraction or safety hazard for pedestrians or motorists;
- minimize adverse impacts on nearby properties; and,
- provide businesses adequate and flexible means to identify themselves, while recognizing that the primary function of signage is to identify rather than advertise.

Kitchener's Sign By-law was last updated with general amendments in June 2011. On September 25, 2023, staff was directed by Council to address excessive boulevard signage by amending the Sign By-law to require realtors to prominently display either the date or the name of the day of the week of the scheduled open house, and to remove the provision in the Sign By-law that requires a 30-day sign hold after sign removal.

Further amendments to the Sign By-law will address a number of minor changes that have been identified through frequent use of the Sign By-law. These changes are minor and technical, and do not impact the overall intent of the Sign By-law.

REPORT:

The proposed sign by-law amendment includes a response to council's motion regarding boulevard signs (defined as Special Event Directional signs) and general amendments identified by staff based on sign variances, updates needed to reflect the new Zoning By-law 2019-051, and other minor updates. Staff note that general amendments were scoped to meet the timing for Council's priority to address boulevard signs. Attachment B provides a detailed list of proposed changes to the Sign By-law with an explanation for each change. Planning staff coordinated with staff in by-law enforcement, transportation services, fire, urban design, building and legislated services. Feedback from these divisions and subject matter experts is reflected in the following proposed amendments.

Special Event Directional Sign Amendments

First, Council's motion relates to signs that fall under the Special Event Directional sign type. Open house signs commonly used by realtors falls under this sign type. Special Event Directional signs are small (maximum height of 0.9 metres and maximum width of 0.65 metres), free-standing signs and are used for directing traffic to the location of a special event. They may be posted between the hours of 9 am to 6 pm on the day of the event. These signs are permitted in the boulevard on City streets between the travelled portion of the road and the sidewalk or property line and are not permitted in the median.

The only other sign permitted to be located in the boulevard of City street is a New Home Builder sign, usually an A-frame sign. This is a free-standing sign which provides directions to a new home development constructed by the new home builder at a location other than where the sign is located. They are restricted to noon on Friday and picked up no later than

noon on the following Monday. Staff are not proposing changes to the sign by-law regarding New Home Builder signs.

To address Council's motion, directing staff to address excessive boulevard signs which cause visual clutter and pose a safety hazard in our community, staff reviewed the regulations of the Sign By-law and are proposing the following changes:

1. Require the prominent display of either the date or the name of the day of the week for Special Event Directional signs to benefit residents and deter misuse, and
2. Remove the provision in the Sign By-law that requires a 30-day sign hold after a sign has been removed as the 30-day sign hold has been deemed ineffective in addressing the issue of excessive boulevard signs.

Staff met with the Waterloo Region Association of Realtors on January 16, 2024. There were two key areas of comment by the realtors:

- clarification on the size of the date/day of the week requirement and
- timing of implementation after Council decision to allow time for new signs to be produced.

Staff recommended a text height for the date or day of the week to be at least 5 centimetres to ensure this information is legible from a reasonable distance. Additionally, from staff's review of the current regulations for Special Event Directional signs, the current time limits of 9 am to 6 pm do not meet the needs of realtors or other special events and propose excluding the hour restrictions since the required day of the week or date on the sign will provide clarity on whether a sign is legally allowed. Ensuring clear time frames on Special Event Directional signs will provide reasonable and appropriate means for the public to locate and identify events, including real estate open houses, without confusion. Additionally, to allow members of the Waterloo Region Association of Realtors and other special event providers sufficient time to produce new signs that will comply with the proposed regulations, the recommended by-law is proposed to come into effect on July 1, 2024.

Staff is of the opinion that the proposed changes to regulations associated with Special Event Directional signs is appropriate and meets the intent of the Sign By-law.

General Amendments

Since the previous general amendments to the Sign By-law, staff have identified areas of the by-law that would benefit from being updated, improved and/or clarified. Generally, the revisions to the Sign By-law are housekeeping changes to clarify, simplify and address issues identified by the sign industry, the public and staff during the past 12 years. Key amendments include:

1. Update the Sign By-law with zoning references to include Zoning By-law 2019-051, such as
 - a. adding a list of permitted sign types in Mixed Use zones,
 - b. include Employment zones in the list of permitted sign types by zone,
 - c. align visibility triangle measurements for Corner Visibility Triangles and Driveway Visibility Triangle to align with zoning rules.
2. Reduce the distance of signs containing automatic changing copy to residentially zoned lots to be 20 metres when oriented perpendicular to the street line, and 30 metres when not perpendicular to the street line, instead of 100 metres in alignment

with several recent variances for schools and community centres that are located in residential neighbourhoods.

3. Reduce the radius for sign variance circulation notices to be 60 metres. The circulation will remain at 120 metres for sign by-law amendments. The current sign variance process has been in effect since 2020. At that time, sign variances were delegated to staff with some exceptions including a staff recommendation of refusal or a community concern that could not be resolved. Based on the variance requests processed, community comments typically come from those in close proximity to the sign. Staff also received community feedback from a notice recipient beyond 60 metres that the notification distance is excessive and wasteful of City resources. Staff recommend a 60-metre circulation distance for variances to continue to provide notice to properties affected.
4. Remove annual renewal for New Home Development signs, as these sign permits are rarely renewed annually and are an administrative burden for both staff and applicants without clear benefit. Permits for New Home Development signs will remain valid for a period of four years.
5. Allow incidental signs, like directional signs to a drive through, to have a maximum height of 1.2 metres instead of 0.9 metres when located outside of the Driveway Visibility Triangle.

Staff recommend the general amendments noted above and further detailed in Attachment B as they update and provide clarification in alignment with the intent of the Sign By-law.

Engagement

There were three engagement opportunities through this process: a virtual meeting with the Waterloo Region Association of Realtors (WRAR), a virtual community meeting and a discussion at a Kitchener Development Liaison Committee meeting.

During a virtual presentation to the WRAR on January 16, 2024, staff introduced and explained proposed changes to the Sign By-law. Feedback related to the proposed changes consisted of overall support for the proposed amendments, and included minor comments and questions, including the timing of the by-law coming into effect. Staff received a request to clarify text height for the date or name of the day of the week for Special Event Direction signs. Staff concluded that including a minimum text height of 5 centimetres would be appropriate to ensure these details are legible to pedestrians and motorists.

Following the January 16th meeting, staff received a letter from WRAR requesting the City not dispose of signs belonging to WRAR members. Staff consulted with Enforcement and were informed that, for more substantial signs, by-law enforcement staff attempt to contact the owner of the sign before disposing of the sign. By-law staff are not able to continue holding on to the smaller “H” frame signs as they become a storage and administrative burden. WRAR have also requested that the Laserfiche application used for accessing City by-laws is difficult to use. Staff will work with the Communications team to get the updated Sign By-law in an online format similar to the Zoning By-laws.

Staff presented an overview of the proposed changes to the Sign By-law to the Kitchener Development Liaison Committee on January 19, 2024. No concerns were raised during this presentation.

On January 25, 2024, staff hosted a virtual community meeting. At this meeting, staff did not receive any concerns with the proposed amendments, however, further discussion on other sign regulations occurred and will be considered in a future Sign By-law update. Attached in Attachment C are the notice of community meeting and notice of public meeting. Attached in Attachment D is the presentation material and a letter from the Waterloo Region Association of Realtors.

Conclusion

The proposed amendments to the Sign By-law align with the purpose of the Sign By-law through the following:

- Responding to the Council motion with proposed Sign By-law changes to address excessive boulevard signage will assist with limiting visual clutter and distractions for pedestrians and motorists.
- Ensuring clear time frames on Special Event Directional signs will provide reasonable and appropriate means for the public to locate and identify events, including real estate open houses, without confusion.
- Introducing a list of permitted sign types for Mixed Use zones will ensure signs will be compatible with their surroundings.
- Further, increasing the height of incidental signs when not located in a driveway visibility triangle, will allow businesses to install taller signs and ensure the incidental message is better identified on a lot, especially during the winter season when snow can accumulate or be plowed to various locations and block these signs.

Overall, the proposed amendments ensure signs are appropriate in size, number and location to the type of activity or use to which they pertain. The amendments proposed to the Sign By-law aim to reduce excessive boulevard signage, thereby reducing visual clutter and distractions for pedestrians and motorists. The proposed general amendments are minor and technical. Planning staff are recommending approval of the amendments per Attachment A.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

INFORM – The virtual community meeting information was posted to the City's website and an advertisement was posted in The Record. A Notice of Public Meeting has been posted in The Record to notify the public about these proposed amendments at the Community & Infrastructure Services Committee on May 13, 2024.

CONSULT – Community engagement included a virtual meeting with the Waterloo Region Association of Realtors on January 16, 2024, a presentation to the Kitchener Development Liaison Committee on January 19, 2024, and a virtual community meeting on January 25, 2024.

PREVIOUS REPORTS/AUTHORITIES:

- Municipal Act, 2001
- Official Plan, 2014
- CSD-11-036: Sign By-law Review, Chapter 680 of the Municipal Code

REVIEWED BY:

Janine Oosterveld, Manager, Customer Experience & Project Management
Gloria MacNeil, Director, By-law Enforcement

APPROVED BY: Justin Readman, General Manager, DSD

ATTACHMENTS:

- Attachment A – Proposed Sign By-law Amendment
- Attachment B – Rationale Chart
- Attachment C – Public Notices
- Attachment D – Public Consultation