

COUNCIL REPORT FORM



To	Mayor and Council & Colin Smith, Chief Administrative Officer Town of Riverview	Item	
From	Andrew C. Smith, MCIP, RPP Urban Planner	Meeting Date	October 22, 2018
Date	October 16, 2018		
Subject	Re-adoption of Municipal (Development) Plan and Zoning By-law; Addition of Signage Policies and Regulations, and 5- Year Capital Plan; and New Portable Sign By-law		
Length of presentation (if applicable)	15 minutes		

ISSUE

The Town's signage provisions have not been comprehensively reviewed since the enactment of the Municipal Development Plan and Zoning By-laws in 2013. At this time, the development of certain regulatory sections was put on hold due to issues with the business community. Select sign types, such as electronic message signs and portable signs, are not currently addressed in the existing signage provisions and thus remain prohibited throughout the Town. In order to modernize the Town's signage provisions and to accommodate and regulate these increasingly popular sign types, staff is proposing to comprehensively update the Municipal Development Plan and Zoning By-law; and to introduce a New Portable Sign By-law. These provisions reflect best practice in land-use planning and help ensure the protection of community safety and aesthetics.

Further, due to the enactment of the new *Community Planning Act*, S.N.B. 2017, c. 19 on January 1, 2018 and upon amending the Municipal Development Plan By-law and Zoning By-law, these by-laws must now be re-adopted pursuant to sections 142 and 144 of the *Act*, respectively. Since staff was asked to conduct comprehensive signage amendments, this was viewed as an opportunity to bring both by-laws into conformity with the new legislation.

Re-adoption of the Plan also allows updating of 'Schedule C: 5-Year Capital Budget'; this will cover the period 2018 to 2022. The capital budget currently covers the period 2013 to 2017. In accordance with subsection 24(6) of the *Community Planning Act*, Council shall annually revise the budget and make it applicable to the next five years; and provide a copy of the budget to the Minister. Re-adoption of the Plan, with an update to Schedule C, will also fulfill this legislative requirement.

BACKGROUND

Update since the Public Presentation (September 10, 2018)

The Public Hearing is a legislative requirement for adopting a new Municipal Plan By-law or Zoning By-law, pursuant to subsections 111(5)(b) and 111(6) of the *Community Planning Act*. The Public Hearing is the forum for hearing and considering formal objections received by the Town Clerk on behalf of Council before the hearing; and for accepting and considering additional written and verbal objections at the hearing.

Pursuant to subsections 4(b) and (c) of the *Community Planning Act*, the proposal was presented to the Planning Advisory Committee at its regular meeting held on September 12, 2018. The Committee resolved by recommending Council to adopt the proposed by-laws as-is.

The proposal was presented at a regular meeting of Council on September 10, 2018 (Municipal Plan Public Presentation, legislative requirement pursuant to subsection 25(1)(b) of the *Community Planning Act*). There were concerns raised with the current arrangement of the newly proposed Portable Sign By-law No. 700-60, which was also presented in tandem with the proposed re-adoption of the Municipal Plan and Zoning By-law.

Specifically, councillors objected to subsections 7(4) and (5) and section 9 of the proposed Portable Sign By-law No. 700-60, whereby a maximum of one sign per lot is permitted over a cumulative 90 days (i.e. a maximum of three 30-day licensing permits per year, per lot). Discussion ensued and Council resolved to add a 12-month licensing permit option to facilitate the year-round placement of portable signs in the Town. Council also gave first reading by title at this meeting for all three proposed by-laws.

In order to promote equal opportunity for businesses within the region, Council expressed an interest in adopting a similar licensing framework for portable signs as compared with the City of Moncton's Portable Sign By-law # L-402. Staff presented an alternative licensing framework via the PowerPoint presentation; no resolutions were made at this meeting to adopt this alternative framework.

At a public meeting held on October 9, 2018, Council later rescinded their initial motion to add a 12-month permit option and instead adopt the alternative that staff presented at the September 10, 2018 meeting. The following motions were passed at the October 9, 2018 public meeting:

1. That Town Council rescind the motion relating to the addition of a 12 month option for portable signs, adopted at the September 10, 2018 Regular Meeting of Council.
2. That Town Council amend the proposed By-Law 700-60 Regulating the Erection and Use of Portable Signs in the Town of Riverview as follows:
 - A. Replace subsection 6(f) with: "an application fee in the amount of \$100.00 or \$25.00 for a special permit"
 - B. Replace subsection 7(4) with "A permit issued hereunder expires on March 31st of the year following the year it was issued, except for a special permit which expires 30 days from the date of issuance.
 - C. Replace subsection 7(5) with "Despite any other provision of this by-law, the Town of Riverview shall not issue more than two special permits per calendar year for any one lot.
3. That Town Council amend proposed By-law 700-60 Regulating the Erection and Use of Portable Signs in the Town of Riverview by replacing Section 9 with the following:

9.(1) The total number of portable signs permitted on a lot shall be in accordance with the following table:

Street Frontage	0 – 75m	>75m – 150m	>150m – 225m	>225m
Signs Permitted	1	2	3	4

9.(2) Despite subsection (1), only one portable sign per business is permitted on a lot.

Councillors also raised the issue of restricting signage along the Riverfront Park area. Urban Planning staff has since met with Town staff on the issue. A draft 'By-law Relating to the Installation of Signs on Lands within, Owned, and Administered by the Town of Riverview' is currently being reviewed internally by Town staff and will be brought forward to Council at a later date.

Background from the Public Presentation Meeting (September 10, 2018)

The proposal was introduced to Council at its regular meeting on August 13, 2018. Urban Planning staff fielded questions at this meeting and Council resolved to start the legislative process, including requesting the views of the Planning Advisory Committee (PAC) (subsection 110(1)(a) of the *Community Planning Act*) and setting a Public Presentation for September 10 (subsection 25(1)(b) of the *Act*). Staff was asked to follow up on various outstanding inquiries of Council; the responses to these inquiries are summarized in the previous Council Report Form for the September 10, 2018 Public Presentation Meeting.

Background from Introduction to Council Meeting, August 13, 2018

In 2015, Town staff requested Urban Planning to conduct a comprehensive review of the Town's signage provisions. Urban Planning staff subsequently conducted extensive research, including a jurisdictional scan of Canadian municipalities. Urban Planning staff presented to the Town's Planning Advisory Committee (PAC) at an information session on March 11, 2015.

Staff then conducted a community-wide survey to garner public feedback on regulating signage. The on-line survey included 11 guided response questions. The Town received 199 responses, which is a considerable sample size for the population of the Town. The survey results and analysis were finalized on November 22, 2017. Council was briefed on the survey on November 27, 2017. Additional direction was given to staff to prepare draft by-laws and to further consult the business community.

In June, 2018, a draft Portable Sign By-law and draft amending Municipal Development Plan and Zoning By-laws were prepared for initial review by Town staff. Staff prepared and held two public briefing sessions.

The first session was arranged for the business community and was held at 6:30 p.m. on July 16, 2018. Notification was given to individuals and groups directly through the Town's business email list; and via the Town's main website page and social media channels. Draft versions of the by-laws were posted on the website. The session originally included a formal presentation to business stakeholders, but was cancelled due to low attendance. The session thus functioned as an informal drop-in session for members of the business community. Three local business owners attended the session. Two business owners had general inquiries about sections of the proposed by-laws (e.g. provisions for freestanding and electronic message signs); no substantive concerns were raised. The third business owner, representing a sign company currently operating within the Town, expressed specific concerns on limiting the number and duration of portable signs. The owner felt that the provisions, as currently drafted, are too restrictive and should not limit the year-round placement of portable signs within the Town. Suggestions included allowing multiple signs per one lot based on a total frontage; and allowing a year-round license for portable signs, as opposed to a maximum of 90 days in a year over three 30-day licenses. In general, the owner felt that portable signs need not be an eyesore and can add aesthetic value to the community, if the form and quality of the signage is of a high standard.

The second session was arranged for the general public and was held at 6:30 p.m. on July 17, 2018. Except for direct emails, this session was advertised in the same manner as the first session. The session was intended to function as an informal, drop-in open-house; however, no members of the public attended.

The feedback sheet was also posted on-line between July 11 and 20, 2018. Four responses were received. One response was submitted by the above-noted owner of the sign company and the same concerns were voiced. Other responses communicated an overall dismay with regulating signage in the Town, feeling the regulatory framework was too onerous and costly for small business owners. Another business owner cited concerns with existing portable signs currently in use and felt that these should be grandfathered moving forward (i.e. exempt from regulation, license and permitting).

MUNICIPAL PLAN

As noted above in the 'Issue' section, staff is recommending a re-adoption of the Municipal (Development) Plan (the Plan will be termed a 'Municipal Plan' under the new legislation), integrating the key changes from the signage review and update to 'Schedule C: 5-Year Capital Budget.'

The proposed section on signage ('12.1 Signage Policies') is an extension of 'Chapter 12: Urban Design.' The section contains policies and proposals specific to signage in the Town. This section gives direction to staff, Council, and the PAC in considering planning applications (e.g. conditional use, dimensional variance, rezoning, or Municipal Plan amendment).

Policy 12.1.3 is specific to electronic message signs, which are currently set up to be considered as a conditional use in specific zones or within 30m of any residential zone. Policy 12.1.5 and sub-proposal 12.1.6 indicate that billboards are prohibited as-right throughout the Town and shall only be considered for approval by Council through a conditional zoning agreement.

ZONING BY-LAW AND PORTABLE SIGN BY-LAW

The proposed changes to the Zoning By-law include a replacement of 'Part 10 – Signs.' The signage provisions are modernized to reflect best practice in land use planning, thus helping to protect community safety and aesthetics. The amendment includes numerous changes from the

current provisions including the addition of new definitions and changes to provisions for freestanding, projecting, wall, and billboard signs.

Substantive changes include the addition of provisions for directory, canopy, portable, sandwich, and electronic message signs. (See attached 'Guide to Town of Riverview Proposed By-law Signage Provisions' for a summary of proposed changes.)

Proposed regulations for electronic message signs are based on recommended standards from the Transportation Association of Canada's guideline. In order to help protect road traffic safety, these signs should be limited by their brightness, message transition, time of operation, and location with respect to illuminated traffic control devices and crosswalks. Where permitted, these signs should be viewable to passing bystanders, but should not cause abrupt distraction jeopardizing traffic safety.

Further, and due to their light emission, electronic message signs can be nuisance land uses when installed in close proximity to residential uses and other non-commercial uses. The proposed regulations prohibit this sign type in residential zones; and outline an electronic message sign as a conditional use when proposed in the 'Residential Business Service (RBS)', 'Neighbourhood Commercial (NC)', 'Parks, Recreation, and Institutional (PRI)', 'Open Space (OS)', and 'Integrated Developments (ID)' zones, or within 30m of a residential zone. A proposed electronic message sign in any of these areas will be subject to review by the Planning Advisory Committee (PAC) and may be subject to additional terms and conditions where applicable (e.g. additional screening, buffer, time of use requirements).

The proposed amending by-law also includes provisions for portable signs, which are an increasingly popular sign type in the Town. The Zoning By-law does not currently address portable signs; therefore they currently remain prohibited throughout the Town. The proposed amendment allows portable signs in commercial, industrial, and community use zones pursuant to the new Portable Sign By-law.

A licensing by-law allows for the temporary placement of portable signs. The new, proposed Portable Sign By-law strives to facilitate portable signs as transient structures, occasionally used for advertising temporary events, promotions, or sales. The intent of the new by-law is to facilitate the development of fewer and larger permanent signs such as freestanding and wall signs. The proposed by-law indicates that no more than one portable sign can be installed on a lot at one time. As proposed, a portable sign licensing permit costs \$25 and is valid for a 30-day period. A maximum of three permits can be issued on a lot in a year (i.e. a total of 90 days over three licensing permits in a year). Violation of the by-law may result in enforcement and penalty, which may include a ticketable offence between \$100 and \$500.

INTERDEPARTMENTAL REVIEW

The Zoning By-law and Portable Sign By-law share core elements with the City of Moncton Zoning By-law and Portable Sign By-law (e.g. section on electronic message signs based on the Transportation Association of Canada's guideline). These sections were reviewed and vetted internally by staff for traffic safety concerns. The draft by-laws were also reviewed by the Town's Economic Development Department.

The Town's Department of Engineering was referred to on the update to 'Schedule B: Future Roads Map' of the Municipal Plan.

The provincial Department of Environment and Land Planning was consulted regarding the re-adoption requirement.

CONCLUSION

If adopted by Council, the proposed new Portable Sign By-law and re-adoption of the Municipal (Development) Plan and Zoning By-laws, with recommended additions and changes, would modernize signage provisions within the Town. The proposal accommodates increasingly popular sign types, including electronic message and portable signs. The proposed signage provisions are in line with best practice in land use planning (e.g. requirements for electronic message signs based on the Transportation Association of Canada's guideline). Despite additional provisions compared with the status quo, the by-laws would be more permissive overall.

RECOMMENDATION

The Planning Advisory Committee recommends that Riverview Town Council give 2nd and 3rd readings by title to the Municipal Plan By-law No. 300-33 (as attached), Zoning By-law No. 300-7 (as attached), and Portable Sign By-law No. 700-60.

Staff recommends, pursuant to the resolution of Council made at the public meeting held on October 9, 2018, that Council give 2nd and 3rd readings by title to the amended Portable Sign By-law No. 700-60 (as attached).

ALTERNATIVES

- That Council table the request for additional information; or
- That Council deny the request.


RISK ANALYSIS

Administration does not see any risks associated with this application.

CONSIDERATIONS / ENJEUX

Financial	N/A
Environmental	N/A
Public Consultation	<p>As noted in the Background section, extensive community consultation was conducted for the proposed signage provisions prior to the start of the legislative process.</p> <p>Additional consultation included statutory notices in accordance with the <i>Community Planning Act</i> and <i>Local Governance Act</i>; and a statutory Public Presentation for the re-adoption of the Municipal (Development) Plan and a Public Hearing for the re-adoption of the Municipal (Development) Plan and Zoning By-laws.</p>
Attachments	<ul style="list-style-type: none">• Guide to Town of Riverview Proposed By-law Signage Provisions• New Portable Sign By-law No. 700-60 (Amended October 9, 2018)• New Municipal Plan By-law No. 300-33 (Re-adoption of Municipal Development Plan By-law No. 300-32)• New Zoning By-law No. 300-7 (Re-adoption of Zoning By-law No. 300-6)• Addition of Signage Section in Municipal Plan By-law No. 300-33• Changes to Signage Provisions in Zoning By-law No. 300-7


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