

## **DIGITAL SIGN SEPARATION DISTANCE**

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### **EXECUTIVE SUMMARY**

This report was prepared to respond to Council's request to monitor the rules in Land Use Bylaw (LUB) 1P2007 for required spacing between Digital Third Party Advertising and Digital Message Signs. Rules regarding the location, spacing and sizes of Digital Signs came into effect 2013 March 01 through Amendments to LUB 1P2007 in the form of amending bylaw 4P2013. Administration received direction to return to the SPC on Planning and Urban Development 18 months after the effective date with a monitoring report for the spacing requirement between Digital Signs. The spacing rule, which was adopted as part of the 2013 amendments, requires a 300 metre separation distance between any Digital Sign whether it be a Digital Message Sign or Digital Third Party Advertising Sign. Administration's review has found that 300 metres is an appropriate separation distance and no amendments are recommended.

### **ADMINISTRATION RECOMMENDATION(S)**

That the SPC on Planning and Urban Development recommend that Council receive this report for information.

### **RECOMMENDATION OF THE SPC ON PLANNING AND URBAN DEVELOPMENT, DATED 2014 SEPTEMBER 10:**

That the Administration Recommendation contained in Report PUD2014-0607 be approved.

### **PREVIOUS COUNCIL DIRECTION / POLICY**

On 2013 February 12 Council gave three readings to proposed amending Bylaw 4P2013 and voted to adopt the recommendations contained in Report CPC2013-023. Included in the recommendations was the direction for Administration "to consult with stakeholders and to bring a report to the SPC on Planning and Urban Development in 18 months following the passage of the Bylaw with recommendations, based on the monitoring of the rule, for the spacing between Digital Third Party Advertising and Digital Message Signs."

### **BACKGROUND**

Prior to 2011, LUB 1P2007 did not have any rules which specifically addressed Digital Signs; however, due to an increasing number of applications in 2010 Administration began investigating potential rules to manage this type of signage. Concerns were raised that the rapidly developing technology surrounding Digital Signs led to proliferation, aesthetic and safety concerns that were not addressed by the existing sign rules. A set of interim amendments was approved 2011 July 25 in order to quickly respond to these concerns and the increasing number of Digital Sign applications. These initial amendments were intended to be temporary and were meant to address the immediate need for rules surrounding applications while allowing Administration the time needed to develop a comprehensive set of rules.

A task force comprising the chair of the SPC on Land Use, Planning and Transportation (LPT) and two members of Council worked with Administration to engage industry and community representatives and conduct extensive research in drafting the initial set of amendments. This work served as the basis for future engagement and research that would inform the permanent

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amendments. The permanent amendments came into effect 2013 March 01 and have remained in effect to this date. Both the temporary and permanent sets of amendments attempted to reach a balance between public safety, aesthetics, and concerns from community members and industry. Although there were noted concessions from all stakeholders there was a general agreement expressed at public hearing that the rules represented an acceptable compromise. A concern had been voiced by members of industry at Calgary Planning Commission about the required separation distance between Digital Third Party Advertising and Digital Message Signs. Under the temporary amendments a Digital Message Sign was required to be at least 300 metres from another Digital Message Sign, but only 150 metres from a Digital Third Party Advertising Sign. Under the permanent amendments this rule was amended such that Digital Message Signs must now be located at least 300 metres from both Digital Message and Digital Third Party Advertising Signs. The concern raised at CPC about this change resulted in a recommendation directing Administration to further consult with stakeholders, monitor Digital Sign spacing on applications over the course of an 18 month period, and report back to the SPC on Planning and Urban Development.

### **INVESTIGATION: ALTERNATIVES AND ANALYSIS**

In preparing this report Administration conducted extensive research and engagement regarding Digital Sign spacing. A comprehensive review was undertaken of all available Development Permits for Digital Signs applied for since the initial amendments to LUB 1P2007 were approved. Research was also conducted into how other North American municipalities legislate Digital Sign spacing. Industry and community stakeholders were contacted for their feedback on sign spacing. Engagement sessions were held with interested stakeholders in order to elicit further feedback.

### **Stakeholder Engagement, Research and Communication**

#### Development Permit Review

Administration reviewed all Development Permits for both Class E (Digital Message) and Class G (Third Party Digital Advertising) Signs applied for since 2012 to determine what effect the 300 metre separation distance rule has had on new applications. Since the current rules came into effect on 2013 March 01 there have been 81 applications for Digital Signs. Of those, ten were refused, with three of the refusals citing the 300 metre separation distance as one of multiple bylaw relaxations in the reasons for refusal. One application cited the separation distance as the sole bylaw relaxation in the reasons for refusal; however, it was one of two congruent Digital Sign applications from the same applicant. Given the limited separation distance, the applicant had the choice of which Digital Sign they wanted to move forward with an approval, and which would be refused.

There were four applications noted which required a relaxation of the separation distance rule and which were approved. The largest relaxation was approximately 45% resulting in Digital Signs spaced roughly 165 metres apart. The rationale given for this relaxation was that the Class E Sign was positioned in such a way and small enough that it would not result in 'sign proliferation'.

The chart below indicates the total number of Development Permit applications for Digital Message and Digital Third Party Advertising Signs applied for since the new rules came into

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effect 2013 March 01. Data show that while applications requesting a relaxation of the separation distance rule were few, a relaxation would not necessarily preclude an application's approval.

Development Permit Applications for Digital Signs - Refusals and Relaxations Since 2013 March 01		
Status	Number	Percentage of Total Applications
<b>Refused - Total</b>	10	12.3%
Refused - Separation Distance noted as a Relaxation	3	3.7%
Refused - Separation Distance noted as sole Relaxation	1	1.2%
<b>Approved - Relaxation for Separation Distance</b>	4	4.9%
<b>Approved – No Relaxation for Separation Distance</b>	66	81.6%
<b>Total number of applications</b>	81*	100%*

\*One application was cancelled at applicant's request.

### Best Practices

A review was conducted of other Canadian and American municipalities in order to determine whether there is a common separation distance rule for digital signs across municipalities. The results of this research have been summarized in the chart attached in Attachment 1. There is no clear standard distance used by municipalities as required separation distances range from 10.67 metres to 1524 metres.

### Stakeholder Engagement

Industry representatives and Community Associations were contacted by email and newsletter to solicit feedback. All respondents were also invited to meet in person to discuss any concerns. All parties who had contributed to prior Digital Sign amendments were contacted to provide feedback. Additionally, members of the Land Use Bylaw Stakeholders group were approached for their feedback during the course of the monitoring report. There were multiple responses to the request for information via email, with one group wanting to meet to discuss the report.

The responses were varied regarding the 300 metre separation rule. Two members of industry, Five Star Permits and Katz Co both indicated they believed the rule should be adjusted. Katz Co indicated that the existing rules were too onerous and that their preference would be for the setback of Digital Signs to depend on the size of the signs in question. Five Star Permits indicated that they found the rules too restrictive and indicated that they had clients who would not proceed with Digital Sign applications due to an assumed refusal because of their proximity to other Digital Signs. While Five Star Permits did not propose an alternative distance they did indicate that they believed the separation distance should be much less.

The single response from the Federation of Calgary Communities came from the Beltline Community Association who responded that they felt the separation distance should be

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increased from 300 metres to 500 metres in order to reduce driver distraction and to improve the public aesthetic.

The only respondents who wanted to meet in person to discuss the rules were the representatives from Pattison Outdoor Advertising. Administration met with representatives from Pattison Outdoor Advertising on 2014 June 03 to discuss the separation distance between Digital Class E – Digital Message Signs and Class G – Digital Third Party Advertisings Signs. It was a Pattison representative who had initially recommended that a monitoring report be undertaken after approval of the amendments for Digital Sign rules. The representatives from Pattison indicated that they are in favour of maintaining the current separation distance of 300 metres. They indicated that in instances where a relaxation of the distance was warranted, the discretionary nature of Digital Signs gave the Development Authority the ability to relax the separation rule. They also indicated that they saw no benefit in reducing the separation distance on a large scale as it would likely have a negative impact on the aesthetic appeal of Calgary streets.

### **Strategic Alignment**

The Calgary Third Party Advertising Sign Guidelines were approved by City Council on 2012 July 30. The Guidelines include a reference to the Municipal Development Plan and a commitment to maintain and enhance a high quality urban environment in Calgary and a city that continues to be a desirable community in which to live, work and visit. Maintaining the current setback will help implement the following principles from the Guidelines:

- Principle B (ii) – The placement of a Third Party Advertising Sign on a property must satisfy appropriate minimum setbacks from other buildings and structures on the parcel, street edges and parcel lines, other Freestanding Signs, other Third Party Advertising Signs, and Digital Message Signs. This will reduce sign proliferation and clutter which should be discouraged.
- Principle D (v) – Minimum separation distances between Digital Third Party Advertising Signs, Digital Message Signs and Third Party Advertising Signs will maintain proper visibility and prevent a proliferation of signs with automatically changing messages that could impact area aesthetics and the streetscape.
- Principle E (viii) – When reviewing an application for any Third Party Advertising Sign, the Development Authority may consider relaxing bylaw standards provided that the applicant can demonstrate that such relaxations are unique, do not create a clustering of signage on a parcel or lead to sign proliferation in the general area.

### **Social, Environmental, Economic (External)**

#### **Social**

Maintaining the current separation distance would not change any of the existing social impacts. Current rules for separation distance reduce the incidence of clustering and the visual clutter of Digital Signs fostering a more attractive and liveable city.

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### **Environmental**

Maintaining the current separation distance would not change any of the existing environmental impacts. Current separation distances can be used as a mitigation measure to reduce light trespass and avoid an intensification of light pollution stemming from increasing the incidence of Digital Signs.

### **Economic (External)**

Maintaining the current separation distance would not change any of the existing economic impacts. Industry representatives have argued that there may be negative economic impacts from not reducing the setback requirement.

### **Financial Capacity**

#### **Current and Future Operating Budget:**

No impact

#### **Current and Future Capital Budget:**

No impact

### **Risk Assessment**

Since no specific land use bylaw amendments are being proposed at this time, and because the 300 metres represents a middle ground between some industry and community desires, there would be little risk associated with maintaining the current separation distance. There could be a risk to changing the current 300 metre rule, as increasing the rule could render some existing signs as non-conforming and could have unforeseen impacts on potential locations that industry is currently reviewing.

### **REASON(S) FOR RECOMMENDATION(S):**

The current regulations for Digital Sign spacing have proven effective in their intent of managing the clutter, visual impact and safety concerns associated with these types of signs. Given the discretionary nature of these uses, when unique circumstances merit, the Development Authority has the ability to relax the rules of Land Use Bylaw 1P2007. While some stakeholders voiced desires to have the spacing rule reduced, recognizing that Digital Signs have impacts on aesthetics, community feel and safety, Administration believes that the current rule poses a good balance between industry's desire for more signs and community desires for higher spacing rules. It is also important to note that the respondents whose suggestions initiated this report concur with the maintenance of the current rule.

### **ATTACHMENT(S)**

1. Digital Sign Separation Distance by Municipality Chart
2. Letter from Pattison Outdoor Advertising