

Digital Message Signs Current Bylaw Rule Excerpts & DRAFT Bylaw

This past year, the City of Calgary Department of Planning and Development staff have been working on changes to the digital message sign bylaw rules. They have recently made public a draft bylaw with a recommendation to remove the current 300 m separation between digital signs rule. Please see page 5 of the attached draft document. We believe that this proposal to eliminate the 300 m separation requirement between digital signs will work in the industry's and the end users' favour and would like to urge our members to submit a note to the City of Calgary council supporting this change by July 10, 2017.

The lead planner on this project is concerned that there might be push-back from some members of council and therefore letters from the members of community expressing support would be very helpful.

Here's the link to the City's website, where there's an online form:

<http://www.calgary.ca/citycouncil/Pages/Contact-the-Office-of-the-Councillors.aspx>

Here is a sample message of support you could use:

We would like to support the recommendation to delete current subsection 104(3) of the Land Use Bylaw, which requires a 300 m separation between digital signs and replacing it with the new requirement "A maximum of one Digital Message Sign may be located on a parcel with the exception that corner parcels may have one Digital Message Sign on the street side of each public street." This has been a problematic regulation for Calgary businesses as it provides a competitive advantage to businesses who get their signs up first. In addition, the 300 m separation requirement has also meant that every permit application needs a legal survey. Generally, a legal survey will cost more than \$800 – a sum that is wasted if another digital sign is in the area.

Please take a moment to review the document below

QUESTIONS

Please contact Tina Kendrick at info@albertasigns.com

587-336-8283

or

Karin S. Eaton, Director, Government Relations - Sign Association of Canada

T 905-856-0000 ext. 3 / TF 877-470-9787 ext. 3

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Division 2: Definitions and Methods

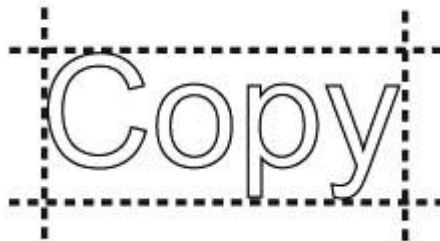
General Definitions

13 (41.1) "**copy**" means any image, written material, structure, graphics, pictures, logo, symbol or letters placed on a **sign**.

(42) "**copy area**" means:

- (a) a rectangular area formed by the outermost extremities of the **copy** contained on the **sign**, as illustrated in Sign Illustration 1 and includes, but is not limited to, graphics related to the specific nature of the **copy**; and
- (b) in the case of a **sign** which has **copy** on more than one side of the **sign**, the average of the total area of all sides of the **sign** will be used in the calculation of **copy area**.

Sign Illustration 1:
Copy Area
Subsection 13(42)



(55.1) "**digital display**" means a device intended to display **copy** using electronic screens, projection, television, computer video monitors, liquid crystal displays (LCD), light emitting diode (LED) displays, or any other similar electronic, computer generated or digital technology.

(128) "**sign area**" means:

- (a) the entire area of a **sign** on which **copy** is intended to be placed; and
- (b) in the case of a **sign** which has **copy** on more than one side of the **sign**, the average of the total area of all sides of the **sign**.

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PART 2: ADMINISTRATION

Division 3: Development Permits

Notice Posting Requirement

- 27 (1) At least 7 days prior to making a decision on an application for a **development permit** for those **uses** listed in subsections (2), (2.1), (3), (4) and (5), the **Development Authority** must post in a conspicuous place a notice stating:
- (a) the proposed **use** of the **building** or **parcel**;
 - (b) that an application respecting the proposed **development** will be considered by the **Development Authority**;
 - (c) that any person who objects to the proposed **development** on the **parcel** may deliver to a **Development Authority** a written statement of their objection to the **development**;
 - (d) the date by which the objection must be delivered to the **Development Authority** to be considered by the **Development Authority**; and
 - (e) that the objection must include:
 - (i) their full name and the address for service of any notice to be given to the objector in respect of the objection; and
 - (ii) the reason for their objection to the proposed **development**.
- (2.1) The following **uses** must be notice posted when **adjacent** to a **parcel** containing a **Dwelling Unit**:
- (a) **Digital Third Party Advertising Sign**; and
 - (b) **Digital Message Sign**.

PART 2: ADMINISTRATION

Division 6: General Provisions Relating to Development Permits

Applications the Development Authority Must Refuse

- 40 The **Development Authority** must refuse a **development permit** application when the proposed **development**:
- (f) is for any **sign** containing a **digital display** that would display **copy** shown on the **digital display** using full motion video, or otherwise gives the appearance of animation or movement;

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PART 3: RULES GOVERNING ALL DISTRICTS

Division 5: Signs

Development Permits

- 69 (2) A **development permit** is not required for routine maintenance and repair, changing the **copy**, or reducing the **copy area** of a legally existing **sign**.

Rules Governing Signs containing Digital Displays

- 74 (1) **Copy** shown on a **digital display** must be static and remain in place for a minimum of six (6.0) seconds before switching to the next **copy**.
- (2) The maximum transition time between each digital **copy** must not exceed 0.25 seconds.
- (3) *deleted*
- (4) **Copy** must not be shown on the **digital display** using full motion video or otherwise give the appearance of animation or movement, and the transition between each digital **copy** must not be displayed using any visible effects, including but not limited to action, motion, fading in and out, dissolving, blinking, intermittent, or flashing light or the illusion of such effects.
- (5) **Copy** must not be shown in a manner that requires the **copy** to be viewed or read over a series of sequential **copy** messages on a single **digital display**, or sequenced on multiple **digital displays**.
- (5.1) All **signs** containing a **digital display** must be equipped with an ambient light sensor.
- (5.2) A **sign** containing a **digital display** must not increase the light levels adjacent to the **digital display** by more than 3.0 LUX above the ambient light level.
- (6) The **sign owner** must ensure that while the **sign** is in operation, the light output for the **digital display** must be set in accordance with the following maximum luminance levels when measured from the **sign** face at its maximum brightness:
- (a) from sunrise to sunset, 7500 Nits in all districts; and
 - (b) from sunset to sunrise:
 - (i) 500 Nits in the **industrial districts**;
 - (ii) 350 Nits in the C-COR 1, C-COR2, C-COR3, C-R1, C-R2, C-R3, S-CRI and S-FUD Districts; and
 - (iii) 300 Nits in all other districts not referenced in subsections (i) and (ii).
- (7) *deleted*

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- (8) If any component on the **sign** fails or malfunctions in any way or fails to operate as indicated on the approved **development permit** plans, the **sign owner** must ensure that the **sign** is turned off until all components are fixed and operating as required.
- (9) The **sign owner** must provide the **Development Authority** with a name and telephone contact information of a person(s) having access to the technology controls for the **sign**, who can be contacted 24 hours a day in the event that the **sign** malfunctions.
- (10) *deleted*

Temporary Sign

- 89 (2.1) A **Temporary Sign** must not be placed on a **parcel** where an approved **Digital Message Sign** is operating.

Rules Governing Class E Signs

- 103 Every **Sign – Class E** requires a **development permit**.

Digital Message Sign

- 104 (1) Unless otherwise referenced in subsection (2), a **Digital Message Sign** may only be approved in a **commercial district, industrial district, mixed use district**, S-R, CC-ER or CR20-C20/R20 District.
- (2) A **Digital Message Sign** advertising events, activities or services offered, may only be approved in the **low-density residential districts, multi-residential districts**, CC-MH, CC-MHX, S-SPR, S-CS, S-CI, S-URP, CC-EMU, CC-ET, CC-EPR, CC-EIR and CC-ERR Districts, when they are associated with one of the following **uses**:
 - (a) **Community Recreation Facility;**
 - (b) **Indoor Recreation Facility;**
 - (c) **Library;**
 - (d) **Museum;**
 - (e) **Outdoor Recreation Area;**
 - (f) **Park;**
 - (g) **Place of Worship – Large;**
 - (h) **Place of Worship – Medium;**
 - (i) **Place of Worship – Small;**
 - (j) **School – Private;**

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- (k) **School Authority – School;**
- (l) **School Authority Purpose – Major;** and
- (m) **School Authority Purpose – Minor.**

- (3) A **Digital Message Sign** must be located at least 300.0 metres from any other **Digital Message Sign** or **Digital Third Party Advertising Sign** when measured from the closest point of the **sign** containing the **digital display** to the closest point of another **sign** containing the **digital display** when the **signs** are facing the same oncoming traffic.

Propose deleting the current subsection 104(3) above and replacing with the text below:

- (3) A maximum of one **Digital Message Sign** may be located on a **parcel** with the exception that **corner parcels** may have one **Digital Message Sign** on the street side of each public street.

(3.1) *deleted*

- (4) Subsection (3) does not apply to a **Digital Message Sign** with **copy** that only displays the date, time, temperature, motor vehicle fuel price or a **Drive Through** menu board.

Propose deleting the current subsection 104(4) above and replacing with text below:

- (4) Subsection (3) does not apply to a **Digital Message Sign** with **copy** that only displays the date, time, temperature, **motor vehicle parking stall** information, motor vehicle fuel price or a **Drive Through** menu board.

Note: The yellow highlighted text below was introduced to the community representative and customers as areas of the land use bylaw that we would be discussing (within project scope).

- (5) A **Digital Message Sign** must not be located on a **parcel adjacent** to Deerfoot Trail when the **copy** on the **sign** is visible from Deerfoot Trail.

Propose deleting the current subsection 104(5) above and replacing with the text below:

- (5) Notwithstanding subsection (3), a **Digital Message Sign** must not be located on a **parcel adjacent** to Deerfoot Trail, Stoney Trail, or any Highway as defined in the (other legislation reference to be added) when the **copy** on the **sign** is visible from these highways.

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Propose adding a new subsection below:

- (5.1) Notwithstanding subsection (5), a **Digital Message Sign** may be located on a *parcel adjacent* to a Highway when located beyond the minimum distance from the edge of Highway pavement in accordance with Table 1.1.

Table 1.1: Maximum sign areas and minimum distances from Highways

Maximum total cumulative <i>sign area</i> (square metres)	Minimum Distance from edge of Highway pavement to sign (metres)
5.0	400
4.0	350
3.0	300
2.0	250
1.0	200

- (5.2) The **Development Authority** must not relax the minimum distance from the edge of Highway pavement to a **Digital Message Sign** as shown in Table 1.1.

The following subsection will renumbered from s.104 (5.1) to 104(5.3)

- (5.3) A **Digital Message Sign** must not be located within the **Stephen Avenue_Mall heritage area**.

- (6) **A Digital Message Sign:**

- (a) where located in a **commercial district, industrial district, mixed use district**, S-R, CC-ER or CR20-C20/R20 District has a maximum **sign area**:
- (i) of 5.0 square metres when attached to a **building**;
 - (ii) not exceeding the lesser of 2.5 square metres or 30.0 percent of the window area, where used as a **Window Sign**; and

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- (iii) of 50 per cent of the **sign area** of a **Freestanding Sign**; and
 - (b) where located in a **low-density residential district, multi-residential district, CC-MH CC-MHX, S-SPR, S-CS, S-CI, S-URP, CC-EMU, CC-ET, CC-EPR, CC-EIR and CC-ERR Districts**, has a maximum **sign area** of 1.0 square metres.
- (7) Where the **digital display** of a **Digital Message Sign** is visible from and located within 125.0 metres of a **building** containing a **Dwelling Unit**, the **sign** must not operate, or must only display a black screen when located in:
- (a) a **commercial district, industrial district, mixed use district, S-R, CC-ER or CR20-C20/R20 District**, between 11 p.m. and 6 a.m.; or
 - (b) one of the districts and associated with one of the **uses** listed in subsection (2), between 10 p.m. and 7 a.m.
- (8) A **Digital Message Sign** or any digital **copy** on a **Digital Message Sign** must not be located on or attached to a roof of a **building**.

Note: The yellow highlighted text below was introduced to the community representative and customers as areas of the land use bylaw that we would be discussing (within project scope). Driver decision points are important and the risk of distraction must be minimized in those areas.

- (9) The **Development Authority** must not approve any **sign** containing a **digital display** with a **sign area** greater than 2.0 square metres if the **sign** is located less than 30.0 metres from an **intersection or railway crossing**.

Proposed deleting the current subsection 104(9) and replacing with the text below:

- (9) In addition to the provisions of subsection 104(5.1), the **Development Authority** must not approve any **sign** containing a **digital display** with a **sign area** greater than 2.0 square metres if the **sign** is located less than 30.0 metres from an **intersection, pedestrian crosswalk, or railway crossing**.
- (10) The electrical power supply to a **Digital Message Sign** must be provided underground.
- (11) A **Digital Message Sign** may display **copy** that acknowledges sponsors of activities or programs when the **sign** is associated with one of the following **uses**:
- (a) **Community Recreation Facility**;
 - (b) **Indoor Recreation Facility**;
 - (c) **Library** ;
 - (d) **Museum**;
 - (e) **Outdoor Recreation Area**;
 - (f) **Park**;

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- (g) **Place of Worship – Large;**
- (h) **Place of Worship – Medium;**
- (i) **Place of Worship – Small;**
- (j) **School – Private;**
- (k) **School Authority – School;**
- (l) **School Authority Purpose – Major; and**
- (m) **School Authority Purpose – Minor.**

- (12) A **development permit** for a **Digital Message Sign** may only be issued for a period not exceeding three (3) years, except where **copy** only displays the date, time, temperature, motor vehicle fuel price, or **Drive Through** menu board.

Note: The yellow highlighted text below was introduced to the community representative and customers as areas of the land use bylaw that we would be discussing (within project scope). Driver decision points are important and the risk of distraction must be minimized in those areas.

- (13) Prior to a **development permit** expiring for a **Digital Message Sign**, and upon receipt of a new **development permit** application for the same **Digital Message Sign**, the **Development Authority**:
- (a) must ensure the location of the **Digital Message Sign** does not interfere with information signs in road rights-of-way;
 - (b) must, when a **sign** is located in a district referenced in subsection (1), apply the rules referenced in subsection (7); and
 - (c) may approve the **development permit** for a **Digital Message Sign** that was approved prior to March 1, 2013, and is adjacent to Deerfoot Trail.

PART 4: USES AND USE RULES

Division 2: Defined Uses

Defined Terms

303 “Sign – Class E”

- (a) means only the following **sign** types:
 - (i) **”Digital Message Sign”** which means a **”Message Sign”**, referenced in subsection (iv) that:

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- (A) displays **copy** by means of a **digital display**, but does not contain **copy** that is full motion video or otherwise gives the appearance of full animation or movement; and
- (B) does not display third party advertising;
- (ix) any type of **sign** that:
 - (A) does not fit within any of the **sign** types listed in **Sign – Class A, Sign – Class B, Sign – Class C, Sign – Class D, Sign – Class F or Sign – Class G**; and
 - (B) does not contain a **digital display**, and
- (b) is a **use** within the Signs Group in Schedule A to this Bylaw.

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SIGNS GROUP	
Community Entrance Feature	
<p>Sign - Class A Address Sign Banner Sign Construction Sign Directional Sign Election Sign Flag Sign Gas Bar Sign Pedestrian Sign Real Estate Sign Show Home Sign Special Event Sign Temporary Sign Window Sign Any type of sign located in a building not intended to be viewed from outside</p>	<p>Sign - Class E Digital Message Sign Flashing or Animated Sign Inflatable Sign Painted Wall Sign Roof Sign Rotating Sign Temporary Sign Marker Any type of sign that does not fit within any of the sign types listed in Classes A, B, C, D, F or G</p>
<p>Sign - Class B Fascia Sign</p>	
<p>Sign - Class C Freestanding Sign</p>	
<p>Sign - Class D Canopy Sign Projecting Sign</p>	