

APPENDIX K – PROPOSED AMENDMENTS TO THE NEW SIGN BY-LAW FOR THE CITY OF TORONTO

The Deputy City Manager, Cluster B and the Deputy City Manager and Chief Financial Officer recommend that the draft by-law attached to the report dated October 20, 2009 from the Deputy City Manager, Cluster B and the Deputy City Manager and Chief Financial Officer be amended as follows:

- a. Replace the definition of MODIFICATION with the following:

MODIFICATION - Any change to a sign and shall include a change in the manner in which sign copy is displayed, a change to the method by which the sign is illuminated, a change to the sign class and a change to the sign face area but shall not include the removal and replacement of sign copy displayed on the sign face.

- b. Replace the definition of PROPERTY OWNER with the following:

PROPERTY OWNER - The registered owner of a property.

- c. Replace the definition of SIGN FACE AREA with the following:

SIGN FACE AREA - The area, as measured in square metres, within the perimeter of the sign face, or in the case of individually installed letters or like sign components, the total area within the outermost perimeter bounding the limit of all the individual components.

- d. Replace Subsection 694-5D with the following:

The applicant for a sign permit shall file with the City the information and documents required for the applicable sign class in the form and manner approved by the Chief Building Official and a written declaration that the consent of the property owner to erect, display, modify or restore the sign has been obtained, and the applicant shall pay the fee prescribed in Chapter 441.

- e. Insert the following as Subsection 694-14J and renumber the remainder of Subsection 694-14 accordingly:

Where this chapter permits a sign to display readograph copy and the readograph copy is changed electronically, the following requirements shall be met:

- (1) The message duration shall not be less than 10 seconds;

- (2) The message transition shall not exceed 1.0 second; and
- (3) During the message transition, the sign shall not display any visible effects, including but not limited to action, motion, fading, dissolving, blink, intermittent or flashing light or the illusion of such effects.

f. Replace Subsection 694-15B (4) with the following:

A sign erected on a vehicular, railway or pedestrian bridge.

g. Replace Subsection 694-18C with the following:

No sign shall be illuminated between the hours of 12 a.m. and 6 a.m. except where:

- (1) The sign is a first party sign associated with a lawful business which operates during this period and only while the business is actually in operation; or
- (2) The sign is located in the Downtown Yonge Street Special Sign District, the Dundas Square Special Sign District, or the Gardiner Gateway Special Sign District.

h. Delete Subsection 694-21A (2) and replace Subsection 694-21B (1) with the following:

Any sign permitted in an R-Residential sign district as set out in Subsection A(1);

i. Replace Subsection 694-24A (26) with the following:

100.0 metres of any limit of St. Clair Avenue, from the westerly limit of Bathurst Street to the easterly limit of Inglewood Drive;

j. Replace Subsection 694-29A with the following:

A person may apply for:

- (1) a variance from the provisions of this chapter, provided none of the circumstances set out in Subsection 694-31A applies, and will need to demonstrate that the proposed sign satisfies the criteria set out in Subsection 694-30A; and

(2) a site specific amendment to this chapter to permit a sign in the circumstances set out in Subsection 694-31A.

k. Replace Section 694-30 with the following:

- A. A variance from the provisions of this chapter may be granted where it is established that the proposed sign:
- (1) Is warranted based on physical circumstances applicable to the property or premises;
 - (2) Is consistent with the architecture of the building or development of the property;
 - (3) Is consistent with buildings and other features of properties or premises within 120 metres of the location of the proposed sign;
 - (4) Will not alter the essential character of the area;
 - (5) Will not adversely affect adjacent properties;
 - (6) Will not adversely affect public safety;
 - (7) Is, in the opinion of the decision maker, not contrary to the public interest;
 - (8) Is of a sign class or a sign type that is permitted in the sign district where the premises is located; and,
 - (9) Is not expressly prohibited by Subsection 694-15B.
- B. The applicant for a variance to this chapter shall file the application and other information required for the applicable sign class in the form and manner approved by the Chief Building Official and shall pay the non-refundable fee prescribed in Chapter 441 for the processing of the variance application.
- C. An applicant for a variance to this chapter shall post, for no less than 30 days prior to the City's consideration of the application, notice of the application in such form as approved by the Chief Building Official in a location visible to the public on the premises where the sign is proposed to be erected.
- D. Upon receiving the application and information referred to in Subsection B, the Chief Building Official shall:

- (1) In the case of a variance to this chapter to permit the erection and display of a first party sign, serve notice of the application on the property owners of all properties within a 60 metre radius of the premises on which the first party sign is proposed to be erected and the ward councillor.
 - (2) In the case of a variance to this chapter to permit the erection and display of third party sign, serve notice of the application on the property owners of all properties within a 120 metre radius of the premises on which the third party sign is proposed to be erected and the ward councillor.
- E. Where an application for variance is filed and a condominium development is located within 60 metres of the premises on which the sign is proposed to be erected in the case of a first party sign, or within 120 metres of the premises on which the sign is proposed to be erected in the case of a third party sign, the notice under Subsection D may be served on the condominium corporation at its most recent address for service or mailing address as registered under section 3 of the *Condominium Act* instead of being served upon the owners of the units of the condominium development.
- F. A notice under Subsection D may be served personally or by ordinary mail sent to the last known address of the property owners of the properties within the applicable radius, and if a notice is served by ordinary mail, the property owners of properties within the applicable radius shall be deemed to have been served with the notice on the fifth day after the day of mailing.
- G. Where an application is made for a variance to this chapter to permit the erection and display of a first party sign, the notice under Subsection D shall contain the following information:
- (1) a statement that the application for variance shall be considered by the Chief Building Official;
 - (2) a statement that the recipient of the notice may submit written comments or any other documentation to the Chief Building Official regarding the application for variance;
 - (3) the date by which any written comments or documentation must be submitted to the Chief Building Official;

- (4) the date by which the Chief Building Official will make a decision on the variance application which shall be 30 days from the date the application was filed; and
 - (5) a statement that the recipient of the notice may request in writing, prior to the date described in Subsection (4), that he be served with notice of the Chief Building Official's decision on the variance application.
- H. Where an application is made for a variance to this chapter to permit the erection and display of a first party sign, any person may, within 30 days from the date the application was filed:
- (1) submit written comments or any other documentation to the Chief Building Official regarding the application for variance; and
 - (2) request in writing that he be served with notice of the Chief Building Official's decision on the variance application.
- I. Where an application is made for a variance to this chapter to permit the erection and display of a third party sign, the notice under Subsection D shall contain the following information:
- (1) a statement that the application for variance shall be considered by the Sign Variance Committee;
 - (2) a statement that the recipient of the notice may submit written comments or any other documentation to the Sign Variance Committee regarding the application for variance;
 - (3) a statement that the recipient of the notice may appear at the hearing of the application to make submissions before the Sign Variance Committee regarding the application for variance; and
 - (4) the time and location of the hearing before the Sign Variance Committee at which the variance application will be considered.
- J. In the case of an application for a variance to this chapter to permit the erection and display of a first party sign, written notice of the Chief Building Official's decision shall be served on the applicant, the property owner and any other person who requested that he be served with notice of the decision in accordance with Subsection G(5) and Subsection H(2).

- K. Any person served with notice of the Chief Building Official's decision on an application for a variance to this chapter to permit the erection and display of a first party sign may appeal the Chief Building Official's decision to the Sign Variance Committee by filing the notice of appeal in the form and manner approved by the Chief Building Official and paying the non-refundable fee prescribed in Chapter 441 within 20 days of service of the notice of decision.

- L. Where an application is made for a variance to this chapter to permit the erection and display of a third party sign or where the decision of the Chief Building Official on an application for a variance to this chapter to permit the erection and display of a first party sign has been appealed, any person may:
 - (1) submit written comments or any other documentation to the Sign Variance Committee regarding the application for variance; and
 - (2) appear at the hearing of the application to make submissions before the Sign Variance Committee regarding the application for variance.

- M. In the case of an application for a variance to this chapter to permit the erection and display of a third party sign or in the case of an appeal to the Sign Variance Committee of the decision of the Chief Building Official on an application for a variance to this chapter to permit the erection and display of a first party sign, written notice of the decision of the Sign Variance Committee shall be served on the applicant, the property owner, any person who submitted documentation to the Sign Variance Committee with respect to the variance application, and any person who appeared before the Sign Variance Committee at the hearing of the variance application.

- N. A notice of decision under Subsections J or M may be served personally or by ordinary mail, and if the notice is served by ordinary mail, it shall be deemed to have been served on the fifth day after the day of mailing.

- O. Any decision of the Sign Variance Committee is final and binding.

- P. Upon considering an application for a variance to this chapter to permit the erection and display of a first party sign, the Chief Building Official may issue a decision to:
 - (1) grant a variance;

(2) grant a variance with conditions; or

(3) refuse to grant a variance.

Q. Upon considering an application for a variance to this chapter to permit the erection and display of a third party sign, the Sign Variance Committee may pass a resolution to:

(1) grant a variance;

(2) grant a variance with conditions; or

(3) refuse to grant a variance.

R. On an appeal to the Sign Variance Committee of the Chief Building Official's decision on an application for a variance to this chapter to permit the erection and display of a first party sign, the Sign Variance Committee may pass a resolution to:

(1) grant a variance;

(2) grant a variance with conditions; or

(3) refuse to grant a variance.