

---

**City Council**

---

**Motion without Notice**

MM46.12	ACTION			Ward: All
---------	--------	--	--	-----------

**Sign Variance Applications - by Councillor Davis, seconded by Councillor Holyday**

*\* This Motion has been deemed urgent by the Chair. Council has added this Motion to the agenda for debate.*

**Recommendations**

Councillor Davis, seconded by Councillor Holyday recommends that:

1. City Council request the City Manager to consider exercising his discretion, under Section 27-152 of the Procedural By-law so that all remaining sign by-law applications under the existing sign by-laws will be reported by the Community Councils to City Council for final approval until the new by-law comes into effect.

**Summary**

On November 30, December 1, 2, 4 and 7, 2009, Toronto City Council approved a new harmonized sign by-law that will come into effect Apr. 6, 2010.

In April 2009, the draft by-law was first included in a report to Planning and Growth Management Committee. After this date, dozens of applications for variances under the existing sign by-laws were submitted to the City. Community Councils, under their delegated authority, have, and will continue to consider these variance applications until the new by-law comes into effect.

Many of the sign applications are intended to legalize signs that are illegal under the current by-laws. If the variances are granted prior to the effective date of the new by-law, the illegal signs will be grand-parented and made legal non-conforming. A significant number of applications have also been submitted for upgraded, larger signs, on new sign locations, with third-party advertising, with illuminated, tri-vision and LED features under the old by-laws.

Over the past several months Etobicoke York Community Council (EYCC) has approved most variance applications, despite staff recommendations to refuse, and despite the staff report that identified the signs as contrary to the provisions of the new sign by-law. Since June, the EYCC has approved 35 signs, many double-sided, beside the QEW, 401 and Highway 27. Many are large, too close to the highway, illuminated, with video screens and LED technology. See

Attachment 1 for a summary of the sign variances considered by Community Councils.

In March 2010, 119 applications and reports will be submitted to Community Councils. (see Appendix 2) If approvals continue at the current rate, hundreds of signs will be exempted from the provisions of the former sign by-laws – and the new sign by-law.

Procedural By-law 27, section 152, the Delegation provision, provides authority for the City Manager to exercise his discretion to deem a delegated matter to be of “city-wide significance”, the result being that any recommendations of the Community Councils on such matters must be reported to City Council for final approval.

The number, type of sign, and locations of variance applications are extraordinary and significant, and constitute a direct attempt to undermine and evade the provisions of the new by-law.

It is appropriate for Council to consider the remaining applications to ensure that the decisions made by the City prior to the new by-law coming into affect do not prejudice the new by-law, and to ensure consistency of application of the current by-laws.

It is therefore appropriate to request the City Manager to consider exercising his discretion in this matter, so that all remaining sign by-law applications under the existing sign by-laws will be reported by the Community Councils to City Council for final approval until the new by-law comes into effect.

(Submitted to City Council on February 22 and 23, 2010 as MM46.12)