



**STAFF REPORT
ACTION REQUIRED**

**Proposed Amendments to Chapter 27 and Chapter 694
of the City of Toronto Municipal Code Arising From City
Council’s Amendments Respecting Appeals of
Decisions by the Sign Variance Committee**

Date:	December 29, 2009
To:	Planning and Growth Management Committee
From:	Deputy City Manager, Cluster B
Wards:	All
Reference Number:	PG10003

SUMMARY

At its meeting of November 30, December 1, 2, 4 and 7, 2009, Toronto City Council requested that the Deputy City Manager, Cluster B report to the Planning and Growth Management Committee on possible amendments to the proposed Chapter 694, Signs, General and to Chapter 27, Council Procedures, of the City of Toronto Municipal Code, which would implement a mechanism to permit decisions of the Sign Variance Committee granting variances to the proposed Chapter 694 to be appealed to City Council for final decision.

The proposed appeal mechanism may only be triggered by the affected Ward Councillor following a decision of the Sign Variance Committee to grant a variance to the proposed Chapter 694. The relevant Community Council would hear and make recommendations to City Council for final decision concerning granting a variance to Chapter 694.

RECOMMENDATIONS

The Deputy City Manager, Cluster B recommends that:

1. City Council amend the draft by-law attached as Appendix A to the November 27, 2009 report from the Deputy City Manager, Cluster B and the Deputy City Manager and Chief Financial Officer to:

- A) amend the proposed Chapter 694 to make all decisions of the Sign Variance Committee final and binding with the exception of decisions of the Sign Variance Committee to grant a variance to Chapter 694, which is only final and binding 21 days after its issuance, unless the decision is referred by the Ward Councillor to City Council for final decision in accordance with the mechanism for referral contained in Article V – Variances and By-law Amendments of the proposed Chapter 694; and,
 - B) add a new subsection to Article V – Variances and By-law Amendments of the proposed Chapter 694, to create a mechanism for the Ward Councillor to require a decision of the Sign Variance Committee to grant a variance to Chapter 694 to be referred to City Council for final decision; such mechanism to include the following:
 - i) referrals shall be initiated only by the Ward Councillor for the Ward where the sign is proposed to be erected, displayed, modified or restored;
 - ii) the Ward Councillor shall provide the requisite notice to the Chief Building Official, in writing, within 20 days of the decision of the Sign Variance Committee;
 - iii) the Community Council for the Ward in which the sign is proposed to be erected, displayed, modified or restored shall hear the Ward Councillor appeal and make recommendations to City Council with respect to granting a variance to the proposed Chapter 694; and,
 - iv) City Council will be the final decision making authority with respect to granting variances to the proposed Chapter 694 referred to City Council at the request of the Ward Councillor.
2. City Council amend the City of Toronto Municipal Code Chapter 27, Council Procedures, by adding a new Section 11 to Appendix B – Committees, IV Duties of Community Council to add to the list of Community Council responsibilities and make it the responsibility of the Community Councils to hear the Ward Councillor appeal and make recommendations to City Council with respect to final decisions concerning variances to Chapter 694;
 3. The City Solicitor be authorized to prepare the necessary Bills for introduction in Council to implement the above recommendation subject to such stylistic and technical changes to the draft bills as may be required.

Financial Impact

There are no financial impacts with this report.

DECISION HISTORY

City Council adopted, with revisions, the staff recommendations contained in the October 20, 2009 report to the Planning and Growth Management Committee and also adopted, with revisions, the staff recommendations contained in the November 27, 2009 supplementary report to City Council.

The staff reports and recommendations can be accessed through the following links:

New Sign Regulation and Revenue Strategy for the City of Toronto
<http://www.toronto.ca/legdocs/mmis/2009/cc/bgrd/pg33.10b.pdf>

New Sign Regulation and Revenue Strategy: Additional Considerations
<http://www.toronto.ca/legdocs/mmis/2009/pg/bgrd/backgroundfile-24387.pdf>

COMMENTS

The creation of Chapter 694 by City Council at its meeting of November 30, December 1, 2, 4 and 7, 2009 provides specific methods for individuals to seek variances to Chapter 694 where a proposed sign may deviate from the prescribed regulations outlined therein.

Applications for variances with respect to first party signs are to be decided by the Chief Building Official and will be measured against prescribed criteria outlined in Chapter 694. These decisions may be appealed to a newly established Sign Variance Committee for consideration. Applications for variances with respect to third party signs are to be decided by the Sign Variance Committee and measured against the same prescribed criteria outlined in Chapter 694.

The criteria included in Chapter 694 for evaluating variance applications were determined through extensive consultation with City staff, identified stakeholders and the public-at-large. These criteria clearly set out what is to be taken into consideration in evaluating applications for variances from regulations set out in Chapter 694. The criteria are intended to provide the public with consistency and clarity regarding the basis on which decisions on variance applications are reached.

City Council, at its meeting of November 30, December 1, 2, 4 and 7, 2009, determined that there should be a mechanism for the Ward Councillor to elect that City Council make the final determination concerning a decision granting a variance to Chapter 694.

This condition on the delegation to the Sign Variance Committee is intended to provide City Council with the ability to ensure that the decision to grant a variance to Chapter 694 has been made on the proper application of the criteria outlined therein. Sign proponents

would have the further opportunity to be heard before the Community Council, which would then make recommendations to Council.

The referral of the Sign Variance Committee's decisions to City Council for final decision will only be possible where the Sign Variance Committee has decided to grant a variance to Chapter 694. To appeal the decision of the Sign Variance Committee to City Council, it is proposed that the Ward Councillor be required to provide notice, in writing, to the Chief Building Official within 20 days of the decision of the Sign Variance Committee to provide certainty to the decision making process.

The Chief Building Official shall, upon receipt of the Ward Councillor's notice that the decision to grant a variance to Chapter 694 is to be referred to City Council for final decision, coordinate with the respective Community Council Administrator to ensure that the matter is placed on the appropriate Community Council Agenda as an item for the next available Community Council meeting and shall report as necessary.

CONTACT

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SIGNATURE

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