



## STAFF REPORT ACTION REQUIRED

### Amendments to Toronto Municipal Codes Chapter 693, Article III, Temporary Signs and Chapter 441, Fees and Charges

<b>Date:</b>	January 11 <sup>th</sup> , 2012
<b>To:</b>	Licensing and Standards Committee
<b>From:</b>	Executive Director, Municipal Licensing and Standards
<b>Wards:</b>	All
<b>Reference Number:</b>	P:\2012\Cluster B\MLS\LS12002

#### **SUMMARY**

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The purpose of this report, as directed by City Council, is to review and make recommendations to the Licensing and Standards Committee on various amendments to Chapter 693, Article III, Temporary Signs, concerning temporary signs utilized in relation to the marketing, promotion or advertising of the construction, development, sale, rent or lease of premises or property in order to prevent potential conflicts with any regulations in Chapter 694, Signs, General, respecting such signs.

Municipal Licensing and Standards (ML&S) was also directed to consider strategies for incorporating the provision of temporary public art that excludes third-party advertising of any kind, such as murals on construction hoarding, where appropriate, as an ameliorative measure in the public realm.

ML&S also took this opportunity to recommend further amendments to Chapter 693 with the intent of adding clarity to the Temporary Signs Article.

Toronto Building Sign By-law Unit, Transportation Services, and Legal Services were consulted in the preparation of this report.

## **RECOMMENDATIONS**

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**The Executive Director, Municipal Licensing and Standards Division recommends that:**

1. City Council amend Toronto Municipal Code Chapter 693, Article III, Temporary Signs, substantially in accordance with the draft by-law in Appendix 'A', attached to this report;
2. City Council amend Appendix C, Schedule 12 of Toronto Municipal Code, Chapter 441, Fees and Charges, substantially in accordance with the draft by-law in Appendix 'A', attached to this report;
3. City Council authorize the City Solicitor be authorized to prepare the necessary Bills for introduction in Council to implement the above recommendations, subject to such stylistic and technical changes to the draft bills as may be required.

Public Notice has been given in a manner prescribed in the Toronto Municipal Code Chapter 162, Notice, Public.

### **Financial Impact**

Upon adoption of this report, the collection of permit fees for ground-mounted and new development signs and their enforcement will be overseen by the Toronto Building Sign By-law Unit. As a result, ML&S will experience a loss of revenue of approximately \$17,200 in 2012. However, there will be no net financial impact to the City as this revenue will be collected by Toronto Building. Any necessary changes to revenue changes will be submitted as part of the 2013 Operating Budget submission for Toronto Building and ML&S. No staffing level changes are anticipated since ML&S will continue to enforce Chapter 693 Signs.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

### **DECISION HISTORY**

At its meeting of October 6, 2011, the Planning and Growth Management Committee recommended City Council adopt the amendments to Chapter 694, Signs, General, as contained in Item PG8.4 - "Amendments to Chapter 694, General with respect to Signs for New Developments"

Item PG8.4, as amended and adopted by City Council at its October 24 and 25, 2011 meeting included a direction to the Executive Director, Municipal Licensing and Standards to report to the Licensing and Standards Committee on amendments to Chapter

693, Article III, Temporary Signs, "concerning temporary signs utilized in relation to the marketing, promotion or advertising of the construction, development, sale, rent or lease of premises or property, such report to include strategies for incorporating the provision of temporary public art that excludes third-party advertising of any kind, such as murals on construction hoarding, where appropriate, as an ameliorative measure in the public realm, at the sole cost of the applicant".

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.PG8.4>

## **ISSUE BACKGROUND**

In recent years, there has been widespread development of both commercial and residential buildings throughout the City. As such, there has been an increased display of signage associated with the sale and construction of these developments.

Article III, Temporary Signs, of Chapter 693, Signs, regulates the usage of temporary signs within the City of Toronto. Temporary Signs as defined by Chapter 693, Signs include portable signs A-frame signs, new development signs, real estate signs, ground-mounted signs, open-house directional signs, garage sale signs, mobile signs, and construction hoarding signs.

Ground-mounted signs, new development signs and construction hoarding signs are types of temporary signs which are often utilized for advertising development projects. While such signs are currently regulated by Chapter 693 Article III, Temporary Signs, development companies have typically applied for variances to Toronto Municipal Code, Chapter 694 Signs, General, due to their nature and size.

## **COMMENTS**

### **Toronto Municipal Code Chapter 694, Signs, General**

The amendments to Chapter 694, Signs, General, adopted by City Council as Item PG8.4, respecting signs for new developments take effect as of January 1, 2012. Council also directed a report by the Executive Director, Municipal Licensing and Standards on any necessary amendments to Chapter 693, Article III to prevent potential conflict.

Signs providing marketing or promotion for commercial developments or residential developments are erected and displayed as an important part of the advertising of residential and commercial developments. These 'ground mounted signs' and 'new development signs' are currently regulated by Chapter 693 Article III, Temporary Signs.

Although signs associated with the sale and construction of new developments are short term in nature, on the recommendation of the Chief Building Official and Executive Director, Toronto Building, City Council amended Chapter 694, Signs, General,

establishing that signs associated with the sale and construction of new developments be subject to the regulations contained in Chapter 694.

Therefore, to prevent potential conflict and confusion to applicants regarding whether the regulations in Chapter 693 or Chapter 694 would apply to 'ground-mounted signs' or 'new development signs', avoid "enforcement overlap", and to ensure a seamless customer service experience to clients, ML&S recommends that all provisions and regulations regarding 'ground-mounted signs', and 'new development signs' as defined be deleted from Chapter 693, Signs (along with deletion of the related fees from Chapter 441, Fees and Charges, Appendix C, Schedule 12).

Additionally, ML&S recommends that the provisions and regulations pertaining to 'real estate signs' and 'open-house directional signs' as defined, be amended to eliminate any potential overlap with signs governed by Chapter 694 Signs, General.

### **Construction Hoarding Signs**

Specific provisions dealing with construction hoarding signs were recently added to Article III, Temporary Signs and are primarily contained in Section 693-26.1 of Chapter 693, Signs. These provisions of Toronto Municipal Code Chapter 693, Signs, establish that the General Manager of Transportation Services is responsible for the permitting and enforcement of the placement and maintenance of signage on construction hoarding.

Currently, construction hoarding signs are limited to displaying content which markets, promotes, or advertises a business, product, or service available on the property to which the construction hoarding relates. Amendments to the provisions concerning the display of content on construction hoarding signs will be required to permit and suitably regulate the display of public art.

Transportation Services is currently completing their review of the provisions concerning the display of content on construction hoarding signs in the form of temporary public art and should it be necessary, will report back separately.

### **Other Amendments to Chapter 693, Signs, Article III**

Since the adoption of Article III, Temporary Signs, staff have found there to be enforcement challenges due to ambiguities in the Article. The following recommendations act to clarify these regulations and ensure appropriate interpretation and compliance with Article III.

#### **Portable Signs**

There is currently no clearly defined size restriction on permitted portable signs. ML&S staff has found this to result in portable signs being of varying heights and sizes. Some signs are found to be excessive in size, and may cause potential risk during inclement

weather. ML&S recommends the inclusion of size requirements for portable signs; limiting portable signs to a maximum height of one (1.0) metre, a maximum width of 0.6 metres and establishing a minimum height of 0.5 metres.

#### Signs Promoting Citizen Participation

There has been some confusion with respect to the provisions of Chapter 693, Article III, concerning signs promoting citizen participation in religious, civic, charitable or non-profit activities and events, or the advertising of festivals and community events.

Section 693-17B(1)(d) exempts anyone who erects, displays, places or maintains a portable sign or A-frame sign, from the requirement to obtain a portable sign or A-frame sign permit, if:

- the Portable Sign or A-frame Sign is promoting citizen participation in civic, charitable or non-profit activities and events;
- The Portable Sign or A-frame Sign are located at the site where the activity or event is taking place ;
- there is no existing signage located at the site where the activity or event is taking place;
- The Portable Sign or A-frame Sign are erected no more than one week prior to the event taking place; and,
- The Portable Sign or A-frame Sign are removed within 48 hours of the conclusion of the activity or event.

Section 693-25 provides, "A charity, religious institution, community organization or school with the ability to erect, display, place or maintain" any form of Temporary Sign (including Mobile Signs) if:

- the Temporary Sign promoting citizen participation in religious, civic, charitable or non-profit activities and events, or advertising festivals and community events; and
- the Temporary Sign is located on land which is primarily used for the operations or activities of the charity, religious institutions, community organization or school.

This confusion arises from the fact that wording in 693-25 suggest signage promoting citizen participation erected by a charity, religious institution, community organization or school is restricted to property owned by such organizations (for example, school or church) even when that signage relates to activities occurring at another location.

As such, Staff recommends Article III be amended so that the wording in both sections is consistent. This amendment will not negatively impact the use of such signs for citizen participation or restrict the locations where these signs may be erected.

The recommended amendments to Toronto Municipal Code Chapter 693, Signs, Article III Temporary Signs, are intended to ensure a seamless customer service experience, prevent enforcement redundancies and assist in adding clarity to ambiguous areas of the Article.

## **CONTACT**

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## **SIGNATURE**

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Bruce Robertson  
Acting Executive Director  
Municipal Licensing and Standards

## **ATTACHMENTS**

Appendix A: Draft By-law Containing Proposed Amendments to Chapter 693, Signs, Article III, Temporary Signs, and Chapter 441, Fees and Charges

**APPENDIX A – DRAFT BY-LAW AMENDING CHAPTER 441 AND CHAPTER 693 ARTICLE III, TEMPORARY SIGNS**

**CITY OF TORONTO**

BY-LAW No.

**To amend City of Toronto Municipal Code Chapter 441, Fees and Charges, and to amend City of Toronto Municipal Code Chapter 693, Signs, Article III, Temporary Signs with respect to regulations of certain temporary signs**

WHEREAS Council may pass by-laws to regulate signs and other advertising devices under subsection 8(2) of the *City of Toronto Act, 2006*, as amended (the “Act”) subject to the additional powers and rules in section 110 of the Act; and

WHEREAS the City provides regulation of temporary signage to the citizens of Toronto as a necessary and desirable service; and

WHEREAS Council may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of the City under subsection 259(1)(a) of the Act; and

WHEREAS it is necessary to amend Article III, Temporary Signs, of Chapter 693, Signs, of City of Toronto Municipal Code with respect to the regulations concerning temporary signage in the City; and

WHEREAS it is necessary to amend Chapter 441, with respect to the fees charged in relation to the regulation of Ground-mounted signs, and New development signs; and

WHEREAS notice of the intention to enact this by-law has been provided in accordance with the Act and the City of Toronto Municipal Code;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Chapter 693, Signs, Article III, Temporary Signs of the City of Toronto Municipal Code is amended as follows:
  - A. **By deleting the definition of “Ground-mounted sign” provided in § 693-16:**

- B. By deleting the definition of “New development sign” provided in § 693-16:**
- C. By deleting the definition of “Open House Directional Sign” provided in § 693-16 and substituting the following:**

OPEN HOUSE DIRECTIONAL SIGN — A rigid free-standing moveable sign not fastened by any means to the ground or any structure or building, utilized for the sole purpose of directing traffic to a residential premises or residential property for sale or lease.

- D. By deleting the definition of “Real Estate Sign” provided in § 693-16 and substituting the following:**

REAL ESTATE SIGN — A sign that is not permanently installed or affixed to the ground, or any structure or building, utilized for the sole purpose of advertising the sale, rent or lease of the premises, in whole or in part, upon which the sign is located.

- E. By deleting the definition of “Temporary Sign” provided in § 693-16 and substituting the following:**

TEMPORARY SIGN — A sign that is not permanently installed or affixed to the ground, or any structure or building, and:

- A. Includes:

- (1) A mobile sign;
- (2) A portable sign;
- (3) An A-frame sign;
- (4) A real estate sign;
- (5) An open house directional sign;
- (6) A garage sale sign; and
- (7) A construction hoarding sign.

- B. Does not include a poster.

- F. By deleting § 693-17B(1) and substituting the following:**



B. Temporary sign permit.

(1) No person shall display, place, alter or erect or cause to be displayed, placed, altered or erected, any temporary sign on public or privately owned lands, without obtaining a permit, except in the case of the following temporary signs:

(a) An official sign required by or erected under a federal or provincial statute or a by-law;

(b) A real estate sign, if the sign is on the lot being advertised for real estate purposes and is removed within 30 days after the property is no longer for sale or lease;

(c) An open house directional sign;

(d) Portable signs or A-Frame signs promoting citizen participation in civic, charitable or non-profit activities and events if:

[1] The signs are located at the site where the activity or event is taking place and where there is no existing signage; and

[2] The signs are erected no more than one week prior to the event taking place and removed within 48 hours of the conclusion of the activity or event;

(e) Temporary signs promoting citizen participation in civic, charitable or non-profit activities and events, or advertising festivals and community events as permitted by § 693-25;

(f) A garage sale sign; and

(g) Election signs, as permitted in Article II of this chapter.

**G. By deleting the phrase "§ 693-17B(1)(a) to (f) inclusive," where it appears in § 693-18A(1) and substituting the phrase "§ 693-17B(1)(a) to (g) inclusive," therefore:**

**H. By deleting § 693-18C and substituting the following:**

C. Specific requirements for portable signs.

(1) No more than one portable sign shall be displayed or erected for each business location.

- (2) Every portable sign relating to a business may only be displayed during the hours that that business is open and operating.
- (3) All portable signs shall comply with the following requirements:
  - (a) Each portable sign shall only display first party content and no other message;
  - (b) Each portable sign shall not contain more than two sign faces;
  - (c) Each portable sign shall not exceed a maximum height of 1.0 metre, nor be less than a minimum height of 0.5 metre;
  - (d) Each portable sign shall not exceed a maximum width of 0.6 metre;
  - (e) A portable sign shall not be erected or displayed in such a manner as to impede a pedestrian's or driver's view of any vehicular access point;
  - (f) A portable sign shall not be animated, contain any video display elements, be illuminated, have flashing lights, emit sound or have electronic device to create or simulate motion, nor have any attachments adding to its height or width.

**I. By deleting § 693-20:**

**J. By deleting § 693-21 and substituting the following:**

**§ 693-21. Real estate signs.**

**A. Specific Requirements, Number, Location**

- (1) All real estate signs shall comply with the following requirements:
  - (a) Each real estate sign shall not contain more than two sign faces;
  - (b) Each real estate sign shall only display content relating to the sale, rent or lease of the premises, in whole or in part, upon which the sign is located and no other message;
  - (c) Each real estate sign shall have a maximum sign face area of:
    - a. one square metre, if erected on a residential property; or

- b. four square metres, if erected on a property not zoned residential;
  - (d) No more than one real estate sign advertising the sale or lease of a property, or unit of a building or condominium shall be permitted to be located facing each street line of the premises to which the real estate sign relates;
  - (e) Notwithstanding subsection(1)(c), no more than 4 real estate signs may be displayed on a premises;
  - (f) A real estate sign shall not be erected or displayed in such a manner as to impede a pedestrian's or driver's view of any vehicular access point;
  - (g) A real estate sign shall not be erected or displayed in such a manner as to impede a pedestrian's or driver's view of any parking or traffic control sign, signal or device;
  - (h) A real estate sign shall not be erected or displayed in such a manner as to impede a pedestrian's or driver's view of any intersection; and
  - (i) A real estate sign shall not be animated, contain any video display elements, be illuminated, have flashing lights, emit sound or have electronic device to create or simulate motion, nor have any attachments adding to its height or width.
- (2) Real estate signs may be located on public property, if:
- (a) The real estate sign is placed entirely upon public property which constitutes the specific premises being advertised for real estate purposes;
  - (b) The real estate sign is not be affixed to a utility pole, tree, official sign, or other similar public property;
  - (c) The real estate sign, is removed within 30 days after the premises is no longer for sale, rent, or lease; and
  - (d) The real estate sign is positioned to prevent damage to underground services.
- (3) Real estate signs may be located on private property, if:

- (a) The real estate sign is placed entirely upon private property which constitutes the specific premises being advertised for real estate purposes;
- (b) The real estate sign is not be affixed to a utility pole, tree, official sign, or other similar public property;
- (c) The real estate sign, is removed within 30 days after the premises is no longer for sale, rent, or lease;
- (d) The real estate sign is positioned to prevent damage to underground services; and
- (e) The real estate sign is not located within less than 0.3 metre of the pedestrian sidewalk, or where there is no sidewalk within less than 0.3 metre of the vehicular travelled portion of the road.

**K. By deleting § 693-22 and substituting the following:**

**§ 693-22. Open house directional signs.**

**A. Specific Requirements, Location**

- (1) All open house directional signs shall comply with the following requirements:
  - (a) Each open house directional sign shall only display content directing traffic to a residential premises or residential property for sale or lease and no other message;
  - (b) Each open house directional sign shall include the address of the property for sale or lease and the date of the open house to which the open house directional sign relates;
  - (c) Each open house directional sign shall not contain more than two sign faces;
  - (d) Each open house directional sign shall not exceed a maximum height of 1.0 metre, nor be less than a minimum height of 0.5 metre;
  - (e) Each open house directional sign shall not exceed a maximum width of 0.6 metre;

- (f) Notwithstanding anything else in this article, each open house directional sign shall have a maximum sign face area of 0.5 square metre;
  - (g) An open house directional sign shall not be erected or displayed in such a manner as to impede a pedestrian's or driver's view of any vehicular access point;
  - (h) An open house directional sign shall not be erected or displayed in such a manner as to impede a pedestrian's or driver's view of any parking or traffic control sign, signal or device;
  - (i) An open house directional sign shall not be erected or displayed in such a manner as to impede a pedestrian's or driver's view of any intersection; and
  - (j) An open house directional sign shall not be animated, contain any video display elements, be illuminated, have flashing lights, emit sound or have electronic device to create or simulate motion, nor have any attachments adding to its height or width.
- (2) An open house directional sign may only be displayed during the hours that the open house to which the sign relates is open and operating;
  - (3) Notwithstanding subsection A(2), an open house directional sign may only be displayed during the period between sunrise and sunset.
  - (4) Open house directional signs may be located on public property, if:
    - (a) The open house directional sign is placed on the public road allowance, but not any centre median, traffic island or centre boulevard within the road allowance;
    - (b) The open house directional sign is not be affixed to a utility pole, tree, official Sign, or other similar public property;
    - (c) The placement of the open house directional sign shall allow for an unobstructed pedestrian clearway, of a minimum width of 2.1 metres at all points;
    - (d) The open house directional sign is not located within less than 0.3 metre of the pedestrian sidewalk; and

- (e) The open house directional sign is not located within less than 0.3 metre of the vehicular travelled portion of the road.
- (5) Open house directional signs may be located on private property, if:
- (a) The open house directional sign is placed on private property with the prior written consent of the owner of the premises;
  - (b) The open house directional sign is not be affixed to a utility pole, tree, official sign, or other similar public property; and,
  - (c) The open house directional sign is not located within less than 0.3 metre of the pedestrian sidewalk and where there is no sidewalk within less than 0.3 metre of the vehicular travelled portion of the road.

**L. By deleting § 693-24:**

**M. By deleting § 693-25 and substituting the following:**

**§ 693-25. Charity; religious institution; community organization; school.**

- A. A charity, religious institution, community organization and school may erect, display, place or maintain temporary signs promoting citizen participation in religious, civic, charitable or non-profit activities and events, or advertising festivals and community events if:
- (a) the temporary signs are located on land which is primarily used for the operations or activities of the charity, religious institution, community organization or school; or
  - (b) the signs are located at the site where the activity or event is taking place; and
    - [1] There is no existing signage at the site where the activity or event;
    - [2] The signs are erected no more than one week prior to the event taking place; and
    - [3] The signs are removed within 48 hours of the conclusion of the activity or event.
- B. The physical criteria in this article that is applicable to the type of temporary signs being utilised shall apply to signs erected, displayed, placed or maintained by charities, religious institutions, community organizations and schools.

C. Despite Subsection A, no more than one mobile sign may be erected, displayed, placed or maintained on land which are primarily used for the operation or activities of a charity, religious institution, community organization or school, or at the site where the activity or event is taking place.

2. Schedule 12, Municipal Licensing and Standards, of Appendix C to Chapter 441, Fees and Charges, is amended by deleting the following:

(To unnumbered Column - Ref. No.)	(To Column - I Service)	(To Column - II Fee Description)	(To Column - III Fee Basis)	(To Column - IV Fee)	(To Column - V Annual Adjustment)
50	New Development Sign	Application and Approval of new development sign	Per Application	\$200.00	No
51	New Development Sign	Removal of Illegal Sign: New Development	Per sign	\$100.00	No
52:	Ground-mounted Sign	Ground Mounted Sign Application and Approval	Per Application	\$200.00	No
53	Ground-mounted Sign	Annual renewal fee for ground mounted sign	Per sign	\$200.00	No
120	New Development Sign	Retrieval of Illegal Sign	Per Retrieval	\$200.00	No
121	New Development Sign	Storage of Illegal Sign	Per Storage	\$15.00	No
122	New Development Sign	Disposal fee of Illegal Sign	Per Disposal	\$50.00	No
123	Ground mounted Sign	Removal fee of Illegal Sign	Per Removal	\$100.00	No
124	Ground mounted Sign	Retrieval fee of Illegal Sign	Per Retrieval	\$200.00	No
125	Ground mounted Sign	Storage fee of Illegal Sign	Per Storage	\$15.00	No
126	Ground mounted Sign	Disposal Fee of Illegal Sign	Per Disposal	\$50.00	No

ENACTED AND PASSED this \_\_\_ day of \_\_\_\_\_, A.D. 2012.

\_\_\_\_\_  
Speaker

\_\_\_\_\_  
City Clerk