



## STAFF REPORT ACTION REQUIRED

### Amendments to the Sign By-law and Related Fees

<b>Date:</b>	May 25, 2015
<b>To:</b>	Planning and Growth Management Committee
<b>From:</b>	Chief Building Official and Executive Director, Toronto Building
<b>Ward:</b>	All
<b>Reference Number:</b>	PG15008

### SUMMARY

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This report proposes amendments to Chapter 694, Signs, General, of the City of Toronto Municipal Code ("Sign By-law") to improve how signs are regulated. As a result of experience in applying the Sign By-law, this report proposes a simplified approval process for signs that do not require permits, provided that they meet the standards set out in the Sign By-law.

Signs which do not require a permit include topiary signs, window signs, hospital fundraising signs and signs used by Business Improvement Areas to promote local events. Where these signs do not meet the prescribed standards, it is proposed to allow the application to proceed by way of variance as opposed to the current requirement to obtain a by-law amendment through City Council.

This report introduces requirements for Topiary Signs, including provisions to permit Topiary Signs on buildings that form part of living or green walls ("Green Walls") and to permit Topiary Sign Copy to be incorporated into First and Third Party signs.

Also proposed are amendments to introduce a short title for the Sign By-law; to re-designate several properties in keeping with the current zoning designation; and, to correct typographical errors for some sign permit fees included in Chapter 441, Fees and Charges ("Chapter 441").

## RECOMMENDATIONS

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**The Chief Building Official and Executive Director, Toronto Building recommends that:**

1. City Council amend the City of Toronto Municipal Code Chapter 694, Signs, General, substantially in accordance with the draft amendments attached as Appendix 1 to this report;
2. City Council amend Chapter 441, Fees and Charges, of the Municipal Code of the City of Toronto to modify Appendix C - Schedule 8, Toronto Building to amend fees for sign permits and sign permit renewals in accordance with the draft by-law attached as Appendix 2 to this report;
3. City Council amend Chapter 694, Signs, General, to establish the premises municipally known as 350, 360, 370, 390 and 400 Queens Quay Boulevard West as a Commercial Residential Sign District by replacing Map 20 of Schedule A, Maps, with the map attached as Appendix 3 to this report; and,
4. City Council authorize the City Solicitor 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.

## FINANCIAL IMPACT

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The recommendations in this report have no financial impact.

## DECISION HISTORY

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New Sign Regulation and Revenue Strategy

(<http://www.toronto.ca/legdocs/mmis/2009/pg/bgrd/backgroundfile-24387.pdf>)

New Sign Regulation and Revenue Strategy: Additional Considerations

(<http://www.toronto.ca/legdocs/mmis/2009/cc/bgrd/backgroundfile-25449.pdf>)

Amendments to Chapter 694 of the Municipal Code, Signs, General

(<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG25.13>)

Agreement Concerning the Display of Topiary Signs near the F.G. Gardiner Expressway, and Amendments to Chapter 694 and Chapter 441 of the Municipal Code with respect to Topiary Signs

(<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG35.7>)

Staff Report, Amendments to the Sign By-law and Associated Fees

## **ISSUE BACKGROUND**

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In 2010, the Sign By-law was adopted by City Council to introduce a set of consistent regulations for new signs. In July 2013, Council adopted several changes to the Sign By-law, including amendments clarifying the requirements for variance and by-law amendment applications. Since that time, additional changes have been identified to improve administration of the Sign By-law.

This report includes recommendations in response to a request from City Council at its August 25 to 28, 2014 meeting for the Chief Building Official and Executive Director, Toronto Building to report on possible amendments to the Sign By-law to permit Topiary Signs that form part of 'Living Walls' or 'Green Walls' on buildings or structures.

## **COMMENTS**

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### **Variances for Signs that do not Require Permits**

In 2013, City Council adopted amendments to the Sign By-law to clarify which applications should proceed by way of a variance as opposed to a by-law amendment. The amendments adopted by Council include a requirement that applications seeking to alter the General Provisions contained in Article I must proceed by way of an amendment application.

As a result of the amendments described above, signs that do not require permits must still proceed by way of an amendment application where there is any deviation from the By-law provisions. These include window signs and signs displayed by Business Improvement Areas to advertise local events, and other signs that have little or no impact on surrounding properties or are displayed on a time-limited basis.

The current wording of the Sign By-law creates a circumstance where incidental or minor signs must still obtain an amendment through City Council for a minor variance from the By-law provisions, even though no permit is required.

The amendments set out in this report would allow these applications to proceed by way of variance as opposed to the By-law amendment process, thereby simplifying the approval process.

## **Topiary Signs and Topiary Sign Copy**

A Topiary Sign is defined by the Sign By-law as consisting only of shrubs, grass, flowers, ornamental plants and landscape elements. Topiary Signs are currently permitted in all Sign Districts without the requirement for a sign permit provided that they are no higher than 0.6m metres above grade and comply in all other respects with the requirements of the Sign By-law.

Recent applications for Topiary Signs that do not meet the requirements for an exemption from sign permit requirements were required to proceed by way of a by-law amendment. These applications included the Topiary Signs adjacent to the F.G Gardiner Expressway and Topiary Signs that form part of living or green walls (see Figure 1).

As a result of these applications, the requirements for Topiary Signs have been reviewed, and amendments to the Sign By-law are proposed in order to better govern the size and placement of Topiary Signs.

Topiary Signs were originally exempt from sign permit requirements, subject to a height limitation, as they were not regarded as having the same impact on nearby properties as compared to other sign types. There are a number of benefits that can be realized with Topiary Signs, including: improved aesthetics; reductions in the urban heat island effect; improved air quality; and, in some cases, increased biodiversity; these are all matters that the City has an interest in promoting.

In view of an increasing interest in the display of Topiary Signs and Topiary Sign Copy, as well as the limited impact that topiary signs have on adjacent properties, it is proposed that the Sign By-law be modified to:

- Add a definition for "Topiary Sign Copy";
- Allow permitted First and Third Party Signs to display "Topiary Sign Copy"; and,
- Introduce "Topiary Wall Signs" as a defined sign type, and establish regulations for these signs.

This proposed definition for "Topiary Sign Copy" is:

*TOPIARY SIGN COPY – shall include living plants, grasses, shrubs, flowers or other landscaping elements, but shall not include artificial plants, grasses, shrubs or flowers.*

**Figure 1: Example of Green Wall incorporating a corporate logo**



In addition, it is proposed to amend the Sign By-law to allow Topiary Sign Copy as an allowable copy type for First and Third Party Signs. This will permit topiary sign copy to be displayed on First Party wall signs, ground signs, overhanging structures or as part of a roof installation where permitted by the Sign By-law. These changes will also allow Topiary Sign Copy to be displayed on Third Party Ground or Wall Signs where the proposed sign is located in a Commercial, Commercial Residential, Utility or Employment Sign District.

It is also proposed that Topiary Signs be subject to a requirement that 75% of the Topiary Sign Copy be living grasses, plants, shrubs or flowers. This is consistent with the requirements for soft landscaping found in the Zoning By-law.

The definition of Wall Sign in the Sign By-law currently requires that Wall Signs not project more than 0.6m from the wall where they are attached. Due to the size of the supporting structure required for a Topiary Wall Sign and the potential variation in the height of grasses and other plants used to create Topiary Sign Copy, the maximum projection requirement established for traditional Wall Signs is not practical.

Therefore, it is proposed to establish a new sign type for "Topiary Wall Sign" and to allow their display in districts where wall signs are permitted, subject to the regulations applicable to wall signs in each district.

The proposed definition is:

*TOPIARY WALL SIGN – a sign erected on the wall of a building that displays only Topiary Sign Copy*

It is proposed that most signs displaying Topiary Sign Copy be required to obtain sign permits, and be subject to all other requirements of the Sign By-law.

It is also recommended that smaller First Party Topiary Signs continue to be allowed without the requirement to obtain a permit, provided that the sign:

- is no more than 0.6 metres higher than the surrounding grade,
- uses 75% or more living grasses, shrubs, flowers and plants as part of the sign copy area; and,
- has a sign face area not exceeding 20 square metres.

**Figure 2: Example of a Topiary Sign that would be exempt from sign permit requirements**



This will allow smaller First Party Topiary Signs to be part of landscaping without the need for a sign permit.

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## **Short Title for Chapter 694, Signs, General**

The official title of the Sign By-law is "Chapter 694 of the Municipal Code, Signs, General"; there is currently no short title. Since the introduction of Chapter 694, Signs, General, various stakeholders have begun informally referring to it, as the "Sign By-law".

It is proposed that a provision be added to the Sign By-law establishing the official short title of Chapter 694 as the "Sign By-law".

This will allow the language in reports and public notices to be simplified to include the commonly used reference.

## **Corrections to Fees in Chapter 441**

Staff have identified a number of typographical errors in certain permit fees contained in Appendix C – Schedule 8 of the Fee By-law, as amended by By-law No. 383-2015, enacted April 2, 2015. It is proposed to correct Appendix C – Schedule 8 by amending Line 123, the processing fee for certain sign permits, and Line 128, processing fee for certain sign permit renewals to reflect the correct unit cost as annually adjusted.

The current fee for the review and inspection of permits for signs other than roof signs and topiary signs should be \$32.67 per square metre of sign face area, (listed in error in Chapter 441 as \$38.33 per square metre of sign face area); and, the fee for the review and inspection for the renewal of a third party sign permit for a sign other than a topiary sign should be \$19.62 per square metre of sign face area, (listed in error in Chapter 441 as \$31.96 per square metre of sign face area).

This report recommends correcting Chapter 441 to accurately reflect the fees listed above.

## **Site-Specific Amendment Application and Proposed Sign District Re-Designation**

In 2014, staff received an area-specific amendment application to allow the display of a Topiary Wall Sign containing third party sign copy (in the form of corporate logos) as part of a larger Green Wall installation proposed for 390 Queens Quay West. The area-specific amendment application is currently required due to the existing restrictions concerning Topiary Sign Copy and the Residential Apartment Sign District designation that applies to the premises, which does not permit the display of Third Party Wall Signs.

After a review of the proposed Topiary Wall Sign and the existing Sign District designation of the premises, staff propose to re-designate each of the premises municipally known as 350, 360, 370, 390 and 400 Queens Quay West to a Commercial Residential Sign District. This is consistent with the Zoning and Official Plan designations of the properties which currently include a mix of commercial and residential.

Staff Report, Amendments to the Sign By-law and Associated Fees

If the premises are re-designated to a Commercial Residential Sign District and the proposed amendments for Topiary Wall Signs are adopted, the proposed Topiary Wall Sign could proceed by way of a sign variance application.

## **CONTACT**

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## **SIGNATURE**

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Toronto Building

## **ATTACHMENTS:**

1. Appendix 1 - Proposed Amendments to Chapter 694, Signs, General,
2. Appendix 2 - Amendments to Chapter 441, Fees and Charges, of the Municipal Code of the City of Toronto, Appendix C - Schedule 8, Toronto Building
3. Amended Schedule A Maps – Ward 20 – Trinity-Spadina