



**STAFF REPORT
ACTION REQUIRED**

**Video Display Equipped Signs at Drive-through Facilities,
Car Wash Establishments and Service Stations**

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| Date: | January 29, 2008 |
| To: | Planning and Growth Management Committee |
| From: | Chief Building Official and Executive Director, Toronto Building |
| Wards: | All |
| Reference Number: | BLG2008PGM002 |

SUMMARY

This report responds to Council direction to report to Planning and Growth Management Committee on potential amendments to the sign bylaws to allow video display equipped signs at drive-through facilities.

The purpose of this report is to seek Council's direction to proceed with the preparation of an additional article to Municipal Code Chapter 693, Signs. The article would permit video display screens associated with drive-through facilities, car wash establishments and service stations, with certain restrictions on size. The proposed bylaw amendment would, however, exempt video display units integrated with gasoline pumps from the requirement to obtain a permit when they conform to certain specified criteria.

The City Solicitor, the Executive Director, Municipal Licensing and Standards, the Chief Planner and Executive Director of City Planning and the General Manager of Transportation Services were consulted in the preparation of this report.

RECOMMENDATIONS

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

1. Staff be directed to consult with representatives of the restaurant and petroleum industries regarding the addition of a proposed Article V, “Video Equipped Signs at Drive-Through facilities, Car Wash establishments and Service Stations” to amend Municipal Code Chapter 693, Signs that would provide:
 - a. Where a sign is permitted in association with a drive-through facility or car wash establishment that sign may contain or consist entirely of a video display screen. The video display screen cannot exceed *the lesser of* 0.2 square metres or 100 percent of the permitted sign area.
 - b. Where service stations and gas bars are permitted by the applicable Zoning Bylaws, signs including video display screens to a maximum total area of 0.2 square metres are excluded from permit requirements, where the signs are directly mounted upon or connected to a gas pump. Only one sign is permitted per face of the gasoline pump.
2. Staff bring a draft bylaw forward to a public meeting at the April 10, 2008 meeting of the Planning and Growth Management Committee to add Article V, “Video Equipped Signs at Drive-Through Facilities, Car Wash Establishments and Service Stations” to amend Municipal Code Chapter 693, Signs.

FINANCIAL IMPACT

There are no financial impacts from the adoption of the recommendations contained in this report.

DECISION HISTORY

At its March 2007 meeting, City Council adopted the recommendations contained in the March 1, 2007 report from the Chief Building Official and Executive Director, Toronto Building recommending that the Executive Director of Municipal Licensing and Standards report, by no later than December 2007, on potential amendments to the sign bylaws to permit video signs at drive-through facilities and to establish a fee to recover the costs of reviewing and processing these types of applications:

<http://www.toronto.ca/legdocs/mmis/2007/cc/bgrd/ls2.5a.pdf>

ISSUE BACKGROUND

Signs in Toronto are regulated according to a range of criteria including sign type, location and distance to other signs. Since amalgamation in 1998, the City of Toronto has continued to administer the existing sign bylaws of the previous six municipalities and former Metropolitan Toronto. The sign by-laws vary in their approach, content and terminology.

Council identified a certain level of urgency with bringing forward these amendments to the sign bylaws in advance of the City's enactment of a consolidated sign bylaw. The recommendations in this report fulfill Council direction to permit video signs at drive-through locations, albeit pursuant to specified criteria, and support the City's public safety and public realm objectives.

COMMENTS

Drive-Through Facilities

In 2004, the City's zoning bylaws were amended to introduce a new and uniform definition for drive-through facilities. The bylaws now define drive through facilities as "premises used to provide or dispense products or services, through an attendant or a window or an automated machine, to persons remaining in vehicles that are in a designated stacking aisle. A drive-through facility may be in combination with other uses, such as a financial institution, personal service shop, retail store, eating establishment, or take out eating establishment. A drive-through facility does not include a vehicle washing establishment or vehicle fuel station".

Drive-through facilities will often use a menu-board and may use a pre-menu board to allow customers to purchase a service or order a product associated with the business. This type of sign may also advertise other products or services available at the drive-through facilities (e.g., in-store promotions).

Staff recommend that where a sign is permitted in association with a drive through facility the use of a video display screen be permitted as a component of or as the permitted sign. It is further recommended that the video display screen cannot exceed *the lesser of* 0.2 square metres or 100 percent of the permitted sign area.

Automobile Service Stations

It is proposed that the use of video display screen units at automobile service stations be permitted but only where mounted on or connected to gasoline pumps. Gasoline pumps have traditionally been used by the industry as a base for small promotional signs.

The proposed amendments would regulate video display screens at services stations in a manner different than that used for restaurant menu boards. The installation and erection of video display screens (as part of the permitted signs) at drive through facilities will be subject to review and approval through the permit application and inspection process. However for gas bars, it is recommended that where service stations and gas bars are permitted by the applicable Zoning Bylaws, signs including video display screens (to a

maximum total area of 0.2 square metres per face) be excluded from permit requirements where the sign is directly mounted upon or connected to a gasoline pump. It should be noted that the exemption from permit requirements would apply not only to video display screens but also to smaller static signs associated with gasoline pumps that meet the specified criteria. Creating an exemption for any sign that meets the specified criteria would prevent the circumstance whereby a company would be required to install a video display sign in order to comply with the bylaw, where a static sign is not permitted.

There would be minimal public benefit to reviewing signs of this type associated with gasoline pumps. The proposed amendment provides some industry choice as to the type of signs it wishes to utilize and also achieves the City's public safety and public realm objectives.

Car Washing Establishments

Although car wash establishments fall outside the City's definition of drive-through facilities, staff interpreted the direction of Council to permit video display screens at such establishments, as well. Car Wash establishments increasingly make similar use of the menu signs that are otherwise used by other drive-through facilities such as drive-through restaurants.

The regulations under the current sign bylaws of the former municipalities generally treat car washing establishments as they do drive-through facilities (i.e. they are simply deemed a commercial use). The only exception to this is when they are operated in conjunction with an automobile service station, as the by-laws contain separate and distinct regulations in connection with automobile service stations. Generally, however, car washing establishments are permitted to have ground signs.

It is recommended that the permitted use of video display screens in association with drive-through facilities apply, where signs are permitted, in the same manner to car wash establishments.

Enforcement

Where video displays are used contrary to the proposed amendments in either drive-through facilities, car wash establishments or service stations, enforcement action would be taken pursuant to the applicable provisions of the existing sign bylaws and pursuant to legal means already available to the City of Toronto.

Safety

Although staff from Transportation Services generally have an interest with the potential for distraction that large video signs can pose, they advise that the use of video display screens as proposed by this report will not present a significant hazard and should not be subject to any additional review.

Fees

Since the proposed amendments do not introduce any new processes to the review of permit applications for these types of signs, the current fee structure set out in Toronto Municipal Code Chapter 441, Fees are currently considered appropriate for processing these applications. The fees are currently \$28.30 per square metre of sign, with a minimum charge of \$198.04 per sign.

Video displays associated with gas pumps would not be subject to fees as they would be exempt from permit requirements.

Consultation

It is recommended that Toronto Building staff speak with representatives of the restaurant and petroleum industries and provide the proposed criteria for the use of video display equipped signs for their review and comment.

Harmonized Sign Bylaw

Given that the proposed amendments would be enacted prior to the passage of a harmonized sign by-law for the City, staff will further consider the video display screen provisions in conjunction with its general review and consolidation of the City's sign bylaws. At that time, staff may make any further recommendations as deemed necessary.

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