

## Appendix 1 – Proposed Changes to Chapter 694, Signs, General

### CITY OF TORONTO

BY-LAW No. XXX-2013

**To amend Chapter 694, Signs, General, respecting variances, Signage Master Plans, and site-specific amendments, as well as to amend the definition of Fence, modify the maximum permissible height for first party wall signs, and modify the signage permissions for ground signs associated with a drive-through facility.**

Whereas under sections 7 and 8 of the *City of Toronto Act, 2006* (the “Act”), the City may pass by-laws in respect of the health, safety and well-being of persons and the economic, social and environmental well-being of the City; and

Whereas subsection 8(1) of the Act, provides the City with broad authority to provide any service or thing the City considers necessary or desirable for the public; and

Whereas the City has the authority to pass by-laws respecting matters related to Structures, including fences and signs under subsection 8(2) of the Act; and

Whereas the City provides the regulation of signs to the citizens of Toronto as a necessary and desirable service; and

Whereas Council has authorized regulations that promote the public’s ability to utilize signs to express messages, while ensuring signs are appropriate to their function and compatible with their surroundings; and

Whereas at its meeting of February 22 and 23, 2010, City Council by adoption of Bylaw No. 196-2010, enacted Municipal Code Chapter 694, Signs, General; and

Whereas notice of the intention to enact this by-law has been provided in accordance with the Act and its regulations;

The Council of the City of Toronto enacts as follows:

1. Chapter 694, Signs, General, of The City of Toronto Municipal Code is amended as follows:
  - A. By deleting the definition of "Fence" provided in § 694-1 and replacing it with the following:

FENCE – A barrier, including one for noise attenuation, guard, railing, or any structure, except a structural part of a building, that wholly or partially screens from view, encloses or divides a yard or other land, or marks or substantially

marks the boundary between adjoining land, and includes any hedge or shrub that has the same effect.

- B. By adding the following to § 694-14 as § 694-14L and § 694-14M:
  - L. Where this chapter requires a distance to be measured from the intersection of two streets, the intersection of two streets will be deemed to be the closest point where:
    - (1) the street lines of two streets meet to form an interior angle of 135 degrees or less; or
    - (2) where one street bends to create an interior angle of 135 degrees or less between the street lines.
  - M. Where this chapter requires a distance to be measured from the intersection of two street lines, the intersection of two streets will be deemed to be the closest point where:
    - (1) the two street lines meet to form an interior angle of 135 degrees or less; or
    - (2) where one street line bends to create an interior angle of 135 degrees or less.
- C. By deleting § 694-15B(2) and substituting the following:
  - (2) A roof sign, except a first party roof sign included in a Signage Master Plan consisting solely of first party signs.
- D. By deleting § 694-21C(4) and substituting the following:
  - (4) A wall sign displaying the logo or corporate symbol of a business located on the premises provided:
    - (a) The sign shall only be erected on an office building containing 10 or more storeys;
    - (b) There shall be no more than one sign erected on each wall of a building to a maximum of two signs;
    - (c) The sign shall only be erected on the uppermost storey, mechanical penthouse, or parapet wall of a building;
    - (d) The sign face area shall not exceed 20 percent of the area of the wall at the uppermost storey, mechanical penthouse or parapet wall on which the sign is erected; and
    - (e) The sign shall not extend beyond either end of the wall on which it is erected.
- E. By deleting § 694-21C(5)(b) and substituting the following:

- (b) Where erected at the first storey, the height shall not exceed 1.5 times the vertical distance between grade and the top boundary of the first storey of the building wall upon which the sign is located, and the sign shall not extend above the sill of the lowest window at the second storey of the wall on which the sign is erected.

F. By deleting § 694-21D(4) and substituting the following:

- (4) A wall sign displaying the logo or corporate symbol of a business located on the premises provided:
  - (a) The sign shall only be erected on an office building containing 10 or more storeys;
  - (b) There shall be no more than one sign erected on each wall of a building to a maximum of two signs;
  - (c) The sign shall only be erected on the uppermost storey, mechanical penthouse, or parapet wall of a building;
  - (d) The sign face area shall not exceed 20 percent of the area of the wall at the uppermost storey, mechanical penthouse or parapet wall on which the sign is erected; and
  - (e) The sign shall not extend beyond either end of the wall on which it is erected.

G. By deleting § 694-21D(5)(b) and substituting the following:

- (b) Where erected at the first storey, the height shall not exceed 1.5 times the vertical distance between grade and the top boundary of the first storey of the building wall upon which the sign is located, and the sign shall not extend above the sill of the lowest window at the second storey of the wall on which the sign is erected.

H. By deleting § 694-21E(4) and substituting the following:

- (4) A wall sign displaying the logo or corporate symbol of a business located on the premises provided:
  - (a) The sign shall only be erected on an office building containing 10 or more storeys;
  - (b) There shall be no more than one sign erected on each wall of a building to a maximum of two signs;
  - (c) The sign shall only be erected on the uppermost storey, mechanical penthouse, or parapet wall of a building;
  - (d) The sign face area shall not exceed 20 percent of the area of the wall at the uppermost storey, mechanical penthouse or parapet wall on which the sign is erected; and

- (e) The sign shall not extend beyond either end of the wall on which it is erected.

I. By adding the following to § 694-20G as § 694-20G(4):

- (4) A sign for the purpose of providing direction to a point of vehicular ingress and egress to a drive-through facility provided:
  - (a) The sign face area shall not exceed 0.5 square metres;
  - (b) The height shall not exceed 1.5 metres;
  - (c) The sign shall have no more than two sign faces;
  - (d) There shall be no more than one such sign erected at each point of vehicular ingress and egress to the drive-through facility; and
  - (e) No more than two such signs shall be erected.

J. By deleting §§ 694-30A, B, C, D, and E and substituting the following:

**§ 694-30. Variance applications.**

- A. An application for a variance from the provisions of this chapter may be granted where it is established that the proposed sign or signs:
  - (1) Will be compatible with the development of the premises and surrounding area;
  - (2) Support the Official Plan objectives for the subject premises and surrounding area;
  - (3) Will not adversely affect adjacent premises;
  - (4) Will not adversely affect public safety; and
  - (5) Will not alter the character of the premises or surrounding area.
- B. The applicant for a variance or variances from this chapter shall:
  - (1) file the application for variance and other information required for the applicable sign class in the form and manner approved by the Chief Building Official and shall pay the non-refundable fees prescribed in Chapter 441 for the processing of the variance application; and,
  - (2) where the application for variance relates to three or more signs, or an area or premises which a Signage Master Plan has previously been approved, the applicant is required to make an application for variance for a Signage Master Plan and shall:
    - (a) File application for variance for a Signage Master Plan and other information required for the application in the form and manner approved by the Chief Building Official; and

- (b) shall pay the non-refundable fees prescribed in Chapter 441 for the processing of the application for a Signage Master Plan.
- C. An applicant for a variance or variances from this chapter shall post, for no less than 30 days prior to the City's consideration of the application, notice of the application in such form as approved by the Chief Building Official in a location visible to the public on the premises or defined area which is the subject of the application for variance.
- D. Upon receiving the application and information referred to in Subsection B, the Chief Building Official shall:
- (1) In the case of a variance or variances from this chapter to permit the erection and display of a first party sign or signs, serve notice of the application on the property owners of all properties and to the mailing addresses of residential and business tenancies within a 60-metre radius of the premises on which the first party sign is proposed to be erected and on the ward councillor;
  - (2) In the case of a variance or variances from this chapter to permit the erection and display of a third party sign or signs, serve notice of the application on the property owners of all properties and to the mailing addresses of residential and business tenancies within a 120-metre radius of the premises on which the third party sign is proposed to be erected and on the ward councillor; or
  - (3) In the case of an application for a variance or variances from this chapter required to be made by means of an application for a Signage Master Plan, serve notice of the application on the property owners of all properties and to the mailing addresses of residential and business tenancies within a 120-metre radius of the premises on which the third party sign is proposed to be erected and on the ward councillor.
- E. Where an application for variance is filed and a condominium development is located within 60 metres of the premises on which the sign is proposed to be erected in the case of application for variance respecting a first party sign, or within 120 metres of the premises on which the sign is proposed to be erected in the case of application for variance respecting a third party sign, or within 120 metres of the premises or defined area which is the subject of the proposed Signage Master Plan in the case of an application for variance with respect to a Signage Master Plan, the notice under Subsection D may be served on the condominium corporation at its most recent address for service or mailing address as registered under section 3 of the *Condominium Act, 1998*, instead of being served upon the owners of the units of the condominium development.
- K. By deleting §§ 694-30G, H, I, J, K, L, and M and substituting the following:

- G. Where an application for variance from this chapter is made to permit the erection and display of a first party sign or signs, the notice under Subsection D shall contain the following information:
- (1) A statement that the application for variance shall be considered by the Chief Building Official;
  - (2) A statement that the recipient of the notice may submit written comments or any other documentation to the Chief Building Official regarding the application for variance;
  - (3) The date by which any written comments or documentation must be submitted to the Chief Building Official;
  - (4) The date by which the Chief Building Official will make a decision on the application for variance which shall be at least 30 days from the date the application was filed; and
  - (5) A statement that the recipient of the notice may request in writing, prior to the date described in Subsection G(4), that the person be served with notice of the Chief Building Official's decision on the application for variance.
- H. Where an application for variance from this chapter is made to permit the erection and display of a first party sign or signs, any person may, within 30 days from the date the application was filed:
- (1) Submit written comments or any other documentation to the Chief Building Official regarding the application for variance; and
  - (2) Request in writing that the person be served with notice of the Chief Building Official's decision on the application for variance.
- I. Where an application for variance from this chapter is made to permit the erection and display of a third party sign, or signs, or a third party sign or signs and first party sign or signs, the notice under Subsection D shall contain the following information:
- (1) A statement that the application for variance shall be considered by the Sign Variance Committee;
  - (2) A statement that the recipient of the notice may submit written comments or any other documentation to the Sign Variance Committee regarding the application for variance;
  - (3) A statement that the recipient of the notice may appear at the hearing of the application to make submissions before the Sign Variance Committee regarding the application for variance; and
  - (4) The time and location of the hearing before the Sign Variance Committee at which the application for variance will be considered.

- J. In the case of an application for variance from this chapter to permit the erection and display of a first party sign or signs, written notice of the Chief Building Official's decision shall be served on the applicant, the property owner, the ward councillor and any other person who requested he or she be served with notice of the decision in accordance with Subsection G(5) and Subsection H(2).
- K. Any person served with notice of the Chief Building Official's decision on an application for variance from this chapter to permit the erection and display of a first party sign or signs may appeal the Chief Building Official's decision to the Sign Variance Committee by filing the notice of appeal in the form and manner approved by the Chief Building Official and paying the non-refundable fee prescribed in Chapter 441 within 20 days of service of the notice of decision.
- L. Where an application for variance from this chapter is made to permit the erection and display of a third party sign or sign, or where the decision of the Chief Building Official on an application for a variance from this chapter to permit the erection and display of a first party sign or sign has been appealed, any person may:
  - (1) Submit written comments or any other documentation to the Sign Variance Committee regarding the application for variance; and
  - (2) Appear at the hearing of the application to make submissions before the Sign Variance Committee regarding the application for variance.
- M. In the case of an application for variance from this chapter to permit the erection and display of a third party sign or signs, or an application for variance from this chapter to permit the erection and display of first and third party signs, or in the case of an appeal to the Sign Variance Committee of the Chief Building Official's decision on an application for variance from this chapter to permit the erection and display of a first party sign or signs, written notice of the decision of the Sign Variance Committee shall be served on the applicant, the property owner, the ward councillor, any person who submitted documentation to the Sign Variance Committee with respect to the variance application, and any person who appeared before the Sign Variance Committee at the hearing of the variance application.
- L. By deleting §§ 694-30P, Q, R, S, T, U, and V and substituting the following therefore:
  - P. Upon considering an application for variance from this chapter to permit the erection and display of a third party sign or signs, or an application for variance from this chapter to permit the erection and display of first and third party signs, or an appeal to the Sign Variance Committee of the decision of the Chief Building Official on an application for variance from this chapter to permit the erection and display of a first party sign or signs the Sign Variance Committee may pass a resolution to:

- (1) Grant a variance or variances;
  - (2) Grant a variance or variances with conditions; or
  - (3) Refuse to grant a variance or variances.
- Q. On an appeal to the Sign Variance Committee of the Chief Building Official's decision on an application for variance from this chapter to permit the erection and display of a first party sign or signs, the Sign Variance Committee may pass a resolution to:
- (1) Grant a variance or variances;
  - (2) Grant a variance or variances with conditions; or
  - (3) Refuse to grant a variance or variances.
- R. A decision of the Sign Variance Committee is final and binding:
- (1) In the case of a decision to refuse to grant a variance or variances, on the date the decision is issued; and
  - (2) In the case of a decision to grant a variance or variances, or grant a variance or variances with conditions, 21 days after the date the decision is issued unless an application to consider is filed by the ward councillor in accordance with § 694-30S.
- S. The ward councillor may elect to have the decision of the Sign Variance Committee to grant a variance or variances, or grant a variance or variances with conditions, by Council by filing an application to consider in the form and manner approved by the Chief Building Official within 20 days of the date of the decision.
- T. Upon receiving an application to consider from a ward councillor pursuant to Subsection S, the Chief Building Official shall report as necessary to the next available meeting of the community council for the geographical area containing the premises where the sign is proposed to be to be erected or displayed or to be the subject of the Signage Master Plan, which will hear and consider the application for variance and make recommendations to Council for final decision.
- U. Upon considering an application for variance from this chapter, Council may:
- (1) Grant a variance or variances;
  - (2) Grant a variance or variances with conditions; or
  - (3) Refuse to grant a variance or variances.
- V. Council may grant a variance or variances from the provisions of this chapter where Council determines that the application for variance satisfies the criteria set out in § 694-30A.



- M. By deleting § 694-31A and substituting the following:
- A. A person may apply for an amendment to the provisions of this chapter where:
    - (1) The proposed sign is expressly prohibited by § 694-15B;
    - (2) The proposed sign would not comply with §§ 694-15,16, 17, 19, or 23 of article III or articles I, II, IV, V, VI, VII of this chapter;
    - (3) The proposed amendment would alter the sign district designation of a premises as indicated in Schedule A to this chapter; or
    - (4) The proposed amendment would implement a prohibition with respect to the erection or display of signs generally or with respect to specific premises or areas.
- N. By deleting § 694-39A and substituting the following:
- A. The City Clerk's Office shall provide meeting management support to the Sign Variance Committee.