



## STAFF REPORT ACTION REQUIRED

### Area-Specific Amendment to Chapter 694 Concerning the Display of Topiary Signs at Woodbine Racetrack

<b>Date:</b>	April 30, 2015
<b>To:</b>	Planning and Growth Management Committee
<b>From:</b>	Chief Building Official & Executive Director, Toronto Building
<b>Wards:</b>	Ward 2 – Etobicoke North
<b>Reference Number:</b>	PG15006

#### SUMMARY

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In December 2013, the Chief Building Official reported to the Planning and Growth Management Committee ("PGM") that going forward, applications for amendments to Chapter 694, Signs, General, of the City of Toronto Municipal Code ("Sign By-Law"), would be considered together once per year. This practice has since been adopted and seven applications for amendment are contained in reports at the May 14, 2015 PGM meeting.

Annual reporting allows both staff and City Council to consider the impact of the various Sign By-Law amendment applications, comprehensively.

Of the seven applications, five are for electronic signs and have been combined into one report. This report deals with one of the two remaining applications for different sign types that are reported separately.

This report recommends approval of an application for an area-specific amendment to the Sign By-law to permit 25 third party topiary signs proposed to be located along Rexdale Boulevard and Highway 27, at 555 Rexdale Boulevard, commonly known as "Woodbine Racetrack". Topiary signs are comprised of shrubs, grass, flowers, plants and landscape elements. The application was filed by Abcon Media ("Abcon").

As no provisions were established to allow topiary signs which exceed the limitations set out in the Sign By-law, all such topiary signs are required to be approved through area-specific amendments and require permits.

## **RECOMMENDATIONS**

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

1. City Council amend Chapter 694, Signs, General, by adding an area-specific amendment to Schedule B of Chapter 694, Signage Master Plans and Area Specific Amendments, to allow for, in addition to other signs permitted by Chapter 694, the display of 25 third party topiary signs on the premises municipally known as 555 Rexdale Boulevard, in accordance with the draft by-law attached as Attachment 2 to this report; and
2. City Council authorize the City Solicitor to prepare the necessary Bills for introduction in Council in order to implement the above recommendation, subject to such stylistic and technical changes to the draft by-laws as may be required.

### **FINANCIAL IMPACT**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

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>)

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>)

### **ISSUE BACKGROUND**

Prior to 2015, applications for amendment to the Sign By-law were reported to PGM as they were received. This approach did not allow staff the ability to review the applications in a comprehensive manner, nor for City Council to consider the applications in a broader context and only on a location-by-location basis. In December 2013, the Chief Building Official reported to PGM that going forward, applications for amendment would be considered together once per year. That practice was adopted and amendment applications are being brought forward together, to the May 14, 2015 PGM meeting.

For the proposal contained in this report, staff received the application prior to December 31, 2014. Staff then notified all residents and property owners within 120 metres of the affected premises of this application.

Topiary signs are defined as consisting only of shrubs, grasses, flowers, ornamental plants and landscape elements and are permitted in all sign districts without a sign permit, provided they do not exceed 0.6 metres above surrounding grade and they comply in all other respects with the Sign By-law, including separation distances that may be required between signs or between the sign(s) and sensitive land uses.

No provisions were established to allow topiary signs which exceed the limitations set out in the Sign By-law. As a result, all such topiary signs are required to be approved as area-specific amendments and require permits.

In June, staff are expecting to bring forward a report with amendments to the Sign By-law which will allow topiary signs as a sign type permitted in appropriate sign districts, subject to specific regulations and requirements for permits. If adopted, changes to the performance standards for those signs could be considered through the variance process, similar to other classes of signs.

## **COMMENTS**

Although recognized and regulated in the Sign By-law, topiary signs are not common in Toronto. The most prominent example of topiary signs is located within the railway corridor adjacent to the F.G. Gardiner Expressway, between Roncesvalles Avenue and Jameson Avenue.

Topiary signs are generally thought to provide benefits that are not shared with other sign types, as the living materials used to display these signs contribute to improved air quality and the management of storm water. As well, these signs can have a greater visual appeal compared to traditional advertising signs, partly due to their location on the ground and the use of plant material. In the example adjacent to the Gardiner Expressway, they are displayed in conjunction with an ongoing maintenance and upkeep program with the purpose of enhancing and beautifying the property on which they are located.

The topiary signs proposed will also be required to be operated and maintained in accordance with the requirements of Chapter 612, Pesticides, Use of, of the City of Toronto Municipal Code.

The topiary signs that are the subject of this proposal do not meet the requirements for topiary signs to be exempt from sign permit requirements set out in the Sign By-law. This is due primarily to their size and the separation distances required between the signs. As such, this area-specific amendment is required to allow permits to be issued.

### Separation Distance:

The Sign By-law requires a minimum 100-metre separation distance between third party signs. It is proposed that the minimum required separation distance between each of the topiary signs be 50 metres.

As well, 14 of the 25 topiary signs proposed, are located four metres from Highway 27, whereas, the Sign By-law requires that a third party sign not be located within 400 metres of Highway 27.

Woodbine Racetrack is set on a large parcel of land located in the former Etobicoke. The property includes substantial portions of undeveloped land, particularly near the intersection of Highway 427 and Rexdale Boulevard where the topiary signs are proposed.

Due to the nature of the topography on the perimeter of the premises, as well as the consistency in the shrubs, grasses and materials used in the proposed signs, the issues of sign clutter or driver distraction would be considerably reduced in comparison to the more conventional structures associated with third party signs.

The Sign By-law requires that all third party signs be set back a minimum distance of 30 metres from sensitive land uses, including R-Residential, RA-Residential Apartment and OS-Open Space Sign Districts. Along Rexdale Boulevard, two of the proposed topiary signs are within 30 metres of an OS-Open Space Sign District and an RA-Residential Apartment Sign District.

Despite this, as a result of the maximum proposed height of the signs (1.5 metres), the breadth of the Rexdale Boulevard right-of-way (approximately 35-45 metres), and the fact that the signs are to be non-illuminated, the signs should have a negligible impact on the sensitive land uses.

#### Size of Signs:

The Sign By-law restricts the maximum sign face area of third party signs to 20 square metres; whereas, the third party topiary signs proposed are each 150 square metres.

Due to the compatibility of the materials used in the display of topiary signs with the surrounding area, the impact of the larger sign faces is substantially reduced. Also, the shrubs, grasses and other materials used in topiary signs require more space in order to display a discernible (visible) message because of the imprecise nature of displaying messages with living plant materials.

#### Applicant's Submission:

Abcon has provided submission materials contained in Attachment 1 to this report which illustrate the nature and locations of the proposed signs.

Conclusion:

Staff support the proposed non-illuminated topiary signs as they are generally less intrusive than other types of third party signs and are compatible with the location where they are proposed.

**CONTACT**

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**SIGNATURE**

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**ATTACHMENTS**

1. Appendix 1 – Abcon's Submission in Support of Application
2. Appendix 2 – Draft By-law