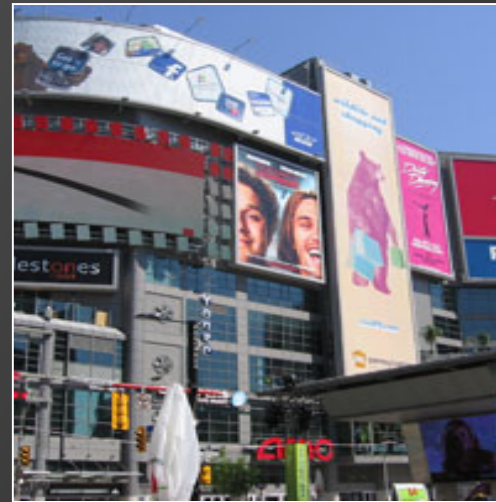


Sign Variance Committee: Committee Training Session



July 9, 2019

Outline

- Overview of Sign Bylaw
- Sign Districts and Sign Regulations
- Sign Variances and Signage Master Plans
- Criteria and Decisions
- Overview of Process
- Review of CBO role at Hearings
- Other Matters
- Questions and Discussion

Part 1 : Overview

Scope of the Sign Bylaw (Chapter 694)

- ⦿ All signs in the city unless they are exempted
 - See S. 694-2 – Scope for Exemptions
- ⦿ Due to legislative restrictions in place at the time
 - Signs lawfully built prior to April 2010 are also exempt unless they are ‘substantially’ modified
- ⦿ No distinction between permanent or temporary signs, other than in the exemptions
- ⦿ No distinction between signs on private or public property, other than in the exemptions

Goals and Objectives of Sign Bylaw

- ⦿ To regulate the size and placement of signs
- ⦿ To promote public safety
- ⦿ To reduce and prevent sign clutter
- ⦿ To have signs that compliment the built environment and streetscapes
- ⦿ To manage the environmental impacts of signs (e.g. light pollution)

Sign Bylaw Development

- ⦿ Developed over a two-year period (2008 – 2009)
- ⦿ Updated over 2013-2015
 - Changes reflected the emerging sign types (topiary, electronic)
- ⦿ Both processes included a review of Planning, Urban Design and Economic Development goals
- ⦿ Extensive consultation (both times) with:
 - Members of the Public and Council
 - Sign Industry
 - Public Space Interest Groups
 - City Divisions and Agencies

Two-Permit System

Sign Permit	Building Permit
Issued under Chapter 694 of the Municipal Code Required for any permanent sign not exempted by Chapter 694 Penalties and enforcement mechanisms found in Chapter 694 and the City of Toronto Act	Issued under Section 8 of the Building Code Act Required for any 'building' or alteration to a 'building' Penalties and enforcement mechanisms found in Building Code Act

Part 2 :

The Sign Bylaw

Sign Types and Sign Classes

Sign Classes are:

- First Party Signs
- Third Party Signs

Sign Types are:

Wall Signs

Ground Signs

Roof Signs

Overhanging Structure Signs

Projecting Signs

Topiary Signs

Topiary Wall Signs

Window Signs

Fuel Pump Signs

Electronic Wall Signs

Electronic Ground Signs

Electronic Roof Signs

Electronic Overhanging Structure Signs

Electronic Projecting Signs

Electronic Topiary Signs

Electronic Window Signs

Electronic Fuel Pump Signs

Projected Image Signs

Sign Districts

- New Sign Districts have been established
- Based on the Official Plan and Zoning designations of properties
- Sign Bylaw and Maps are available to the public

9 Sign Districts – excluding Special Sign Districts:

Residential (R)

Residential Apartment (RA)

Commercial (C)

Commercial Residential (CR)

Employment (E)

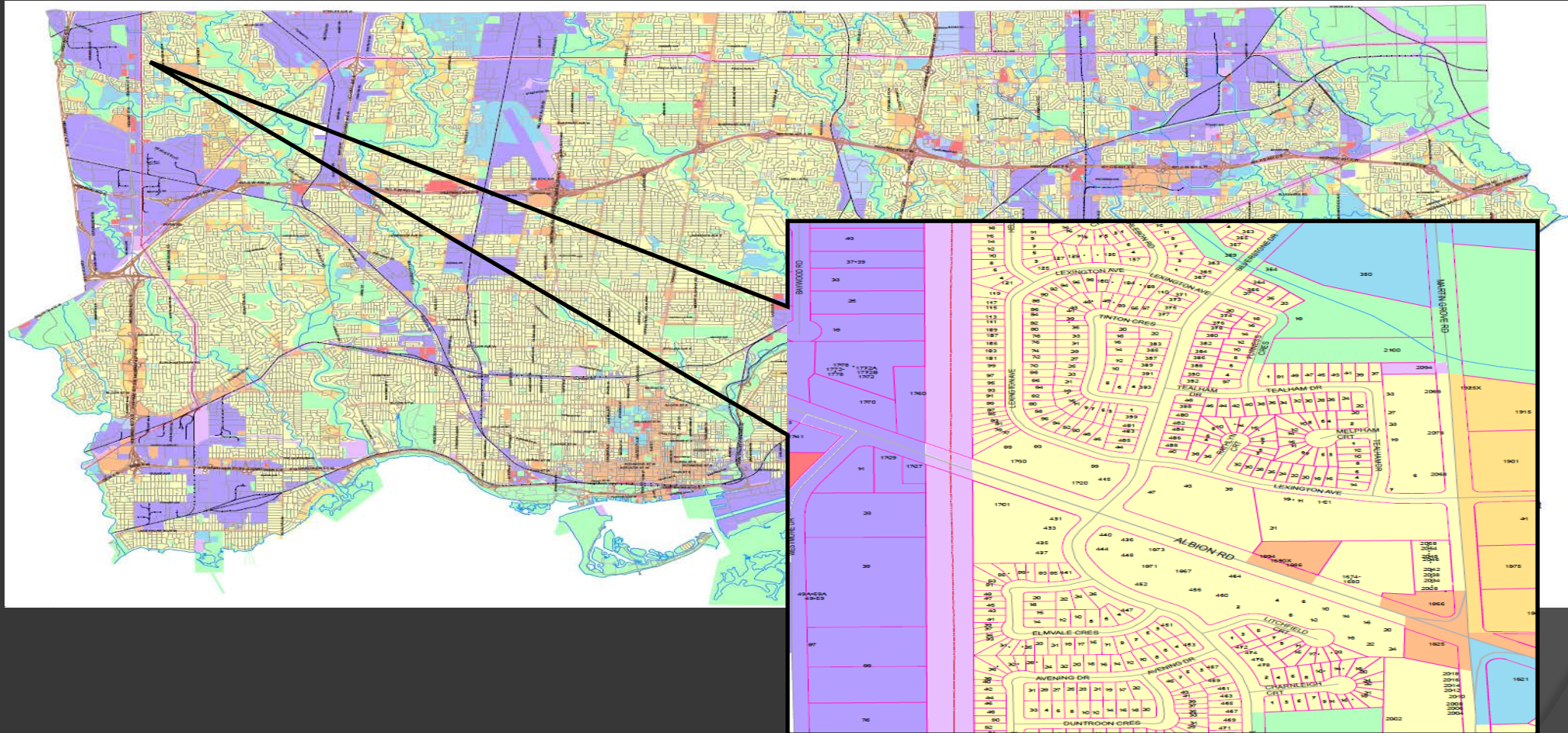
Employment Industrial Office (EIO)

Institutional (I)

Open Space (OS)

Utility (U)

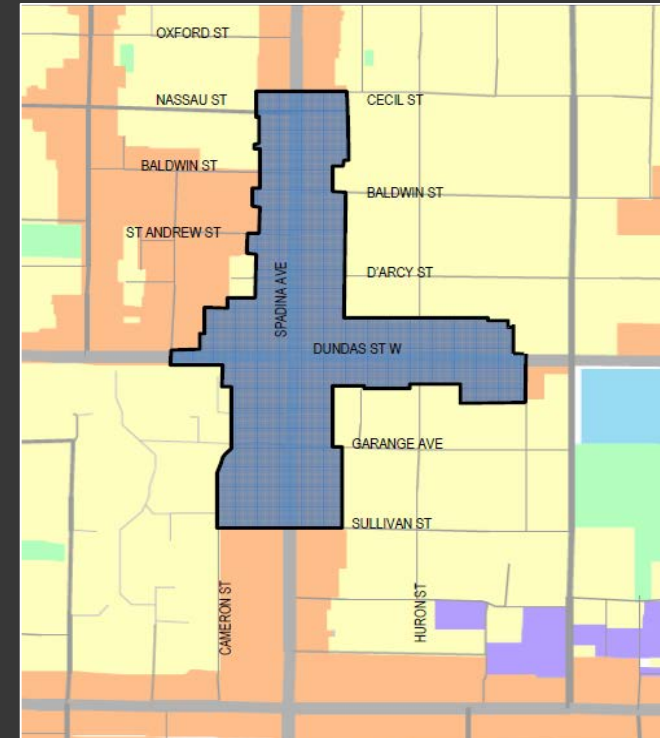
Sign Bylaw – Sign Districts



Special Sign Districts

- University Avenue
- Nathan Philips Square and City Hall
- Gardiner Gateway
- Dundas Square
- Downtown Yonge Street
- Chinatown
- Entertainment District

Chinatown Special Sign District



First Party Signs

A sign which identifies the business, service or activity located or available where the sign is located.



First Party Wall Signs



- ⦿ A sign on the wall of a building
- ⦿ Restricted to a % of wall area
 - Intention is to keep wall signs in proportion to the building
- ⦿ Height restrictions
 - Intended to keep signs at human scale

First Party Ground Signs

- ⦿ A freestanding sign permanently affixed to the ground and not supported by a building
- ⦿ Size and height related to the lot size
 - Intention is to keep ground signs in proportion to the development on the lot
- ⦿ Number of ground signs is restricted
 - Intended to reduce sign clutter



First Party Projecting Signs

- ⦿ A sign supported by the wall of a building
 - Generally perpendicular to the street or sidewalk
- ⦿ Size restricted to 1m²
 - Intended to ensure signs are not overpowering
- ⦿ Limited projection and minimum height requirement
 - Intended to prevent signs from interfering with sidewalks



First Party Overhanging Structure Signs

- ⦿ A sign on an overhanging structure
 - Includes awnings and canopies
- ⦿ Sign area is limited to a % of the awning or canopy surface
 - Intended to keep the sign in proportion to the structure



First Party Window Signs

- ⦿ A sign on any part of a window
- ⦿ Includes any sign visible through the window from the exterior of the building
 - Does not include display of merchandise
- ⦿ Restricted to 25% of the window area
 - Intended to keep the window functional as a window



Topiary Signs :

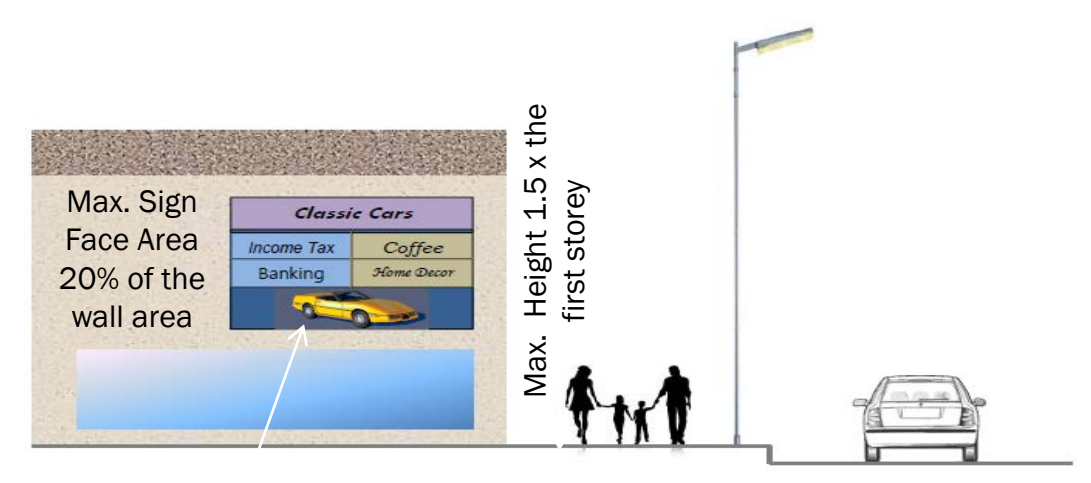
- A Topiary Sign is defined by the Sign By-law as consisting only of shrubs, grass, flowers, ornamental plants and landscape elements
- Requirement that 75% of the Topiary Sign Copy be living grasses, plants, shrubs or flowers
- First party topiary signs less than 0.6m above grade and less than 20 square metres do not require a sign permit
 - All other topiary signs and topiary wall signs require a sign permit



First Party Electronic Signs :

- ⦿ Commercial or Employment Sign Districts only
- ⦿ Electronic copy only permitted on wall or ground signs
- ⦿ Electronic copy limited to 30% of the sign face area to a maximum of 5.0 square metres
- ⦿ For Commercial Sign Districts, on properties with 10 or more tenants
- ⦿ Must be on a lot frontage greater than 100 metres
- ⦿ Not be located within 60 metres of a R, RA, CR, I, or OS Sign District
- ⦿ No more than one electronic sign per premise
- ⦿ Electronic copy located in the bottom 50% of the sign face
- ⦿ Minimum message duration of 1 minute.

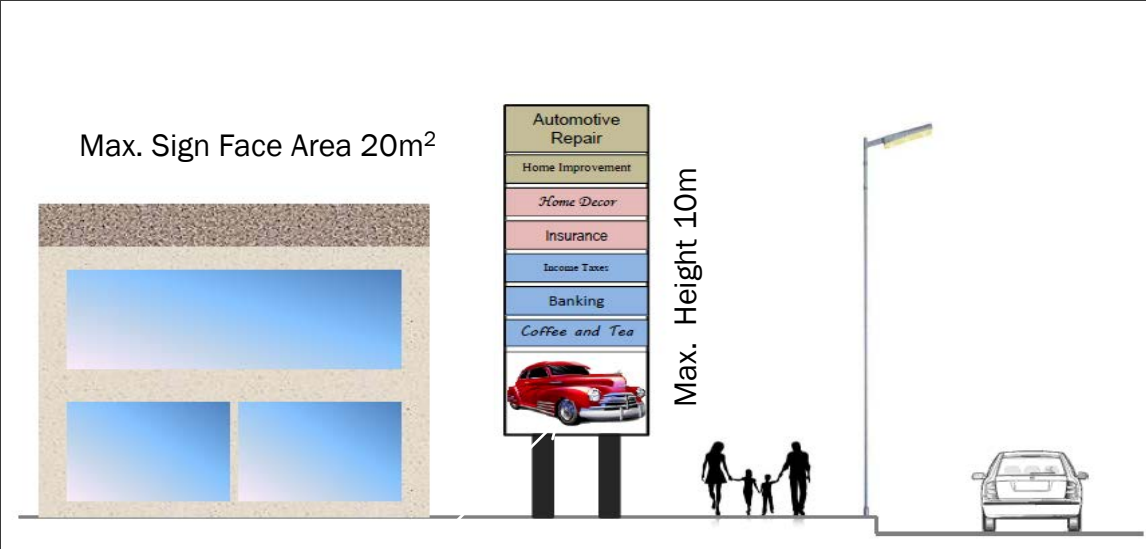
First Party Electronic Signs:



Electronic First Party Wall Sign

Max. Sign Face Area displaying electronic copy 30% (max 5m²) located at bottom of sign.

Electronic First Party Electronic Ground Sign



Max. Sign Face Area displaying electronic copy 30% (max 5m²) located at bottom of sign.

Third Party Signs

A sign which advertises businesses, goods or services that are not available where the sign is located



Third Party Signs – General Regulations

- ⦿ Permit is valid only for 5 years
 - ⦿ After five years, the sign must either be removed or a new permit applied for
 - ⦿ Intended to take into account changes and redevelopment in the surrounding area
- ⦿ Can not be located within 400 metres of a Provincial Highway or the Gardiner Expressway
 - ⦿ Bylaw contains other area specific restrictions
- ⦿ Electronic third party signs cannot be located within 150m of another third party sign
- ⦿ Non-electronic third party signs cannot be located within 100m of another third party sign
- ⦿ Required to provide a unique identifier on every sign

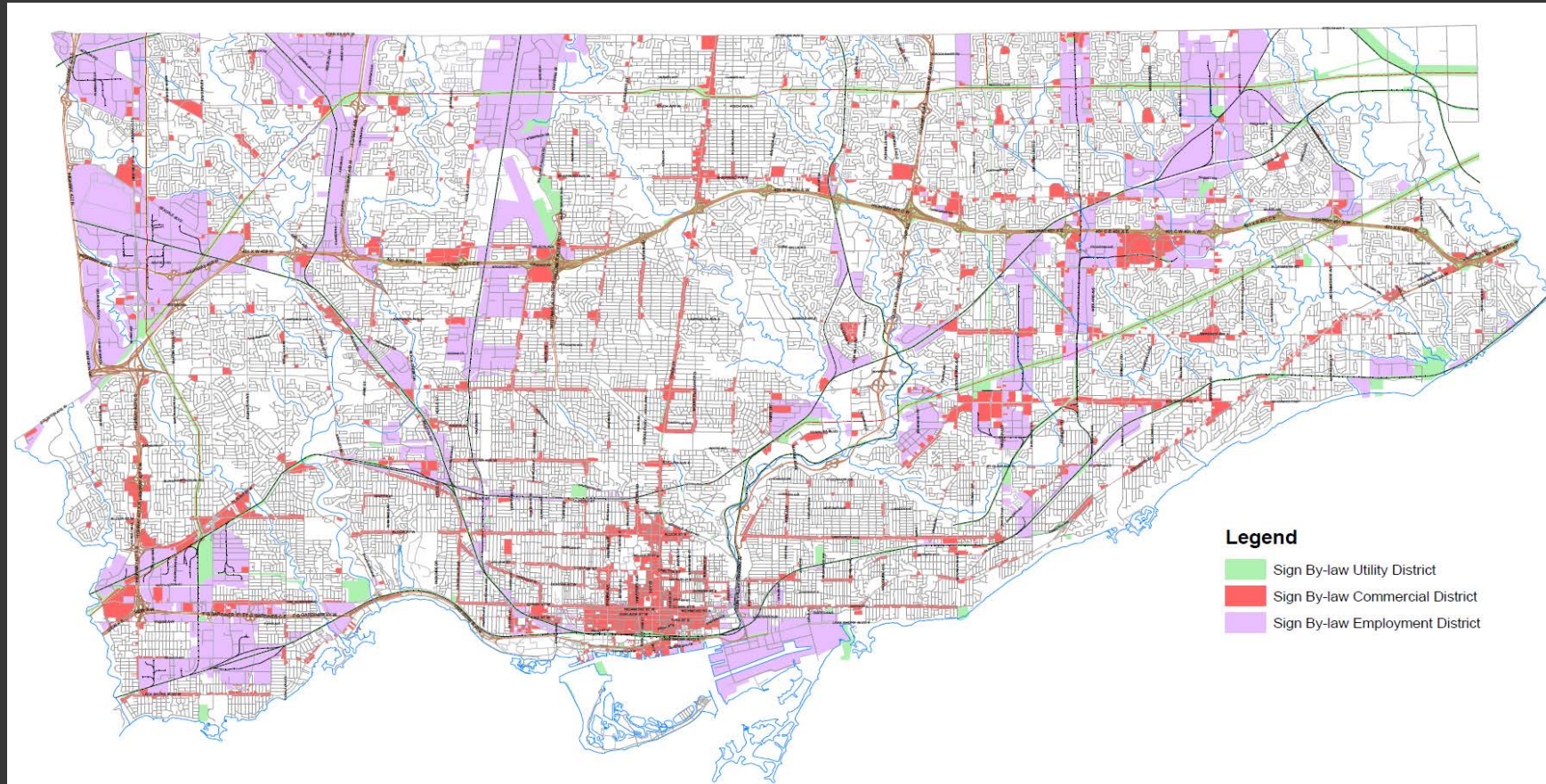
Energy Efficiency and Lighting Regulations

- Third Party Signs required to be powered by renewable energy only;
- First Party Signs required to be turned off during a Smog Alert;
- Lighting requirements for all signs:
 - Up-lighting of sign is prohibited
 - Maximum illumination levels
 - Hours of operation for illuminated and electronic signs



Third Party Sign Districts

Third Party Signs are permitted in Commercial, Employment, Utility Sign Districts and some Special Sign Districts

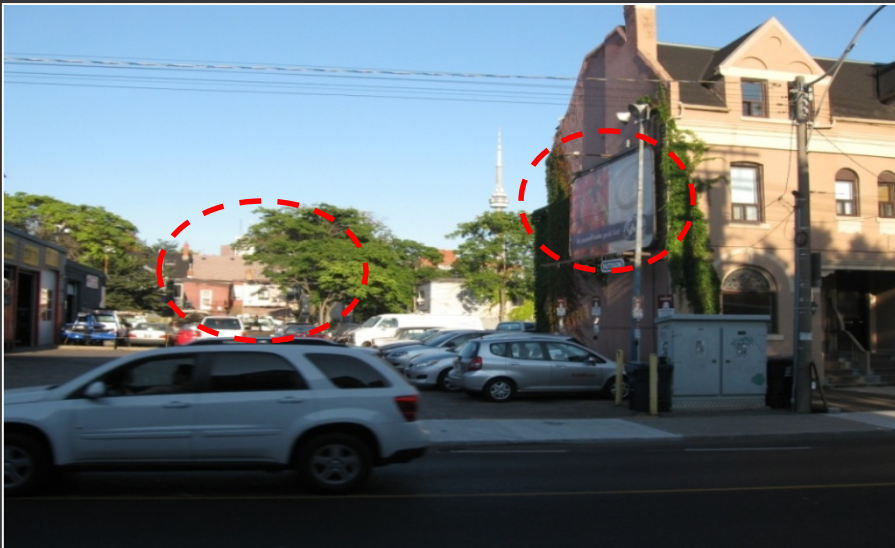


Third Party Signs - Commercial Districts



- Wall signs only
 - In keeping with the building types and streetscapes
- Does not face a street
 - Intended to minimize driver distraction

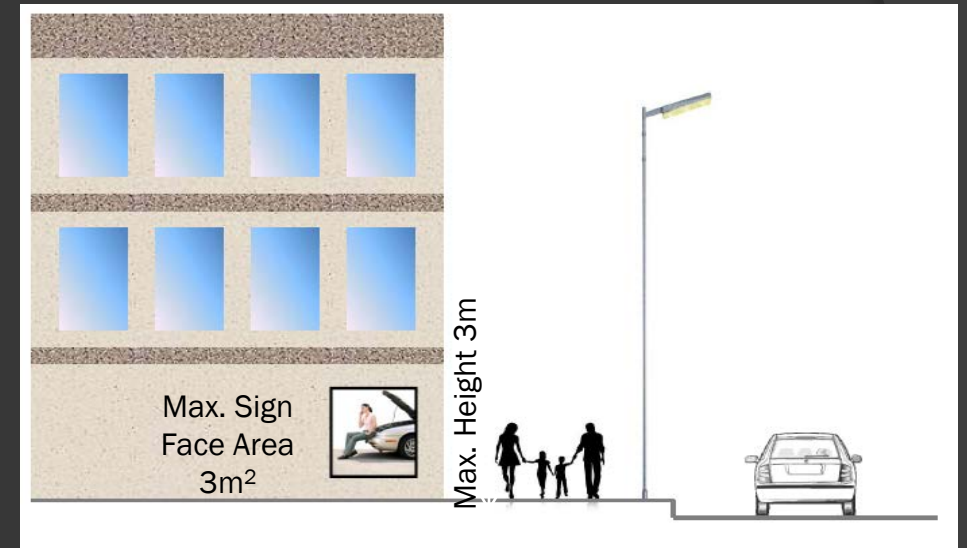
Third Party Signs - Commercial Districts



- More than 30m from a R, RA, I or OS property
 - Intended to minimize impact of signs on sensitive land uses
- Maximum 15.0m Height
 - Intended to minimize impact of signs on nearby properties
- More than 30m from an intersection
 - Intended to minimize driver distraction

Third Party Signs in CR Sign Districts:

- Wall Signs or Topiary Wall signs only
- Static, mechanical, or topiary sign copy only;
- Maximum sign face area 3.0 square metres;
- Maximum height 3.0 metres;
- Can not face a street;
- Not within 30.0 metres of the intersection of a major street with any other street;
- Not within 30.0 metres of any premises in an R, RA, CR, I or OS sign district;
- Cannot extend beyond the wall of the building;



Employment Districts



- Ground signs only
- Sign must comply with zoning setbacks for property
 - In keeping with the building locations on the property
- Maximum Height of 10m
 - Intended to minimize impact of signs on nearby properties
- More than 30m from an intersection
 - Intended to minimize driver distraction

Third Party Sign - Utility Districts



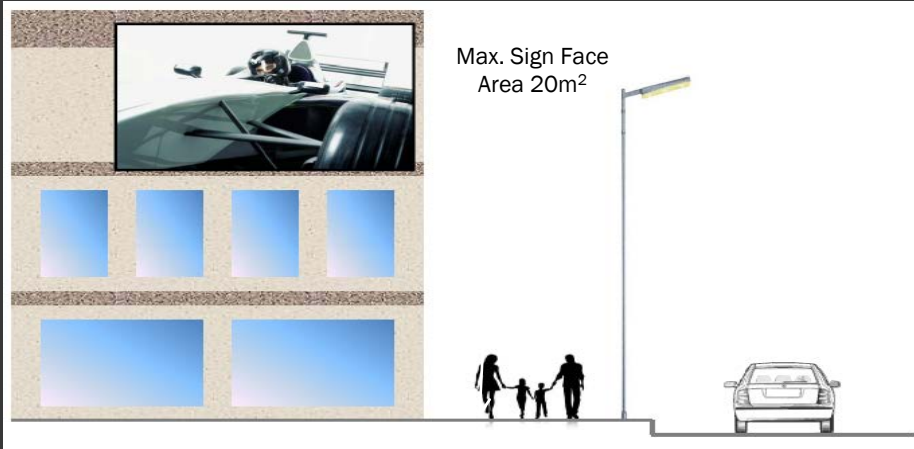
- Ground or Wall Signs permitted
 - Due to diversity in land uses and building types
- Separation distance of 100m from another third party sign
 - Intended to reduce sign clutter
- Sign located within 30m of the road allowance
 - Intended to keep sign visible from the nearby streets



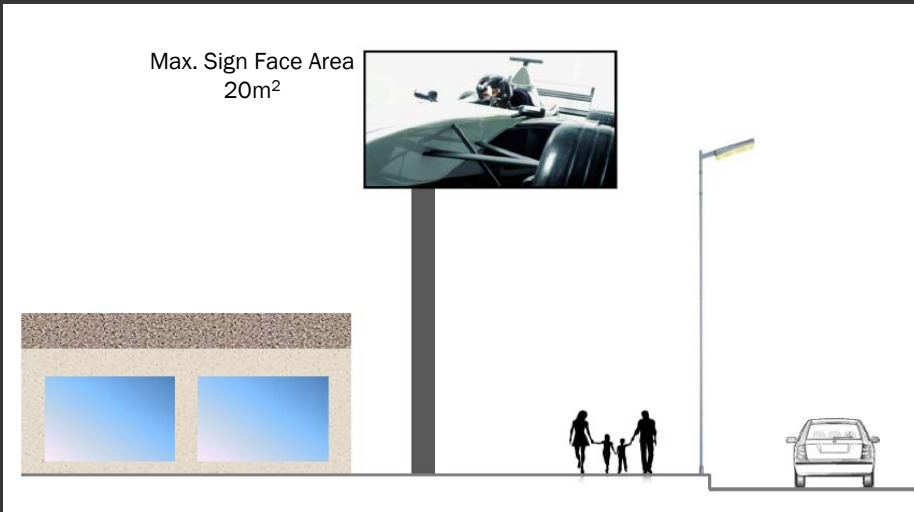
Third Party Electronic Signs :

- ⦿ Permitted in Commercial, Employment and Utility Sign Districts
- ⦿ Same size and height requirements as non electronic third party signs in these districts
- ⦿ Minimum message duration of 10 seconds
- ⦿ 30 metre setback requirement from intersections
- ⦿ 500 metre separation distance between third party electronic signs
- ⦿ 60 metre setback from R, RA, CR, I, or OS Sign Districts
- ⦿ 'Facing' requirement - Electronic signs cannot face any property in a R, RA, CR, I, or OS Sign Districts located within 250m of the sign.

Third Party Electronic Signs :



Electronic Wall Signs permitted in Commercial and Utility Sign Districts



Electronic Ground Signs permitted in Employment and Utility Sign Districts

Questions and Discussion

Part 2 :

Sign Variances

What is a Sign Variance?

- ⦿ A sign variance is a variation from the requirements of the Sign Bylaw – not technically an approval
- ⦿ A variance to the Sign Bylaw allows:
 - An individual to apply for a sign permit in accordance with the variance, and
 - A sign permit application to be evaluated even though the proposal does not comply with the Sign Bylaw
- ⦿ There are two forms of variance applications, which can relate to either 1st or 3rd Party Signs
 - Sign Variance Applications; and,
 - Signage Master Plan Applications
- ⦿ In order to be approved, the Sign Variance or the Signage Master Plan must meet nine criteria which are set out in 694-30A of the Sign Bylaw

Sign Variances:

- ⦿ Required when the proposed signage does not meet the requirements of the City of Toronto Sign By-law;
- ⦿ Applies to a sign, not a property;
- ⦿ Sets out the specific location, arrangement, type and design of a sign on a premises;
- ⦿ May include up to two signs per application; and,
- ⦿ May be approved, approved with conditions, or refused.

Signage Master Plans:

- Required where a Sign Variance application relates to three or more signs, a roof sign, or an area or premises for which a Signage Master Plan was previously approved;
- Sets out the specific location, arrangement, type and design of all signs to be erected on a premises or within a defined area on the premises;
- Defined area is a portion of one or more premises;
- Includes all signs that require a variance to the Sign By-law, existing signs, as well as signs that are permitted under the Sign By-law located within the specified boundary;
- Subsequent Signage Master Plan applications for the same premises or portion of the premises, should include all signs, old and new, and will replace any previously approved Signage Master Plans;
- Signage Master Plan applications are approved or refused in whole.

What is the Decision to be made by the Sign Variance Committee?

- The Sign Variance Committee functions as a quasi-judicial tribunal and must make a determination whether the nine criteria in the Sign Bylaw have been met
 - This is the only basis for granting a variance, if this is not established, no variance can be granted
- SVC members must be able to articulate a factual basis for how each criteria has been met

Types of Hearings

- ⦿ Appeal of decision concerning First Party Sign variance
 - Proceeds as an appeal de novo –the matter to be determined is whether the party seeking a variance has established that the proposed sign meets all nine criteria
- ⦿ Appeal of decision concerning First Party Signage Master Plan
 - Proceeds as an appeal de novo - Decision is whether all of the proposed signs in the designated area meet all nine of the mandatory criteria
- ⦿ Application for variance for Third Party Sign
 - Hearing is to determine if it has been established that the proposed sign meets all nine of the mandatory criteria
- ⦿ Application for Third Party Signage Master Plan
 - Hearing is to determine if it has been established that all of the proposed signs in the designated area meet all nine of the mandatory criteria

Review of Sign Variance Applications:

Nine Criteria must be satisfied for approval of a Sign Variance or Signage Master Plan application; the proposal must:

1. Be compatible with the development of the premises and surrounding area
2. Support Official Plan objectives for the property and surrounding area
3. Not adversely affect adjacent properties
4. Not adversely affect public safety, including traffic and pedestrian safety
5. Not alter the character of the premises or surrounding area
6. Not be contrary to the public interest
7. Must belong to a sign class permitted in the sign district
8. In the case of a third party sign, must be of a sign type permitted in the sign district
9. Not be a sign prohibited by 694-15B

The Nine Criteria:

“Presence” Criteria:

- ⦿ Certain criteria require that factors, conditions, or relationships relating to the proposed sign(s) must be shown to be present
- ⦿ Some “Presence” Criteria deal with the physical form of the proposed sign
 - The Sign must belong to a sign class permitted in the sign district
 - If a third party sign, the Sign must be of a sign type permitted in the sign district;
- ⦿ Some “Presence” Criteria deal with the relationship between the sign and premises and surrounding area:
 - Be compatible with the development of the premises and surrounding area
 - Support the Official Plan objectives for the property and surrounding area

The Nine Criteria:

“Absence” Criteria:

- Other Criteria require that the absence of certain aspects, conditions related to the sign be established, (or alternatively that it be established that these aspects not be present)
 - The Sign will not alter the character of the premises or surrounding area
 - The Sign is not a sign prohibited by 694-15B
 - The Sign will not adversely affect adjacent properties
 - The Sign will not adversely affect public safety
 - The Sign will not be contrary to the public interest
- Some “Absence Criteria” deal with the physical form of the proposed sign while others deal with the relationship between the sign and the larger area

Overview of Criteria

- ⦿ Some Criteria are a simple 'Yes' or 'No' type of criteria, examples:
 - Must belong to a sign class permitted in the sign district
 - In the case of a third party sign, must be of a sign type permitted in the sign district
 - Not be a sign prohibited by 694-15B
- ⦿ These criteria can be identified and answered simply by inspecting:
 - The sign class (first party sign vs. third party sign);
 - The sign type (ground sign, wall sign, roof sign);
 - The sign district where the sign is proposed to be located; and,
 - Chapter 694-15B (prohibited sign types).

Overview of Criteria

- ⦿ Some Criteria require a review of the sign's design (size, location, copy type), context, and Official Plan Designation(s), examples:
 - Be compatible with the development of the premises and surrounding area
 - Not alter the character of the premises or surrounding area
 - Support the Official Plan objectives for the property and surrounding area
- ⦿ Considerations that may assist with these criteria include:
 - What do the buildings on the premises look like? (location, size, scale etc)
 - What do the buildings in the surrounding area look like?
 - What use is associated with the sign?
 - What are the buildings surrounding the sign being used for?
 - Are there any similar signs in the area?
 - Are there any built-form policies in the Official Plan that the application compliments or contravenes?

Overview of Criteria

- ⦿ Some criteria require a review of the potential effects that the sign may have on surrounding properties, and the overall purposes of the sign regulations, examples:
 - The Sign will not adversely affect adjacent properties
 - The Sign will not adversely affect public safety, including pedestrian and traffic safety
 - The Sign will not be contrary to the public interest
- ⦿ Considerations that may assist with these include:
 - Proximity of proposed sign(s) to residential properties, highways, intersections, or other sensitive land uses?
 - Illumination of sign, and method of sign copy display
 - Visibility of sign from other premises
 - Potential for confusion or distraction
 - Potential impact on other initiatives or developments taking place in the community

Sign Variance Decisions

- ⦿ Variance applications must be considered on their individual merits and evaluated against the criteria
- ⦿ There are no precedents in the variance decision making process, all applications must be considered based on their merits
- ⦿ Considerations outside of the nine criteria should not be considered as part of the decision
- ⦿ Decisions of the Sign Variance Committee may include:
 - Grant a variance
 - Grant a variance with conditions (conditions are to address impact of sign or variances, to ensure compliance with criteria)
 - Refuse to grant a variance

Sign Variance Decisions

- Once a decision is made by the Sign Variance Committee, a decision notice is mailed.
- A decision becomes final and binding on:
 - In the case of a decision by the Sign Variance Committee only: the date the decision is made where the decision is to refuse the application
 - In all other cases: 21 days after the decision is made in the case of a decision to grant the variance(s)
- In the case of a decision by the Sign Variance Committee to approve an application, the local ward council may have the matter referred to Community Council and Council

Sign Variance Decision Process – First Party Signs

First-Party Sign Variances are delegated to Staff:

- ⦿ A written hearing is conducted,
- ⦿ All materials are assessed by a Staff Review Team made up of staff from the Sign Bylaw unit, Transportation Services, Public Realm, Economic Development and City Planning
 - The CBO issues the final decision in written hearing
 - If not appealed, no involvement of SVC
- ⦿ Any party involved in written hearing may appeal Appeals for First-Party Signs are referred to the Sign Variance Committee
 - Appeal *de novo* – issue is whether criteria met
 - Approximately 43% of applications heard by the Sign Variance Committee are first party sign appeals

Sign Variance Decision Process – Third Party Signs

Third-Party Sign Variances are delegated to the Sign Variance Committee:

- A Staff Review Team assesses each application
- The CBO prepares a report for the Sign Variance Committee
- The Sign Variance Committee will hold a public meeting to assess each application that is before them
- Decisions of the Sign Variance Committee to refuse a Sign Variance or Signage Master Plan are final
 - Decisions to approve may be referred to Community Council and Council for reconsideration

Part 3 :

Overview of CBO's Role at Sign Variance Hearings

Chief Building Official's Report

- The CBO is one of the parties that will be making submissions at the hearing
- Other parties include:
 - Applicant for variance
 - Other interested parties
 - Appellant (may not be the same party as applicant);
 - Members of the Public (including Members of Council)
- The CBO provides a report that:
 - Describes the sign(s), and the necessary variances
 - Provides relevant background material with respect to the application
 - Indicates the CBO's position on whether variances should be granted
 - Report will detail which criteria the CBO believes are met, and which are not

Sign Description - Example

Sign Type	Electronic Ground Sign
Sign Copy Type	Electronic Static Copy
# of Sign Faces	One
Sign Location	West of Islington Avenue and South of F.G. Gardiner Expressway
Sign Orientation	Oriented in a north-easterly direction towards the intersection of Islington Avenue and Evans Avenue.
Sign Face Dimensions (width x length)	5.12 metres x 1.82 metres
Sign Face Area	9.32 square metres

Variances Requested - Example

Section	Requirement	Proposal
694-14E	Signs shall display only static copy unless otherwise expressly permitted by this chapter.	The proposed sign is to display electronic static copy.
694-20A	First party signs may advertise, promote, or direct attention to goods available at the premises where the sign is located provide the portion of the sign copy which advertises, promotes, or directs attention to goods available at the premises does not exceed 30 percent of the total area of the sign copy.	100 percent of the sign copy displayed on the proposed ground sign is to advertise, promote, or direct attention to goods available at the premises

Proposal Meets Criteria

- ⦿ A Criteria is met, where the party seeking the variance provides sufficient information to conclude that the criteria's requirements are addressed factors
- ⦿ Where a criteria is “met” the CBO's opinion will reflect the information provided, and illustrate to the SVC how the CBO believes this information satisfies the criteria's requirements

Proposal Does Not Meet Criteria

- ⦿ A criteria may not be met where the applicant fails to provide sufficient information or fails to provide a basis to find that the criteria's requirements have been met.
- ⦿ The CBO, in such circumstances, will provide comments on this issue to the SVC.

CBO Report will provide Recommendations:

- The CBO will provide a recommendation based on their opinion of whether all nine criteria have been met
- The Applicant, and other Interested Parties will also provide recommendations and a position as to whether the nine criteria have been met
- The decision for the SVC is whether the SVC members are convinced that there is sufficient information to establish that all nine criteria have been met
- The SVC may agree, in whole, or in part, with the CBO, the Applicant, or another party, with respect to the opinions with respect to one or more criteria
- The SVC is responsible for determining whether the nine criteria have been met, and the basis for such a decision.

Part 4 : Other Matters

Sign Variance Reconsiderations

- ⦿ Once a decision on a variance application is made, there is an opportunity to appeal the decision within 20 days of the decision date.
 - The exception to this is where a decision to refuse a variance is made by the Sign Variance Committee
- ⦿ If no appeal is made, the decision becomes final and binding.
- ⦿ If an appeal is made, submission of appeal forms and other information is required.

Referred Sign Variance Decisions:

Where a Sign Variance or Signage Master Plan application is referred to Community Council, the Community Council and Council may:

- Refer the matter for further information
- Defer the matter to another meeting
- Amend the report recommendation(s)
- Adopt the report recommendations

What is a Sign Bylaw Amendment?

- ⦿ There are aspects of the Sign Bylaw which cannot be the subject of a variance
- ⦿ Where any individual believes that these provisions of the Sign Bylaw should be modified – an application can be made to have the matter considered by City Council
- ⦿ An amendment to the Sign Bylaw is a legislative decision to be made by City Council
- ⦿ An amendment is not a matter to be decided by the Sign Variance Committee

What is a Sign Bylaw Amendment?

Changes which cannot be a Variance, but may be the subject of Sign Bylaw Amendment Application

- (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 (*Except Section 694-6*), IV, V, VI, VII of the Sign Bylaw;
- (3) The proposed amendment would alter the sign district designation of a premises as indicated in Schedule A of the Sign Bylaw; 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.

Questions and Discussion