

**Date:** 2024-02-26

**Subject:** **Proposed Amendment to Sign By-law 399-2002, as amended, to Permit Sign Variance Applications with Delegated Approval Authority**

**Contact:** Ross Campbell, Manager, Zoning and Sign By-law Services, Building Division

**Report number:** Planning, Bld & Growth Mgt-2024-201

**RECOMMENDATIONS:**

1. That the report from Ross Campbell, Manager, Zoning and Sign By-law Services, Building Division to the Planning & Development Committee Meeting of March 18, 2024, re: **Proposed Amendment to Sign By-law 399-2002, as amended, to permit Sign Variance Applications with Delegated Approval Authority**, be received;
2. That a by-law be passed to amend Sign By-law 399-2002, as amended, to:
  - I. Include provisions that will enable a person to apply for a variance from the requirements and restrictions of the Sign By-law, as amended;
  - II. Delegate authority for the approval of a variance to the provisions of the Sign By-law to the Director of Building, or his/her/their designate; and
  - III. Include provisions for the right to appeal a sign variance decision (and/or any associated conditions) to Council through the Planning & Development Committee.

**OVERVIEW:**

- **The City's Sign By-law includes prescriptive requirements and restrictions for a variety of signage permitted to be displayed throughout the City. These prescriptive requirements do not offer variability or flexibility to an applicant where site-specific circumstances or unique concepts may not adhere to the strict application of the by-law.**
- **When a property owner proposes signage that does not comply with the strictly worded requirements and restrictions of the Sign By-law, the only alternative available involves requesting an amendment to the By-law. By-**

**law amendments must be passed by Council following an evaluation and recommendation from staff as well as a public meeting.**

- **Many proposed amendments to the by-law are minor in nature, in keeping with the character of the area and meet the general intent and purpose of the regulatory requirement. It is rare that any member of the public attends the public meeting to speak to matters involving a site-specific amendment to the Sign By-law.**
- **To streamline approvals, saving both time and resources, staff are proposing to re-introduce provisions that would allow an applicant to apply for a sign variance. Staff are also recommending that the authority for approval of a sign variance be delegated to the Director of Building, or his/her/their designate. Where a proposed variance is not approved by staff, the applicant would have the ability to appeal that decision to Council through the Planning & Development Committee.**
- **There is no financial impact resulting from the adoption of the recommendations in this report.**

## **BACKGROUND:**

The City's Sign By-law is intended to facilitate the orderly display of signage throughout the City and create a fair and level opportunity for advertisers to display messaging. It also aims to reduce visual clutter and provides a safeguard for pedestrians and motorists by restricting the placement of signs to appropriate locations so as not to interfere with sightlines at driveways and intersections, etc.

When Sign By-law 399-2002 was originally passed by Council on December 18, 2002, it included provisions to permit minor variances applications to be approved by Council following a hearing by, and report from, the Sign Variance Committee. The Sign Variance Committee was comprised of members of Council and supported by City staff with monthly meeting dates set at regular intervals throughout the year.

As a result of the volume of variance applications and the resources required to support the Sign Variance Committee, Council directed staff to amend the By-law to remove the option to obtain a minor variance and eliminated the role and function of the associated Committee of Council. By-law 116-2004 and 124-2005 were passed by Council in response to that direction. Since that time, all proposals to deviate from the prescriptive requirements of the Sign By-law have been made by way of an amendment to the Sign By-law passed by Council following a public meeting held at Planning & Development Committee.

## **CURRENT SITUATION:**

Applications for an amendment to the Sign By-law are submitted directly to the Building Division where staff work closely with applicants to ensure that comprehensive information is submitted and available to conduct a fulsome review. The proposed amendment is evaluated by staff following circulation to commenting departments and external agencies, where appropriate. Following the evaluation and consultation, Building Division staff bring forward a staff report to Planning & Development Committee with recommendations for Council's consideration. An application fee of \$2,000 is charged for a site specific amendment to the Sign By-law.

The process to facilitate an amendment to the by-law is both labour intensive and time consuming, taking approximately 6 months from the time an application is submitted until a report can be presented to Council for a decision on the amendment. Staff have also noted an increase in the frequency of applications being submitted for amendments in recent years, further taxing the limited resources in the Building Division's Sign Unit.

Many of the proposed amendments submitted for Council consideration are relatively minor in nature and supportable from a staff perspective. Recommendations for support of an amendment are based on a number of factors including impact on the surrounding area; site specific circumstances and/or practical difficulties associated with the strict application of the provisions of the by-law; impact on public safety; and, compliance with the general intent and purpose of the by-law.

In an effort to expedite approvals and streamline the review process, staff are recommending that the Sign By-law be amended to re-introduce provisions to allow an applicant to apply for a sign variance. It is also recommended that Council delegate the authority to approve a sign variance to staff, namely the Director of Building. This would reduce the administrative costs and time involved with proposals to vary the provisions of the sign by-law. The sign variance approach with delegated approval authority is currently implemented in other GTA municipalities, including the City of Mississauga, City of Hamilton, and Town of Halton Hills.

In instances where an applicant for variance disagrees with a decision of staff, they would have an opportunity to appeal the staff decision to the Planning Development Committee. In this regard, Council would only be involved in making a decision on a proposal that is contested. Staff are also proposing a reduced application fee of \$1,500 for the submission of a sign variance application (similar to the fee to apply to the Committee of Adjustment for a minor variance from the provisions of the Zoning By-law). An appeal fee of \$500 would also be charged in the event that the applicant chooses to appeal the Director's decision.

## **CORPORATE IMPLICATIONS:**

**Financial Implications:**

There is no financial impact resulting from the adoption of the recommendations in this report. Any revenue collected from the application fee will be captured under the Building division operating budget.

**Other Implications:**

Staff of the Urban Design, Transportation, Heritage Sections will continue to be circulated and consulted on any application for variance and/ or appeal in the same manner that they are currently consulted on Sign By-law amendment proposals.

**STRATEGIC FOCUS AREA:**

This report and the associated recommendations align with and support the strategic focus area of Growing Urban Centres & Neighbourhoods by providing opportunity for flexibility in the application of the provisions of the Sign By-law, where appropriate. In addition, the report is supportive of the Strategic Focus Area of Government and Leadership by delegating approval authority for minor sign variances to staff, with Council oversight where a staff decision is contested.

**CONCLUSION:**

This amendment represents another step forward in the comprehensive review and update of the City's Sign By-law. This amendment provides some limited variability from the strictly prescriptive requirements and restrictions of the by-law, when appropriate. The proposed amendment aims to streamline the approval process and improve efficiency. The provisions of this amendment will also continue to provide Council oversight for contested matters and will benefit businesses across the city, assisting with their continued economic recovery and advancement.

Authored by:

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