

City of Mississauga

Corporate Report



Date: 2020/01/10

To: Chair and Members of Planning and Development Committee

From: Andrew Whittemore, M.U.R.P., Commissioner of Planning and Building

Originator's file:
CD.21.SIG

Meeting date:
2020/02/03

Subject

RECOMMENDATION REPORT (ALL WARDS)

Proposed City Initiated Amendments to Sign By-Law 0054-2002 to include a Twenty (20) Day Sign Variance Appeal Period

Recommendation

1. That the Report dated January 10, 2020, from the Commissioner of Planning and Building regarding proposed City initiated amendments to Sign By-Law 0054-2002 to include a Twenty (20) Day Sign Variance Appeal Period be approved.
2. That the existing Sign By-Law 0054-2002 be amended to include a Twenty (20) Day Appeal Period from the date of notice of staff recommendation to refuse a sign variance application, and within which an applicant shall confirm to the Planning and Building Department, the applicant's intent to appeal the decision to Planning and Development Committee (PDC). Where no confirmation of intent to appeal is received within the Twenty (20) Day Appeal Period, and once the Twenty (20) Day Appeal Period has expired, the decision of the Commissioner of Planning and Building or designate, to refuse the sign variance application shall be final.

Background

In accordance with Resolution 0020-2015, a decision by Staff to refuse a sign variance application may be appealed by the applicant, to Planning and Development Committee (PDC), but there is no appeal period specified in Sign By-Law 0054-2002. Since May 2019, the current practice is for staff to issue to applicants, a notice of staff recommendation to refuse a sign variance application. In that notice, the applicants are advised of the right to appeal the refusal to Planning and Development Committee (PDC) and a requirement to confirm the applicant's intent to appeal, within ninety (90) days of the date that the notice is issued. Staff instituted this ninety (90) day limit after a confirmation of intent to appeal the refusal of a sign variance application was received by staff one and a half (1.5) years after the sign variance was refused. However, it was never formalized by including it in the Sign By-Law.

Comments

The purpose of this report is to present a proposed amendment to Sign By-Law 0054-2002 to include a Twenty (20) Day Appeal Period from the date of the notice to refuse a sign variance application, and within which an applicant shall confirm to Planning and Building staff, the applicant's intent to appeal to Planning and Development Committee (PDC), a decision to refuse the sign variance application.

Several of the City's By-Laws which like the Sign By-Law, are under the *Municipal Act*, such as the Tow Truck Licensing By-Law Number 521-04, Adult Entertainment Establishment Licensing By-Law Number 507-05, Business Licensing By-Law Number 1-06, stipulate Appeal Periods. Appeal Periods are also stipulated in the Sign By-Laws of other municipalities in Ontario, including the following:

Municipality	Sign Variance Appeal Period
City of Hamilton: Sign By-Law 10-197	21 Days
City of London: Sign By-Law 2017	21 Days
Town of Oakville: Sign By-Law 2018-153	21 Days
City of Toronto: Toronto Municipal Code Chapter 694	20 Days
City of Vaughan: By-Law Number 140-2018	7 Days

In addition, under the *Planning Act*, an appeal to the decision of Council on a planning application shall be submitted within Twenty (20) Days of the notice of decision.

Financial Impact

There is no financial impact.

Conclusion

A Twenty (20) Day Appeal Period within which an applicant shall confirm to Planning and Building Department staff, the applicant's intent to appeal the staff decision to refuse a sign variance application to Planning and Development Committee (PDC) represents a reasonable time frame within which the intent to appeal can be confirmed, so that staff can schedule the appeal for the appropriate PDC date. This will encourage the efficient resolution and conclusion of the issues associated with the refusal of a sign variance application. The Twenty (20) Day Appeal Period is also comparable to the appeal periods stipulated in the Sign By-Laws of other Ontario municipalities.



Andrew Whitemore, M.U.R.P., Commissioner of Planning and Building

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