

## Part 15

### Relaxations

#### 15.1 Relaxation for Unnecessary Hardship

Subject to the provisions of section 15.2 of this by-law, if, in the opinion of the Director of Planning, enforcement of this by-law would result in unnecessary hardship, the Director of Planning may relax:

- (a) the permitted height, sign area, copy area, vertical dimension or width of a sign; and
- (b) the permitted location or number of signs on a site.

#### 15.2 Considerations regarding Unnecessary Hardship

In determining whether or not there is unnecessary hardship sufficient to justify a relaxation under section 15.1 of this by-law, the Director of Planning may consider:

- (a) the size and location of the site or premises;
- (b) the design or construction of a building or a sign;
- (c) the context of the neighbourhood or sign district;
- (d) potential impacts on existing adjacent land uses;
- (e) the heritage value of a sign or building;
- (f) the topography or configuration of the site;
- (g) the submission of any advisory group, property owner or tenant; and
- (h) all applicable Council policies and guidelines.

#### 15.3 Relaxation for Heritage Property and Historic Areas

Subject to the provisions of section 15.4 of this by-law, if a proposed sign is located on heritage property or property in an area identified as a historic area in an official development plan or a zoning by-law, the Director of Planning may relax:

- (a) the permitted height, sign area, copy area, vertical dimension or width of a sign; and
- (b) the permitted location or number of signs on a site.

#### 15.4 Considerations regarding Heritage Property and Historic Areas

In determining whether or not to relax the provisions of this by-law in accordance with section 15.3 of this by-law, the Director of Planning may consider:

- (a) the heritage value of a sign or building;
- (b) the design and construction of a building;
- (c) the context of the neighbourhood or sign district;
- (d) potential impacts on adjacent land uses;
- (e) the topography or configuration of the site;
- (f) the submission of any advisory group, property owner or tenant; and
- (g) all applicable Council policies and guidelines.

**15.5 Relaxation for Historic Signs**

Subject to the provisions of section 15.6 of this by-law if, in the opinion of the Director of Planning, a proposed sign is an historic sign and enforcement of this by-law might result in the loss of the historic sign, the Director of Planning may relax the provisions of this by-law.

**15.6 Considerations regarding Historic Signs**

In determining whether or not to relax the provisions of this by-law in accordance with section 15.5 of this by-law, the Director of Planning may consider:

- (a) the heritage value of a sign or building;
- (b) the design and construction of a building;
- (c) the context of the neighbourhood or sign district;
- (d) potential impacts on adjacent land uses;
- (e) the topography or configuration of the site;
- (f) the submission of any advisory group, property owner or tenant; and
- (g) all applicable Council policies and guidelines.

**15.7 Relaxation for Special Event**

The Director of Planning may relax the provisions of this by-law if:

- (a) the proposed sign is in relation to a special event; and
- (b) the Director of Planning first considers all applicable Council policies and guidelines.

**15.8 Relaxation for New Technology**

The Director of Planning may relax the provisions of this by-law if:

- (a) in the opinion of the Director of Planning the sign uses or incorporates new technology not contemplated by this by-law; and
- (b) the Director of Planning first considers all applicable Council policies and guidelines.

**15.9 Conditions on Relaxation**

Any relaxation approved by the Director of Planning pursuant to this Part may be limited in time and may be subject to conditions including, but not limited to conditions related to:

- (a) the removal of existing signs on a site;
- (b) restrictions on the location, number and type of new and existing signs on a site;
- (c) controls on light levels or hours of operation of illuminated signs;
- (d) new or additional landscaping;
- (e) other upgrades or changes to existing signs on site; and
- (f) safety and construction matters.

**15.10 Refusal of Relaxation**

Despite the provisions of this Part, the Director of Planning must not relax the provisions of this by-law if, in the opinion of the Director of Planning:

- (a) a relaxation of the regulations would alter the essential character of the neighbourhood or sign district;
- (b) the proposed sign is not consistent with the overall intent and purpose of the regulations;

- (c) the proposed sign might impact public safety; or
- (d) the proposed sign will negatively affect neighbouring properties.

#### **15.11 Reconsideration by Council**

An owner may request that Council reconsider a decision of the Director of Planning under this Part, by delivering a request in writing to the City Clerk within 14 days of the decision, setting out the reasons for the request.

#### **15.12 Timing of Reconsideration**

Council must reconsider the decision of the Director of Planning within a reasonable time and may uphold, overturn or vary the decision.

