

BY-LAW 2011-22

**A BY-LAW OF THE CITY OF GREATER SUDBURY TO
AMEND BY-LAW 2007-250 A BY-LAW TO REGULATE THE ERECTION OF SIGNS
AND ADVERTISING DEVICES**

WHEREAS the City of Greater Sudbury wishes to amend By-law 2007-250, as amended, being a By-law to Regulate the Erection of Signs and Advertising Devices;

**NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY
HEREBY ENACTS AS FOLLOWS:**

Add 43(2.1)

1. Section 43 of By-law 2007-250, as amended, being a By-law to Regulate the Erection of Signs and Advertising Devices, is further amended by inserting the following subsection 43(2.1) immediately after 43(2) and before Subsection 43(3):

“ 43(2.1) Despite Subsection 43(2), a permit may be issued to a not-for-profit organization, a not-for-profit corporation or a registered charity to erect a portable sign for the purpose of posting a message which promotes an event or activity related to or sponsored by the applicant not-for-profit organization, not-for-profit corporation or corporation or registered charity, which event or activity will take place on a property other than the property on which the sign is located.”

Repeal / Renactment - Section 50

2. By-law 2007-250 as amended, being a By-law of the City of Greater Sudbury to Regulate the Erection of Signs and Advertising Devices is hereby amended by repealing Section 50 and enacting the following Section 50 in its place and stead:

“Variances

50.(1) The Committee of Adjustment is appointed as the Sign Variance Committee for the purposes of this By-law.

(2) The Committee of Adjustment sitting as the Sign Variance Committee may, upon written application of an owner of property or the owner's agent, authorize minor variances from the provisions of this By-law, if in the opinion of the Committee the general intent and purpose of this By-law are maintained.

(3) An application for minor variance from the By-law shall be made to the Committee of Adjustment, sitting as the Sign Variance Committee, using the form established from time to time by the General Manager. The application shall be signed by the applicant, certifying as to the truth of the statements therein, shall be accompanied by such plans, drawings and specifications as may be identified in the application or reasonably required to assess the application, and shall further to accompanied by the applicable fee, determined in accordance with the City's Miscellaneous User Fee By-law then in effect.

(4) Upon submission of an application compliant with Subsection 50(3), the Secretary/Treasurer of the Committee of Adjustment shall circulate the application to affected departments within the City and then prepare a report for the consideration of the Committee, setting out the request for the variance and comments received on circulation of the application.

(5) The Secretary / Treasurer of the Committee of Adjustment shall set a date for the hearing of the application before the Committee of Adjustment sitting as the Sign Variance Committee and give the applicant at least 10 days notice in writing of the date of the hearing. Notice may be given to the Applicant at the address set out in the Application, and shall be deemed to be effective on the 5th day after mailing.

(6) If the applicant does not attend at the appointed time and place, the Committee of Adjustment sitting as the Sign Variance Committee may, upon evidence that notice was given to the applicant, proceed in the absence of the applicant and the applicant will not be entitled to further notice in the proceeding.

(7) The Committee of Adjustment sitting as the Sign Variance Committee may grant variances from the provisions of this By-law, if in the opinion of Committee, the general intent and purpose of the By-law are maintained, and may impose conditions to be met as part of any such decision.

(8) In considering an application for a variance, the Committee of Adjustment sitting as the Sign Variance Committee and Council shall have regard for:

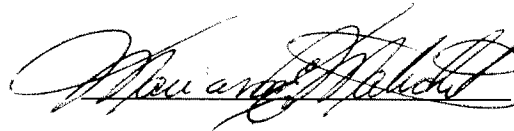
- (a) special circumstances or conditions applying to the land, building or use referred to in the application;
- (b) whether strict application of the provisions of this By-law in the context of the special circumstances applying to the land, building or use, would result in practical difficulties unnecessary and unusual hardship for the applicant, inconsistent with the general intent and purpose of this By-law and the Official Plan;
- (c) whether such special circumstances or conditions are preexisting and not created by the sign owner or applicant; and
- (d) whether the sign that is subject of the variance will alter the essential character of the area in which the sign will be located.


(9) The decision of the Committee of Adjustment sitting as the Sign Variance Committee shall be final.”

Effective

3. This By-law shall come into force and take effect upon passage.

READ AND PASSED IN OPEN COUNCIL this 26th day of January, 2011

 Mayor

 Clerk