



**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
OF THE TOWN OF OKOTOKS
DATED NOVEMBER 15, 2017**

DECISION

Hearing held at:	Town of Okotoks Municipal Centre Council Chamber 5 Elizabeth Street, Okotoks
Date of Hearing:	November 1, 2017
Members present:	Jasse Chan, Chair Councillor Matt Rockley Corey Brandt Kelly Rogers
Members absent:	Andrew Cutforth Todd Martin Gerry Melenka
SDAB Legal Counsel:	Tyler Shandro, Wilson Laycraft
Staff present:	Jamie Dugdale, Planning Services Manager Kari Idland, Development Planner Karen Humby, Recording Secretary
Summary of Appeal:	This is an appeal against the decision of the Development Officer to refuse Development Permit Application Number 150-17 for on-site and off-site signage at Drake Landing Square (formerly 11 Drake Landing Heights), Okotoks, Alberta (Lots 1 to 31, Plan 161 1981).
Summary of Grounds for Appeal:	<i>"i. Lifestyle Homes Inc. is by definition a Developer ii. The Parkhouses are a neighbourhood. The Town of Okotoks did not change the definition when approving the development"</i>
Appeal Filing:	The appeal was filed by Lifestyle Homes Inc. (applicant for the Development Permit).

The Town of Okotoks Land Use Bylaw (the “Land Use Bylaw”) Section 4.5.4(b) Refusals states “*Delivery of any notice provided under this Bylaw and sent by regular mail shall be in accordance with the Interpretation Act 23(a) and amendments thereto.*”

The *Municipal Government Act* (“MGA”) Section 686(1) states “*A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days, ...*”

The appeal form was filed with Subdivision and Development Appeal Board (the “Board”) on October 5, 2017. The Notice of Decision from the Development Officer was emailed and mailed to Lifestyle Homes Inc. on September 15, 2017.

The Board finds that the Appeal was properly filed within the time allowed, pursuant to Sections 685 and 686 of the *MGA*.

Notice of Hearing:

Sections 606 and 686 of the *MGA* set out requirements for giving notice of an appeal hearing. The Land Use Bylaw does not set out requirements for giving notice of an appeal hearing regarding a development permit application.

Written notice of the November 1, 2017 hearing was mailed on October 13, 2017 to: the Appellant, the registered owners of the units that have been purchased from the Appellant, the Town, and those persons identified by the Board as “affected” persons. This provided at least five (5) days advance notice of the hearing (counting the seven (7) days presumed for regular mail).

As an alternative (and in addition) to personally delivered notice, notice of the November 1, 2017 hearing was published in two issues of the *Western Wheel* (October 18, 2017 and October 25, 2017), both issues being published more than five (5) days prior to the hearing.

The Board heard verbal submissions from the following:

Kari Idland, Development Planner (“Administration”); and
Ron Bird, President of Lifestyle Homes Inc. (“Appellant”).

The Board reviewed the agenda package and PowerPoint presentation prepared by Administration and directly received a submission from the Appellant dated November 1, 2017.

The Board hereby adopts the November 1, 2017 summary attached hereto as Schedule "C".

DECISION:

Following the conclusion of the public portion of the appeal hearing on November 1, 2017, the Subdivision and Development Appeal Board upheld the appeal. Development Permit Application Number 150-17 for the temporary placement of two (2) Fascia Signs, six (6) Freestanding Signs, and one (1) Directional Sign, and for the permanent placement of two (2) Identification Signs is approved with variances subject to the following conditions:

1. Development Conditions:
 - a. the Developer shall construct the development in accordance with:
 - i. all conditions of this approval; and
 - ii. the site plan and sign details approved by the Subdivision and Development Appeal Board on November 1, 2017 (attached as Schedules "A" and "B");
 - b. this approval is limited to the following temporary on-site signage as follows:
 - i. one (1) 12.52m² (2.49m x 5.03m) temporary fascia sign (identified as a "garage door banner" on the sign details WD1.1 and WD3.1 attached as Schedule "B") in a location to be determined by the Developer;
 - ii. one (1) 3.28m² (3.60m x 0.91m) temporary fascia sign (identified as a "banner" on the sign details WD1.1 and WD3.1 attached as Schedule "B") in a location to be determined by the Developer limited to the fence located along Milligan Drive;
 - iii. six (6) 0.73m² each (1.21m x 0.60m each) temporary freestanding signs (identified as "flag poles" on the sign details WD1.1 and WD3.1 attached as Schedule "B") in the locations shown as "8" on Schedule "A" with a cumulative area of 4.38m² (not including the poles) and a maximum height of each pole of 6.40m; and
 - iv. one (1) 0.85m² (1.39m x 0.61m) temporary directional sign (identified as "showhome arrow banner" on the sign details WD1.1 and WD3.1 attached as Schedule "B") in the location shown as "6" on Schedule "A";
 - c. **the approval of the temporary signage listed in condition 1.b.i through 1.b.iv above expires on November 30, 2018.** All temporary signage:
 - i. must be completely removed from the site on or before this date; or
 - ii. application to extend the placement of the temporary on-site signage approved in condition 1.b.i through 1.b.iv above may be made by submitting a new development permit application to the Development Officer, provided that the application is received no later than August 31, 2018;

- d. this approval is limited to two (2) permanent identification signs for a cumulative area of 1.68m² as follows:
 - i. one (1) 1.32m² (1.78m x 0.74m) identification sign (identified as “Parkhouse Sign” on the sign details WD1.1 and WD3.1 attached as Schedule “B”); and
 - ii. one (1) 0.36m² (1.78m x 0.2m) identification sign (identified as “address sign” on the sign details WD1.1 and WD3.1 attached as Schedule “B”);
- e. this approval is for temporary and permanent on-site signage only. All other conditions and requirements of Development Permit 105-15 as approved by the Town of Okotoks Council on February 23, 2015 remain unchanged; and
- f. the issuance of a development permit by the Town of Okotoks does not relieve the permit holder of the responsibility of complying with all other relevant municipal bylaws and requirements, nor excuse violation of any regulation or act, which may affect this project.

VARIANCE

The following Sections of the Land Use Bylaw are varied pursuant to Section 4.4.1 of the Land Use Bylaw:

- 1. to Section 10.3.1(a)(i) [Signs not Requiring a Development Permit] of the Town of Okotoks Land Use Bylaw to permit two (2) temporary fascia signs (one (1) “garage door banner” and one (1) “banner”) with a cumulative area of 15.80m², where the maximum permitted is one (1) sign with an area of 0.6m², variances of one (1) sign and a cumulative area of 15.20m²;
- 2. to Section 10.6.7(a) [Freestanding Signs] of the Town of Okotoks Land Use Bylaw to permit six (6) temporary freestanding signs (“flag poles”) in a Direct Control (DC) District, where zero (0) are permitted, a variance of six (6) temporary freestanding signs; and
- 3. to Section 10.3.1(c) [Signs not Requiring a Development Permit] of the Town of Okotoks Land Use Bylaw to permit the two (2) permanent identification signs (one (1) “Parkhouse Sign” and one (1) “address sign”) with a cumulative area of 1.68m², where the maximum permitted is one (1) sign with an area of 0.2m², a variance of one (1) sign and a cumulative area of 1.48m².

LEGISLATION:

Authority of the Subdivision and Development Appeal Board

Section 687(3) of the MGA states:

“In determining an appeal, the subdivision and development appeal board

- (a) must act in accordance with any applicable ALSA regional plan;*
- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;*

- (b) *must have regard to but is not bound by the subdivision and development regulations;*
- (c) *may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;*
- (d) *may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw, if, in its opinion,*
 - i. *the proposed development would not*
 - (A) *unduly interfere with the amenities of the neighbourhood, or*
 - (B) *materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,*
 - and*
 - ii. *the proposed development conforms with the use prescribed for that land or building in the land use bylaw.”*

Development Authority

Land Use Bylaw, Section 2.1.2 – Development Officer

“The Development Officer is authorized to act as Development Authority in those matters prescribed in this Bylaw.”

Land Use Bylaw, Section 16E.4.1 - Delegation of Decisions

“Notwithstanding Section 16A.3.0, for sites designated as a Direct Control District for which Council has approved specific uses or has designated the listed uses of another district to be used as a guideline when considering any development permit on that site, the Development Officer and Municipal Planning Commission are delegated by Council the authority to approve an application, with or without conditions, or to refuse an application for:

- (a) *A development permit for a sign on a developed site in a Direct Control District.*
- (b) *A development permit authorizing a change in use within an existing building where no changes are proposed to the exterior of the building or the site and the parking requirements for the proposed use have been met. The Development Officer shall have the authority to make decisions on applications, but may refer the applications to the Municipal Planning Commission, at the discretion of the Development Officer. All other applications that fall under this subsection (b) shall be referred to the Municipal Planning Commission for a determination.*

The Development Authority shall determine which regulations are to apply to each site consistent with the specific uses approved by Council for that Direct Control District. A decision on an application for a development permit in a Direct Control District made further to this section may be appealed to the Subdivision and Development Appeal Board in accordance with the Act.”

Development Permit RequiredLand Use Bylaw, Section 1.2.0 - Development Permits Not Required

“A development permit is not required for the following developments but they shall otherwise comply with the provisions of the Bylaw. Proponents of any development not requiring a permit should consult with the Development Officer to ensure compliance with this Bylaw:

- (a) *works of maintenance, repair or alteration, on a structure, both internal and external, or on a site if, in the opinion of the Development Authority, such work:
 - (i) *does not include major structural alterations,*
 - (ii) *does not change the use or intensity of the use of the structure or the site, and*
 - (iii) *is performed in accordance with obligatory legislation or other government regulations;**
- (b) *the erection, construction, or the maintenance of gates, fences, walls, or any other means of enclosure 2m or less in height, in any district, provided it does not contravene any other provision of this Bylaw and does not form part of a development which requires a development permit;*
- (c) *the construction and maintenance of a public road, public utility, utility building or public park within a public road, public easement or publicly owned parcel;*
- (d) *single detached dwellings, duplexes, studio suite dwellings and additions thereto in a district in which it is listed as a “Permitted Use”, except where it is located in the flood risk area;*
- (e) *the use of a building or part thereof as a temporary polling station for a Federal, Provincial, or Municipal election, referendum or plebiscite;*
- (f) *the construction, maintenance, and repair of walkways, pathways and driveways at grade, except where they form part of a development which requires a development permit;*
- (g) *excavations, importing, removal or stockpiling of soil associated with an approved development permit, Stripping and Grading Permit or executed Subdivision Servicing Agreement;*
- (h) *the construction of an accessory building in a residential district, except where the accessory building is located in the flood risk area or is a swimming pool, hot tub or water feature located within 30m of an escarpment;*
- (i) *a change in use on a site in any commercial or industrial district where:
 - (i) *the development has been approved,*
 - (ii) *the proposed use is a permitted use in the district, and*
 - (iii) *any additional parking requirements have been met on the site;**
- (j) *home occupation-minor;*
- (k) *awnings and canopies which do not project over a public road, setback or public property;*
- (l) *landscaping where the existing grade and natural surface drainage pattern is not materially altered, except where landscaping forms part of a development which requires a development permit;*

- (m) *the temporary use of a portion of a building or structure for which a development permit has been granted under this Bylaw, for the marketing of the building or structure;*
- (n) *a satellite dish less than 0.6m in diameter;*
- (o) *a family day home in a residential district;*
- (p) *placement of a shipping container on any non-residential or multi-residential site for use during construction of a development for which a development permit has been issued, notwithstanding that shipping containers may not be a listed use in the district, provided the placement is satisfactory to the Town and the shipping container is removed from the site prior to occupancy of the development or upon thirty days written notice by the Town, whichever is sooner;*
- (q) *a deck, balcony or retaining wall that conforms to all requirements of this Bylaw;*
- (r) *development within the Aerodrome (AD) District directly related to aviation;*
- (s) *the placement or replacement of a manufactured home in the Residential Manufactured Home (RMH) District where a development permit has been approved for the development of the entire site; and*
- (t) *the use of a building or site for a maximum of one (1) year resulting from and directly related to the declaration of a state of emergency provided the use is a listed use in the district."*

Land Use Bylaw, Section 10.2.1 - Permits Required

"Except as stated in Section 10.3.0, no sign shall be erected on land or affixed to any exterior surface of a building or structure unless a development permit for this purpose has been issued by the Development Authority."

Land Use Bylaw, Section 10.3.0 - Signs Not Requiring a Development Permit

"The following signs do not require a development permit, but shall otherwise comply with this Bylaw:

- (a) *one (1) temporary sign in any commercial or industrial district which does not exceed 3m² in area, and any sign in a residential district, the Heritage Mixed Use (HMU) and Public Service (PS) Districts that does not exceed 0.6m² and is intended for:*
 - (i) *advertising the sale or lease of a building, or a bay, or land,*
 - (ii) *identifying a construction or demolition project for which a permit has been issued,*
 - (iii) *identifying a political campaign. Such a sign may be displayed for thirty (30) days prior to an election or referendum and must be removed within seven (7) days following the election or referendum,*
 - (iv) *advertising a garage sale or open house. Such a sign may be posted for a maximum period of forty-eight (48) hours, or*
 - (v) *advertising a campaign event or drive which has been approved by Council. Such a sign may be posted for a maximum period of fourteen (14) days;*

- (b) *one (1) interim sign in any district which does not exceed 18m² in area and is intended for identifying and advertising a new development area;*
- (c) *signs in the Residential Narrow Lot Single Detached (R1N), Residential Small Lot Single Detached (R1S), Residential Single Detached (R1), Residential Studio Suite (R1ST), Residential Estate Single Detached (R1E), Residential Single Detached Air Ranch (R1AR), Residential Narrow Lot Air Ranch (RNAR), Residential Low Density Multi-Unit (R2), Residential Manufactured Home (RMH), Residential Mixed Dwelling (RMD) and Restricted Development (RD) Districts and residential developments in the Heritage Mixed Use (HMU), Mixed Use Low Density (MUL) and Mixed Use Medium Density (MUM) Districts which contain no more than the name, address, and number of a building or occupant, provided the sign area does not exceed 0.2m²;*
- (d) *signs associated with an approved Home Occupation or Bed and Breakfast Accommodation;*
- (e) *municipal signs used to indicate street names, to control traffic, or to identify municipal buildings;*
- (f) *an official notice, sign, placard or bulletin required to be displayed pursuant to the provisions of Federal, Provincial, or Municipal legislation;*
- (g) *existing signs when only the face of a previously approved sign is being changed to reflect a change in the business name;*
- (h) *signs in the Residential Medium Density Multi-Unit (R3), Residential Medium Density Multi-Unit Air Ranch (R3AR) Urban Holdings (UH), and Public Service (PS) Districts, commercial developments within the Heritage Mixed Use (HMU), Mixed Use Low Density (MUL) and Mixed Use Medium Density (MUM) Districts, and all commercial and industrial districts which contain no more than name, address, and number of a building, institution or occupant provided that sign area does not exceed 1.5m²;*
- (i) *on-site traffic circulation and parking regulations provided the sign area does not exceed 1.0m² and the height, if freestanding, does not exceed 1.2m;*
- (j) *maintenance of any lawful sign;*
- (k) *window signs that meet the regulations of Section 10.6.11;*
- (l) *A-board signs;*
- (m) *signs intended to provide guidance, warning or restraint of persons, provided the sign area does not exceed 0.4m²; and*
- (n) *sponsorship signs within Direct Control (DC) Districts where sponsorship signs are permitted."*

Signage

Municipal Development Plan, General (page 17)

Vision Statement states *"The policies established in this section of the Municipal Development Plan are formulated to serve, in conjunction with the provisions of the Land Use Bylaw, as a day to day reference and basis for decision making regarding*

land use planning and development in Okotoks. 82% of respondents to the MDP survey indicated that the Town should refuse development if it does not comply with sustainable design principles. A substantial number of comments have been received through the MDP survey and the Community Survey that express a distaste for creating “another suburb of Calgary”. These findings will be reflected in policies and design standards that apply sustainable principles and incorporate a desire to maintain a unique environment that preserves small town atmosphere.”

Policies – General, Item 4 states “Council shall refuse development if it does not comply with sustainable design principles (emphasis on high quality architecture, nodal rather than strip commercial development, attractive and limited signage, creation of pedestrian linkages, mixed land uses in new neighbourhoods, broader range of housing mix, quality landscaping).”

Municipal Development Plan, Policies - Residential (page 60)

Section 16 states “The Town should endeavor to maintain high standards with respect to the aesthetics of new developments, maintenance of public and private property and appearance of signage to ensure that Okotoks remains an attractive community.”

Land Use Bylaw, Section 10.1.0 – Definitions

“**A-board** means a self-supporting A-shaped sign or sandwich board which is set upon the ground and has no external supporting structure.”

“**advertising sign** means a sign directing attention to or identifying, in any matter an object, event or person.”

“**area** means the size of the surface of the face of a sign;

- (a) and in the case of a sign comprising individual letters or symbols, means the size of a single geometric figure (e.g. square, rectangle, circle, triangle, trapezoid) which would enclose all of the letters or symbols; and
- (b) in the case of a sign comprising two (2) or more faces, means one-half of the size of the surface of all the faces of the sign.”

“**directional sign** means a sign which gives direction to a private premises.”

“**fascia sign** means a flat sign, plain or illuminated, running parallel for its whole length to the face of the building to which it is attached and may include a computerized sign.”

“**freestanding sign** means a sign supported independently of a building, wall, or structure and attached permanently to the ground and may include a computerized sign. It is supported by one (1) or more columns, uprights, or braces in or upon grade.”

“**identification sign** means a sign which contains no advertising, but is limited to the name, address and number of a building, institution or the occupation of the person.”

“neighborhood identification sign means a sign which states the name of a neighborhood and may contain a logo or symbol which is related to the neighborhood.”

“sign means anything that serves to indicate the presence or the existence of something, including but not limited to a lettered board, a structure, or a trademark displayed, erected, or otherwise developed and used or serving or intended to identify, to advertise or to give direction.”

Land Use Bylaw, Section 10.5.1 – General Regulations for Signs

“In considering a development application for a sign, the Development Authority shall have due regard to the amenities of the district in which the sign is located and the design of the proposed sign and ensure that the sign does not conflict with the general character of the surrounding streetscape or the architecture of nearby buildings.”

Land Use Bylaw, Section 10.5.10 – General Regulations for Signs

“When a sign no longer fulfills its function under the terms of the approved development permit or is deemed to create a hazard for pedestrian or vehicular traffic or is deemed to be in a state of disrepair such that it negatively impacts on the amenities of the neighborhood, the Development Authority may order the removal of such a sign, and the lawful owner of the sign or where applicable, the property owner, shall:

- (a) remove such a sign and all related structural components within thirty (30) days from the date of receipt of such a removal notice; and*
- (b) restore the immediate area around the sign, to the satisfaction of the Municipality, including the ground or any building to which the sign was attached, as close as possible to its original from prior to the installation of the sign.”*

Land Use Bylaw, Section 10.5.12 – General Regulations for Signs

“The owner of a sign shall be responsible for maintaining the sign in a proper state of repair and shall:

- (a) keep it properly painted at all times;*
- (b) ensure that all structural members and guy wires are properly attached to the sign and building; and*
- (c) wash or otherwise clean all sign surfaces as it becomes necessary.”*

Land Use Bylaw, Section 10.5.13 – General Regulations for Signs

“When a sign cannot be clearly categorized as any one (1) of the sign types defined in this Bylaw, the Development Authority shall determine the sign type and applicable controls.”

Pageantry Features for New Neighbourhoods Policy P12-03 and associated Administrative Guidelines A12-03

See Table of Contents Item 8, Attachment 2 from Agenda Package.

Establishment and Management of New Neighbourhood Signage Policy P10-04 and associated Administrative Guidelines A10-04

See Table of Contents Item 8, Attachment 3 from Agenda Package.

Traffic Bylaw 10-10, Section 7.6

“No person shall leave, store or deposit or permit to accumulate on any street or sidewalk any article or thing that may be dangerous or in any way interfere with the proper use of the street or sidewalk or interrupt the free flow of vehicular or pedestrian traffic, nor shall any waste paper, debris, or things be left on any street, alley, highway, sidewalk or public place in the Municipality.”

Open Spaces and Recreation Facilities Bylaw 22-12, Section 2.17 - Definitions

*“**open space** means an area, including vegetation and improvements located therein, over which the Town exercises control; and so as not to restrict to generality of the foregoing, includes: ...*

(d) median strips, boulevards and traffic island; and ...”

Open Spaces and Recreation Facilities Bylaw 22-12, Section 7.2 - Conduct

“No person in an open space or recreation facility shall, without written authorization from the Municipal Manager: ...

i) leave, place, store, deposit or hoard anything; ...”

Open Spaces and Recreation Facilities Bylaw 22-12, Section 14.1 Sale of Goods

“No person shall, in an open space or recreation facility, unless such activity is permitted and the Municipal Manager has first given written approval: ...

c) place a sign or device or any kind advertising; ...”

REASONS:

In reviewing the Appellant’s Development or Subdivision Appeal form application and the package submitted to the Board on November 1, 2017, as well as Administration’s Report to the Board, the Board determined that the major issues of the appeal could be categorized as: proposed off-site signage; and proposed on-site signage.

Proposed Off-site Signage

The development permit application included five (5) “Burma-shave style directional signage” to be located in the medians along Milligan Drive and “Parkhouses decals” to be mounted on new community wayfinding signage throughout Okotoks.

Item 1 of the Notice of Decision dated September 15, 2017 states “*Land Use Bylaw 40-98 provides for administration of land uses on titled lands and does not have*

authority over the use of, or development within, roadways. Signage proposed in road rights-of-way cannot be approved under a Development Permit. The “Burma-Shave style directional signage” and “Parkhouses Decal” signs proposed for placement within public road rights-of-way as outlined in the application therefore cannot be considered under this application”.

In the Introduction section of the November 1, 2017 package submitted to the Board, the Appellant stated “Signage and pageantry are important components of site identification and marketing for any residential development. Wayfinding signage is also critical in order to get prospective purchasers to any development. In the absence of adequate wayfinding, site signage becomes absolutely critical. Without appropriate on-site signage, potential purchasers are not able to identify the site for what it is and a large portion of the advertising dollars spent directing people to the area are wasted. Residential sales is a function of numbers. The higher the traffic volume the more likely a project or development is to achieve sales. Only a small percentage of those who view any project actually purchase, so traffic volume is essential to the success of any development. When wayfinding signage was placed on the median or boulevard, showhome traffic increased by a multiple of 3 to 4 times to 12 to 20 units per week.”

The Land Use Bylaw regulates the use and development of titled lands, and is administered by the Development Authority as set out in the MGA. Median strips, boulevards and traffic islands are located outside of property lines and therefore are not regulated by the Land Use Bylaw. Uses within these areas are administered through a mix of policies and their associated administrative guidelines, and bylaws, all of which are outside of the jurisdiction of the Development Authority, and by extension, the Board. Regardless of the arguments made by the Appellant regarding increased visitor traffic to the showhome by placement of signage in the median or boulevard, the Board recognizes that only the Council of the Town of Okotoks has the authority to make any amendments to bylaws (including the Land Use Bylaw) or the other policies and their associated administrative guidelines.

The Traffic Bylaw 10-10, and the Open Spaces and Recreation Facilities Bylaw 22-12 both administer uses located within road rights-of-way. The development permit application included five (5) “burma-shave directional signage” proposed to be located within the median along Milligan Drive. The Board determined that a decision regarding the placement of these signs would be outside of the jurisdiction of the Board because they will not be located on the subject property (Lots 1 to 31, Plan 161 1981), and because administration of uses outside of property lines does not lie with the Development Authority, and by extension, the Board. As stated above, the Board recognizes that only the Council of the Town of Okotoks has the authority to make any amendments to bylaws (including the Land Use Bylaw) or the other policies and their associated administrative guidelines.

The development permit application also included “Parkhouse decals” to be mounted on new community wayfinding signage throughout Okotoks on a temporary basis. The Establishment and Management of New Neighbourhood Signage Policy P10-04 and the associated Administrative Guidelines A10-04 are administered by the Economic Development Business Centre. The Board determined that a decision regarding the

addition of the “Parkhouses decal” to any New Neighbourhood signage is outside the jurisdiction of the Board because these signs are not located on the subject property (Lots 1 to 31, Plan 161 1981), and because the approving authority is the Economic Development Business Centre. As stated above, the Board recognizes that only the Council of the Town of Okotoks has the authority to make any amendments to bylaws (including the Land Use Bylaw) or the other policies and their associated administrative guidelines.

Proposed On-site Signage

The Board determined that the Development Officer (as Development Authority) was acting within its authority in issuing a decision regarding the on-site signage which included two (2) “garage door banners”, one (1) “Parkhouse sign”, one (1) “address sign”, six (6) “flag poles”, one (1) “showhome arrow banner” and two (2) “banners” (see Sections 2.1.2 and 16E.4.1(a) of the Land Use Bylaw).

The Board reviewed Section 16E.5.32 of the Land Use Bylaw, and recognized that signage is not an allowable use for this site under the language of this section. Allowable uses in this Direct Control District include Single Detached Dwellings, Duplexes-Side by Side, Accessory Buildings, and Utility Buildings. Section 16E.4.1 Delegation of Decisions of the Land Use Bylaw; however, delegates the Development Authority the ability to decide upon “a *development permit for a sign on a developed site in a Direct Control District*”. Therefore, the Board was of the opinion that they are acting within their authority to allow signage in this district.

The Board referred to the Land Use Bylaw in determining the classification of the on-site signage. The Board recognized that all of the temporary signage (“garage door banners”, “flag poles”, and “banners”) except the “showhome arrow banner” meet the definition of advertising signs, but the Board wanted to further classify the type of each individual temporary advertising sign.

The Board determined that the “garage door banners” and the “banners” would be classified as fascia signs. A *“fascia sign means a flat sign, plain or illuminated, running parallel for its whole length to the face of the building to which it is attached ...”* and a *“building means anything constructed or placed on, in, over or under land but does not include a highway or public road or a bridge that forms part of a highway or public road.”* The Board was of the opinion that a fence would fall within the definition of building.

The Board determined that the “flag poles” would be classified as freestanding signs. The Board reviewed the Pageantry Features for New Neighbourhoods Policy Number P12-03 and its associated Administrative Guidelines A12-03, but were of the opinion that as the “flag poles” were located on-site, as opposed to being within a public road, they would not be considered a pageantry feature, and this policy would not apply. The Board then reviewed the Land Use Bylaw, more specifically the definition of freestanding sign, which states *“a sign supported independently of a building, wall, or structure and attached permanently to the ground and may include a computerized sign. It is supported by one (1) or more columns, uprights, or braces in or upon grade.”* The

“flag poles” are approved for a temporary use only; however, the Board determined that they still fit within this definition.

The Board determined that the “showhome arrow banner” would be classified as a directional sign which “*means a sign which gives direction to a private premises*”. In this case it is providing direction to the showhome located on the site.

The Board determined that the “Parkhouse sign” and the “address sign” would be classified as identification signs as both are limited to the “*name, address and number of a building*”. The “Parkhouse sign” contains only the name of the development, and the “address sign” contains the address of the development.

Section 687(3)(c) of the MGA allows the Board to “*make or substitute an order, decision or permit of its own*”, and Section 687(3)(d) allows to the Board to “*make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw, if, in its opinion, i. the proposed development would not (A) unduly interfere with the amenities of the neighbourhood, or (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land...*”

The majority of the on-site signage is temporary in nature, and is proposed to be used for the advertising of the sale of the individual condominium units located on the parent parcel. The Board recognized that the surrounding neighbourhood is residential in nature; however, the Board was of the opinion that the temporary on-site signage (or the permanent on-site identification signage) did not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of the neighbouring parcels of land. The Board was of the opinion that the condition for re-application if the Appellant required the temporary signage beyond November 30, 2018, would allow any affected landowners the opportunity raise any concerns. Furthermore, Sections 10.5.10 and 10.5.12 of the Land Use Bylaw set out maintenance requirements and allows the Development Authority to order the removal of such, if the signage is not properly maintained or becomes a safety issue.

In determining how much of the temporary on-site signage requested under the development permit application to be allowed, the Board tried to balance the needs of the Appellant with the signage permitted under the Land Use Bylaw. The Board reviewed Section 10.3.1 Signs not Requiring a Development Permit of the Land Use Bylaw to achieve this balance. The following outlines the relevant sections:

“The following signs do not require a development permit, but shall otherwise comply with this bylaw:

- (a) one (1) temporary sign in any commercial or industrial district which does not exceed 3m² in area, and any sign in a residential district, the Heritage Mixed Use (HMU) and Public Service (PS) Districts that does not exceed 0.6m² and is intended for:*
 - (i) advertising the sale or lease of a building, or a bay, land, ...*
- (c) signs in the Residential Narrow Lot Single Detached (R1N), Residential Small Lot Single Detached (R1S), Residential Single Detached (R1), Residential Studio*

Suite (R1ST), Residential Estate Single Detached (R1E), Residential Single Detached Air Ranch (R1AR), Residential Narrow Lot Air Ranch (RNAR), Residential Low Density Multi-Unit (R2), Residential Manufactured Home (RMH), Residential Mixed Dwelling (RMD) and Restricted Development (RD) Districts and residential developments in the Heritage Mixed Use (HMU), Mixed Use Low Density (MUL) and Mixed Use Medium Density (MUM) Districts which contain no more than the name, address, and number of a building or occupant, provided the sign area does not exceed 0.2m²; ...

- (i) *on-site traffic circulation and parking regulations provided the sign area does not exceed 1.0m² and the height, if freestanding, does not exceed 1.2m; ...*

The Board allowed the Appellant to place one (1) 12.52m² temporary “garage door banner” and one (1) 3.29m² temporary “banner” for a total cumulative area of 15.81m². This is far greater than the maximum 0.6m² permitted in a residential district. The property is comprised of 31 individual bare land condominium units. If the 0.6m² maximum was allowed for every unit, the cumulative area allowed would be 18.6m² (0.6m² x 31 units). However, the Board viewed the site as a single unit, as opposed to 31 individual units, and granted a variance of 15.21m². A variance was also required for the number of on-site signs as only one (1) is allowed. In allowing the two (2) signs (one (1) 12.52m² “garage door banner” and one (1) 3.29m² “banner”), the Board was of the opinion that this allowed the Appellant the level of advertising required to attract traffic, but did not contribute to a proliferation of on-site signage.

The Board allowed the Appellant to place six (6) 0.76m² each temporary “flag poles”. These flags poles are clustered in two groups of three “flag poles” each. The clusters are located on-site: one at the corner of Milligan Drive and Drake Landing Heights; and the second at the corner of Drake Landing Heights and Drake Landing Square. The Board was of the opinion that these signs provided direction to the Appellant’s development, and allowed the Appellant the level of advertising required to attract traffic, but again did not contribute to a proliferation of on-site signage.

The Board allowed the Appellant to place two (2) permanent identification signs (one (1) 1.32m² “Parkhouse Sign” and one (1) 0.36m² “address sign”). The Board was of the opinion that the two (2) permanent identification signs, especially the “Parkhouse Sign”, would not conflict with the general character of the surrounding residential area, nor create a visual appearance of an overabundance of signage on the site, and that it is consistent with the existing neighbourhood identification signs found throughout Drake Landing.

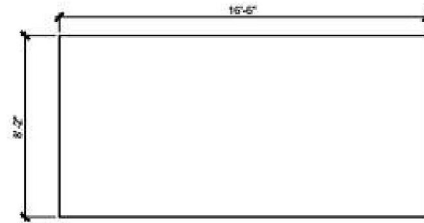

Karen Humby
Subdivision and Development Appeal Board Secretary

Schedule "A"
Site Plan approved by the



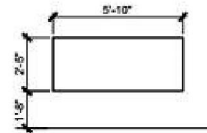
Schedule "B"
Sign Details approved by the
Subdivision and Development Appeal Board on November 1, 2017

DP# DP 150-17
APPROVED
 By SDAB
 on November 1, 2017

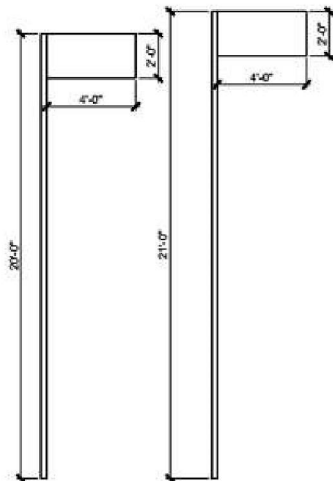


7

GARAGE DOOR BANNERS
 248.92cm H x 502.92cm W
 AREA : 134.75 SQ.FT.

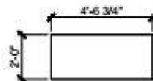


PARKHOUSE SIGN
 177.8cm x 73.66cm
 @50.8cm HIGH
 AREA : 14.10 SQ.FT.



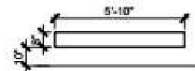
8

FLAG POLES
 6.096M AND 6.4008M
 WITH 1.21m x 0.6m FLAGS.
 AREA : 8 SQ.FT.

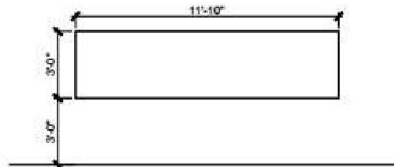


6

SHOWHOME ARROW BANNER
 1.39m x .6m
 AREA : 9.12 SQ.FT.



ADDRESS SIGN
 177.8cm x 73.66cm @ 25.4cm
 AREA : 3.89 SQ.FT.



9

BANNERS
 3.6m x .91m @ .48m &
 .91m HIGH
 AREA : 35.45 SQ.FT.

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BUILDING PERMIT SET	
ISSUED FOR:	DATE: (MM/YY)
DESIGN REVIEW	XXXXXX
REVISION:	
1. XXXXXX	XXXXXX
2.	
3.	
4.	
CONSTRUCTION REVIEW	XXXXXX
REVISION:	
1. XXXXXX	XXXXXX
2.	
3.	
4.	
RELEASED FOR CONSTRUCTION	XXXXXX
REVISION:	
1. XXXXXX	XXXXXX
2.	
3.	
4.	
LIFESTYLE SIGNAGE	
LIFESTYLE SIGNAGE	
SIGNS	
PROJECT #:	17-07674
DATE:	AUG. 21, 2017
DRAWN BY:	EC
WD1.1	

Schedule "B"
Sign Details approved by the
Subdivision and Development Appeal Board on November 1, 2017

8

FLAG POLES
 6.096M AND 6.4008M
 WITH 1.21m x 0.6m
 FLAGS.
 AREA : 8 SQ.FT.



6

SHOWHOME ARROW
 BANNER
 1.39m x .6m
 AREA : 9.12 SQ.FT.

8

FLAG POLES
 6.096M AND 6.4008M
 WITH 1.21m x 0.6m
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 AREA : 8 SQ.FT.



7

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 AREA : 134.75 SQ.FT.



7

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BANNERS
 3.6m x .91m @ .48m &
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 AREA : 35.45 SQ.FT.



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BANNERS
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 .91m HIGH
 AREA : 35.45 SQ.FT.



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<small>ALL WORK IS PERFORMED TO COMPLY TO CURRENT ALBERTA BUILDING CODE, AND ALL OTHER AUTHORITIES HAVING JURISDICTION.</small>	
DRAWING SET BUILDING PERMIT SET	
ISSUED FOR:	DATE: (MM/YY)
DESIGN REVIEW	XXXXXX
REVISION:	
1. XXXXXX	XXXXXX
2.	
3.	
4.	
CONSTRUCTION REVIEW	XXXXXX
REVISION:	
1. XXXXXX	XXXXXX
2.	
3.	
4.	
RELEASED FOR CONSTRUCTION	XXXXXX
REVISION:	
1. XXXXXX	XXXXXX
2.	
3.	
4.	
MODEL MAIL LIFESTYLE SIGNAGE	
<small>PROJECT NAME & ADDRESS</small>	
LIFESTYLE SIGNAGE	
<small>DRAWING TITLE</small>	
IMAGES	
PROJECT #:	17-07674
DATE:	AUG. 21, 2017
DRAWN BY:	EC
<small>DRAWING NO.</small>	
WD3.1	