

Subject: Bylaw No. 23/013 – Land Use Bylaw Amendment – Re-Designating Lot 9MR, Plan 822 1088 from PR – Parks and Recreation District to DC-PR – Direct Control Parks and Recreation District**APPROVALS:****Paul Thorkelsson**_____
Director_____
Chief Administrative Officer**Recommended Motion:**

THAT Bylaw No. 23/013, being an amendment to the Land Use Bylaw No. 99/059, to redesignate land described as Lot 9MR, Plan 822 1088 from PR – Parks and Recreation District to DC-PR – Direct Control Parks and Recreation District, be read a first time; and

THAT the required Public Hearing be scheduled for September 12, 2023.

Summary:

The Planning and Development Department has received an application to amend the Land Use Bylaw 99/059 to re-designate a portion of Lot 9MR, Plan 822 1088 (the “Subject Property”) addressed as 110 Eymundson Road from PR - Parks and Recreation to DC-PR - Direct Control Parks and Recreation District. If the redesignation is approved, the Applicant intends to pursue a new development permit to re-classify the existing digital freestanding sign as a digital billboard, to align with the current operation of the sign and accommodate third party (off-site) advertising.

The purpose of the Direct Control Parks and Recreation District is to provide for the development of land for parks and recreational facilities intended for the use and enjoyment of the public at large where the circumstances of the Subject Property are such that control by other districts would be inappropriate or inadequate, while having regard to any applicable statutory plans, existing or future surrounding developments and the public interest. The proposed district will match the property boundaries to capture the freestanding digital signage. Planning and Development supports the resolution of the signage concerns, regardless of the form it takes.

The authority to amend the Land Use Bylaw is vested with Council under the *Municipal Government Act*.

Background:

The Subject Property is located within the Thickwood Neighbourhood, situated along Thickwood Boulevard, and is currently designated as PR - Parks and Recreation District under the Land Use Bylaw (Attachment 2).

In November 2022, Planning and Development received an application (2022-LU-00003) to re-district (or re-district) the Subject Property to DC-PR - Direct Control Parks and Recreation. The Applicant wants to create the opportunity for the signage to exist as it currently operates. The digital freestanding sign is located on the corner of Eymundson Road and Thickwood Boulevard. This proposed re-districting will provide the Applicant with the opportunity to re-designate the existing freestanding sign as a billboard to allow for 3rd party (off-site) advertising. The digital freestanding sign currently displays 3rd party advertisements, which is in contravention of the Land Use Bylaw No. 99/059 and the conditions of the 2013 development permit, 2013-DP-01155 (Attachment 3).

Two open houses were hosted on-site at the Centrefire Place arena on Friday, January 20, 2023, prior to an Oil Barons Hockey Game, and Saturday, January 21, 2023 between the hours of 3:00 pm and 7:15 pm. More than 1500 residents saw the engagement at Centrefire Place over the course of the two days, with 140 residents completing surveys, 139 of which were positive responses.

The Applicant posed the following question:

“The current LED sign outside Centrefire Place is zoned Public Service and Centrefire Place wants to change this to Direct Control. This will allow the 3rd party advertising to continue on the sign as it is now and continue to help Centrefire Place cover operating costs. Should Centrefire Place be able to continue selling 3rd party advertising and change the zoning on the sign to Direct Control?”

Concerns captured during the open houses included the following:

1. The brightness of the sign was too bright at night.
2. Advertisements should be limited to local businesses.

Adjacent landowner notices were mailed out to 283 residents, within a 100-meter radius of the Subject Property, January 24, 2023, with an opportunity to provide feedback, comments, and concerns until February 21, 2023. An additional community notification was mailed to residents February 6, 2023 to provide additional context about the proposed re-districting. In total, eleven residents reached out to provide comments via email with another four residents reaching out by telephone for additional information.

Comments received as part of the adjacent landowners' notice demonstrated interest in how the new districting would impact the operation of amenities. Comments expressed concerns that the Municipality intended to remove existing recreational facilities and redevelop or remove the existing park space. Eight residents were concerned about the

preservation of the Helen Pacholko Park. Two residents voiced concerns that the re-districting would impact the Father Mercredi football field and track, and one resident inquired about the impact on the Fort McMurray Potters' Guild.

Alternatives:

There are three alternatives to allowing the sign owner to pursue a billboard permit.

1. Keep the freestanding sign as it exists but enforce the conditions of the 2013 Development Permit, as outlined in Attachment 3, and provisions of the Land Use Bylaw No. 99/059.
 - a. Restriction of advertising to businesses and events which take place on-site, such as hockey games and special events, will bring the signage into compliance.
2. A site-specific amendment to Appendix B - Signs District Chart Urban Service Area of the Land Use Bylaw No. 99/059 signage provisions to allow for billboard signage in specific districts or on specific properties, such as the PR - Parks and Recreation District.
 - a. While Planning and Development does not support the installation of billboards in park space, a site-specific amendment to the signage matrix to allow for a billboard on the Subject Property would serve to resolve the ongoing signage issues.
 - b. A site-specific amendment of this type risks setting precedent for future site-specific amendments to circumvent the existing signage provisions in the Land Use Bylaw.
3. Finally, Council may direct Administration to assume and maintain ownership of the subject signage. Administration would take responsibility for the upkeep, maintenance, and advertising of the signage, bringing the sign into compliance with the requirements of the Land Use Bylaw No. 99/059.
 - a. This option may involve working with the existing owner to acquire the subject signage in order to assume control of the sign operations.
 - b. Alternatively, this process may require the sign owner to remove the existing signage so that the Municipality may install its own freestanding signage.

Rationale for Recommendation:

The implementation of the DC-PR Direct Control Parks and Recreation District will maintain the existing uses and provisions of the PR - Parks and Recreation District but

will allow for Council's oversight with respect to on-site signage. This amendment will give residents the opportunity to be involved and share their thoughts with Council during a public hearing for future developments on-site. The operation of the Centrefire Place Arena, Father Mercredi Football Field, Potter's Guild, and Helen Pacholko Park will not be affected by the implementation of this new districting.

The Applicant is suggesting the operation of the local Alberta Junior Hockey League team, the Fort McMurray Oil Barons, constitutes a unique nature specific to the Subject Property that is not adequately addressed by the current PR - Parks and Recreation zoning. The Applicant states that the continued operation of the digital freestanding sign has contributed to the support of the Oil Barons through revenue generated by the sale of ad-space on the digital sign.

Throughout the engagement process, residents expressed their support for the continued operation of the digital sign with 3rd party advertising, with the distinction that the sign was used to support the operation of the hockey team. However, many residents also expressed their concerns that the sign was too bright, especially at night. Planning and Development feels that this concern is best addressed at the permitting stage of the approval process, with conditions that limit the brightness of the sign and hours where the sign must be de-energized to limit impact on surrounding properties.

If this amendment is approved, Appendix B - Signs District Chart Urban Service Area will need to be amended to add DC-PR to the signage matrix and add billboards as a discretionary use in the DC-PR District, in addition to the signage types already identified in the PR District. This will provide the Development Officer with the authority to approve a billboard sign. The development application will be subject to the standard approval process, including internal and external circulation and a 21-day appeal period after approval.

Administration recommends that the proposed Bylaw (Attachment 1), being an amendment to the Land Use Bylaw No. 99/059, to redesignate land described as Lot 9MR, Plan 822 1088 from PR-Parks and Recreation to DC-PR - Direct Control Parks and Recreation District, be read a first time; and

That the required Public Hearing be scheduled for September 12, 2023.

Strategic Plan Values:

Building Partnerships
Local Economy

Attachments:

1. Bylaw No. 23/013 - Proposed Land Use Bylaw Amendment

2. Subject Area Map

3. Development Permit No. 2013-DP-01155

BYLAW NO: 23/013

A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO TO AMEND LAND USE BYLAW NO. 99/059

WHEREAS Section 640 of the *Municipal Government Act*, RSA 2000, c. M-26 requires Council both to pass and amend Land Use Bylaw No. 99/059;

NOW THEREFORE, the Council of the Regional Municipality of Wood Buffalo, duly assembled, enacts as follows:

1. Land Use Bylaw No. 99/059 is hereby amended by re-designating Lot 9MR, Plan 822 1088 from PR – Parks and Recreation District, to DC-PR – Direct Control – Parks and Recreation District as depicted on Attachment “2”
2. Inserting the attached Schedule A Direct Control – Parks and Recreation District as Section 114A.
3. Deleting Appendix B – Sign Districts Chart: Urban Service Area to Part 7B of the Land Use Bylaw and replacing it with the following:

Type of Sign	Special Districts					Residential			Commercial					Industrial
	DC	DC-PR	EP	PR	PS	UE	Single Family	Multi-Family	C1	C2	C3	C4	C5	BI
Temporary Signs in Right-Of-Ways	P	P	P	P	P	P	P	P	P	P	P	P	P	P
A' Board	P							P-R4	P	P	P	P	P	P
Balloon (inflatable)	D	D		D	D				D	D	D	D	D	D
Banner	D	D		D	D			D-R4	D	D	D	D	D	D
Construction Site Identification	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Elections	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Portable	P	P		P	P			P-R4	P	P	P	P	P	P
Posters in Approved Poster Board Holder	P	P		P	P			P-R4	P	P	P	P	P	P
Private Sale	P	P		P	P	P	P	P	P	P	P	P	P	P
Proposed Development	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Real Estate Sale and Real Estate Directional	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Subdivision/Builder Marketing	P	P		P	P	P	P	P	P	P	P	P	P	P
Subdivision Directional	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Awnings/Canopy	D	D		D	D	D		P/D	D	D	D	D	D	D
Billboards*		D												
Fascia/Wall	P	P		P	P	P	D	P/D	D	D	D	D	D	D
Flags	P							P-R4	P	P	P	P	P	P
Freestanding	D	D		D	D	D	D	D-R4	D	D	D	D	D	D
Incidental	P	P		P	P	P			P	P	P	P	P	P
Poster Board Holders	D	D		D	D			D-R4	D	D	D	D	D	D
Projecting	P							P-R4	P	P	P	P	P	P
Roof	P													P
Subdivision Entrance	P	P	P	P	P	P	P	P	P	P	P	P	P	P
3rd Party Identification	P							P-R4	P	P	P	P	P	P
Under Awning/Canopy	P	P		P	P	P		P	P	P	P	P	P	P
Window	P							P-R4	P	P	P	P	P	P

P-Permitted Use
D-Discretionary Use

Note: Signs Adjacent to Highway 63 and 69 may require approval from Alberta Transportation
*Billboards existing at passage of Amending Bylaw No. 01/068 can continue. New: community-oriented only

4. This Bylaw comes into effect on the day it is passed.

Read a first time this ____day of _____, Year.

Read a second time this ____ day of _____, Year.

Read a third and final time this _____ day of _____, Year.

Signed and Passed this _____ day of _____ Year

Mayor

Chief Legislative Officer

SCHEDULE A

114A. Direct Control – Parks and Recreation (DC-PR)

114A.1 Purpose

The purpose of this District is to establish special land use and development regulations to accommodate the development of land for parks and recreational facilities intended for the use and enjoyment of the public at large. The District is intended to provide the Municipality with the necessary control over the nature and location, site design and appearance of development on the site. As a Direct Control District, Council may approve any development for any use on any terms and conditions it considers appropriate.

114A.2 Permitted Uses – Development Officer

(a) Accessory Building

(b) Park

(c) Parking Lot/Structure

(d) Public Utility/Use

114A.3 Discretionary Uses – Council

*Council may approve additional developments at their discretion, where those developments, in Council's view, are compatible with or enhance the existing or proposed developments for the lands within the District.

(a) Community Recreation Facility

(b) Outdoor Recreation Facility

(c) Project Accommodation

(d) Spectator Sport Facility

(e) Recyclable Materials Drop-Off Center

(f) Resort Facility

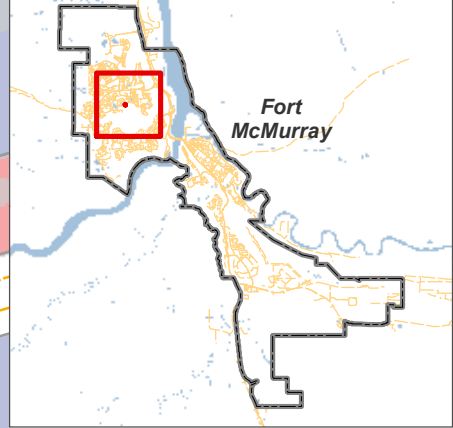
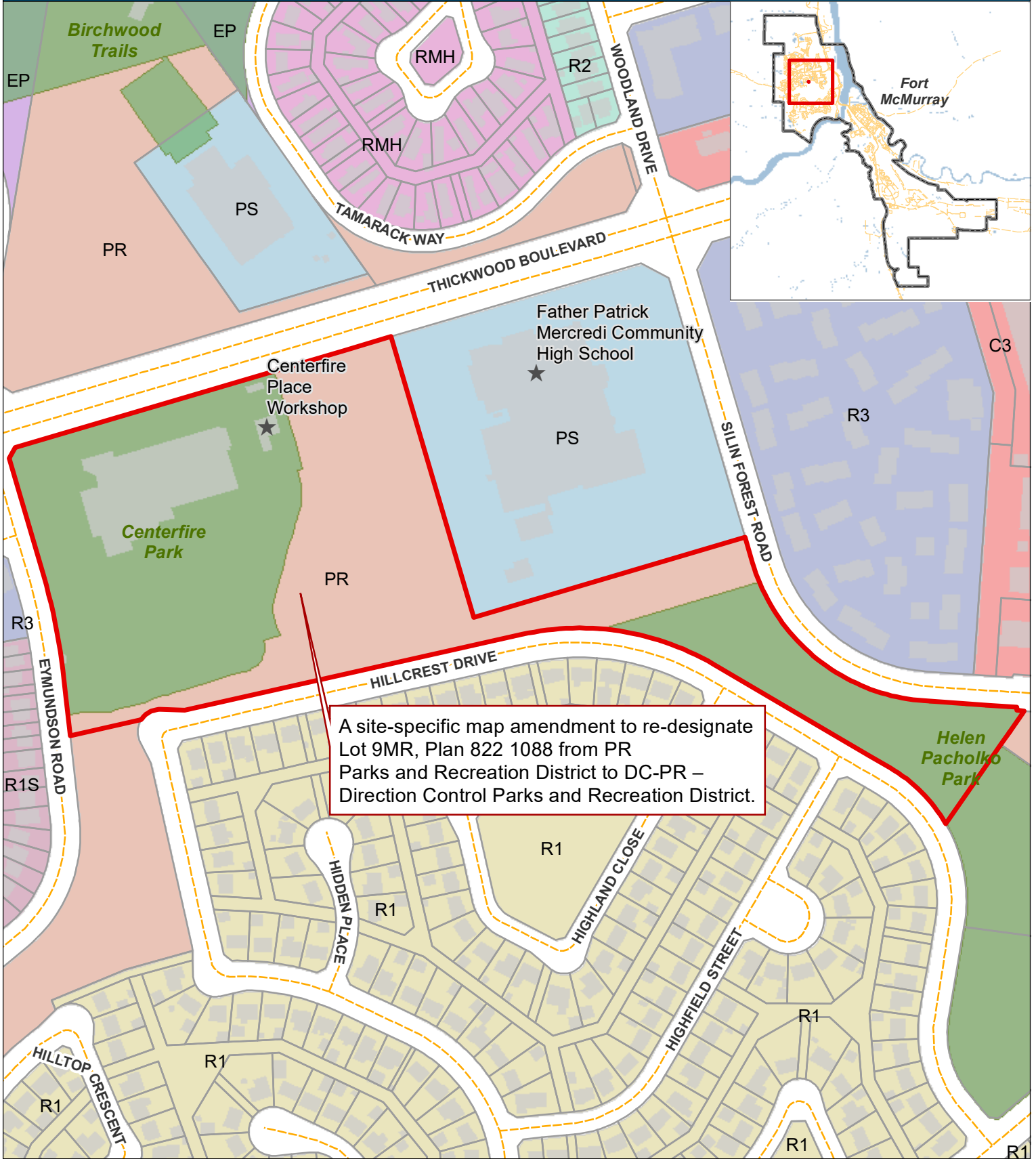
114A.4 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this district.

- (a) Front Yard (minimum): 6.0 m, except 41.0 m when the site is adjacent to the primary or secondary highway
- (b) Side Yard (minimum): 6.0 m
- (c) Rear Yard (minimum): 6.0 m
- (d) Building Height (maximum): 12.2 m for Principal Building

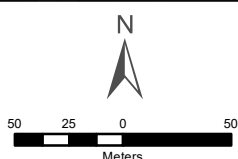
SUBJECT AREA MAP

Lot 9MR, Plan 822 1088



A site-specific map amendment to re-designate Lot 9MR, Plan 822 1088 from PR Parks and Recreation District to DC-PR – Direction Control Parks and Recreation District.

- Roadways
- Subject Area
- Building Outlines
- Survey Parcels
- Park
- Water Bodies



Map Produced by the Geographic Information System Group on 05 Apr 2023



REGIONAL MUNICIPALITY
OF WOOD BUFFALO

Permit Number
2013-DP-01155

September 18, 2013

Applicant

INDEPENDENT OUTDOOR DIGITAL TERRY BALABAN
6708 - 87 Avenue
Edmonton, AB T6B 0L4
() 707-2344

Owner

MUNICIPALITY OF WOOD BUFFALO.
9909 FRANKLIN AVE
FORT MCMURRAY AB T9H 2K4
(780) 743-7000

**RE: Replacing existing sign with new digital sign (3.0m X 6.1m) - Casman Center
110 EYMUNDSON RD
Lot: 9MR Block: Plan: 822 1088**

Your application for a development permit at the above location has been approved by the Development Officer. This approval is subject to the conditions as outlined in the enclosed Development Permit.

PLEASE READ PERMIT CONDITIONS CAREFULLY AND RETURN A SIGNED COPY TO OUR OFFICE.

This development permit shall expire and no longer be valid after one year from the date of decision of the permit if no construction has been initiated. Any other necessary permits shall be in place prior to commencement of any construction or occupancy. In the case of a change of use within an existing structure, where no significant construction or reconstruction is necessary, the applicant shall have the new use in operation within one year of the decision of the development permit.

IMPORTANT NOTE

1. Under the Municipal Government Amendment Act, this approval may be appealed within fourteen (14) days after the day of decision being posted. Should this decision be appealed within fourteen (14) days after the Date of Decision, this permit shall not become effective until the Subdivision and Development Appeal Board has determined the appeal and the Permit may be modified or nullified thereby. Commencement of the approved Development prior to expiry of the appeal period is at your own risk.
2. An appeal shall contain statement of the grounds of appeal and shall be delivered personally or by registered mail so as to reach the Secretary of the Subdivision and Development Appeal Board, 9909 Franklin Avenue, Fort McMurray, AB T9H 2K4 within the prescribed time period of fourteen (14) days.
3. Upon delivery of Notice of Appeal, the appellant shall pay to the Regional Municipality of Wood Buffalo, where the appellant is the owner of the site, or his agent, a fee of \$500.00.

Compliance with other legislation - A person applying for, or in possession of a valid development permit is not relieved from full responsibility for ascertaining and complying with, or carrying out development in accordance with:

- a. the requirements of the Safety Codes Act, Environment Protection and Enhancement Act and Natural Resources Conservation Board Act;
- b. the requirements of any other Federal, Provincial, or Municipal statute, regulation code or standard; and
- c. the conditions of any caveat, covenant, easement or other instrument affecting a building or land.

The Municipality is not responsible for not does the Municipality have any obligation whatsoever to determine what other legislation may apply to a development, nor monitor or enforce compliance with such legislation.

REGIONAL MUNICIPALITY OF WOOD BUFFALO
Planning & Development Department
per:



September 18, 2013

Date



Applicant: Terry Balaban

Issued : September 18, 2013

Development Permit

110 EYMUNDSON RD

Lot	Block	Plan	Section	Township	Range
9MR		822 1088	19	89	9

Sign

Replacing existing sign with new digital sign (3.0m X 6.1m) - Casman Center

- This development was approved by the Development Officer and is subject to the conditions attached to this permit.
- All conditions stated on this development permit must be complied with.
- You have one year from Date of Decision to commence construction. All appropriate building/mechanical permits must be applied for and issued. In the case of a change of use within an existing structure where no significant construction or reconstruction is necessary, the applicant shall have the new use in operation within one year of the decision of the development permit.

I acknowledge the content of this development permit and agree to the attached conditions:

Regional Municipality of Wood Buffalo
Planning & Development Department
per:

Issued : September 18, 2013

Date

Advisory Notes:

- 1 Any damage to the streets, sidewalks, curbs or landscaped boulevards caused by this development shall be the full responsibility of the applicant to restore.
- 2 The Alberta Fire Code applies in and around buildings existing or being constructed on a site. Complete project plans and specifications, construction fire safety plans, and fire related activities requiring Fire Prevention Permits shall be reviewed by the Fire Authority prior to the commencement of any work related thereto. Inquiries and permit applications shall be submitted to the Fire Authority.
- 3 All Federal, Provincial and Municipal Statutes and regulations shall be met, including the Alberta Building Code.
- 4 Fort McMurray Operations, ATCO Gas, has reviewed the above named plan and has no objections subject to the following:

1. Please contact Alberta One-Call (1-800-242-3447) to have the gas lines located to ensure there is no conflict between proposed job and utilities.

2. Signs cannot be placed over a natural gas line or natural gas easement.

If you have any questions or concerns, please contact ATCO Gas at 780-799-7940.

- 5 TELUS has the following comments/concerns regarding this application:

If there are any TELUS buried facilities in the immediate area, the applicant is required to have the lines located, and if necessary, is responsible for the lines to be relocated. Any excavations or buried pilings etc. are to be more than 1.5 meters from any buried TELUS lines or pedestals/cable vaults.

To arrange for locating of TELUS facilities, the applicant must call Alberta First Call. To arrange for relocation of TELUS facilities, the applicant should call 1-888-530-6900.

Otherwise, TELUS has no objection to this application.

Conditions:

- 1 This development is classified as a Freestanding Sign (with a digital Display 10' x 20') and is a Discretionary Use in the PR (Parks and Recreation) District.
- 2 The location, size, shape and materials used to construct the sign shall conform to the approved plans submitted as part of this permit. Any changes to the approved plans shall be submitted to the Development Officer for further approval even if said changes are minor in nature and are consistent with the regulations applied to the site.
- 3 Signs advertising an activity, business, product or service no longer conducted on the premises where the sign is located, shall be removed.
- 4 All required Safety Code permits under the Safety Code Act in the: building, mechanical, electrical, gas, plumbing and private sewage disciplines must be obtained for this development. Please contact the Regional Municipality of Wood Buffalo - Planning and Development Branch to obtain the required Safety Code permits or for information regarding these permits 780-799-8695 or follow up on our permitting website:
<https://aca.woodbuffalo.ab.ca/citizenaccess/>
- 5 Construction materials, including garbage, shall be stored so as to not create a nuisance to neighbouring properties.
- 6 The sign shall be located, oriented and shielded so as to restrict the unnecessary illuminations of adjacent properties.
- 7 Digital Signs shall be located or constructed such that Sign Illumination shall not project onto any surrounding residential premises.
- 8 The intensity of exposed bulbs on a Sign, excluding Digital Signs, shall not exceed 1,100 lumens.
- 9 Illumination does not compete with or dull the contrast of the traffic control device or traffic control signal for oncoming vehicle traffic.
- 10 Digital Signs shall use automatic light level controls to adjust light levels at night, under cloudy and other darkened conditions to reduce light pollution, in accordance with the following:
 - i. ambient light monitors shall automatically adjust the brightness level of the Copy Area based on ambient light conditions. Brightness levels shall not exceed 0.3 footcandles above ambient light conditions when measured from the Sign Face at its maximum brightness, between sunset and sunrise, at those times determined by the Sunrise / Sunset calculator from the National Research Council of Canada;
 - ii. Brightness level of the Sign shall not exceed 400 nits when measured from the Sign Face at its maximum brightness, between sunset and sunrise, at those times determined by the Sunrise/Sunset calculator from the national research Council of Canada; and
 - iii. Signs abutting or adjacent to natural areas or public parks shall be de-energized daily between 12:00 AM - 5:00 AM.

2013-DP-01155



Regional Municipality of Wood Buffalo Development Permit Approval	
DP No.	Date Issued
2013 - 01155	SEP 18 2013
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DEVELOPMENT AUTHORITY <i>[Signature]</i>	

Independent
Culbert Digital



2013-Dr-01155

Regional Municipality of Wood Buffalo Development Permit Approval	
DP No.	Date Issued
2013 DP - 01155	SEP 18 2013
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DEVELOPMENT AUTHORITY <i>[Signature]</i>	



- 10'(H) x 20'(W) double sided full color LED video billboard.
- 200 sq ft of message area.
- using existing HSS steel support poles attached to concrete bases.
- LED billboard are enclosed by painted metal cabinets.
- 30"(H) x 17'(W) LED illuminated top section cabinet with "Casman" graphics.
- measurement to be confirmed on site survey.

2013-DP-01155

Regional Municipality of Wood Buffalo Development Permit Approval	
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DEVELOPMENT AUTHORITY <i>[Signature]</i>	

