# MUNICIPAL PLANNING COMMISSION
# MEETING AGENDA
## Banff Town Hall – Council Chambers
## Wednesday, April 12, 2017 at 9:00 am

**1.0 CALL TO ORDER**

**2.0 APPROVAL OF THE AGENDA**
2.1 Declaration of Conflicts

**3.0 ADOPTION OF PREVIOUS COMMISSION MINUTES**
3.1 Minutes of the March 8, 2017 Regular Meeting

**4.0 UNFINISHED BUSINESS**

**5.0 REPORTS**
5.1 Bed and Breakfast Renewals for 2017
- i. Staff Presentation
- ii. Public input
- iii. Applicant input

5.2 Home Occupation Renewals for 2017
- i. Staff Presentation
- ii. Public input
- iii. Applicant input

**6.0 CORRESPONDENCE**

**7.0 NEW BUSINESS**

**8.0 INQUIRIES**

**9.0 DATE OF NEXT MEETING/ADJOURNMENT**
9.1 The next MPC meeting is scheduled for Wednesday, May 17, 2017 at 9:00am.

cc :

| | | | |
|---|---|---|---|
| Ted Christensen | Council Representative | Robert Earl | Town Manager (Agenda only) |
| Brian Standish | Council Representative | Randall McKay | Manager Planning & Development |
| Ken Riordon | Public Representative | Darren Enns | Senior Planner |
| Richard Church | Public Representative | Dave Michaels | Planner |
| Brian Smythe | Public Representative | Jennifer Laforest | Planner |
| Ray Horyn | Public Representative | Jon Ball | GIS Coordinator |
| Scott McElhone | Public Representative | Banff Crag & Canyon | |
| Sylvanna Hegmann | Parks Canada Representative | Rocky Mountain Outlook | |

**MINUTES OF THE MUNICIPAL PLANNING COMMISSION**
**of the Town of Banff in the Province of Alberta**
**Town Hall Council Chamber**
**Wednesday, March 8, 2017 at 9:00 a.m.**

**COMMISSION MEMBERS PRESENT**

| | |
|---|---|
| Raymond Horyn | Public Representative (Chair) |
| Ken Riordon | Public Representative (Vice Chair) |
| Scott McElhone | Public Representative |
| Richard Church | Public Representative |
| Ted Christensen | Council Representative |
| Sylvanna Hegmann | Minister of the Environment Representative |

**COMMISSION MEMBERS ABSENT**

| | |
|---|---|
| Brian Smythe | Public Representative |
| Brian Standish | Council Representative |

**ADMINISTRATION PRESENT**

| | |
|---|---|
| Randall McKay | Manager, Planning and Development |
| Darren Enns | Senior Planner |
| Stephen Allan | Engineering Coordinator |
| David Michaels | Planner |
| Jennifer Laforest | Planner |
| Shauna Baker | Business License Assistant |
| Kerry MacInnis | Planning Administration Assistant (Recorder) |

**1.0 CALL TO ORDER**

The Chair to the Municipal Planning Commission called the March 8, 2017 meeting of MPC to order at 9:00a.m.

**2.0 APPROVAL OF AGENDA**

MPC17-5 Moved by Christensen to approve the agenda of the March 8, 2017 meeting of the Municipal Planning Commission agenda as amended.

Add Agenda Item #5.1 – Amendment from Parks Canada (as attached).
Add Agenda Item #4.1 – Amendment – Remove page 15 from the agenda package and replace with attached.

**CARRIED**

2.1 The Chair asked if any members of the Municipal Planning Commission would be declaring a conflict of interest in hearing today's meeting.
No conflict was declared.

## 3.0 ADOPTION OF PREVIOUS COMMISSION MINUTES

MPC17-6 Moved by McElhone to approve the minutes of the February 8, 2017 meeting of the Municipal Planning Commission as presented.

**CARRIED**

## 4.0 UNFINISHED BUSINESS

4.1 16DP68 – 132 Affordable Housing Units at 547 Deer Lane – Landscape Plan Update

MPC17-7 Moved by Church that the Municipal Planning Commission approve the revised landscape plan for the proposed 132 affordable housing units at 547 Deer Lane (16DP68).

**CARRIED**

## 5.0 REPORTS

5.1 Proposed Change of Use at 211 Banff Avenue (17DP14)

i. Staff Presentation
Administration provided a presentation and overview on the proposed development as outlined in this agenda package.

ii. Public input on 17DP14
There was no public input.

iii. Applicant input on 17D14
There was no applicant input.

MPC17-8 Moved by Church that the Municipal Planning Commission approve Development Permit application 17DP14 for a proposed Change of Use at 211 Banff Avenue subject to the conditions of approval attached as Appendix 'A'.

**CARRIED**

**Appendix A**

**(1) <u>Conditions to be met prior to issuance of the Development Permit:</u>**

(a) Provide a copy of the Development Permit Application Form signed by the owner of the site;

(b) Pay the Town of Banff the outstanding cash-in-lieu of required parking in the amount of $7,213.50 ($21,000 per stall). The total required parking resulting from the change of use is 0.3435 parking stalls.

(c) Pay the Town of Banff the outstanding cash-in-lieu of required housing in the amount of $3,706.50 ($21,000 per bedroom). The total required housing resulting from the change of use is 0.1765 bedrooms.

**(2) <u>Specific Conditions:</u>**

(a) Issuance of this Development Permit allows for the conversion of previously-approved General Retail (62.79m²), Eating and Drinking Establishment (45.38m²) and Storage (46.51m²), to, Eating and Drinking Establishment (45.38m²), Amusement Establishment (35.30m²), Retail (28.63m²), Kitchen (21.76m²) and

Storage (23.61m²). Any future change of use will require a Development Permit and shall be subject to the provisions of the *Town of Banff Land Use Bylaw*;

(b) Obtain a valid Food Establishment Permit from Alberta Health Services, prior to the operation of the Eating and Drinking Establishment. Please contact Alberta Health Services at (403)762.2990 for more information;

**(3) <u>General Conditions:</u>**

(a) Any changes to the approved plans shall be submitted for review and final approval of the Development Officer prior to implementation on-site;

(b) A Sign Permit is required for any new signs or replacement of existing signs on the building. A Sign Permit is required for decal or painted window signs with a combined area greater than 0.3m² or 10% of the window in which they are located and interior signs located closer than 0.9m to the inside face of a window;

(c) A Sidewalk Seating Permit is required for any seating located on the public sidewalk;

(d) Town of Banff requires all developers to collect all waste, separate into appropriate categories on-site and store appropriately. Dispose trade waste at the Bow Valley Waste Management Commission's Class III landfill (Francis Cook) and garbage to the Waste Transfer Station. Ensure that materials and waste being transported are covered with tarps or equivalent material. Please review the Town of Banff's *How-to guide to construction waste management*;

(e) Confine "noise" activities to hours set out in *Town of Banff Community Standards Bylaw 260*;

(f) Ensure that all garbage and food waste is stored in bear-proof bins as per *Town of Banff Waste Bylaw 18-4*;

(g) The applicant or future tenant shall obtain, and maintain, a valid Business Licence from the Town, which shall reflect the use approved by this Development Permit;

(h) Obtain all permits required in accordance with the *Province of Alberta Safety Codes Act Revised Statues of Alberta, Chapter S-1*. The Act requires that all property owners and contractors working in Alberta obtain permits prior to commencing work on buildings covered by the Alberta Building Code or prior to conducting work governed by the regulations of the *Canadian Electrical Code*, the *Alberta Gas Code* or the *Alberta Plumbing Code*.

5.2 Proposed aadditional Guestroom within Existing Bed and Breakfast Home at 116 Mountain Avenue(17DP06)

i. Staff Presentation
Administration provided a presentation and overview on the proposed development as outlined in this agenda package.

ii. Public input on 17DP06
There was no public input.

iii. Applicant input on 17D06
There was no applicant input.

Moved by Christensen that the Municipal Planning Commission approve Development Permit application 17DP06 for a proposed addition of one (1) commercial accommodation unit to an existing bed and breakfast home at 116 Mountain Avenue subject to the conditions of approval attached as Appendix 'A'.

**CARRIED**

**(1) <u>Conditions to be met prior to the issuance of the Development Permit:</u>**

(a) Pay to the Town of Banff the outstanding development permit fee of $450.00 ($350.00+$100.00 per guestroom) as established by the *Town of Banff Development Permit Fee Schedule Bylaw 308*;

(b) Pay to the Town of Banff the outstanding Municipal Planning Commission surcharge of $125.00 as established by the *Town of Banff Development Permit Fee Schedule Bylaw 308*;

**(2) <u>General Conditions:</u>**

(a) Obtain a Business License from the Town of Banff for the operation of a bed and breakfast home. The number of commercial accommodation units shall be restricted to three (3);

(b) The Development Permit is valid for a period not to exceed the term of the Business License or five (5) years from the date of issuance, whichever first occurs;

(c) Any further changes to the approved plans or building shall be submitted for review and approval of the Development Officer prior to implementation on-site;

(d) The bed and breakfast home shall be operated exclusively by the live-in owner or an on-site manager. The bed and breakfast home shall not change the principal residential character, use or external appearance of the property.

(e) Obtain all permits required in accordance with the *Province of Alberta Safety Codes Act Revised Statues of Alberta, Chapter S-1*. The Act requires that all property owners and contractors working in Alberta obtain permits prior to commencing work on buildings covered by the Alberta Building Code or prior to conducting work governed by the regulations of the *Canadian Electrical Code*, the *Alberta Fire Code*, the *Alberta Gas Code* or the *Alberta Plumbing Code*;

(f) Vehicular traffic generated by the bed and breakfast home shall not be in excess of what which is characteristic of the neighbourhood in which it is located;

(g) On-site parking shall conform to the approved site plan. No parking of guest vehicles is permitted on adjacent public roadways;

(h) Confine "noise" activities to hours set out in *Town of Banff Community Standards Bylaw 260*;

(i) Ensure that all garbage and food waste is stored in bear-proof bins as per *Town of Banff Waste Bylaw 18-4*. Construction sites must undergo thorough clean-up, including removal of general litter at project completion;

(j) All signs require a separate Development Permit in accordance with Town of Banff Land Use Bylaw 31-4;

(k) Contact Alberta Health Services (Banff Health Unit) at 403.762.2990 regarding the Province of Alberta *Guidelines for Bed and Breakfast Establishments* and to arrange an inspection of the property prior to operation;

(l) Contact Alberta Health Services (Banff Health Unit) at 403.762.2990 to obtain a food establishment/handling permit prior to operation;

(m) Non-compliance with any conditions of the Development Permit will result in revocation of the 'bed and breakfast home' permit.

**6.0 CORRESPONDENCE**

There was no correspondence.

**7.0 NEW BUSINESS**

There was no new business.

**8.0 INQUIRIES**

There were no inquiries.

**9.0 DATE OF NEXT MEETINGS/ADJOURNMENT**

The next regularly scheduled meeting of the Municipal Planning Commission is scheduled for Wednesday, April 12, 2017 at 9:00 a.m.

MPC17-9 Moved by Church to adjourn the meeting at 9:50 a.m.

**CARRIED**

| | |
|---|---|
| Ray Horyn | Kerry MacInnis |
| Chair | Administrative Assistant, Planning and Development |

Minutes approved by: _____ _____

# Town of Banff Circular Review 17DP14

Parks Canada has reviewed the specific information provided in circular 17DP14 in the context of the following documents:

- The Town of Banff Land Use Bylaws
- 2010 Banff National Park of Canada Management Plan
- The current land use agreements
- The Canada National Parks Act and Regulations

No conflict has been found with these documents.

Upon initial review, Parks Canada has determined that the proposed project is unlikely to result in adverse effects that require mitigation. In accordance with applicable environmental legislation and related policy, no Environmental Impact Analysis is required.

Further it was noted during review that the circulation cover page proposed use area break downs and the application proposed use area breaks downs do not reflect each other and need to be clarified/confirmed.

As noted by the Town of Banff, the owner's signature is required on the application form.

Please Note: Should more details become available about the project, or should the details of the project change as it proceeds through the development process, the review results above may change.

Thank you

# REQUEST FOR DECISION

**Subject: Development Permit Renewals for Bed and Breakfast Homes & Inns in 2017**

Presented to: Municipal Planning Commission Date: April 12, 2017

Submitted by: Dave Michaels, Development Planner Agenda #: 5.1

## RECOMMENDATION

That Municipal Planning Commission (MPC) renew all Development Permits for Bed and Breakfast Homes & Bed and Breakfast Inns listed in Appendix 'A' for a 1-year term through 2017, subject to the original conditions of approval.

## BACKGROUND

Reason for Report

To present for the consideration of MPC a list of previously-approved Bed and Breakfast Home & Inn permits for annual renewal. The Town of Banff approves Development Permits for Bed and Breakfast Homes & Inns for a period not to exceed 1-year, which requires renewal on an annual basis. The Development Permit renewal process coincides with the annual renewal of Business Licences. Planning and Development have received applications to renew Development Permits for 42 Bed and Breakfast Home & Inn operations in 2017.

Summary of Issue

The Town of Banff Land Use Bylaw permits certain types of commercial accommodation units in residential land use districts. Development Permits for Bed and Breakfast Homes & Inns are approved for a period of no more than 1-year and operators apply annually for renewal, in conjunction with annual Business Licence renewal. The renewal process provides the Town of Banff the opportunity to review any complaints or concerns related to the operation of Bed and Breakfast Homes & Inns as it pertains to the Land Use Bylaw and the original conditions of approval in the Development Permit.

Planning and Development did not receive any written complaints regarding the operation of any Bed and Breakfast Homes & Inns in 2016. Bylaw Services did not receive any complaints about noise or other disturbances from approved Bed and Breakfast Homes & Inns in 2016.

While not required by the Land Use Bylaw, all approved Bed and Breakfast Home & Inn Development Permits holders were asked to complete the "Bed & Breakfast Homes/Inns 2017 Development Permit & Business Licence Renewal Form" (attached as Appendix 'B'). This form was sent by regular mail in December 2016.

It is recommended that all Bed and Breakfast Home & Inn Development Permits listed in Appendix 'A' be renewed for 1- year in accordance with the original conditions of approval. An updated list of Bed and Breakfast Home & Inn Development Permit approvals, cancellations, and expiries will be sent to Business Licensing to notify whether 2016 Business Licences may be renewed.

*Expiries for 2017*
The following Bed and Breakfast Home has not, to date, applied to renew their Development Permit beyond 2016:

| DP# | LOCATION OF BUSINESS | Number of Commercial Accommodation Units | Land Use District |
|---|---|---|---|
| 14DP23 | 419 BEAVER STREET | 1 | RBA |
| TOTAL: 1 | | 1 | |

If the Development Permit for a Bed and Breakfast Home or Inn expires, a new Development Permit will be required. Additionally, if the nature of the operation of a Bed and Breakfast Home or Inn changes (eg. addition of new bedrooms), a new Development Permit is required.

*Non-renewal for 2017*
Due to non-compliance with the conditions of their Development Permit, it is recommended that the following Bed and Breakfast Home does not have their Development Permit renewed beyond 2016:

| DP# | LOCATION OF BUSINESS | Number of Commercial Accommodation Units | Land Use District |
|---|---|---|---|
| 14DP46 | 213 OTTER STREET | 2 | RNC |
| TOTAL: 1 | | 2 | |

A General Condition of Approval for Development Permit 14DP46 was to *obtain all permits required in accordance with the Province of Alberta Safety Codes Act*. A Building Permit was issued on March 14, 2016, however, specific conditions of the Building Permit have not been met. As these conditions relate to public safety, it is recommended that the Development Permit is not renewed for 2017.

*Enforcement*
Council motion COU14-249 directed administration to *proactively enforce the provisions of the Land Use Bylaw pertaining to the use and occupation of residential properties as commercial accommodation units, including vacation rentals by owner, unauthorized Bed and Breakfast operations and holiday home exchange/home swap service.*

Three of the Bed and Breakfast Homes approved since 2014 have been the direct result of enforcement action of properties advertising unapproved commercial accommodation units. Enforcement action has led to a number of unapproved commercial accommodation units being removed from advertising however enforcement is ongoing. Planning and Development anticipates an increase in the number of unapproved commercial accommodation units within residential properties in 2017 as a direct result of the expected visitation increase due to the introduction of free entry into the National Park for 2017.

It was noted that during ongoing enforcement of unapproved commercial accommodation units, a limited number of approved Bed and Breakfasts Homes and Inns could be advertising additional rooms over and above the amount of approved Commercial Accommodation Units within the property. Due to limited resources, administration are unable to proactively investigate and confirm that approved Bed and Breakfast Homes and Inns are operating within the Commercial Accommodation Unit limits of their approved Development Permit. Upon submitting the "Bed & Breakfast Homes/Inns 2017 Development Permit & Business Licence Renewal Form" (attached as Appendix 'B') the operator signs the Declaration confirming *that there has been no change to the Bed and Breakfast operation including the location, size or number of guest rooms and amenity areas.*

*Maximum number of Bed and Breakfast Homes and Inns*
Section 10.3.3 of the Land Use Bylaw requires that *the number of bed and breakfast homes permitted within each district shall not contribute to exceeding the total combined maximum number of bed and breakfast homes and bed and breakfast inns outlined in Schedule "D"*. The following table shows the maximum number of Bed and Breakfast Homes and Bed and Breakfast Inns allowable in each residential land use district under Schedule "D" of the Land Use Bylaw.

| **Land Use District** | **Maximum Number of Bed and Breakfast Homes and Inns** | **Development Permit Renewals** | **New Bed and Breakfast Homes and Inns Approved in 2017** | **Allocations Remaining for 2017** |
|---|---|---|---|---|
| RBA | 8 | 1 | | 7 |
| RCA | 3 | 1 | | 2 |
| RCM | 6 | 4 | | 2 |
| RCR | 6 | 3 | | 3 |
| RMR (North) | 0 | 0 | | 0 |
| RMR (South) | 3 | 3 | | 0 |
| RNC | 9 | 7 | | 2 |
| RRA | 2 | 2 | | 0 |
| RRF | 3 | 2 | | 1 |
| RSA | 8 | 6 | 1 | 1 |
| RSC | 7 | 7 | | 0 |
| RTM | 10 | 5 | | 5 |
| **Total:** | **65** | **41** | **1** | **23** |

*Complaints*

(a) Alberta Health Services
Under the Public Health Act, the Public Health Inspector has the authority to inspect tourist accommodation facilities if food is served to the public or if there is believed to be a health and safety risk – this may be done on a routine basis or initiated as a result of a request or complaint. Alberta Health Services has conducted health inspections at several Bed and Breakfast Homes and Inns through 2016. There are no outstanding AHS Executive Officer's Orders with respect to any of the Bed and Breakfast Homes or Inns with valid 2016 Development Permits.

(b) Banff Lake Louise Tourism Bureau
The Banff Lake Louise Tourism Bureau (BLLT) advises the Town of Banff of complaints concerning the operation of approved Bed and Breakfast Homes and Inns. Although all complaints deserve equal attention, the primary concern for BLLT focuses on potential problems related to health, safety, and compliance with approval conditions (i.e. number of guest rooms). Most complaints received have historically related to quality/appearance, privacy/noise, cleanliness, booking errors, and overcrowding. No complaints were registered against any of the Bed and Breakfast Homes & Inns with valid Development Permits in 2016. Complaints will continue to be monitored and health inspections will be requested when warranted.

Upon Development Permit renewal, an updated list of Development Permit renewals will be provided to BLLT so that necessary changes can be made to their *'Bed and Breakfast Guide'*. It is the responsibility of operators of Bed and Breakfast Homes & Inns to provide BLLT with up-to-date contact information.

(c) Town of Banff

- Fire Department – The Fire Department conducts inspections of Bed and Breakfast Homes & Inns on a bi-annual basis. Inspections were conducted in 2016 and will again be conducted in 2017. No issues were identified from the 2016 inspections. Any issues identified during fire inspections related to the operation of approved Bed and Breakfast Homes & Inns will result in the Business Licence being suspended pending a resolution to the satisfaction of the Fire Chief.
- Bylaw Services – Bylaw Services Division did not receive any written complaints or concerns regarding approved Bed and Breakfast Homes & Inns in 2016. Presently, there are no outstanding complaints or issues with any existing Bed and Breakfast Homes & Inns. Any parking and other operational complaints continue to be recorded and monitored for future reference.
- Planning and Development – Planning and Development did not receive any complaints regarding the operation of any Bed and Breakfast Homes & Inns in 2016.

Response Options

Municipal Planning Commission may approve, refuse, or postpone any of the Development Permit renewals identified in this report.

## IMPLICATIONS OF RECOMMENDATION

Financial

Renewal fees for Bed and Breakfast Homes and Inns are intended to recover the Town of Banff's processing and advertising costs. The total amount of fees collected for 2017 Bed and Breakfast Home & Inn Development Permit renewals was $3,075.$^{00}$ (41 x $75.$^{00}$).

Organizational

Approval and compliance monitoring of Bed and Breakfast Homes & Inns involves Planning and Development, Bylaw Services, and Fire Department.

Legislation/Policy

Parks Canada maintains that Bed and Breakfast Homes & Inns do not provide *'Eligible Resident'* status to their operators under the provisions of the National Parks Lease and Licence of Occupation Regulations (1991). By signing the renewal declaration, applicants acknowledge that they are aware of this fact and declare that they continue to maintain *'Eligible Resident'* status through another means. Town of Banff administration will continue to make this clear to current Development Permit holders and potential applicants and will outline that jurisdiction and enforcement responsibility rests with Parks Canada.

Political/Public

The decision of MPC respecting all Development Permit renewals for Bed and Breakfast Homes & Inns will be advertised in the local newspaper and is subject to a 14-day appeal period.

**CONCLUSION**

The Town of Banff Land Use Bylaw permits certain types of commercial accommodation units in residential land use districts in Banff. Development Permits for Bed and Breakfast Homes & Inns are approved for a period not to exceed 1-year and operators apply annually for renewal.

The renewal process allows MPC the opportunity to review any complaints relating to the operation of Bed and Breakfast Homes & Inns, as it pertains to the Land Use Bylaw and the original conditions of Development Permit approval. No written complaints were received in 2016.

To date, a total of 42 Bed and Breakfast Homes & Inns have requested Development Permit renewals for 2016. It is recommended that 41 Bed and Breakfast Homes & Inns are renewed, and 1 is not renewed. Additionally there was 1 Bed and Breakfast Home that did not respond to the renewal notification and would also not be renewed.

It is recommended that all 41 of the Development Permits Bed and Breakfast Homes & Inns listed in Appendix 'A' be renewed for a 1-year term through 2017 in accordance with the original conditions of approval.

**ATTACHMENTS**

Appendix 'A' – Recommended Development Permit Renewals for Bed and Breakfast Homes & Inns in 2017

Appendix 'B' - Bed & Breakfast Homes/Inns 2017 Development Permit & Business Licence Renewal Form

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Submitted By:

Dave Michaels, Development Planner

Reviewed By:

Robert Earl, Town Manager

# Appendix 'A'

Recommended Development Permit Renewals for Bed and Breakfast Homes & Inns in 2017

| DP# | LOCATION OF BUSINESS |
|---|---|
| 90DP108 | 2 CASCADE COURT |
| 91DP87 | 117 SPRAY AVENUE |
| 93DP06 | 132 OTTER STREET |
| 93DP17 | 118 OTTER STREET |
| 93DP26 | 328 ELK STREET |
| 93DP34 | 124 SPRAY AVENUE |
| 95DP08 | 209 OTTER STREET |
| 95DP22 | 452 MUSKRAT STREET |
| 95DP27 | 510 BUFFALO STREET |
| 96DP03 | 214 OTTER STREET |
| 96DP100 | 133 KOOTENAY AVENUE |
| 96DP115 | 202 GRIZZLY STREET |
| 97DP59 | 129 MUSKRAT STREET |
| 98DP17 | 104 MOUNTAIN LANE |
| 98DP19 | 329 BIG HORN STREET |
| 98DP42 | 530 CARIBOU STREET |
| 99DP30 | 223 OTTER STREET |
| 99DP88 | 311 MARTEN STREET |
| 00DP21 | 220 BOW AVENUE |
| 00DP74 | 213 GLEN CRESCENT |
| 03DP16 | 138 OTTER STREET |
| 03DP22 | 347 GRIZZLY STREET |
| 03DP72 | 417 MARTEN STREET |
| 04DP59 | 316 LYNX STREET |
| 05DP29 | 437 MARTEN STREET |
| 06DP15 | 121 CAVE AVENUE |
| 06DP57 | 137 MUSKRAT STREET |
| 07DP07 | 218 BEAVER STREET |
| 11DP01 | 430 BANFF AVENUE |
| 11DP32 | 222 GLEN CRESCENT |
| 11DP57 | 116 MOUNTAIN AVENUE |
| 13DP33 | 332 SQUIRREL STREET |
| 14DP51 | 108 OTTER STREET |
| 15DP17 | 128 KOOTENAY AVENUE |
| 15DP29 | 443 COUGAR STREET |
| 15DP35 | 136 BOW AVENUE |

| | |
|---|---|
| 15DP38 | 343 MUSKRAT STREET |
| 15DP51 | 119 MOUNTAIN AVENUE |
| 15DP78 | 445 COUGAR STREET |
| 16DP05 | 137 RAINBOW AVENUE |
| 16DP66 | 328 LYNX STREET |
| TOTAL: 41 | |

# Appendix 'B'

**TOWN OF BANFF – *BED & BREAKFAST HOMES/INNS***
**2017 DEVELOPMENT PERMIT & BUSINESS LICENCE RENEWAL FORM**

**Please submit completed form and payment due date of - February 15, 2017**
**NEW**Payments received after this date are subject to finance charges of 1.5% per month.**

**DEVELOPMENT PERMIT AND BUSINESS LICENCE INFORMATION:**

Development Permit #:
Business License #:
Name of Operator(s):
Name of Business:
Type of Business:
Email Address:
Telephone:
Street Address of Operation:
Number of Rooms:
Number of Pillows:

**CONDITIONS OF APPROVAL:**

(1) The applicant(s) shall abide by the regulations pertaining to the operation of Bed & Breakfast Homes/Inns as outlined in the *Town of Banff Land Use Bylaw* and any additional conditions specified in the original Development Permit.
(2) The Development Permit is valid for a period not to exceed the lesser of the term of the business license or a period of one year from the date of issuance.
(3) The applicant(s) shall obtain a valid *Town of Banff Business License*.
(4) No parking associated with the operation shall be located on public roadways.
(5) The applicant(s) shall comply with *Alberta Health Bed and Breakfast Health Standards and Guidelines*. If food is served, a health inspection is required every year by Alberta Health Services (403.762.2990).
(6) The applicant(s) shall comply with the *Alberta Fire Code*. You may be contacted by the Town of Banff Fire Department to arrange an inspection.
(7) The total number of commercial accommodation units (guestrooms) is restricted to the number of rooms, and total number of pillows is restricted to # of pillows, as indicated above.
(8) The applicant(s) shall pay to the Town of Banff the Bed & Breakfast Development Permit Renewal fee (*see attached invoice*).

Please indicate below any changes to the business operation (attach an extra page if necessary):

_____
_____
_____

**DECLARATION:**

- ❑ I declare that there has not been any change to the Bed & Breakfast operation, including the location, size or number of guest rooms and amenity areas, except as noted above.
- ❑ I agree to comply with the conditions of the approval and all provisions of the *Land Use Bylaw* pertaining to the operation of a Bed & Breakfast Home/Inn.
- ❑ B&B Homes – I am aware that operation of this Bed & Breakfast Home does not provide "eligible resident" status under *National Parks Lease and Licence of Occupation Regulations* and, by signing below, I declare that I continue to maintain "eligible resident" status under *National Parks Lease and Licence of Occupation Regulations* separate from the operation of this Bed & Breakfast Home.
- ❑ B&B Inns – I am aware that the operator (manager) of this Bed & Breakfast Inn, conducting the day-to-day business of this Bed & Breakfast Inn, is an "eligible resident" under the

*National Parks Lease and Licence of Occupation Regulations* and, I am aware that an owner not involved in the operation of the Bed & Breakfast Inn on a day-to-day basis may need to maintain "eligible resident" status separate from the operation of this Bed & Breakfast Inn.

- ❑ I declare that all statements made on this renewal application are true and all statements made in support of the original application remain true.
- ❑ I understand that any unreported changes will render the Bed & Breakfast Home/Inn Development Permit and Business License 'void'.

| Name of Operator (Print) | Signature of Operator | Date |
|---|---|---|

**PAYMENT AND FEE REDUCTION OPTIONS:**

Please submit full payment along with your forms: Mail (Banff Town Hall, PO Box 1260, Banff, AB T1L 1A1) or in person (Banff Town Hall, 110 Bear Street, Banff AB).

Payment Plan (BLIPP) – Business Licenses may be paid with an authorized installment payment plan (excluding Hotels or Bed & Breakfast Homes and Inns with more than 4 rooms). Three installments are due: March 31, June 30, and September 30. To be eligible for the payment plan, license accounts must be in good standing. Please apply prior to the payment due date for the payment plan by completing a *Business License Installment Payment Plan (BLIPP) Form* and providing a 'void' cheque. Forms are available at Banff Town Hall or on Banff.ca

Gross Revenue Discount (GRD) – Banff Resident Businesses with annual gross sales of less than $30,000.00 may qualify for a Gross Revenue Discount (GRD). This threshold applies to all annual sales activity of the business. In order to apply, please complete a *Statutory Declaration Form* in the presence of a Commissioner of Oaths. Town of Banff Bylaw Services provides Commissioner of Oath services for statutory declarations. The approval of a Gross Revenue Discount (GRD) will result in a business license fee of $169.00. If you are applying for the GRD discount, you must do so on or before the payment due date.

**CANCELLATIONS:**

If you wish to cancel your Bed & Breakfast Home/Inn Development Permit and Business License, please complete the following and return to the Town of Banff: Mail (Banff Town Hall, 110 Bear Street, Box 1260, Banff AB T1L 1A1), Fax (403.762.1260) or Email (kerry.macinnis@banff.ca).

- ❑ **CANCELLATION:**
  I hereby wish to cancel the Bed & Breakfast Home/Inn Development Permit and the Town of Banff Business License.

| Name of Business (Print) | Signature of Operator |
|---|---|

To review the Town of Banff Business License Bylaw, visit www.banff.ca. For any other inquiries, please contact Kerry MacInnis directly via email at kerry.macinnis@banff.ca

**This personal information is being collected under the authority of the Municipal Government Act for the purpose of applying for a Home Occupation Development Permit Renewal. By completing and submitting this application form, the applicant consents to the inclusion of this application in the public agenda package for the Town of Banff Municipal Planning Commission. It is protected under the privacy provisions of the Freedom of Information and Protection of Privacy Act. If you have any questions about the collection of this information, contact Town of Banff, Planning and Development at 403.762.1215, P.O. Box 1260, BANFF AB T1L 1A1.**

# REQUEST FOR DECISION

**Subject: Development Permit Renewals for Home Occupations (Type 1 and Type 2) in 2017**

Presented to: Municipal Planning Commission Date: April 12, 2017

Submitted by: Dave Michaels, Development Planner Agenda #: 5.2

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**RECOMMENDATION**

That Municipal Planning Commission (MPC) renew all Development Permits for Home Occupations (Type 1 and 2) listed in Appendix 'A' for a 1-year term through 2017, subject to the original conditions of approval.

**BACKGROUND**

Reason for Report

To present for the consideration of MPC a list of previously-approved Home Occupations (Type 1 and Type 2) for annual Development Permit renewal. The Town of Banff Land Use Bylaw specifies that Development Permits for Home Occupations may be issued for a period not to exceed 1-year and shall be renewed on an annual basis. The Development Permit renewal process coincides with the annual renewal of Business Licences. Planning and Development have received applications to renew Development Permits for 54 Home Occupations (Type 1 and Type 2) in 2016 – see attached in Appendix 'A'

Summary of Issue

The Town of Banff Land Use Bylaw permits certain types of small-scale home-based businesses in residential land use districts. Development Permits for Home Occupations (Type 1 and Type 2) are approved for a period of no more than 1-year and operators apply annually for renewal, in conjunction with annual Business Licence renewal. The renewal process provides the Town of Banff the opportunity to review any complaints or concerns related to the operation of Home Occupations as it pertains to the Land Use Bylaw and the original conditions of approval in the Development Permit.

Planning and Development did not receive any written complaints regarding the operation of any Home Occupations (Type 1 and Type 2) in 2016. Bylaw Services did not receive any complaints about noise or other disturbances from approved Home Occupations in 2016.

The "Home Occupations 2017 Development Permit & Business Licence Renewal Form" (attached as Appendix 'B') was sent by regular mail, in December 2016, to all approved Home Occupation (Type 1 and Type 2) Development Permit holders.

It is recommended that all Home Occupation (Type 1 and Type 2) Development Permits listed in Appendix 'A' be renewed for a 1-year term through 2016 in accordance with their original conditions of approval.

*Cancellations and expiries for 2017*
The following Home Occupations (Type 1 and Type 2) have cancelled their Development Permits and Business Licences for 2017:

| DP # | LOCATION OF BUSINESS | TYPE OF BUSINESS |
|---|---|---|
| 04DP19 | 223 KLUANE DRIVE | WEDDING PLANNER |
| 09DP61 | 127B PARK AVENUE | SECURITY SYSTEM SERVICE |
| 12DP06 | 109 NAHANNI DRIVE | PHOTOGRAPHY SERVICE |
| 14DP26 | 214 MUSKRAT STREET | HIKING GUIDE |
| 15DP28 | UNIT 65, WHISKEY JACK CRESCENT | CLEANING SERVICE |
| 16DP19 | 416 MARTEN STREET | HANDMADE KNITS |
| 16DP88 | 412 SQUIRREL STREET | CONTRACTOR - CLEANING |
| TOTAL: 7 | | |

The reasons for cancelling the Development Permits for Home Occupations include:

- the operator relocating to commercial space
- the operator closing the business
- the property owner no longer allows Home Occupations within their property

The following Home Occupations (Type 1 and Type 2) have not, to date, applied to renew their Development Permits or Business Licences beyond 2016:

| DP # | LOCATION OF BUSINESS | TYPE OF BUSINESS |
|---|---|---|
| 98DP95 | 110 MUSKRAT STREET | ENVIRONMENTAL AND SKI AREA CONSULTANT |
| 06DP10 | 127A MUSKRAT STREET | PHOTOGRAPHY AND VIDEO PRODUCTION SERVICE |
| 13DP25 | 448 MUSKRAT STREET | MOBILE SPRAY TANNING SERVICE |
| 15DP01 | 330 SQUIRREL STREET | LIFE COACH |
| 15DP02 | 448 COUGAR STREET | SERVICE PROVIDER |
| 15DP24 | 317 MARTEN STREET | CLEANING, PAINTING COMPANY |
| 16DP14 | 110 BEAVER STREET | CLEANING SERVICE |
| 16DP32 | 414 MUSKRAT STREET | HOME OFFICE - MOBILE SPA SERVICE |
| 16DP40 | 514 BANFF AVENUE | CLEANING SERVICE |
| TOTAL: 9 | | |

In situations where the Home Occupation has not been renewed, but the establishment is intended to continue operation, a new Development Permit and a Business Licence for the Home Occupation is required. Additionally, if the nature of the operation of a Home Occupation changes (eg. enlargement of office/storage; addition of employees; etc.), a new Development Permit will be required.

Response Options
The MPC may approve, refuse, or postpone any of the development permit renewals outlined in this report.

## IMPLICATIONS OF RECOMMENDATION

Financial

Renewal fees for Home Occupations (Type 1 and Type 2) and are intended to recover the Town's processing and advertising costs. To date the total amount of fees collected for 2016 Home Occupation Development Permit renewals was $4,050.$^{00}$ (54 x $75.$^{00}$).

Organizational

Approval and compliance monitoring of Home Occupations (Type 1 and Type 2) involves Planning and Development, Bylaw Services, and Fire Department.

Legislation/Policy

Parks Canada maintains that Home Occupations do not provide *'Eligible Resident'* status under the National Parks Lease and Licence of Occupation Regulation (1991). By signing and submitting the renewal declaration, applicants acknowledge that they are aware of this fact and declare that they continue to maintain *'Eligible Resident'* status through another means. Town of Banff administration will continue to make this clear to current Development Permit holders and potential applicants and will outline that jurisdiction and enforcement responsibility rests with Parks Canada.

Political/Public

The decision of MPC respecting all Home Occupation (Type 1 and Type 2) Development Permit renewals will be advertised in the local newspaper and is subject to a 14-day appeal period.

## CONCLUSION

The Town of Banff Land Use Bylaw permits certain types of small-scale home-based business in residential land use districts in Banff. Development Permits for Home Occupations (Type 1 and Type 2) are approved for a period not to exceed 1-year and operators apply annually for renewal.

The renewal process allows MPC the opportunity to review any complaints or concerns relating to the operation of Home Occupations, as it pertains to the Land Use Bylaw and the original conditions of Development Permit approval. No written complaints were received in 2016.

To date, a total of 54 Home Occupations (Type 1 and Type 2) have requested Development Permit renewal for 2017. A total of 7 Home Occupations have elected to cancel their Development Permits. There were 9 Home Occupations that did not responded to the renewal notification.

It is recommended that all Home Occupation (Type 1 and Type 2) Development Permits listed in Appendix 'A' be renewed for a 1-year term through 2017 in accordance with the original conditions of approval.

## ATTACHMENTS

Appendix 'A' – Recommended Development Permit Renewals for Home Occupations (Type 1 and Type 2) 2017

Appendix 'B' - Home Occupations 2017 Development Permit & Business Licence Renewal Form

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Submitted By:

Dave Michaels, Development Planner

Reviewed By:

Robert Earl, Town Manager

# Appendix 'A'

Recommended Development Permit Renewals for Home Occupations (Type 1 and Type 2) in 2017:

| DP # | LOCATION OF BUSINESS | TYPE OF BUSINESS |
|---|---|---|
| 90DP75 | 120 GRIZZLY STREET | MANAGEMENT CONSULTANT |
| 91DP107 | 201 JASPER WAY | CONTRACT WRITING SERVICE |
| 93DP65 | 433B MUSKRAT STREET | MARKETING CONSULTANT |
| 94DP15 | 131A PARK AVENUE | MUSIC ENTERTAINMENT SERVICE |
| 94DP98 | 119 OTTER STREET | WHOLESALE JEWELLERY SALES |
| 95DP55 | 128 GRIZZLY STREET | VACUUM SALES REPRESENTATIVE |
| 97DP83 | 201 PORCUPINE PLACE | LEADERSHIP AND COACHING CONSULTANT |
| 98DP73 | 202 GLEN CRESCENT | BOOKEEPING AND ACCOUNTING SERVICE |
| 99DP51 | 106 NAHANNI DRIVE | TRAVEL CONSULTANCY |
| 00DP17 | 27 FAIRHOLME PLACE | INTERIOR DESIGN CONSULTANT |
| 00DP58 | 5 CASCADE COURT | INTERIOR DESIGN CONSULTANT |
| 04DP02 | 106 LOUGHEED CIRCLE | LEADERSHIP DEVELOPMENT CONSULTANT |
| 04DP68 | 201 SPRINGS CRESCENT | LEADERSHIP DEVELOPMENT CONSULTANT |
| 05DP06 | 348 SQUIRREL STREET | COMPUTER NETWORK CONSULTANT |
| 05DP50 | 207 JASPER WAY | BOOKKEEPING SERVICE |
| 05DP57 | 436 MUSKRAT STREET | DESIGN CONSULTANT |
| 05DP58 | 536 DEER STREET | PUBLISHING SERVICE |
| 06DP02 | 529 DEER STREET | BOOKKEEPING AND ACCOUNTING SERVICE |
| 06DP05 | 327 MARTEN STREET | GOLF RESERVATION SERVICE |
| 06DP37 | 267 JASPER WAY | TELEVISION AND FILM PRODUCTION SERVICE |
| 06DP71 | 514 BUFFALO STREET | VIOLIN WORKSHOP |
| 07DP02 | 12 FAIRHOLME PLACE | PROJECT MANAGEMENT SERVICES |
| 07DP37 | 137 PARK AVENUE | PHOTOGRAPHY SERVICE |
| 07DP53 | 329 MIDDLE SPRINGS DRIVE | INTERPRETIVE GUIDING SERVICE |
| 08DP13 | 201 - 136 BEAVER STREET | MOBILE SPA AND WELLNESS SERVICE |
| 08DP40 | 437A MUSKRAT STREET | SAFETY TRAINING AND INSTRUCTION SERVICE |
| 09DP38 | 319 MIDDLE SPRINGS DRIVE | IN HOUSE CHEF SERVICE |
| 10DP18 | 337 OTTER STREET | GENERAL CONTRACTOR CONSULTANT |
| 11DP13 | 305 MIDDLE SPRINGS DRIVE | WINDOW CLEANING SERVICE |
| 11DP22 | 211 SPRING CRESCENT | PHOTOGRAPY SERVICE |
| 11DP24 | 418 COUGAR STREET | GENERAL CONTRACTOR CONSULTANT |
| 11DP39 | 121 NAHANNI DRIVE | MANAGEMENT CONSULTING SERVICE |
| 12DP07 | 131 RAINBOW AVENUE | TOUR SERVICE COMPANY |
| 12DP16 | 218 JASPER WAY | GENERAL CONTRACTOR CONSULTANT |
| 12DP21 | 5 RABBIT STREET | WILDERNESS CONSERVATION CONSULTANT |
| 12DP23 | 3F OTTER LANE | MUSIC TEACHER |
| 12DP24 | 6 - 435 MARTEN STREET | HIKING AND GUIDING SERVICE |
| 12DP34 | 257 JASPER WAY | INTERIOR DESIGN CONSULTANT |
| 13DP07 | 339 MUSKRAT STREET | FLY-FISHING GUIDE SERVICE |

| | | |
|---|---|---|
| 13DP45 | 219 OTTER STREET | CONTRACTOR - HOME CLEANING SERVICE |
| 14DP03 | 131B PARK AVENUE | PERSONAL TRAINER |
| 14DP09 | 445 COUGAR STREET | CONTRACTOR |
| 14DP12 | 444 COUGAR STREET | PHOTOGRAPHER |
| 14DP13 | 328 MIDDLESPRINGS DRIVE | CONTRACTOR- MAINTENANCE |
| 14DP15 | 204 - 119 MUSKRAT STREET | FREELANCE – GUIDE |
| 14DP43 | 426 MUSKRAT STREET | CLEANING SERVICES |
| 15DP10 | 15 - 436 BANFF AVENUE | TRAVEL ORGANIZER |
| 15DP31 | 413B OTTER STREET | PRIVATE CHEF SERVICE |
| 15DP39 | 423 COUGAR STREET | OCCUPATIONAL THERAPY CONSULTANT |
| 15DP63 | #105, 440 COUGAR STREET | CHILDCARE FOR GUESTS OF AREA HOTELS |
| 16DP08 | 349 MUSKRAT STREET | OUTDOOR EQUIPMENT SEWING SERVICE |
| 16DP29 | 204 JASPER WAY | EVENT PLANNER |
| 16DP33 | 325 BUFFALO STREET | PRIVATE CHEF SERVICE |
| 16DP57 | 136 BEAVER STREET | SITTER SERVICE FOR TOURISTS |
| TOTAL: 54 | | |

# Appendix 'B'

**TOWN OF BANFF – *HOME OCCUPATIONS***
**2017 DEVELOPMENT PERMIT & BUSINESS LICENCE RENEWAL FORM**

**Please submit completed form and payment due date of - February 15, 2017**
**NEW**Payments received after this date are subject to finance charges of 1.5% per month.**

**DEVELOPMENT PERMIT AND BUSINESS LICENCE INFORMATION:**

Development Permit #:
Business License #:
Name of Operator(s):
Name of Business:
Type of Business:
Email Address:
Telephone:
Street Address of Operation:

**CONDITIONS OF APPROVAL:**

(1) The applicant(s) shall abide by the regulations pertaining to the operation of a Home Occupation outlined in the *Town of Banff Land Use Bylaw* and any additional conditions specified in the original Development Permit.
(2) The Development Permit is valid for a period not to exceed the lesser of the term of the Business License or a period of one year from the date of issuance.
(3) The applicant(s) shall obtain a Town of Banff Business License.
(4) The applicant(s) shall pay to the Town of Banff the annual Home Occupation Development Permit Renewal fee (*see the attached invoice*).

Please let us know of any changes or updates (attach an extra page if necessary):

_____
_____
_____

**DECLARATION:**

- ❑ I declare that there has not been any change to the Home Occupation, including the location, scale or type of business, except as noted above.
- ❑ I agree to comply with the conditions of the approval and all provisions of the *Town of Banff Land Use Bylaw* pertaining to the operation of a Home Occupation.
- ❑ I am aware that operation of this Home Occupation does not provide "eligible resident" status under *National Parks Lease and Licence of Occupation Regulations* and, by signing below, I declare that I continue to maintain "eligible resident" status under *National Parks Lease and Licence of Occupation Regulations* separate from the operation of this Home Occupation.
- ❑ I declare that all statements made on this renewal application are true and all statements made in support of the original application remain true.
- ❑ I agree to provide the Town of Banff with written notice of any future changes to the business.
- ❑ I understand that any unreported changes will render the Home Occupation Development Permit and Business License 'void'.

| _____ | _____ | _____ |
|---|---|---|
| Name of Operator (Print) | Signature of Operator | Date |

## PAYMENT AND FEE REDUCTION OPTIONS:

Please submit full payment along with your forms: Mail (Banff Town Hall, PO Box 1260, Banff, AB T1L 1A1) or in person (Banff Town Hall at 110 Bear Street).

Payment Plan (BLIPP) – Business Licenses may be paid with an authorized installment payment plan (excluding Hotels or Bed and Breakfast Homes and Inns with more than 4 rooms). Three installments are due: March 31, June 30, and September 30. To be eligible for the payment plan, license accounts must be in good standing. Please apply prior to the payment due date for the payment plan by completing a *Business License Installment Payment Plan (BLIPP) Form* and providing a 'void' cheque. Forms are available at Banff Town Hall or at Banff.ca

Gross Revenue Discount (GRD) – Banff Resident Businesses with annual gross sales of less than $30,000.00 may qualify for a Gross Revenue Discount (GRD). This threshold applies to all annual sales activity of the business. In order to apply, please complete a *Statutory Declaration Form* in the presence of a Commissioner of Oaths. Town of Banff Bylaw Services provides Commissioner of Oath services for statutory declarations. The approval of a Gross Revenue Discount (GRD) will result in a business license fee of $169.00. If you are applying for the GRD discount, you must do so on or before the payment due date.

## CANCELLATIONS:

If you wish to cancel your Home Occupation Development Permit and the Town of Banff Business License, please complete the following and return to the Town of Banff: Mail (Banff Town Hall, 110 Bear Street, Box 1260, Banff AB T1L 1A1), Fax (403.762.1260) or Email (kerry.macinnis@banff.ca).

- **CANCELLATION:**
  I hereby wish to cancel the Home Occupation Development Permit and the Town of Banff Business License.

_____ _____

Name of Business (Print) Signature of Operator

To review the Town of Banff Business License Bylaw, visit www.banff.ca. For any other inquiries, please contact Kerry MacInnis directly via email at kerry.macinnis@banff.ca

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