

## **REQUEST FOR DECISION**

**Subject: 2008 Development Permit Renewals for Home Occupations (Type I and II)**



Presented to: Municipal Planning Commission      Date: January 16, 2008

Submitted by: Megan Squires, Planner      Agenda #: 5.1

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### **RECOMMENDATION**

That the Municipal Planning Commission (MPC) renew the development permits for home occupations (Type I and II) listed in Appendices 'A' and 'B' for a one year term, subject to compliance with Land Use Bylaw 31-3 and the original conditions of approval.

### **BACKGROUND**

#### Reason for Report

To present for the consideration of the MPC a list of previously approved home occupations (Type I and Type II) for annual development permit renewal.

#### Summary of Issue

Certain types of small-scale home-based businesses are permitted in Banff. Development permits for home occupations are approved for a period of one year and operators apply for renewal on an annual basis.

Home occupations are discretionary in most land use districts in Banff. In accordance with Land Use Bylaw 31-3, the MPC may approve or refuse, at its discretion, an application for a development permit for a discretionary use. However, in accordance with Section 3.1.2 of the Land Use Bylaw "*a development officer may decide upon an application for a home occupation type 1 provided it conforms in every respect to the provisions of the Act, the Banff National Park Management Plan, all applicable statutory plans and this Bylaw...*"

The renewal process ensures that Planning and Development and the MPC have an opportunity to review any complaints received concerning home occupations in Banff. It also enables both parties to ensure that home occupations are in compliance with the land use bylaw and the original approval conditions of their development permits.

At its regular meeting in December the MPC reviewed and approved for renewal a list of 56 home occupations. The MPC postponed decision on six existing home occupations pending further information from Administration on the individual operations and their sites. The development permit and written descriptions for each of the home occupations is provided in Appendix 'B'.

At the time of the December MPC meeting, a number of operators had not responded to renewal notifications. These operators were sent a second renewal letter and were contacted by phone. Since December, renewal forms and fees have been received for eight home occupations. Ten home occupations have been cancelled as a result of the operator either: a) contacting the Town directly to

cancel their development permit and/or business licence; or b) failing to respond to the Town's repeated notification attempts.

#### Renewals for 2008

It is recommended that all type I and type II home occupations listed in Appendices 'A' and 'B' be renewed for one (1) year in accordance with their original conditions of approval. The home occupation development permits listed in Appendix 'C' will not be renewed for 2008.

Eighty-four operators (80 - type I and 4 - type II) were notified of the 2008 renewal process by regular mail and by phone. A total of 62 home occupations were reviewed by the MPC at its December 2007 meeting. At that meeting, the MPC approved renewal of 56 development permits for home occupations. The remaining six home occupations are the subject of further review by the MPC. Since December, an additional eight home occupations have applied for renewal of their development permits for 2008. Ten development permits for home occupations have been cancelled. The total number of cancelled development permits for 2007 is 14.

#### Response Options

The MPC may approve, or postpone any of the Type 1 development permit renewals outlined in this report. In accordance with Section 3.12.0, the MPC may approve, postpone, or revoke any development permit for a Type 2 home occupation.

### **IMPLICATIONS OF RECOMMENDATION**

#### Financial

Renewal fees are \$62.50 for home occupations (type I and type II) and are intended to recover the Town's processing and advertising costs. The total amount of fees collected for the 2008 home occupation development permit renewals is \$4375.00 (70 x \$62.50).

#### Organizational

Planning and Development did not receive any written complaints regarding the operation of any Type I or Type II Home occupations in 2007.

#### 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 form, the applicants acknowledge that they are aware of this and declare that they continue to maintain "eligible resident" status. Administration will continue to make clear that this is the jurisdiction and enforcement responsibility of Parks Canada.

#### Other

All renewals will be advertised in the local newspaper and subject to a fourteen (14) day appeal period.

### **CONCLUSION**

Certain types of small-scale home-based businesses are permitted in Banff. Home occupation development permits are approved for a period of one year and operators apply for renewal on an annual basis.

Eighty-four operators (80 - type I and 4 - type II) were notified of the 2008 renewal process. A total

of 62 home occupations were reviewed by the MPC at its December 2007 meeting. At that meeting, the MPC approved renewal of 56 development permits for home occupations. The remaining 6 home occupations are the subject of further review by the MPC. Since December Planning and Development has received an additional 8 development permit renewal forms. Ten development permits for home occupations have been cancelled since the December meeting, bringing the total number of cancelled permits to 14.

**ATTACHMENTS**

- Appendix A – 2008 Home occupations Type I and II Renewals
  - Appendix B – Development Permit Information for Home Occupations Under Review
  - Appendix C – 2008 Home occupations Type I and II Cancellations
  - Appendix D – Land Use Bylaw Sections 3.0 and 4.13.0
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Submitted By:

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Megan Squires, Planner

Reviewed By:

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Robert Earl, Town Manager

## APPENDIX 'A'

Home occupations recommended for 2008 Development permit renewal:

<b>Development Permit No.</b>	<b>Civic Address</b>	<b>Type of Business</b>	<b>Home Occupation Type (I or II)</b>
94DP98	119 Otter Street	Office Space and Storage for a Jewellery Wholesale and Distribution Business	I
99DP33	115 Middle Springs Drive	Office Space for a Fitness Consulting Business	I
00DP16	#46 Whiskey Creek	Photographer	I
02DP92	334 Middle Springs Drive	Office Space for an Environmental Consultant	I
03DP76	5 Fairholme Place	Wholesale Jewellery Distributor	I
04DP49	513 A Deer Street	Office Space for a Photographer	I
05DP57	436 Muskrat Street	Office Space for a Design Company	I
06DP09	412 Squirrel Street	Office Space for a Photographer	I

**PRESENTED TO: MPC**  
**DATE: January 16, 2008**  
**AGENDA #: 5.1**

**APPENDIX 'B'**

Home occupations that the MPC requested additional information for prior to development permit renewal:

<b>Development Permit No.</b>	<b>Civic Address</b>	<b>Type of Business</b>	<b>Home Occupation Type (I or II)</b>
00DP17	27 Fairholme Place	Office Space for an Interior Design Consultant	I
02DP77	107A Middle Springs Drive	Office and Storage for a Distributor of Refreshments to Local Businesses	I
07DP02	12 Fairholme Place	Office Space for a Project Management Service	I
07DP39	#317 444 Banff Avenue	Office Space for a Tile-Setting Business	I
07DP41	228 Muskrat Street	Office Space and Storage for a Lawn Care & Snow Removal Business	I
06DP14	409 Otter Street	Office Space and Storage for a Graphic Design Company	II

**APPENDIX 'C'**

The following Home occupations Development permits will be cancelled:

<b>Development Permit No.</b>	<b>Civic Address</b>	<b>Type of Business</b>	<b>Home Occupation Type (I or II)</b>
96DP07	124 Muskrat Street	Marketing & Business Consultant	I
99DP83	21 Fairholme Place	Sail Communications	I
03DP50	327 Middle Springs Drive	Architectural Design Services	I
03DP51	#8 Riverview Court	Photography	I
05DP09	435 Deer Street	Dog Walking/Pet Sitting	I
05DP12	326 Squirrel Street	Environmental Consultant	I
06DP07	#5-502 Banff Avenue	Photography Business	I
06DP46	311 Middle Springs Drive	Entertainment Business	I
06DP70	113 Glacier Drive	Accounting/Bookkeeping and Web Design Service	I
07DP10	344 B Otter Street	Foreign Worker Orientation Service	I