

MINUTES OF THE REGULAR MEETING OF COUNCIL
of the Town of Banff in the Province of Alberta
Town Hall Council Chamber
Monday, December 14, 2009 at 2:00 pm

COUNCIL MEMBERS PRESENT

John Stutz	Mayor
Chris MacDonald	Councillor
Karen Sorensen	Councillor
Stavros Karlos	Councillor
Leslie Taylor	Councillor and Deputy Mayor
John Gibson	Councillor and Acting Mayor

COUNCIL MEMBERS ABSENT

Chip Olver	Councillor
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ADMINISTRATION PRESENT

Robert Earl	Town Manager
Darren Enns	Senior Planner
Randall McKay	Manager of Planning & Development
Mary Brewster	Manager of Community Services
Cheryl Hyde	Municipal Clerk (Recording Secretary)

1.0 CALL TO ORDER

The Mayor called the December 14, 2009 regular meeting of Council to order at 2:00 p.m.

2.0 APPROVAL OF AGENDA

2.1. Meeting Agenda

COU09-285 Moved by Councillor Taylor to approve the agenda of the December 14, 2009 regular meeting of Council as presented.

CARRIED

2.2. Council Priorities Update and Long-Term Agenda

Accepted as information.

3.0 DELEGATIONS

3.1. Nick Jensen – Request to Donate to the Bow Valley SPCA

Mr. Jensen was unable to attend the meeting, but submitted a written request that Council consider donating a percentage of animal license revenue to the Bow Valley SPCA. Council received the request as information.

3.2. Stan Orlesky and Gord Hofer, Fortis Alberta

Mr. Orlesky provided Council with the following update regarding Fortis Alberta activities in Banff:

- Upgrade projects are currently underway on Otter, Buffalo and Muskrat Streets. These projects are scheduled to be complete in mid-February 2010.

- Installation of automated meter infrastructure is 23% complete. This will enable Fortis to read meters remotely. Council will be receiving a request from Fortis to install seven repeaters on top of existing power poles or street lights.

Mr. Hofer provided information regarding the options for moving the existing power pole and lines at 226 St. Julien Road, should that parcel be rezoned to allow for residential housing.

Administration reported that Fortis and the Town have been working together to develop a map showing ownership of all overhead lights in Banff. The map will be available on the Town of Banff website within the next two months.

4.0 ADOPTION OF PREVIOUS COUNCIL MINUTES

4.1. Minutes of the November 23, 2009 Regular Meeting of Council

COU09-286 Moved by Councillor Karlos to approve the minutes of the November 23, 2009 regular meeting of council as presented.

CARRIED

4.2. Minutes of the December 2, 2009 Special Budget Meeting of Council

COU09-287 Moved by Councillor MacDonald to approve the minutes of the December 2, 2009 special budget meeting of council with the following amendment:

- Motion COU09-278 was amended as follows: to amend motion COU09-277 by eliminating the Engineering Summer Student component related to ~~traffic~~ parking surveying on the weekends.

CARRIED

5.0 UNFINISHED BUSINESS

No unfinished business was considered.

6.0 COMMITTEE REPORTS

6.1. Minutes of the October 22, 2009 Meeting of Bow Valley Regional Housing

Accepted as information.

6.2. Federation of Canadian Municipalities Updates:

- Notice of Appointment
- Members' Advisory: Climate Change
- Announcement: Canada's Mayors call for a National Plan on Affordable Housing and Homelessness
- Members' Advisory: NIMBYism on Housing Developments
- Summary of the November 18 – 21 Meeting of the National Board of Directors and Standing Committee Meetings

The Mayor noted that item 6.2 was submitted by Councillor Olver, who was not present at today's meeting to speak to the submissions. Council unanimously agreed to allow Councillor Olver to walk any of these items onto the next council agenda should she wish to provide further information.

7.0 INQUIRIES

Dan Markham, who submitted a letter included on today’s agenda under item 8.2 – 2nd Reading of Land Use Bylaw 31-4, inquired if Council would be discussing the potential rezoning at 226 St. Julien Road at today’s meeting. Council was not able to confirm whether or not this particular item would be discussed today.

The Mayor noted that administration made a procedural error by including Mr. Marham’s letter on the agenda. According to Procedural Bylaw 44-5, once a public hearing has been adjourned, no further public submissions may be considered by Council. The letter will be removed from the agenda package for this meeting.

8.0 STAFF REPORTS/BYLAWS

8.1. Business License Bylaw Amending Bylaw 300 – 2010 Fees

COU09-288 Moved by Councillor Sorensen to give first reading to Business License Bylaw Amending Bylaw 300.

CARRIED

COU09-289 Moved by Councillor MacDonald to give second reading to Business License Bylaw Amending Bylaw 300.

CARRIED

COU09-290 Moved by Councillor Karlos to go to third reading of Business License Bylaw Amending Bylaw 300.

CARRIED

COU09-291 Moved by Councillor Sorensen to give third reading to Business License Bylaw Amending Bylaw 300.

CARRIED

8.2. Request for Decision: 2nd Reading of Land Use Bylaw 31-4

Motion COU09-224 was postponed at the November 23, 2009 regular meeting: “to give second reading to Land Use Bylaw 31-4.” The Mayor re-opened debate on second reading.

Motion COU09-231, postponed at the November 23, 2009 regular meeting, was tabled: to approve the proposal in Land Use Bylaw 31-4 for side yard setbacks as follows:

Land Use District	Current Side Yard Setback	Proposed Side Yard Setback
RBA	2 m. (7 ft.)	1.2 m. (4 ft.)
RBS	4.5 m. (15 ft.)	3 m. (10 ft.)
RCA	2.4 m. (8 ft.)	1.2 m. (4 ft.)
RCM	1.8 m. (6 ft.)	1.2 m. (4 ft.)
RCN	-	-
RCR	2 m. (7 ft.)	1.2 m. (4 ft.)
RGA (Spray)	2 m. (7 ft.)	1.2 m. (4 ft.)
RGA (Glen)	2 m. (7 ft.)	1.2 m. (4 ft.)
RMR	1.8 m. (6 ft.)	1.2 m. (4 ft.)
RNC	1.8 m. (6 ft.)	1.2 m. (4 ft.)
RR	-	-
RRA	2 m. (7 ft.)	1.2 m. (4 ft.)
RRF	2 m. (7 ft.)	1.2 m. (4 ft.)

Land Use District	Current Side Yard Setback	Proposed Side Yard Setback
RSA	2 m. (7 ft.)	1.2 m. (4 ft.)
RSC	2 m. (7 ft.)	1.2 m. (4 ft.)
RTM	1.8 m. (6 ft.)	1.2 m. (4 ft.)
RTR	1.8 m. (6 ft.)	1.2 m. (4 ft.)
RVV	2 m. (7 ft.)	1.2 m. (4 ft.)
RWB	3 m. (10 ft.)	3 m. (10 ft.)

DEFEATED
Gibson and Stutz in favour

COU09-292 Moved by Councillor Sorensen to approve the proposal in Bylaw 31-4 to increase the maximum allowable Floor Area Ratio (FAR) by a factor of 30% in each land use district.

COU09-293 Moved by Councillor Karlos to amend motion COU09-292 by excluding duplex development from an increase in the maximum allowable Floor Area Ratio.

DEFEATED
Taylor and Karlos in favour

COU09-294 Moved by Councillor Gibson to amend motion COU09-292 by increasing the maximum allowable Floor Area Ratio for duplexes by a factor of 20% in each land use district.

DEFEATED
Gibson and Karlos in favour

COU09-295 Moved by Councillor Karlos to amend motion COU09292 as follows: to approve the proposal in Bylaw 31-4 to increase the maximum allowable Floor Area Ratio (FAR) by a factor of ~~30%~~ 20% in each land use district.

CARRIED
Stutz and Sorensen opposed

The vote followed on motion COU09-292 as amended: to approve the proposal in Bylaw 31-4 to increase the maximum allowable Floor Area Ratio (FAR) by a factor of 20% in each land use district.

CARRIED
Taylor opposed

COU09-296 Moved by Councillor Karlos to approve the proposal in Bylaw 31-4 to amend permitted and discretionary uses as follows:

Land Use District	Current Permitted Uses (& Discretionary Uses)	Proposed Permitted Uses (& Discretionary Uses)
RBA	Apartment, Fourplex (Row Housing, Stacked Row Housing, Duplex, Single Detached)	Apartment, Fourplex (Row Housing, Stacked Row Housing, Duplex, Single Detached)
RBS	Apartment, Stacked Row Housing, Row Housing (n/a)	Apartment, Stacked Row Housing, Row Housing (n/a)
RCA	Duplex (Fourplex, Row Housing, Stacked	Duplex, Triplex, Fourplex (Row Housing,

Land Use District	Current Permitted Uses (& Discretionary Uses)	Proposed Permitted Uses (& Discretionary Uses)
	Row Housing, Single Detached)	Stacked Row Housing, Single Detached)
RCM	Apartment, Stacked Row Housing, Fourplex (Row Housing, Duplex, Single Detached)	Apartment, Stacked Row Housing, Fourplex (Row Housing, Triplex , Duplex, Single Detached)
RCN	Row (Apartment, Stacked Row)	Row (Apartment, Stacked Row)
RCR	Apartment, Row Housing, Stacked Row Housing, Fourplex (Duplex, Single Detached)	Apartment, Row Housing, Stacked Row Housing, Fourplex (Triplex , Duplex, Single Detached)
RGA (Spray)	Row Housing, Duplex, Single Detached (Fourplex)	Row Housing, Duplex (Fourplex, Stacked Row Housing, Single Detached)
RGA (Glen)	Row Housing, Duplex, Single Detached (Fourplex)	Row Housing, Duplex (Fourplex, Stacked Row Housing, Single Detached)
RMR	Single Detached (n/a)	Duplex (Single Detached)
RNC	Duplex (Fourplex, Single Detached)	Duplex, Triplex, Fourplex (Single Detached)
RR	-	-
RRA	Single Detached (n/a)	Duplex (Single Detached)
RRF	Single Detached (n/a)	Duplex (Single Detached)
RSA	Single Detached (n/a)	Duplex (Single Detached)
RSC	Single Detached, Duplex (n/a)	Duplex (Triplex, Fourplex, Single Detached)
RTM	Single Detached, Duplex (n/a)	Duplex (Triplex, Fourplex, Single Detached)
RTR	Duplex, Row Housing (Apartment, Stacked Row)	Duplex, Row Housing (Apartment, Stacked Row, Triplex, Fourplex)
RVV	Row Housing (n/a)	Row Housing (Stacked Row Housing)
RWB	Apartment (Row Housing, Stacked Row)	Apartment (Row Housing, Stacked Row)

COU09-297 Moved by Councillor Karlos to amend motion COU09-296 by changing all references to “single detached” to “single detached with accessory dwelling.”

DEFEATED

The vote followed on motion COU09-296: to approve the proposal in Bylaw 31-4 to amend permitted and discretionary uses as presented.

CARRIED

COU09-298 Moved by Councillor Karlos to approve the proposal in Bylaw 31-4 to permit secondary suites or accessory dwellings subject to the following restrictions and regulations:

Permit enclosed secondary suites in all single detached homes and duplexes throughout the Town. Enclosed secondary suites would be subject to the following restrictions:

- Meet *Alberta Building Code* requirements pertaining to secondary suites.
- For a secondary suite associated with a single detached home, the floor area must be a minimum of 300 ft² and a maximum of 900ft².

- For an accessory suite associated with a duplex, the floor area must be a minimum of 300ft² and a maximum of 700 ft².
- The floor area of the secondary suite size may not exceed the floor area of the primary dwelling (an unlikely but possible situation).
- Permitted Floor Area Ratio (FAR) for properties with an accessory suite will be increased by 0.1.
- Where more than one accessory use is allowed (e.g. secondary suite, home occupation, bed and breakfast home) the approving authority must be satisfied that the cumulative impacts are negligible.
- All secondary suites will be a discretionary (and not permitted) use and therefore require MPC approval.
- One off street parking stall will be required per secondary suite
 - Parking stalls may be constructed of permeable pavement;
 - For secondary suites less than 500ft² in floor area, the parking stall requirement may be omitted in exchange for compliance with the Town of Banff's *Environmental Design Guidelines*, requiring provision of a bicycle parking facility, bicycle, and associated equipment.

Allow for detached secondary suites in specific instances, subject to the same requirements as noted above. The instances where detached secondary suites would be permitted would be:

- Wherever 'Accessory Dwellings' are already a discretionary use in the *Land Use Bylaw*.
- Wherever a property has two road frontages
 - Example 1: A lot which has access from both a road and a public lane;
 - Example 2: A corner lot which has access from two streets.

COU09-299 Moved by Councillor Karlos to amend motion COU09-299 as follows: For a secondary suite associated with a single detached home, the floor area must be a minimum of ~~300-ft²~~ 200 ft² and a maximum of 900ft² to drop minimum square footage from 300 to 280 m²

DEFEATED
Sorensen, Karlos and Taylor in favour

COU09-300 Moved by Councillor Taylor to postpone motion COU09-298 until the December 21, 2009 regular meeting of Council, and direct administration to provide more information regarding the following point contained in the motion: Permitted Floor Area Ratio (FAR) for properties with an accessory suite will be increased by 0.1.

CARRIED

Council unanimously agreed to postpone consideration of amendments to signage requirements proposed in Bylaw 31-4 until the Phase 2 of the Land Use Bylaw Review (which will be Land Use Bylaw 31-5).

COU09-301 Moved by Councillor Taylor to direct administration to draft a comprehensive street lighting policy to address design and performance specifications for new and retrofit installation of public street lights throughout the town.

CARRIED

COU09-302 Moved by Councillor Taylor to direct administration to create some explicit wording related to down lighting and protection of the night time sky that will be added to both the Land Use Bylaw and the Banff Design Guidelines.

CARRIED

Council unanimously agreed to continue debate of motion COU09-224, to give second reading to Land Use Bylaw 31-4, at the December 21, 2009 regular meeting of Council.

8.2.1. Correspondence: Dan & Lynette Markham
Removed from agenda.

9.0 CORRESPONDENCE

No correspondence was received.

10.0 NEW BUSINESS

No new business was discussed.

11.0 INQUIRIES

In response to an inquiry from Mr. Markham, Council confirmed that the letter he submitted to Council regarding Land Use Bylaw 31-4 has been removed from the public agenda since it was received after the public hearing for this bylaw was adjourned.

12.0 ADJOURNMENT

COU09-303 Moved by Councillor Karlos to adjourn at 5 p.m.

CARRIED

John Stutz
Mayor

Cheryl Hyde
Municipal Clerk