

MINUTES OF THE REGULAR MEETING OF COUNCIL
of the Town of Banff in the Province of Alberta
Town Hall Council Chamber
Monday, December 21, 2009 at 2:00 pm

COUNCIL MEMBERS PRESENT

John Stutz	Mayor
Chris MacDonald	Councillor
Karen Sorensen	Councillor
Chip Olver	Councillor
Leslie Taylor	Councillor and Deputy Mayor
John Gibson	Councillor and Acting Mayor

COUNCIL MEMBERS ABSENT

Stavros Karlos	Councillor
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ADMINISTRATION PRESENT

Darren Enns	Senior Planner
Randall McKay	Manager of Planning & Development
Cheryl Hyde	Municipal Clerk (Recording Secretary)

1.0 CALL TO ORDER

The Mayor called the December 21, 2009 regular meeting of Council to order at 2:00 p.m.

2.0 APPROVAL OF AGENDA

2.1. Meeting Agenda

COU09-304 Moved by Councillor Taylor to approve the agenda of the December 21, 2009 regular meeting of Council as presented.

CARRIED

3.0 DELEGATIONS

There were no delegations.

4.0 ADOPTION OF PREVIOUS COUNCIL MINUTES

4.1. Minutes of the December 14, 2009 Regular Meeting of Council

COU09-305 Moved by Councillor Taylor to approve the minutes of the December 14, 2009 regular meeting of council as presented.

CARRIED

5.0 UNFINISHED BUSINESS

No unfinished business was considered.

6.0 COMMITTEE REPORTS

6.1. Appointment of Parks Canada Representative to the Development Appeal Board

COU09-306 Moved by Councillor Sorensen to confirm the appointment of Rod Pickard to the Development Appeal Board as a representative of Parks Canada.

CARRIED

- 6.2. Minutes of the October 14 and November 18, 2009 Regular Meetings of the Banff Public Library Board; January – November 2009 Monthly Statistics
Accepted as information.
- 6.3. FCM Request for Proposals – 2011 FCM Sustainable Communities Conference & Trade Show
Councillor Olver will forward the FCM Request for Proposals for the 2011 FCM Sustainable Communities Conference and Trade Show to Council and administration for further review.
- 6.4. Minutes of the November 13 and November 27, 2009 Regular Meeting of the Banff Housing Corporation
Accepted as information.

7.0 INQUIRIES

There were no inquiries.

8.0 STAFF REPORTS/BYLAWS

8.1. 2nd Reading of Bylaw 31-4

Motion COU09-224 was postponed at the December 14, 2009 regular meeting: “to give second reading to Land Use Bylaw 31-4.” The Mayor re-opened debate on second reading.

Motion COU09-298, postponed at the December 14, 2009 regular meeting, was tabled: “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*, or
- 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.

Administration provided a table showing the potential FAR increase in square footage should Permitted Floor Area Ratio (FAR) for properties with an accessory suite be increased by 0.1. This table is included in the motion below.

COU09-307 Moved by Councillor Taylor to amend motion COU09-298 as follows: “Permitted Floor Area Ratio (FAR) for properties with an accessory suite will be increased ~~by 0.1~~ in accordance with the following:

Land Use District	Average Parcel Area (square feet)	Proposed Secondary Suite FAR Bonus	Resulting Extra Square Footage
RBA	7,104	0.1	710
RCA	7,884	0.1	788
RCM	5,669	0.15	850
RCN	5,202	n/a	n/a
RCR	6,208	0.15	931
RGA	2,390	0.2	478
RMR	7,153	0.1	715
RNC	7,222	0.1	722
RRA	10,320	0.08	826
RRF	15,045	0.05	752
RSA	16,362	0.05	818
RSC	8,034	0.1	803
RTM	7,660	0.1	766
RTR	8,305	0.1	830
RVV	4,059	n/a	n/a
RWB	84,988	n/a	n/a

CARRIED

The vote followed on motion COU09-298, as amended by motion COU09-307.

CARRIED

Note: motion COU09-298 reconsidered, amended and reapproved by motion COU09-311

COU09-308 Moved by Councillor Gibson to direct administration to prepare a policy for Council approval that would provide rules and guidelines for an Alternative Transportation incentive program, and to approve the proposal in Bylaw 31-4 to amend off-site parking requirements as follows: For housing types including triplexes, fourplex housing and apartment housing, the off-site parking requirements be reduced to:

- One stall per unit, with visitor parking reduced from its current requirement (15% of stalls) to 1 stall per 4 dwelling units; subject to the provision of:
 - i. Two two-year Roam Transit passes to be vested with the occupants of the dwelling unit, or
 - ii. Two bicycles, an approved bicycle rack, helmets and locks to be provided to the occupants of the dwelling unit.

CARRIED

COU09-309 Moved by Councillor Olver to reconsider motion COU09-298.

CARRIED

COU09-310 Moved by Councillor Olver to amend motion COU09-298 by adding the following words shown in underline:

“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 or two two-year Roam Transit passes to vested with the occupants of the dwelling unit.”

CARRIED

COU09-311 Moved by Councillor Olver to approve motion COU09-298 as amended by motion COU09-310.

CARRIED

COU09-312 Moved by Councillor Taylor to approve the proposal in Bylaw 31-4 to amend the Environmental Design Regulations as follows:

- **Windows:** Require windows which conform to CSA Standard A440.2 or equivalent *Energy Star* rating;
- **Walls:** Require a 20% premium on R-values (insulation) in building envelopes; and
- **Water:** Require high efficiency (as opposed to ‘very high’ efficiency) fixtures in new construction.

CARRIED

COU09-313 Moved by Councillor Taylor to direct administration to bring back a proposal for incentivising solar panel and wind turbine installation on new construction in Banff.

CARRIED

COU09-314 Moved by Councillor MacDonald that Council not give any further consideration to rezoning the Marmot Crescent site identified in administration’s report until a decision is rendered on the redevelopment proposals put forward in that report (submitted in the agenda package for this meeting).

CARRIED

COU09-315 Moved by Councillor MacDonald that Council not give any further consideration to rezoning the Glen Avenue site identified in administration’s until a decision is rendered on the redevelopment proposals put forward in that report (submitted in the agenda package for this meeting).

CARRIED

COU09-316 Moved by Councillor MacDonald that Council not give any further consideration to rezoning the Park Avenue site identified in administration's report until a decision is rendered on the redevelopment proposals put forward in that report (submitted in the agenda package for this meeting).

DEFEATED
MacDonald and Stutz in favour

COU09-317 Moved by Councillor Gibson to approve the proposal in Land Use Bylaw 31-4 to rezone Lots 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17, Block 14, Plan 6719BC from Public Service (PS) Land Use District to Residential Banff Avenue (RBA) Land Use District.

CARRIED

COU09-318 Moved by Councillor MacDonald to approve the proposal in Bylaw 31-4 to rezone the Grizzly Street vacant lot legally described as Lot 1, Block 39, Plan 3748JK from Environmental Protection (PE) District to Residential Tunnel Mountain (RTM) Land Use District.

DEFEATED

COU09-319 Moved by Councillor Gibson to approve the proposal in Bylaw 31-4 to rezone the Antelope Lane site from Residential Reserve (RR) to Public Parkland (PP) Land Use District.

COU09-320 Moved by Olver to amend motion COU09-319 by adding the words "contingent on the rezoning of the Park Avenue parcel to RRA."

CARRIED
MacDonald opposed

The vote followed on motion COU09-319 as amended: to approve the proposal in Bylaw 31-4 to rezone the Antelope Lane site from Residential Reserve (RR) to Public Parkland (PP) Land Use District, contingent on the rezoning of the Park Avenue parcel to RRA.

CARRIED
MacDonald opposed

COU09-321 Moved by Councillor Taylor to approve the proposal in Bylaw 31-4 to rezone the Middle Springs area as Middle Springs 1 (RMSI) Land Use District and Middle Springs 2 (RMSII) Land Use District.

CARRIED

COU09-322 Moved by Councillor Sorensen to approve the proposal in Bylaw 31-4 to rezone the Recreation Centre location as Environmental Protection (PE) Land Use District.

CARRIED

COU09-323 Moved by Councillor Olver to approve the proposal in Bylaw 31-4 to amend Section 12.6.0 of the CS (Commercial Service) Land Use District amended to allow for first floor housing on the site(s) noted in this report.

POSTPONED

COU09-324 Moved by Councillor Taylor to postpone motion COU09-323 pending administration returning with options to create a separate zoning area within the CS (Commercial Service) Land Use District on the site noted.

CARRIED

COU09-325 The vote followed on motion COU09-224: to give second reading to Land Use Bylaw 31-4.

CARRIED
Macdonald and Taylor opposed

9.0 CORRESPONDENCE

No correspondence was received.

10.0 NEW BUSINESS

No new business was considered.

11.0 INQUIRIES

There were no inquiries.

12.0 ADJOURNMENT

COU09-326 Moved by Councillor Sorensen to adjourn at 5:00 p.m.

CARRIED

John Stutz
Mayor

Cheryl Hyde
Municipal Clerk

Minutes approved by: _____