

POLICY Outdoor Merchandise Display



Policy C5006

Adopted by Council:	2022 March 28	Responsibility:	Planning and Development
Council Resolution #:	COU22-82	Last Review Date:	2022
Modified by Resolution #:		Next Review Date:	2026
Replaces:	C121		

1.0 POLICY

The Town of Banff encourages creative and well-designed expressions of tenant identity to enhance the appearance of the public realm and improve visitor experience within the town. Strong urban storefronts are essential in the creation of an attractive and dynamic dining, shopping, and leisure environment.

2.0 PURPOSE

Street and Public Place Use Bylaw 124 allows for permits to be issued for installation of outdoor merchandise display areas in the CD (Downtown) Land Use District. This policy establishes a minimum design standard and approval process for outdoor merchandise display. Although it demands that tenants meet strict criteria, it is intended to encourage creativity as much as possible.

3.0 SCOPE

This policy applies to outdoor merchandise displays installed in public and private spaces and sidewalk right of ways within the CD (Downtown) Land Use District.

3.0 RESPONSIBILITIES

- 3.1 The Director, Planning and Development or designate is responsible for reviewing and approving Street and Public Place Use Permit applications for outdoor merchandise display areas.
- 3.2 A Town of Banff Development Officer is responsible for inspecting the installation of a outdoor merchandise display areas to ensure it complies with the provisions of this policy and any applicable Town of Banff bylaws.

4.0 PERMIT APPROVAL

- 4.1 The Town of Banff Planning and Development Department will issue *Street and Public Place Use Permits* (permits) for outdoor merchandise displays. A development officer will authorize the installation of outdoor merchandise displays within a designated area with specified descriptions of display items and layout for a specific time period.

- 4.2 An application for a permit for an outdoor merchandise display shall not be processed until the applicant has provided all required documents and fees.
- 4.3 A permit must be approved by the Planning and Development Department before outdoor merchandise display items are installed.
- 4.4 Permits are valid for a maximum period of one year, or until March 1 of that year, whichever date is sooner. Permit holders may re-apply for their outdoor merchandise display.
- 4.5 If an application does not meet the requirements of this policy, the Development Officer will refuse the permit application. In this case the Development Officer will provide a letter explaining the shortcomings of the application.
- 4.6 Permit decisions are with the right of appeal to the Development Appeal Board.

5.0 DESIGN STANDARDS

5.1 Location of Outdoor Merchandise Display Area

- a) Outdoor merchandise display locations may directly abut or be contiguous to the business that is applying. Non-abutting outdoor merchandise displays may be permitted in unique circumstances at the discretion of the Development Officer.
- b) Unobstructed access shall be provided to building entrances, per the Alberta fire code regulations.
- c) Each approved Outdoor Merchandise Display area shall maintain access to Fire Department connections, public utilities, and exist from adjacent buildings.
- d) Fixtures and props must be secure.
- e) Approved Outdoor Merchandise Display areas shall leave the following unobstructed sidewalk width to accommodate pedestrian traffic:
 - i) a 2.0m pedestrian zone on Caribou Street and Wolf Street,
 - ii) a 2.5m pedestrian zone on Bear Street, Lynx Street and Buffalo Street; and,
 - iii) a 3.0m pedestrian zone on Banff Avenue, Marten Street and Elk Street.

5.2 Display Specifications

- a) All display items, including outdoor activity equipment that is for rent, will be subject to approval by the Town of Banff. Detailed specifications must form part of any application.
- b) Storefronts should be “individual” expressions of a tenant’s identity.

5.3 Merchandise Display Style

- a) Outdoor merchandise display should create a vibrant retail experience and make a positive contribution to the street environment. Through the use of carefully selected materials, colors, graphics, effective lighting, sensitive detailing and fixtures, each store should become a distinct and expressive participant in creating Banff’s “sense of place.” Applicants are encouraged to use the examples within the Outdoor Display Design Guide (see Appendix 3) as a stylistic representation of desired standards.

- b) Design materials and colours used for the merchandise display shall complement the architectural style and colours used on building facades.

Quality Structure

The outdoor display components should be strong, durable and designed for commercial outdoor use. The outdoor display merchandise must be able to withstand Banff weather. The design must not contain parts that are likely to cause damage to the pavement or create a trip hazard for pedestrians. The outdoor merchandise display components must be removed and stored within the associated indoor premises during non-business hours. Display components that are constructed solely of plastic are discouraged.

Integrated Display

Outdoor display components should contribute to create a unified storefront image and appear as an extension of the storefront interior.

The outdoor merchandise display will:

- work with the surrounding building context to allow access and circulation
- allow access to and movement within the business frontage
- be secured to ensure that they can withstand the effects of wind and be removed in poor weather
- be maintained in sound and aesthetically acceptable condition to the satisfaction of the Town of Banff
- not feature any advertising signage of any kind
- allow price tags that are discretely placed
- limit use of product boxes or packaging.

5.4 Layout and Positioning

The permit holder is responsible for ensuring that the outdoor merchandise display remains within the approved outdoor merchandising display area and that pedestrian clearances and safety requirements are maintained at all times. No fixed display infrastructure may be used. Merchandise displays shall not be permanently anchored to the right of way or attached to any tree, post, sign or similar structure.

5.5 Lighting

Electrical lighting is not permitted within the outdoor merchandise display area unless it is temporary lighting that is installed and operated in conjunction with a holiday. Some decorative lighting that is intended to enhance architectural features, sculptural elements, trees or other landscape features may also be permitted.

5.6 Barriers

Outdoor merchandise display areas should enrich the pedestrian experience and public life of the street. It is therefore important that they present an open, inviting image and area easily accessible from the public right of way. Any type of enclosure, including barriers or screens will not be permitted.

5.7 Signage and Advertising

No form of advertising is permitted in a public place, including any outdoor merchandise display area, unless prior approval from the Town of Banff Planning and Development Department has been obtained.

5.8 Limitations on Use

No portion of an outdoor merchandise display area may be used for any purpose other than the display of items.

5.9 Utility and Emergency Access

- a) The Town of Banff and public utility agencies retain the right of entry to the approved outdoor merchandise display area.
- b) The Town of Banff may also require the temporary removal of a display by the permit holder when street, sidewalk or utility repairs necessitate such action or when it is necessary to clear the sidewalk. The Town of Banff shall not be responsible for any costs associated with the removal or reinstatement of any outdoor merchandise display.
- c) Right of entry for emergency vehicle access must be provided.

6.0 OPERATION AND MANAGEMENT

6.1 Hours of Operation

- a) Outdoor merchandise display areas may operate year-round, weather permitting.
- b) Hours of operation must coincide with the hours of operation of the adjoining commercial property.
- c) Outdoor merchandise display areas must conform to the noise regulations outlined in Sections 38-52 of the Town of Banff Community Standards Bylaw 260.

6.2 Business Licenses

The principal establishment for each approved outdoor merchandise display area shall have a valid Town of Banff Resident Business License.

6.3 Maintenance and Cleaning

All outdoor merchandise display areas must at all times be maintained in a physically sound and aesthetically acceptable condition to the satisfaction of the Manager of Planning and Development or designate. The permit holder is responsible for cleaning the approved area.

6.4 Reinstatement of a Public Place

- a) Every outdoor merchandise display area shall be temporary in nature and designed so that the entire structure and its appurtenances can be easily removed during periods of non use.
- b) Following the expiration, cancellation or termination of a street and public place use permit, all of the former permit holder's outdoor merchandise display must be removed from the public place within 24 hours from the expiry, cancellation or termination. Failure to remove the display within the specified period of time will result in the Town of Banff removing and disposing of all display items. No claim for payment or compensation from the Town of Banff shall be made for, or in respect of, such removal and disposal of outdoor merchandise items. The restitution is the responsibility of the permit holder and the pavement must also be returned to its original condition at the cost of the permit holder.

7.0 RELATED DOCUMENTS

Street and Public Place Use Bylaw 124
Land Use Bylaw 31-4
Community Standards Bylaw 260
Waste Bylaw 18-4

This policy shall be in effect on March 28, 2022.

On Original
Corrie DiManno
Mayor

On Original
Kelly Gibson
Town Manager