

# TOWN OF BANFF

## BYLAW 421

### Land Use Bylaw Amending Bylaw – Storefront Cannabis Retail

#### A BYLAW TO AMEND THE LAND USE BYLAW TO ESTABLISH THE FRAMEWORK FOR STOREFRONT CANNABIS RETAIL.

---

The Council of the Town of Banff, in the Province of Alberta, duly assembled, ENACTS AS FOLLOWS:

#### 1.0 CITATION

- 1.1 This bylaw may be cited as “Land Use Bylaw Amending Bylaw – Storefront Cannabis Retail”.

#### 2.0 PROVISIONS

- 2.1 Town of Banff Land Use Bylaw, as amended, is hereby amended by adding the following definitions to Section 2.3.0 Definitions:
- **Cannabis Store Licence** means a licence issued by the Alberta Liquor and Gaming Commission that permits the retail of Cannabis.
  - **Playground** means an outdoor area used for play or recreation by members of the public that may include recreational equipment or play structures for children such as slides, climbing frames and natural play features. This does not include Outdoor Recreation Services.
  - **Premises** means the portion of a site fully contained within a ceiling, floor and the outside of a wall or glazing line of windows.
- 2.2 Town of Banff Land Use Bylaw, as amended, is hereby amended by repealing Section 4.3.2 and substituting the following:
- 4.3.2 An application shall be accompanied by the processing fee with three sets of drawings to a metric scale satisfactory to a Development Officer, including one set of drawings reduced to 8½” x 11” sheets, comprised of the following:
- a. **Sign Applications**
    - i. Letter of consent from property or building owner
    - ii. Sign drawings (minimum scale of 1:50 metric)
      - Dimensions, thickness and area of sign
      - Materials, finishes, and colours
      - Size of lettering and graphics

- Method of illumination
- Mounting details
- iii. Location drawings (or photos)
  - Location of all existing and proposed signs on a building façade or on a site
  - Mounting height or clearance to grade
- iv. Structural Engineer's stamp for freestanding signs
- v. Encroachment agreement for signs encroaching over public roadway or municipal property

**b. Tree-Cutting Applications**

- i. letter of consent from property owner
- ii. plan or photos showing specific location of trees to be removed relative to buildings, property lines and utilities
- iii. number, size, species, and condition of trees to be removed
- iv. reason for removal and indication if tree poses an immediate hazard
- v. proposed replacement landscaping

**c. Home Occupation Applications**

- i. letter of consent from property owner
- ii. brief description of operation (services or product, equipment used, pick up and delivery requirements, number of employees, number of parking stalls available)
- iii. approximate floor area required as a percentage of total floor area and/or floor plan showing area used
- iv. photos showing interior work area and exterior of dwelling
- v. site plan showing existing and proposed parking

**d. Bed and Breakfast Applications**

- i. letter of consent from property owner
- ii. brief description of home (number and dimensions of rooms available for guests, available parking, common space, amenities)
- iii. floor plan of building and guest areas including common area and kitchen/dining

- iv. site plan showing exterior landscaping, amenity areas, and parking
- v. photos showing building exterior and interior including all rooms devoted to the bed and breakfast operation
- vi. any proposed signs

**e. Single Family, Duplex and Fourplex Permit Applications**

- i. Plot plan (or legal survey if available)
- ii. Site plan (minimum scale of 1:200 metric) including:
  - building program (site area, number of bedrooms, gross floor area, site coverage, floor area ratio, number of parking stalls required/provided)
  - size and location of all existing and proposed buildings/uses
  - size, location and paving of driveways and parking areas showing grades and paving material
  - footprints of adjacent development within 6 m of the property line
  - dimensioned setbacks
- iii. Architectural plans (minimum scale of 1:100 metric) including:
  - floor plans of all proposed structures
  - elevations/sections showing building height, finishes and colours
  - elevations (or photos) of buildings on adjacent properties
- iv. Landscape plan (minimum scale of 1:200 metric) including:
  - existing and finished grades
  - vegetation to be retained and method of protecting it during construction
  - existing and proposed fencing and lighting
  - existing and proposed plant species, quantities and sizes
  - proposed boulevard landscaping
  - proposed decks, pathways and patios

**f. Commercial, Multi-Family Residential, and Institutional Development Permit Applications**

- i. Context plan (minimum scale of 1:500 metric) showing location of property, adjacent streets, and land use districts
- ii. Site survey (minimum scale of 1:200 metric) including:
  - dimensioned boundaries and site area
  - legal description and municipal address of property
  - adjacent line of curb or street/lane

- footprints of all buildings and structures on adjacent sites within 6 m of the property line
- spot elevations at corners of site
- 1 m contours showing slopes over 30%
- existing or proposed rights-of-way or easements
- any wetlands, ponds, or watercourses
- existing trees and vegetation
- any existing rock outcroppings or other geologic features
- any existing buildings to be removed

iii. Site plan (minimum scale of 1:200 metric) including:

- building program (type of development, number of residential units, site area, gross floor area by use, floor area ratio, site coverage, parking and housing required and provided)
- north arrow and scale
- dimensioned setbacks
- size and location of all existing and proposed buildings/uses including accessory buildings and structures, garages, and fences
- dimensioned parking spaces and driveways showing grades and paving material
- drainage concept and snow storage areas
- location of fire hydrants and service connections
- garbage room location, dimensions, and details adjacent sidewalks, streets, and curbs
- footprints of adjacent buildings within 9 m of property line

iv. Architectural plans including:

- floor plans (minimum scale of 1:100 metric) showing dimensioned floor plans of all structures including typical unit plans
- elevations/sections (minimum scale of 1:100 metric) showing proposed building height, finishes and colours, signage and lighting
- site section from front to rear property line (minimum scale of 1:200 metric) including adjacent streets and lanes
- roof plan (minimum scale of 1:100 metric) showing snow dump areas, major roof structure and equipment and screening details
- outline elevations and photos of buildings on adjacent sites within 9 m of the property line

v. Landscape plan (minimum scale of 1:200 metric) including:

- existing and finished grades
- open space and recreational amenities

- vegetation to be retained and method of protecting it during construction
  - planting plan
  - existing and proposed plant species, quantities, and sizes
  - method of irrigation (if any)
  - all paving surfaces
  - proposed boulevard landscaping and paving
  - existing and proposed fencing and site lighting
  - proposed decks, pathways, patios, and amenity areas
- vi. For development applications for all commercial developments (except CS Districts), any mixed use development, and any apartment development a Development Officer may also require:
- a written description of design approach relative to the Banff Design Guidelines (see Schedule “B”)
  - site photographs showing all adjacent development
  - a shadow diagram
  - a model (minimum scale of 1:200 metric) including adjacent buildings
  - a written description of the environmental design approach relative to the Environmental Design Standards (see s.8.3.0)
  - a detailed typical building elevation and section through street façade (minimum scale of 1:50 metric)
  - lighting details including lamp type and output (wattage and lumens), mounting height and details, cut sheet showing design and finishes of all fixtures, building elevations showing the location and direction of fixtures, and numerical light level grid or iso-illuminance plans.
- vii. In addition a Development Officer may require a traffic impact analysis.

**g. Change of Use Applications**

- i. Context plan (minimum scale of 1:500 metric) showing location of property, adjacent streets, and land use districts
- ii. Development program, including:
- total building gross floor area
  - existing and proposed uses (gross floor area by use)
  - required and proposed parking
  - required and proposed housing.
- iii. Site plan (minimum scale of 1:200 metric) including:
- size, location and paving of driveways and parking areas showing grades and paving material
  - footprints of adjacent development within 6 m of the property line

- dimensioned loading areas
  - garbage room location, dimensions and details
  - existing and proposed services
- iv. Architectural plans (minimum scale of 1:100 metric) including:
- floor plans of all structures and additions
  - any exterior changes
  - any sign changes
- v. Letter of consent from property owner
- detailed description of operation
- vi. Development permit application for any required housing (in conjunction with commercial or institutional projects)

**h. Change of Use Applications for Storefront Cannabis Retail**

- i. All materials required under s.4.3.2(g);
- ii. Context plan (minimum scale of 1:500 metric) showing location of premises and separation distances from parcels as required by s.8.21.0; and
- iii. Confirmation from the Alberta Liquor and Gaming Commission that an application for a Cannabis Store Licence has been received and deemed eligible for processing.

**i. Transportation Service Applications**

- i. Context plan (minimum scale of 1:500 metric) showing location of property, adjacent streets, and land use districts
- ii. Site plan (minimum scale of 1:200 metric) including:
  - north arrow and scale
  - adjacent sidewalks, streets and curbs
  - dimensioned setbacks
  - size and location of all existing and proposed buildings and land uses including accessory buildings
  - any existing rights-of-way or easements
  - dimensioned parking spaces and driveways showing grades and paving material
  - drainage plan and snow storage areas
  - location of fire hydrants and service connections
  - garbage room location, dimensions, and details.
- iii. Landscape plan (may be combined with the site plan, minimum scale of 1:200 metric), including:

- existing and finished grades
- vegetation to be retained, and method of protecting vegetation during construction
- planting plan
- existing and proposed plant species, quantities and sizes
- irrigation method (if any)
- all paving surfaces
- proposed boulevard landscaping and paving
- existing and proposed fencing and lighting.

- iv. Development permit application for any required housing.
- v. Letter of consent from property owner.
- vi. Detailed description of operation.
- vii. In addition, a Development Officer may require a traffic impact analysis

2.3 Town of Banff Land Use Bylaw, as amended, is hereby amended by repealing Section 8.11.6 and substituting the following:

8.11.6 Building materials or construction equipment for use on the same site may be stored on the site during the time that a valid building permit is in effect for construction.

2.4 Town of Banff Land Use Bylaw, as amended, is hereby amended by repealing Section 8.19.1(c) and substituting the following:

8.19.1(c) General Retail Store, Convenience Retail Store and Storefront Cannabis Retail

- i. 1 bedroom per 100 m<sup>2</sup> of gross floor area.

2.5 Town of Banff Land Use Bylaw, as amended, is hereby amended by repealing Section 8.21.0 and substituting the following:

**8.21.0 Building and Premises Separation**

2.6 Town of Banff Land Use Bylaw, as amended, is hereby amended by adding the following after Section 8.21.2:

8.21.3 Subject to s.8.21.6, a minimum distance of 100 m shall separate:

- a. The boundary line of a parcel containing a provincial health care facility and a premises containing Storefront Cannabis Retail;
- b. The boundary line of a parcel containing a school as defined in the *School Act* and a premises containing Storefront Cannabis Retail; and,

- c. The boundary line of a parcel designated as school reserve or municipal and school reserve under the *Municipal Government Act* and a premises containing Storefront Cannabis Retail;
- 8.21.4 A minimum distance of 100 m shall separate:
- a. The boundary line of a parcel containing a Day Care and a premises containing Storefront Cannabis Retail; and,
  - b. The boundary line of a parcel containing a Playground and a premises containing Storefront Cannabis Retail.
- 8.21.5 A minimum distance of 30 m shall separate a Storefront Cannabis Retail premises and another Storefront Cannabis Retail premises.
- 8.21.6 No variances under s.4.7.0 shall be granted in respect of s.8.21.3 by a Development Approving Authority.
- 2.7 Town of Banff Land Use Bylaw, as amended, is hereby amended by adding the following after Section 10.5.1:
- 10.6.0 Storefront Cannabis Retail**
- 10.6.1 No person shall use a dwelling, building, site or part thereof for the purpose of selling or marketing Cannabis without a development permit.
- 10.6.2 In addition to the requirements of section 4.4.0, within fourteen (14) days after receiving a complete application for Storefront Cannabis Retail, a Development Officer shall publish a notice in a local newspaper stating the proposed location of the premises for a minimum of two consecutive weeks prior to referring the application to the Municipal Planning Commission. Any comments received pertaining to the application shall be forwarded to the Municipal Planning Commission in conjunction with the application.
- 10.6.3 A Storefront Cannabis Retail premises shall not contain a window facing a sidewalk or Lane.
- 10.6.4 A Development Permit for Storefront Cannabis Retail shall expire ninety (90) days after cancellation or expiry of a Cannabis Store Licence unless a new Cannabis Store Licence is issued for the same premises, on essentially the same terms and conditions. In the event that a Development Permit for Storefront Cannabis Retail expires, then the approved use for the premises shall convert to General Retail and a new development permit application will be required to change the use back to Storefront Cannabis Retail.



2.8 Town of Banff Land Use Bylaw, as amended, is hereby amended by adding the following after Section 11.8.1(g):

11.8.1(h) Any sign for Storefront Cannabis Retail shall comply with any and all provincial and federal acts, regulations, policies and guidelines as may be amended from time to time.

2.9 Town of Banff Land Use Bylaw, as amended, is hereby amended by adding the following to Section 12.3.4 Discretionary Uses:

- Storefront Cannabis Retail

2.10 Schedule “G” of Town of Banff Land Use Bylaw, as amended, is repealed and replaced with Section “G” of this Bylaw.

## 5 SCHEDULES

5.1 Schedule “G” forms part of this bylaw.

## 6 SEVERABILITY

6.1 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

## 7 ENACTMENT

7.1 This bylaw comes into force after the date of final passing, upon approval and execution by the Superintendent, Banff National Park, for the Minister of the Environment.

7.2 The Town Manager is authorized to consolidate Town of Banff Land Use Bylaw, as amended.

READ A FIRST TIME this 16<sup>th</sup> day of July, 2018.

Pursuant to the Municipal Government Act (Alberta), a PUBLIC HEARING was held this 20<sup>th</sup> day of August, 2018.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

SIGNED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Town of Banff Bylaw 421 – Land Use Bylaw Amending Bylaw – Storefront Cannabis Retail

---

Karen Sorensen  
Mayor

---

Robert Earl  
Town Manager

APPROVED by the Minister of the Environment, by his delegate this \_\_\_\_ day of \_\_\_\_\_, 2018:

---

Minister of the Environment/Delegate

## Schedule “G” – Development Fees

Residential		
New Construction	Single detached housing	\$2,200
	Duplex housing	\$1,500
	Multi-unit residential housing (3 or more dwelling units)	\$1,600 + \$150 dwelling
	Accessory building	\$250
<b>Additions and Renovations</b> involving an increase in gross floor area		\$350 + \$1.10/m <sup>2</sup>
<b>Interior and/or Exterior Renovations</b> involving no increase in gross floor area		\$350
<b>Accessory Development</b> –decks, porches, balconies, fences, retaining walls, and significant landscaping		\$200
<b>Accessory Dwelling</b>		\$550
<b>Variances</b> (except on existing development where a variance is granted to a non-conforming building in which case there is no charge).		\$275 /variance
<b>Municipal Planning Commission Surcharge</b>	Single Detached and Duplex Housing	\$125
	Multi-unit Housing	\$375

Residential Business	
<b>Bed and Breakfast Homes</b>	\$1,500 + \$100/guest room
<b>Bed and Breakfast Renewals</b>	\$300 + \$50/guest room
<b>Home Occupations (Type I and Type II)</b>	\$150
<b>Home Occupation Annual Renewals</b>	50% of current fee
<b>Municipal Planning Commission Surcharge</b> (original application only – no surcharge for renewals)	\$125
<b>Late Application Fee</b> (failure to file the application prior to the permit renewal deadline)	\$400

Commercial		
New Development, Additions or Renovations	0 – 46 m <sup>2</sup>	\$1,500 + \$1.10/m <sup>2</sup> new gross floor area
	>46 m <sup>2</sup> – 465 m <sup>2</sup>	\$3,500 + \$1.10/m <sup>2</sup> new gross floor area
	>465 m <sup>2</sup>	\$4,500 + \$1.10/m <sup>2</sup> new gross floor area
<b>Interior and/or Exterior Renovations</b> involving no increase in gross floor area		\$3,500
<b>Accessory Building</b>		\$500
<b>Transportation Services</b>		\$1,100 + \$35/vehicle
<b>Municipal Planning Commission Surcharge</b>	New development	\$650
	Renovations and minor additions	\$375
<b>Variances</b> (except on existing development where a variance is granted to a non-conforming building in which case there is not charge)		\$750 /variance
<b>Commercial Growth Management Development Applications</b>		\$500
<b>Commercial Development Allotment Transfer</b>		\$1,400
<b>Commercial Existing Gross Floor Area Transfer</b>		\$3,500

<b>Change of use</b>	Permitted use	\$1,300
	Discretionary use (excluding Storefront Cannabis Retail)	\$1,500
	Discretionary use – Storefront Cannabis Retail	\$4,000

<b>Institutional (PB, PE, PP, PS Districts)</b>		
<b>New Construction</b>		\$1,650 + \$1.10/m <sup>2</sup>
<b>Additions and Renovations</b> involving an increase in gross floor area		\$1,250 + \$1.10/m <sup>2</sup>
<b>Interior and/or Exterior Renovations</b> involving no increase in gross floor area		\$550.00
<b>Variiances</b> (except on existing development where a variance is granted to a non-conforming building in which case there is not charge)		\$500.00/variance
<b>Accessory Building</b>		\$400.00
<b>Municipal Planning Commission Surcharge</b>	new development	\$375.00
	additions and renovations	\$225.00

<b>Sign Permits</b>		
<b>Comprehensive Sign Plan</b> (for new buildings or coordination of multiple signs on an existing property)		\$675 + \$35/sign
<b>Signs</b>	Wall, window, hanging, projecting, menu box, directory	\$150/sign
	Canopy or Awning	\$138/sign
	Freestanding (Bed & Breakfast)	\$275/sign
	Freestanding (Commercial & Institutional)	\$500/sign
	Temporary	\$100/sign
<b>Inspection Fee</b> (for any sign installed without a permit)		Double original permit fee
<b>Municipal Planning Commission Surcharge</b>		\$125

<b>Subdivision (including Condominium Plans)</b>		
<b>Residential</b>	up to 10 lots/units	\$2,400 + \$220/lot or unit
	11 or more lots/units	\$2,400 + \$165/lot or unit
<b>Commercial or Institutional Subdivisions</b>		\$2,500 + \$220 /lot or unit
<b>Road/Thoroughfare Closure</b>		\$1,850 + advertising costs
<b>Land Appraisal Surcharge</b> (Where required)		Cost

<b>Subdivision Endorsement (final approval)</b>		
<b>Residential</b>		\$495 + \$75/lot
<b>Commercial</b>		\$605 + \$75/lot
<b>Other</b>		\$495 + \$75/lot
<b>Bareland Condominium</b>		\$275/unit
<b>Condominium</b>		\$138/unit

<b>Area Plans</b>		
-------------------	--	--

<b>Area Structure Plan</b>	\$5,500 + advertising costs
<b>Area Redevelopment Plan</b>	\$5,500 + advertising costs

<b>Bylaw Amendment Fees</b>	
<b>Amend Area Structure Plan or Area Redevelopment Plan</b>	\$3,500 + advertising costs
<b>Amend Municipal Development Plan</b>	\$7,500 + advertising costs
<b>Land Use Bylaw Minor Technical Amendments</b> (no change in use or density)	\$1,700 + advertising costs
<b>Land Use Bylaw Major Amendments</b> (change in use or density)	\$ 3,500 + advertising costs
<b>Land Use Re-designation</b> (Residential/Institutional)	\$3,500 + advertising costs
<b>Land Use Re-designation</b> (Commercial)	\$7,500 + advertising costs

<b>General/Other Applications</b>	
<b>Address Assignment</b> (new or change) - residential, commercial, or institutional	\$75/ unit
<b>Confirmation of Land Use</b>	\$110.00
<b>Legal Agreement Surcharge</b> (e.g. Development Agreement, Encroachment Agreement, Restrictive Covenant)	\$600/agreement
<b>Preliminary Determination of Use</b>	\$550
<b>Revised Plans</b> (minor revisions requested after decision has been rendered – the revision cannot change the overall intent of the development)	50% of current fee (as part of active application)
<b>Special Function Tents</b>	\$250
<b>Surfacing Parking Lots</b>	\$1650 + \$35/vehicle
<b>Demolition</b>	\$1,250
<b>Excavation/Stripping/Grading</b>	\$850
<b>Utility Projects</b> (including the placement of private telephone lines, gas lines, power lines and similar)	\$750
<b>Tree Cutting</b> (no fee for trees deemed hazardous by the Development Officer)	\$25 for the first tree & \$15 for each additional tree
<b>Cash Contribution In-Lieu of Onsite Garbage Storage, Recycling and Collection</b>	\$950/dwelling

<b>Compliance Certificates</b>	
<b>Single detached and duplex housing</b>	\$170
<b>Multi-unit housing (3 or more units)</b>	\$300
<b>Commercial/Institutional</b>	\$300
<b>Professional Costs for third party review on behalf of the Town of Banff</b> (e.g. review of applications by lawyers, engineers, architects, or social scientists) These costs are typically incurred for large or complex projects.	Applicants are responsible for the cost of any professional fees and costs incurred by

	the Town with the review of applications.
--	---

<b>File/Research Fees</b>	
<b>Administrative Assistant</b>	\$60/hr
<b>Planner</b>	\$90/hr
<b>Producing Permit/Document Copies</b> (provide paper copies of permits or other specific documents from either microfiche or image database)	\$25/1-3 paper copies \$5/additional copy

<b>Other Fees</b>	
<b>Development &amp; Subdivision Appeals</b>	\$100
<b>Extension and Renewals</b> (for an extension of the period of a development permit application which has become void)	\$1,000
<b>Renewal of Development Permit</b> issued with specified time limitations where the conditions of approval have not changed	75% of the fee
<b>Refund Policy</b>	(a) 90% if withdrawn prior to commencement of circulation (b) Non-refundable once circulation has commenced.