

# Development Permit Application Guide



## Change of Use Storefront Cannabis Retail

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**Planning and Development**  
P.O. Box 1260, Banff, Alberta T1L 1A1  
P 403.762.1215 F 403.762.1260

[www.banff.ca](http://www.banff.ca)

### **WHEN ARE DEVELOPMENT PERMITS REQUIRED FOR A CHANGE OF USE TO STOREFRONT CANNABIS RETAIL?**

A Development Permit is required when the current use of a property or building has not been approved as Storefront Cannabis Retail and you wish to operate a store that sells cannabis. For example, converting a retail space into a Storefront Cannabis Retail space would constitute a change of use and requires a Development Permit.

### **WHEN ARE DEVELOPMENT PERMITS NOT REQUIRED FOR A CHANGE OF USE TO STOREFRONT CANNABIS RETAIL?**

A Development Permit is not required when a premises has previously been issued an approved Development Permit as Storefront Cannabis Retail and has had a valid Cannabis Store License from AGLC for the same premises in the last 90 days.

### **HOW TO COMPLETE A DEVELOPMENT PERMIT APPLICATION FORM FOR A CHANGE OF USE TO STOREFRONT CANNABIS RETAIL:**

The Development Permit application form contains a list of plans and materials that must accompany the application. In addition, the Development Permit application shall satisfy the regulations and objectives of the Town of Banff Land Use Bylaw, Banff Design Guidelines, Banff Community Plan and all federal and provincial regulations:

#### **Banff Land Use Bylaw**

The Town of Banff Land Use Bylaw identifies a number of different land use districts within the town boundaries. Each land use district has different development regulations for floor area, site coverage, landscaping, height, parking, and setbacks. Storefront Cannabis Retail is a discretionary use in the CD: Downtown Land Use District only.

Specific requirements exist for Storefront Cannabis Retail that include:

- A 100 metre separation between a premises containing Storefront Cannabis Retail and the boundary line of a parcel: containing a provincial health care facility; containing a school; or, designated as a school reserve;
- A 30 metre separation between one Storefront Cannabis Retail premises and another; and
- Limiting Storefront Cannabis Retail to premises that do not contain a window facing a sidewalk or lane.

### **Banff Design Guidelines**

The Banff Design Guidelines are a component of the Banff Land Use Bylaw and provide a framework for evaluating the aesthetic quality of external development proposals. The intention of the guidelines is to ensure that the Town's built environment will reflect the spectacular natural environment while recognizing Banff's location in a National Park and a World Heritage site. Banff is characterized by the "Rocky Mountain Style" with common design themes including: sensitivity to nature, the use of rustic natural materials, emphasis on structural expression and strong roof forms, respect for the pedestrian environment, decorative details, and relief and texture.

### **Banff Community Plan**

The role of the Banff Community Plan is to direct the future of Banff. It is a statement of the goals, objectives, and planning philosophy for the community's future. The Banff Community Plan is consistent with the Banff National Park Management Plan and Town of Banff Incorporation Agreement which identify the following five purposes:

- a) To maintain the townsite as part of a World Heritage Site;
- b) To serve, as its primary function, as a centre for visitors to the Park and to provide such visitors with accommodation and other goods and services;
- c) To provide the widest possible range of interpretive and orientation services to Park visitors;
- d) To maintain a community character which is consistent with and reflects the surrounding environment; and
- e) To provide a comfortable living community for those persons who need to reside in the townsite in order to achieve its primary function.

### **HOW DOES THE DEVELOPMENT PERMIT APPROVAL PROCESS WORK FOR STOREFRONT CANNABIS RETAIL?**

With a separation of 30 metres required between cannabis retail stores, there is potential for conflict between applications. In order to have a fair, open and clear Development Permit application process for Storefront Cannabis Retail, the Town of Banff will begin accepting Development Permit Applications beginning November 1, 2018, and will process the applications in the following manner:

#### **Applications Received Between November 1, 2018, and November 30, 2018**

Starting December 1, 2018, the Town of Banff will begin an initial review of the applications that were received up to, and including, November 30, 2018. This initial assessment will include review of the submitted applications to ensure that they are complete. An application will only be deemed 'complete' if it includes:

- a fully complete, signed and authorized Change of Use - Storefront Cannabis Retail Development Permit Application form;
- the full application fee of \$4,000; and,
- all plans, drawings and information required under the Storefront Cannabis Retail Sales Development Permit Checklist included with the application form.

Should an application be missing information required to deem it 'complete', the applicant will be notified and given two weeks to submit any missing or incomplete material. If missing information is not submitted within two weeks, the application will be put on hold until all missing information is supplied and until all other applications received in the first wave are processed.

Initial review will also determine if any proposed applications are within 30 metres of another application. Should a conflict exist, a draw will be conducted, by a third party, of the conflicting applications to determine the order the applications will be processed. Any conflicting applications will be notified of the date and information relating to the draw.

Applications will then be reviewed for consistency with the Town of Banff Land Use Bylaw and Banff Design Guidelines, Banff Community Plan, and other relevant documents. The application is also circulated to other municipal departments, Parks Canada, and other agencies for comment. The duration of the review period is at least four weeks and can be longer, depending on the volume of work being handled by Town of Banff staff and external agencies and the complexity of the proposed development. Certain proposals may also require CEAA (Canadian Environmental Assessment Act) screening, which is administered by Parks Canada.

Once all comments have been received, the Development Officer will refer the application to the Municipal Planning Commission (MPC) for review. The MPC consists of eight voting members including two Councillors, five public representatives and one person nominated by the Federal Minister. The MPC has the ability to refuse Development Permit applications for discretionary uses even though they may meet the minimum standards of the Land Use Bylaw.

Once a decision is made and a Notice of Decision is issued, there is a statutory 14-day period during which the applicant or any affected person may appeal the decision of the MPC to the Development Appeal Board (DAB). As a quasi-judicial board, the DAB has the power to uphold, deny, or vary the decision of the Development Officer or MPC. The Notice of Decision may also be accompanied by a number of conditions, which are required to be satisfied prior to the issuance of a Development Permit. At the end of the 14-day appeal period and once all required conditions have been met, except those of a continuing nature, the Development Officer may issue a Development Permit.

#### **Incomplete Applications and Applications Received On or After December 1, 2018**

Any application that was received prior to December 1, 2018, that did not submit required information to deem the application complete by the given date, or, any application received on, or after December 1, 2018, will be processed in the order that they are deemed complete.

Applications will be reviewed for consistency with the Town of Banff Land Use Bylaw and Banff Design Guidelines, Banff Community Plan, and other relevant documents. The application is also circulated to other municipal departments, Parks Canada, and other agencies for comment. The duration of the review period is at least four weeks and can be longer, depending on the volume of work being handled by Town of Banff staff and external agencies and the complexity of the proposed development. Certain proposals may also require CEAA (Canadian Environmental Assessment Act) screening, which is administered by Parks Canada.

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### **HOW DO YOU SUBMIT A DEVELOPMENT PERMIT APPLICATION?**

A complete Development Permit Application must be submitted to the front counter at Town Hall, 110 Bear Street, Banff, during regular business hours. An application will only be deemed 'complete' if it includes: a fully complete, signed and authorized Change of Use - Storefront Cannabis Retail Development Permit Application form; the full application fee of \$4,000; and, all plans, drawings and information required under the Storefront Cannabis Retail Sales Development Permit Checklist included with the application form. The Town of Banff will not be accepting any applications prior to November 1st, 2018.

### **WHAT IS THE FEE FOR PROCESSING A DEVELOPMENT PERMIT APPLICATION?**

The application fee for a Storefront Cannabis Change of Use is \$4,000. Application fee can be paid by cheque, debit or cash. In addition, all applications will be required to pay a Municipal Planning Commission surcharge of \$650 once the application is referred to the MPC. Additional fees may also be required specific to each application.

### **CAN I MEET WITH A PLANNER TO DISCUSS A PROPOSED APPLICATION PRIOR TO SUBMITTING AN APPLICATION?**

It is possible to schedule a meeting with a Development Planner in order to discuss the application process, the requirements of the Land Use Bylaw or an application prior to submitting the application form. In order to make the most of any meeting it is recommended that you bring any plans or specific information relating to the proposal. To schedule a meeting please contact Kerry MacInnis at 403.762.1215 or [kerry.macinnis@banff.ca](mailto:kerry.macinnis@banff.ca).

### **WHAT OTHER MUNICIPAL PERMITS OR LICENCES MAY BE REQUIRED?**

In addition to a Development Permit, a Building Permit may also be required. Like many Alberta municipalities, Banff operates on a two-permit system. A Development Permit deals with land use regulations (e.g. density, site coverage, setbacks, parking, height, design, etc.). A Building Permit deals with the Alberta Building Code (e.g. building structure, materials, insulation, etc.). In many cases, a Building Permit is required in addition to a Development Permit.

In order to operate a business in Banff, a valid Business Licence is required. A Business Licence will not be issued until a Development Permit has been issued and until all conditions specific to the Business Licence Application have been met. For more information on Business Licensing, please see: [www.banff.ca/index.aspx?NID=669](http://www.banff.ca/index.aspx?NID=669)

Signs that are visible from any street or lane require a separate Development Permit specific to Signs. More information relating to signs can be found at: [www.banff.ca/DocumentCenter/View/449](http://www.banff.ca/DocumentCenter/View/449)

The Town of Banff Land Use Bylaw and other planning documents are available on the Town of Banff website ([www.banff.ca](http://www.banff.ca)) in the Town Hall section. Additional information specific to cannabis retail can be found at [www.banff.ca/CannabisRetail](http://www.banff.ca/CannabisRetail).

# Development Permit Application



## Change of Use – Storefront Cannabis Retail

Planning and Development  
110 Bear Street, P.O. Box 1260, Banff, Alberta T1L 1A1  
T 403.762.1215 F 403. 762.1260

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Development Street Address: \_\_\_\_\_

Legal Description: Lot(s)/Unit: \_\_\_\_\_ Block: \_\_\_\_\_ Plan (LTO): \_\_\_\_\_

Land Use District: \_\_\_\_\_

Name of Registered Owner\*: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City/Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_ Tel. No.: \_\_\_\_\_

Email: \_\_\_\_\_

Name of Applicant/Agent: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City/Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_ Tel. No.: \_\_\_\_\_

Cell No.: \_\_\_\_\_ Email: \_\_\_\_\_

Present use of property: \_\_\_\_\_

Description of proposed use/development: \_\_\_\_\_

### FOR OFFICE USE ONLY

Application Fee of \$4,000 Received:

- Yes (attach copy of receipt – GL Code: 1-711-5620-4270)
- No

Received on: (date stamp)

By: \_\_\_\_\_

At: (time) \_\_\_\_\_

Development Permit No.: \_\_\_\_\_

Roll #: \_\_\_\_\_

## PROJECT DATA

**PLEASE COMPLETE ALL AREAS APPLICABLE TO YOUR PROPOSAL:**

### Site Data

Area of lot(s):	m <sup>2</sup>	Footprint (area) of all buildings on site:	m <sup>2</sup>
Frontage of lot(s):	m	Depth of lot(s):	m

### Premises Data

Existing gross floor area by use (list below):		Proposed gross floor area by use (list below):	
Existing Use:	Area:	Proposed Use:	Area:
	m <sup>2</sup>		m <sup>2</sup>
	m <sup>2</sup>		m <sup>2</sup>
	m <sup>2</sup>		m <sup>2</sup>
	m <sup>2</sup>		m <sup>2</sup>
	m <sup>2</sup>		m <sup>2</sup>

Distance of premises from the boundary line of:

- Banff Community High School: Block 14, Lot 26, LTO Plan 0011315:	m
- Rundle United Church: Block 2, Lots 1-3, LTO Plan 6719 BC:	m
- Central Park: Block A, Lots 3-6, LTO Plan 6719 BC:	m

### Required Housing

No. of existing bedrooms on-site:	No. of proposed new bedrooms on-site:
No. of existing bedrooms to be demolished:	No. of proposed new bedrooms off-site:

### Parking

No. of existing parking stalls:	No. of proposed new parking stalls:
No. of existing surface parking stalls:	No. of proposed new surface parking stalls:
No. of existing enclosed parking stalls:	No. of proposed new enclosed parking stalls:

### AGLC

Has an application for a Cannabis Retail Licence been submitted to AGLC:	yes	no
Has AGLC confirmed that the application has passed the due diligence process:	yes	no
Has the AGLC application completed the Objection Period:	yes	no
If yes, were any objections received:	yes	no

\*A copy of the Certificate of Title is required to be submitted with the Development Permit application (see Submittal Requirements). The property owner must sign the Development Permit application form. If the legal owner is a corporation, a corporate registry search must be submitted to prove signing authority.

**AUTHORIZATIONS**

**Authorization of Agent**

I/We \_\_\_\_\_ authorize \_\_\_\_\_  
(name of registered owner) (name of agent/person authorized to sign the application)

to act as agent and sign the application form to the Town of Banff on my/our behalf for the property known as:

\_\_\_\_\_  
(civic address of property)

Signature(s) of registered owner(s)	Date
_____	_____
_____	_____

Signature of Signing Officer(s) of Corporation	Corporate Seal(s), if applicable
_____	
_____	

**Property owner's agreement**

As of the date of this application, I am the registered owner of the lands described in the application. I have examined the contents of the application, certify that the information submitted with it is correct insofar as I have knowledge of these facts, and concur with the submission of the application. I acknowledge that the lands described in the application may be subject to applicable laws, regulations, and guidelines including, but not limited to, the Town of Banff Land Use Bylaw, the Banff National Park Management Plan, and the Canadian Environmental Assessment Act. I agree to comply with all provisions of the Town of Banff Land Use Bylaw and any other applicable legislation, if this application is approved. I understand that approval does not constitute a building permit and that drawings submitted for a building permit must match the approved Development Permit drawings.

_____	_____
Signature of property owner	Date

**Payment of fee**

Enclosed is the fee for this application. I agree to pay any further costs which may be determined as this application is reviewed.

_____	_____
Signature of applicant or agent	Date

**Declaration and Consent**

I, \_\_\_\_\_, solemnly declare that the statements made by me upon this application are to the best of my belief and knowledge a true and complete representation of the purpose and intent of this application.

I, \_\_\_\_\_, acknowledge that the processing of this application may take more than 40 days and hereby consent to an extension of time for the Town to make a decision on this application if required.

_____	_____
Signature of applicant or agent	Date

Personal information is being collected under the authority of the *Municipal Government Act* for the purpose of processing this Development Permit application. This information is protected under the privacy provisions of the Freedom of Information and Protection of Privacy Act. If you have any questions about the collection of this information, contact the Manager of Planning and Development at (403) 762-1215, Town of Banff, P.O. Box 1260, Banff AB, T1L 1A1

# Storefront Cannabis Retail Sales Development Permit Checklist

All of the following information is required to process a development permit application for a proposed storefront cannabis retail sales change of use. All items must be submitted in a paper format to the front counter at Town Hall with any electronic copies provided on a USB memory stick. It is strongly recommended that a qualified draftsman, architect, or planning professional design your plans. All plans must be to metric scale with metric dimensions.

## Context Plan

- 3 printed copies (min 1 copy reduced to 8½" x 11") and 1 electronic copy in PDF format
- Metric scale of 1:500 (minimum)
- North arrow and scale
- Location of premises including adjacent streets and land use districts
- Separation distances between premises and property line of:
  - o Banff Community High School: Block 14, Lot 26, LTO Plan 0011315
  - o Rundle United Church: Block 2, Lots 1-3, LTO Plan 6719 BC
  - o Central Park: Block A, Lots 3-6, LTO Plan 6719 BC

## Site Survey\*

- 3 printed copies (min 1 copy reduced to 8½" x 11") and 1 electronic copy in PDF format
- Metric scale of 1:200 (minimum)
- North arrow and scale
- 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 6.0m of the property line
- Existing or proposed rights-of-way or easements

**\*The site survey shall be prepared by a qualified Canada Land Surveyor.**

## Site Plans (existing and proposed)

- 3 printed copies of each (min 1 copy reduced to 8½" x 11") and 1 electronic copy in PDF format
- Metric scale of 1:200 (minimum)
- North arrow and scale
- Identification of adjacent street(s) and accesses
- Size and location of all existing and proposed buildings/uses including accessory buildings and structures Location and size of all buildings, noting layout of individual suites within a building and highlighting the leasehold space where the storefront cannabis retail sales use is proposed
- Footprints of adjacent buildings within 6.0m of property lines
- Driveway location, size, surface material, and grades
- Dimensioned parking spaces and loading areas
- Garbage room location, dimensions and details



**Architectural Plans (existing and proposed)**

- ❑ 3 printed copies of each (min 1 copy reduced to 8½” x 11”) and 1 electronic copy in PDF format
- ❑ Metric scale of 1:100 (minimum)
- ❑ Photos of exterior elevations of storefront location
- ❑ Dimensions of rooms and exterior walls of building or suite where business is located showing the layout of interior and exterior walls and identification of all proposed/existing uses on all floors proposed for cannabis sales (i.e. point of sale area, office area, delivery area, shipping and receiving area and storage)
- ❑ All doors, stairs and window locations
- ❑ Exterior elevation drawings of all sides of the structure that are being altered, including windows, doors, loading bays, projections, finishing materials, and exterior lighting
- ❑ Elevations showing proposed building height, finishes and colours, location of proposed signage and lighting (if applicable)
- ❑ Cross sections showing all materials used for the structure

**Please attach the following to the Development Permit application:**

- ❑ Application Fee (\$4,000.00) - cheque, debit or cash accepted
- ❑ Certificate of Title (issued not more than 30 days prior to the date the application is received)
- ❑ CEAA Model Class Screening Form (if applicable)
- ❑ Confirmation from the AGLC that a Cannabis Store Licence application has been received
- ❑ Detailed description of the proposed operation
- ❑ Completed application form and signed authorizations

**NOTE: Incomplete applications will not be accepted. Additional information may be required at the discretion of the Development Officer during the review of the application. Presentation quality plans may be required for Municipal Planning Commission review.**