

MUNICIPAL PLANNING COMMISSION MEETING AGENDA

Town of Banff Council Chambers and via Zoom
Wednesday, June 17, 2026, at 9:00a.m.

PLEASE NOTE:

The Municipal Planning Commission meeting will be conducted both in-person and virtually using Zoom, in Council Chambers located at Banff Town Hall. The meeting will be live streamed on the internet, and recorded, in accordance with Council Policy C8002-1, Video Recording and Live Streaming of Legislated Meetings. It will be made available on the Town of Banff website.

Members of the public may either attend the meeting in person or watch the live stream of this at www.banff.ca/live

MEMBERS OF THE PUBLIC MAY PARTICIPATE IN EITHER/BOTH OF THE FOLLOWING MANNERS:

Public wishing to make written submissions relating to approved agenda items may do so by emailing planning and environment at kerry.macinnis@banff.ca prior to 12:00 p.m. noon, Tuesday, June 16, 2026. Submissions received will be included in the agenda package publicly available through www.banff.ca/AgendaCenter.

- Written Submissions may be submitted in-person at the meeting and will be included in the public agenda package posted after the conclusion of the meeting. If presenting in-person, twelve (12) copies of a Written Submission are required. Please email planning and environment at kerry.macinnis@banff.ca to register, if planning to attend in-person.
- Personal information provided in submissions is collected under the authority of Procedures Bylaw 44-7 and Section 33(c) of the *Freedom of Information and Protection of Privacy (FOIP) Act* of Alberta, for the purpose of receiving public participation in municipal decision-making. If you have questions regarding the collection and use of your personal information, please contact the FOIP Coordinator at 403-762-1209 or at Banff Town Hall, Box 1260, Banff, Alberta, T1L 1A1;

AND/ OR

- Members of the public may speak to an approved agenda item at the meeting in-person at Banff Town Hall, in Council Chambers, or virtually, using Zoom. Please email planning and environment at kerry.macinnis@banff.ca to register, if planning to attend in-person.
- To prepare for the possibility of the meeting location changing to electronic only, members of the public who are wishing to speak to approved agenda items at the meeting during the 'Public Input' portion of the agenda are encouraged to pre-register by contacting planning and environment at kerry.macinnis@banff.ca or 403-762-1215 prior to 12:00 p.m. noon on Tuesday, June 16, 2026, to receive a Zoom Link.
- Members of the public who wish to personally attend the meeting are also encouraged to pre-register in accordance with the guidelines noted above. Those who do not pre-register will be provided with an opportunity to speak to approved agenda items once all registered speakers have completed their presentations.
- Verbal Presentations are strictly limited to five minutes.

1.0 CALL TO ORDER

The June 17, 2026, Regular Meeting of the Municipal Planning Commission will be conducted both in-person in Council Chambers located at Banff Town Hall and virtually using Zoom. The meeting will be live streamed on the internet, and recorded, in accordance with Council Policy C8002-1, Video Recording and Live Streaming of Legislated Meetings. It will be made available on the Town of Banff website.

We acknowledge that we live, work and play on the traditional and ancestral territories of the Blackfoot Confederacy, Stoney Nakoda Nation, and Tsuut'ina Nation. We also recognize this land is traditionally, spiritually, and culturally shared with other Indigenous peoples including the Métis, Ktunaxa, and Secwépemc Nations.

The Municipal Planning Commission is committed to improving the Town's understanding of these Nations' interests and working in partnership with Indigenous communities in the spirit of reconciliation and change.

2.0 APPROVAL OF THE AGENDA

- 2.1 Approval of the MPC agenda for June 17, 2026
- 2.2 Declaration of Conflicts

3.0 ADOPTION OF PREVIOUS COMMISSION MINUTES

- 3.1 Minutes of May 20, 2026, Regular Meeting

4.0 UNFINISHED BUSINESS

5.0 REPORTS

5.1 Proposed Mixed Use Housing at 226 Bear Street –26DP51

- i. Staff Presentation
- ii. Public input
- iii. Applicant input

5.2 Proposed Bare Land Condominium Subdivision at 418 Muskrat Street – 26SN04

- i. Staff Presentation
- ii. Public input
- iii. Applicant input

5.3 Proposed Bylaw 497 – A Bylaw to enable heritage conservation goals and solutions established in the Heritage Resource Action Plan -request for MPC comments

- i. Staff Presentation

6.0 CORRESPONDENCE

7.0 NEW BUSINESS

8.0 INQUIRIES

9.0 DATE OF NEXT MEETING

- 9.1 The next MPC meeting is scheduled for [Wednesday, August 15, 2026](#)

10.0 ADJOURNMENT

David Fullerton
Marc Ledwidge
Josh Simpson
Richard Yuh
Michelle Lem
Peter Eshenko
Tamra Malczyk
Stavros Karlos

Council Representative
Council Representative
Parks Canada Representative
Public Representative
Public Representative
Public Representative
Public Representative
Public Representative

Kelly Gibson
Darren Enns
Dave Michaels

Town Manager
Director, Planning & Environment
Manager, Planning Services



**MINUTES OF THE MUNICIPAL PLANNING COMMISSION
of the Town of Banff in the Province of Alberta
Wednesday, May 20, 2026, at 9:00 a.m.**

COMMISSION MEMBERS PRESENT

Stavros Karlos	Public Representative (Chairperson)
Tamra Malczyk	Public Representative (Vice Chairperson)
Peter Eshenko	Public Representative
Richard Yuh	Public Representative
David Fullerton	Council Representative
Marc Ledwidge	Council Representative
Josh Simpson	Parks Canada Representative

COMMISSION MEMBERS ABSENT

Michelle Lem	Public Representative
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ADMINISTRATION PRESENT

Dave Michaels	Manager, Planning and Environment
Emma Sanborn	Planner, Planning and Environment
Julien Doucette-Preville	Planning Technician, Planning and Environment

1.0 CALL TO ORDER

Chair Karlos called the April 15, 2026, Municipal Planning Commission meeting to order at 9:00a.m.

2.0 APPROVAL OF AGENDA

2.1. Approval of the Municipal Planning Commission agenda for May 20, 2026

MPC26-30 Moved by Commissioner Karlos

That the agenda for the May 20, 2026, meeting of the Municipal Planning Commission be approved as amended.

Add: 26SN01 – Applicant’s written submission received on May 19, 2026, has been received by all MPC members and will be included in these meeting minutes.

MOTION CARRIED

2.2. Declaration of Conflicts
There was no declaration of conflict.

Minutes approved by: _____



3.0 ADOPTION OF PREVIOUS COMMISSION MINUTES

3.1 Minutes of the April 15, 2026, meeting of the Municipal Planning Commission

MPC26-31 Moved by Councillor Yuh

That the minutes of the April 15, 2026, meeting of the Municipal Planning Commission be adopted as presented.

MOTION CARRIED

4.0 UNFINISHED BUSINESS

There was no unfinished business.

5.0 REPORTS

5.1 Proposed Residential Condominium Subdivision at 336 Otter Street – 26SN01

- i. Staff Presentation
Administration provided a presentation and overview of the proposal as included in the agenda package.
- ii. Public Input
There was no public input.
- iii. Applicant Input
Nancy and Noel Martin, applicants were present to answer questions from the commission.

MPC26-32 Moved by Commissioner Simpson that MPC move into closed meeting at 9:40a.m. pursuant to Sections 24 (advice from officials) of the Freedom of Information and Protection of Privacy Act and Section 3.2.12 of the Land Use Bylaw, to deliberate and discuss confidential matters with respect to Item 5.1, Proposed Residential Condominium Subdivision at 336 Otter Street – 26SN01.

MOTION CARRIED

Administration in attendance during the closed meeting discussions with respect to Item 5.1, Proposed Residential Condominium Subdivision at 336 Otter Street – 26SN01

Advice: D. Michaels. E. Sanborn

MPC reconvened in public meeting at 10:22 a.m., with Commissioner Karlos in the chair.

Minutes approved by: _____



MPC26-33 **Moved by Commissioner Eshenko** that MPC return to open public session.

MOTION CARRIED

MPC26-34 **Moved by Commissioner Karlos**

That the Municipal Planning Commission approve subdivision application 26SN01 for the proposed condominium subdivision of Lot 1, Block 25 and Plan 5739HQ (336 Otter Street), subject to the conditions of approval attached as Appendix 'A' and subdivision plan as attached as Appendix 'B' in this agenda package.

MOTION CARRIED

Appendix A – conditions of approval – 26SN01

(1) Conditions to be met prior to endorsement of the Plan of Subdivision:

- a) Submit a final plan of subdivision prepared by a Canada Land Surveyor in accordance with the provisions of the *Canada Lands Survey Act* and register the Plan of Subdivision at the Alberta Land Titles within one (1) year of the date of approval by Municipal Planning Commission;
- b) Subdivision Application Fee of \$3,750 (\$2,500 + \$250 per lot) and upon final Subdivision Endorsement a fee of \$700 (\$500 + \$100 per lot) will be invoiced as well as a Municipal Planning Commission surcharge fee of \$400.00 in accordance with Schedule "G" of the *Town of Banff Land Use Bylaw*;
- c) Provide confirmation, to the satisfaction of the Director of Engineering, of adequate site servicing for water and sewer for the development;
- d) Provide confirmation, to the satisfaction of the Development Officer, that the previously constructed, unapproved Accessory Dwelling Units have obtained a valid Development Permit, Building Permit and have received a final Building Permit inspection indicating that the Accessory Dwelling can be occupied;
- e) Provide evidence pursuant to Section 654(1) of the *Municipal Government Act* that all property taxes for the subject lands have been paid to the Town of Banff prior to final endorsement of the Plan of Subdivision;
- f) Prior to development of Lot 11-2, a detailed hard and soft landscaping plan by a Landscape Architect, for all landscaping specifying all plant materials, their size, numbers, location, species and further consideration of FireSmart principles. Provide an irrevocable letter of credit in the amount of 125% of the cost of landscaping to secure completion of this work;

Minutes approved by: _____



- g) Provide a landscaping plan and off-site improvement plan to the satisfaction of the Development Officer and Director of Engineering showing compliance with the *Land Use Bylaw* and *Town of Banff Engineering Design Standards*, including but not limited to:
 - i. the relocation of moveable sheds to align with allowable setbacks in section 8.9.3;
 - ii. the removal of a fence located in the public boulevard on Wolf Street;
 - iii. addition of a public sidewalk along Wolf Street public boulevard; and,
 - iv. reduction of Wolf Street driveway throat to 3.6m; and
- h) Submission of written confirmation from Parks Canada Municipal and Realty Services that satisfactory arrangements have been made to surrender the existing lease and create new leases.

5.2 Proposed Change of Use at 149 Eagle Crescent and 135 Eagle Crescent – 26DP30

- i. Staff Presentation
Administration provided a presentation and overview of the proposal as included in the agenda package.
- ii. Public Input
There was no public input.
- iii. Applicant Input
There was no applicant input.

MPC26-35 Moved by Councillor Ledwidge

That the Municipal Planning Commission approve Development Permit application 26DP30 for a proposed Change of Use to Transportation Services and Professional, Financial and Office Services at 149 Eagle Crescent and 135 Eagle Crescent, subject to the conditions of approval attached as Appendix 'A' and plans attached in this meeting agenda as Appendix 'B'.

MOTION CARRIED

Appendix A – conditions of approval – 26DP30

(1) Conditions to be met prior to issuance of the Development Permit:

- (a) Pay the development permit fees for a Discretionary Change of use in the amount of \$1,500.00;
- (b) Pay Cash-in-lieu of required housing in the amount of \$2,476.08 (0.04 bedrooms) in accordance with section 8.19 of the *Town of Banff Land Use Bylaw*; and
- (c) Provide written confirmation to the satisfaction of the Development Officer that leases for seven (7) parking stalls at 135 Eagle Crescent (Lot 6, Block 60, Plan 3939JK) have been secured.

Minutes approved by: _____



(2) Specific Conditions:

- (a) Issuance of this Development Permit allows for the conversion of Contractor Services (180.9m²) to Transportation Services (160.9m²) and Professional, Financial and Office Services (20.0 m²);
- (b) The total required housing resulting from this development is 0.04 bedrooms. In accordance with s.8.19.0 of the *Town of Banff Land Use Bylaw* and Council Policy C3002, Cash-in-lieu of required housing shall be paid in accordance with the Notice of Decision;
- (c) This development permit will cease to be valid should the seven (7) stalls at 135 Eagle Crescent (Lot 6, Block 60, Plan 3939JK) cease to be available for the dedicated use of this application. Any changes to the proposed parking will requires a new development permit application. In the situation this permit ceases to be valid, the use of the office space at 149 Eagle Crescent (Lot 1, Block 59, Plan 8111461) will return to Contractor Services; and,
- (d) This development permits allows only for the use of six transportation service vehicles.

(3) General Conditions:

- (a) Any changes to the approved plans shall be submitted for review and final approval of the Development Officer prior to implementation on-site;
- (b) A Sign Permit is required for any new signs or replacement of existing signs on the building;
- (c) Protect all existing services, including landscaping, on adjacent roadways and properties during construction. Assume responsibility and repair all damages to any existing services and landscaping on adjacent roadways and properties;
- (d) Confine “noise” activities to hours set out in *Town of Banff Community Standards Bylaw 260*;
- (e) Any future change of use will require a Development Permit and shall be subject to the provisions of the *Town of Banff Land Use Bylaw*;
- (f) Ensure that all garbage and food waste is stored in bear-proof bins as per *Town of Banff Waste Bylaw 18-4*;
- (g) The applicant or future tenants shall obtain, and maintain, a valid Business Licence from the Town, which shall reflect the use approved by this Development Permit; and,



- (h) Obtain all permits required in accordance with the Province of Alberta Safety Codes Act Revised Statutes of Alberta, Chapter S-1. The Act requires that all property owners and contractors working in Alberta obtain permits prior to commencing work on buildings covered by the Alberta Building Code or prior to conducting work governed by the regulations of the Canadian Electrical Code, the Alberta Gas Code or the Alberta Plumbing Code.

5.3 Proposed Home Occupation Type 2 – 5-122 Beaver Street – 26DP29

- i. Staff Presentation
Administration provided a presentation and overview of the proposal as included in the agenda package.
- ii. Public Input
There was no public input.
- iii. Applicant Input
Kentaro Wakatsuki, applicant was present to answer questions from the commission.

MPC26-36 Moved by Commissioner Malczyk

That the Municipal Planning Commission approve development permit application 26DP29 for a proposed Home Occupation Type 2 (General Contracting Service) at 5-122 Beaver Street, subject to conditions of approval attached as Appendix 'A', the application attached in this agenda package as Appendix 'B', and the Land Use Bylaw.

MOTION CARRIED

Appendix A – conditions of approval – 26DP29

(1) Conditions to be met prior to issuance of the Development Permit:

- a) Pay to the Town of Banff the following fees as established by Town of Banff Land Use Bylaw:
 - i. Development Permit Application Fee \$150.00
 - ii. Municipal Planning Commission surcharge fee of \$125.00.

(2) Specific Conditions:

- a) This approval allows only for the administrative activities associated with a General Construction Contracting Service. Any future expansion or changes to the business will require a new development permit in accordance with the requirements of the *Land Use Bylaw*;

Minutes approved by: _____



- b) The Home Occupation Type 2 shall not involve the sale or display of any goods on the site;
- c) The home occupation shall not generate more than two clients to the site from which the occupation is being operated at any given time;
- d) The Home Occupation Type 2 shall not engage more than one other person who does not live at 5-122 Beaver Street in the operation of the Home Occupation; and,
- e) The home occupation shall have no more than three (3) business associated vehicle visits per day, where business associated vehicle visits to the use include drop-offs or pick-ups, deliveries, and visits from customers or consultants.

(3) General Conditions:

- a) No variation from the residential character and appearance of land or buildings shall be permitted except as an incidental use by a resident of a Dwelling Unit for a business purpose, the scale and intensity of which are limited so that no impacts of the business are observed or felt outside of the Dwelling Unit;
- b) A home occupation shall not generate any electronic interference, dust, noise, odour, smoke or anything of an offensive or objectionable nature, which is detectable to normal sensory perception, outside the building containing the use;
- c) At all times the privacy and enjoyment of adjacent dwellings shall be preserved and the Home Occupation shall not adversely affect the amenities of the neighborhood;
- d) The home occupation shall not occupy more than 20% of the gross floor area of the dwelling unit, or 30.0 square meters, whichever is less;
- f) The home occupation shall not generate any pedestrian or vehicular traffic or parking in excess of that which is characteristic of the neighborhood within which it is located;
- g) No exterior storage of materials, tools, products or equipment or any activities related to the use or operation of the home occupation shall be permitted outside of a building;
- h) No signs advertising Home Occupations are permitted
- i) The Development Permit is valid for a period not to exceed the lesser of the term of the Business License or a period of one year from the date of issuance; and
- j) The applicant shall obtain a valid Town of Banff Business License. Please contact the Business License Clerk at Town Hall or by telephone at 403.762.1215.

6.0 CORRESPONDENCE

There was no correspondence for this meeting.

Minutes approved by: _____



7.0 NEW BUSINESS

There was no new business for this meeting

8.0 INQUIRIES

There were no inquiries for this meeting.

9.0 DATE OF NEXT MEETING

The next scheduled meeting of the Municipal Planning Commission is scheduled for **Wednesday, June 17, 2026.**

10.0 ADJOURNMENT

MPC26-37 **Moved by Councillor Fullerton**

That the Municipal Planning Commission adjourn at 10:48a.m.

MOTION CARRIED

Stavros Karlos
MPC Chair

Kerry MacInnis
MPC Recording Clerk

REQUEST FOR DECISION

**Subject: Proposed Mixed Use Housing
226 Bear Street (26DP51)**



Presented to: Municipal Planning Commission Date: June 17, 2026

Submitted by: Drew Cornell,
Development Planner Agenda #: 5.1

RECOMMENDATION

That the Municipal Planning Commission consider Development Permit application 26DP51 for the addition of a 4th residential storey, comprising of 21 (twenty-one) residential units and a roof top outdoor amenity area (Mixed Use Housing), on the existing non-conforming building, at 226 Bear Street, subject to the conditions of approval attached as Appendix 'A', with variances to:

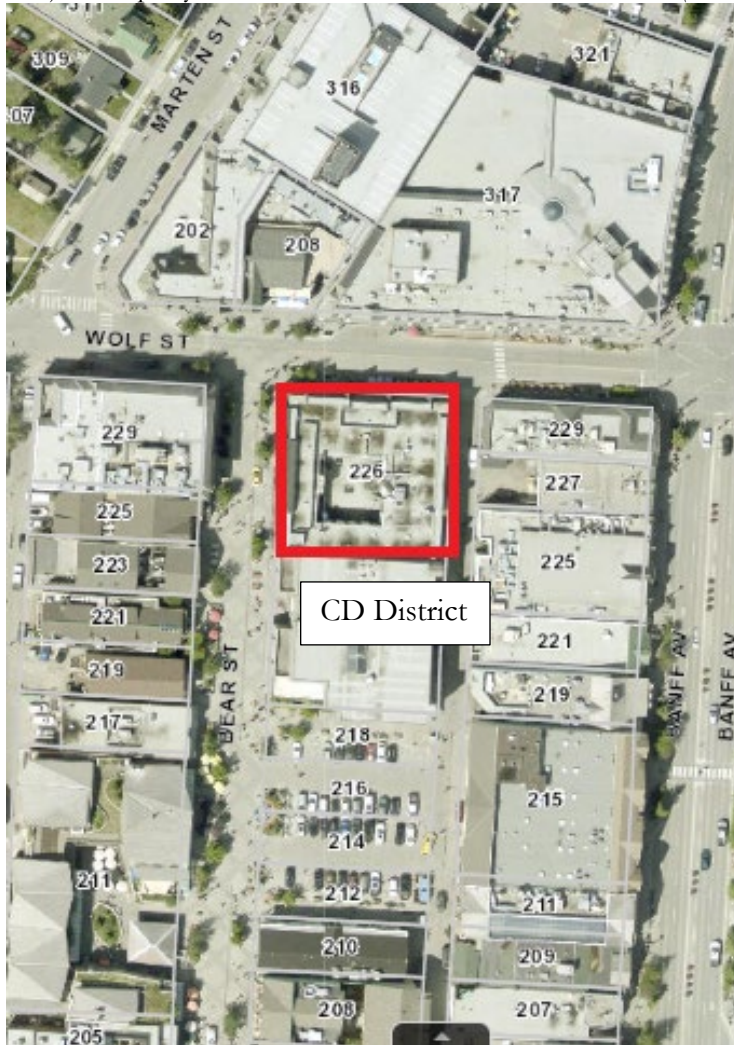
1. Allow the continuation of the existing non-conforming building:
 - Section 12.3.6(b) To allow for the continued 100% site coverage of the existing building located at 226 Bear Street.
 - Section 12.3.6(d) To allow for the remaining 25% of the existing building frontage to remain within the required 2.0 m setback.
 - Section 12.3.6(f) To allow for the existing building, which fronts two streets, to continue use without the required 6.0 m triangular corner cut.
 - Section 12.3.6(g) To allow for the existing portions of the building fronting Bear Street that are over two storeys in height to remain within the required 1.0 m front yard setback.
2. With additional variances to:
 - Section 12.3.6(c) To allow for a proposed 4th-storey residential addition over the maximum 3-storey limit for the CD District; and,
 - Section 12.3.6(e) To allow for the existing building to omit the required 2.0 m setback for portions of the structure over 8.0 m in height.

BACKGROUND

Reason for Report

The applicant is proposing the addition of a 4th storey, comprising of 21 (twenty-one) residential units (Mixed Use Housing) and an outdoor amenity area on the existing non-conforming building, at 226 Bear Street. This property is located in the CD: Downtown District, where Mixed Use Housing is a Discretionary Use. Under section 3.1.2 of the *Town of Banff Land Use Bylaw*, Discretionary Uses of this nature are forwarded for consideration of the Municipal Planning Commission (MPC).

Subject Property: 226 Bear Street Located in the CD District (Downtown Land Use District)



Summary of Issue

The applicant is proposing a 4th-storey addition to the existing non-conforming building at 226 Bear Street, which will introduce 21 residential units and additional roof-top amenity area to the Mixed-Use Housing development. The original building was developed in the 1960s, then received exterior renovations in 1992, under development permit application 92DP05, both development instances predate the current Land Use Bylaw. As the structure is non-conforming under current regulations, 4 existing non-conforming variances and 2 new requested variances must be considered alongside the application for the new addition to bring the property into compliance. Since Mixed Use Housing is a Discretionary Use in the CD District, this application is forwarded to the MPC for consideration.



Existing Mixed Use Development as viewed from Wolf Street



Proposed exterior elevations

CONSIDERATIONS

CD- Downtown District (Section 12.3.2)

As the focal point for residents and visitors, the purpose of this district is to provide retail and commercial services, visitor accommodation, visitor information facilities, and apartment housing in mixed-use development. New development shall enhance the public realm, with a focus on pedestrian areas. (s.12.3.2).

The *Town of Banff Land Use Bylaw* defines Mixed Use Housing as; *a dwelling unit within a building, or on a site, that contains non-residential uses.* The proposed development includes the addition of a 4th residential storey containing 21 dwelling units. Currently, 226 Bear street is a 3 storey building that supports both

residential and commercial uses. The main level, that fronts the public realm, is comprised of commercial uses such as; General Retail and Eating and Drinking Establishments. The second and third storeys are residential in nature, with each floor having 21 dwelling units. The existing 3 storeys are not proposed to receive any internal changes.

District Development Regulations

The following is a summary of the ‘CD’ Land Use District regulations applicable to the proposed Mixed Use Housing:

‘CD’ Development Regulations (s.12.3.6)	Required	The <i>Town of Banff Land Use Bylaw</i>
Density (FAR) (12.3.6.a)	Max. 3.2	Proposed FAR: 3.14 <ul style="list-style-type: none"> • 3 storeys of residential and 1 of commercial floor space (complies)
Site Coverage (12.3.6.b)	Max. 90%	100% site coverage (non-conforming)
Height (12.3.6.c)	<ul style="list-style-type: none"> • Maximum height is 12.0m • or 3 storeys • maximum eaveline or cornice line of 8.0m. 	<ul style="list-style-type: none"> • Proposed height is 11.4m (complies) • Proposed 4 storeys (does not comply) • Proposed eaveline 6.4m (complies)
Setbacks (12.3.6.d)	Buildings may be constructed to the property line abutting a public roadway for up to 75% of the frontage. The remaining 25% shall be set back a minimum of 2.0 m.	100% of the building is constructed to property line (does not comply)
Setbacks (12.3.6.e)	Any portion of a building over 8.0 m in height shall be set back a minimum of 2.0 m from a property line abutting a public roadway.	The existing 3 rd storey and proposed 4 th storey are not to be setback a min of 2m from the property line. The 4 th storey addition is proposed to be constructed flush to the existing 3 rd storey (does not comply)
Setbacks (12.3.6.f)	Properties fronting on two streets shall have a minimum triangular corner cut of 6.0 m from the intersection of the front and side property line which shall belandscaped or hard surfaced.	The existing building fronts two streets Wolf and Bear Street and the current corner cut is measured to 3m (does not comply)
Setbacks (12.3.6.g)	Any portion of a building fronting on to Bear Street over two storeys in height shall have a front yard setback of at least 1.0 m.	226 Bear Street fronts Bear Street, however the building is constructed to the property line. This is an existing non-confomring feature (does not comply)

Section 1.7.5 of the Land Use Bylaw states that a *non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except as may be necessary to make it a conforming building, or as a Development Officer considers necessary for the routine maintenance of the building.* This application proposes adding to, and structurally altering the non-conforming building, and therefore variances would be required to allow for the continued placement of the existing building. The existing building is a pre-incorporation development, that was constructed in the 1960s, as such it was developed prior to the adoption of the *Town of Banff Land Use Bylaw* and *Banff Design Guidelines*.

The following outlines the existing non-conforming issues that are not proposed to change as a result of this development:

Site Coverage

Constructed in the 1960s, 226 Bear Street predates both the Banff Design Guidelines and the contemporary Land Use Bylaw. The original structure was built across the entirety of the property; the building is deemed existing non-conforming status regarding site coverage under the CD District Development Regulations. Specifically, the building maintains 100% site coverage, exceeding the 90% maximum threshold permitted by Section 12.3.6(b).

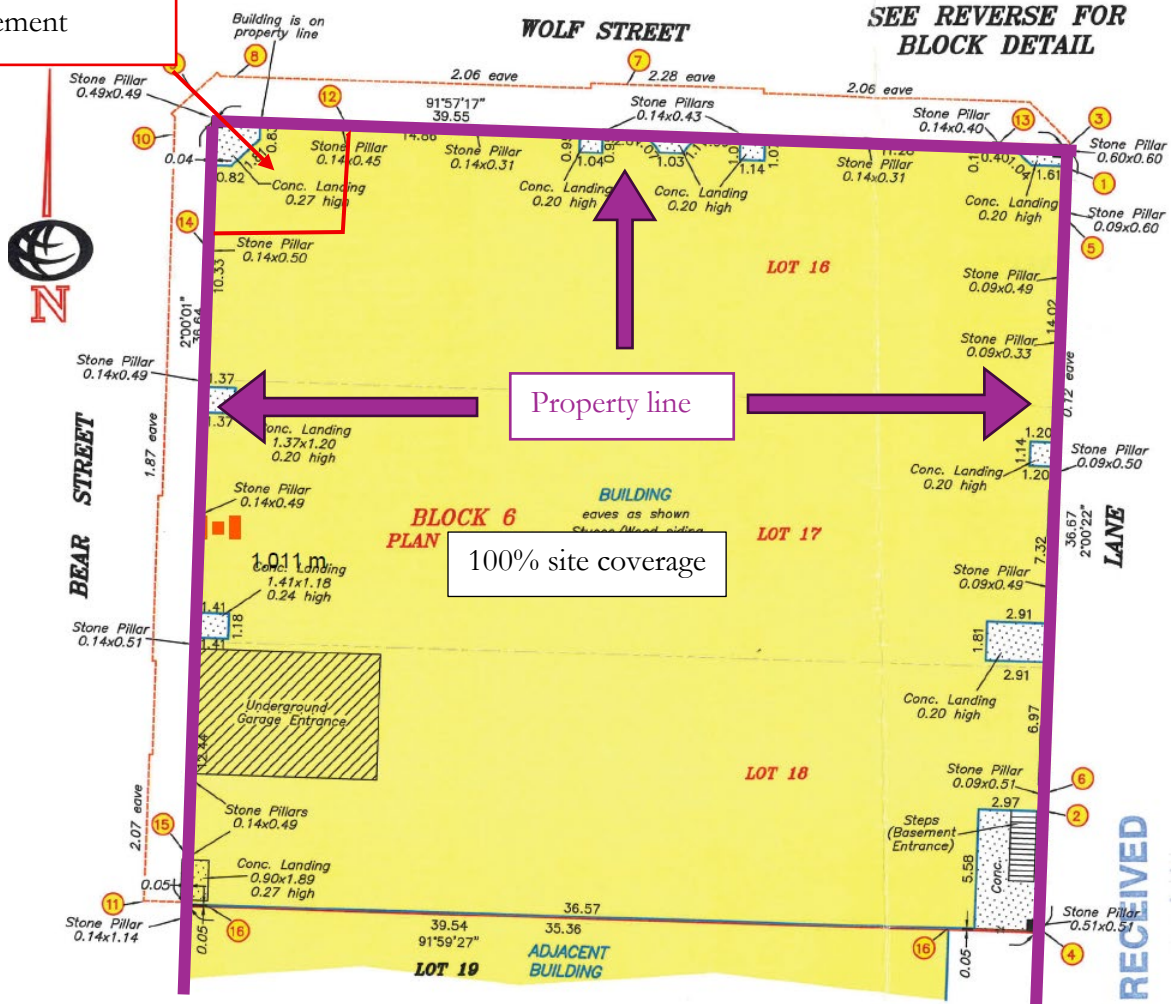
Setbacks

226 Bear Street was constructed in the 1960s, prior to the regulations outlined in the Town of Banff Land Use Bylaw. Under Section 12.3.6. these existing non-conforming variances include the building's continuous 100% frontage along the property line rather than the maximum 75% permitted before a 2.0-metre setback is triggered (s.12.3.6.d), and a lack of the mandatory 2.0-metre setback for any portion of the structure exceeding 8.0 metres in height (s.12.3.6.e). Furthermore, the existing upper facade lacks the 1.0-metre front yard setback required specifically along Bear Street for portions of a building rising above two storeys (s.12.3.6.g). As this application is strictly for an upward addition, the building's footprint and lower-facade alignment are not proposed to change, and these existing non-conforming conditions will remain exactly as they currently stand.

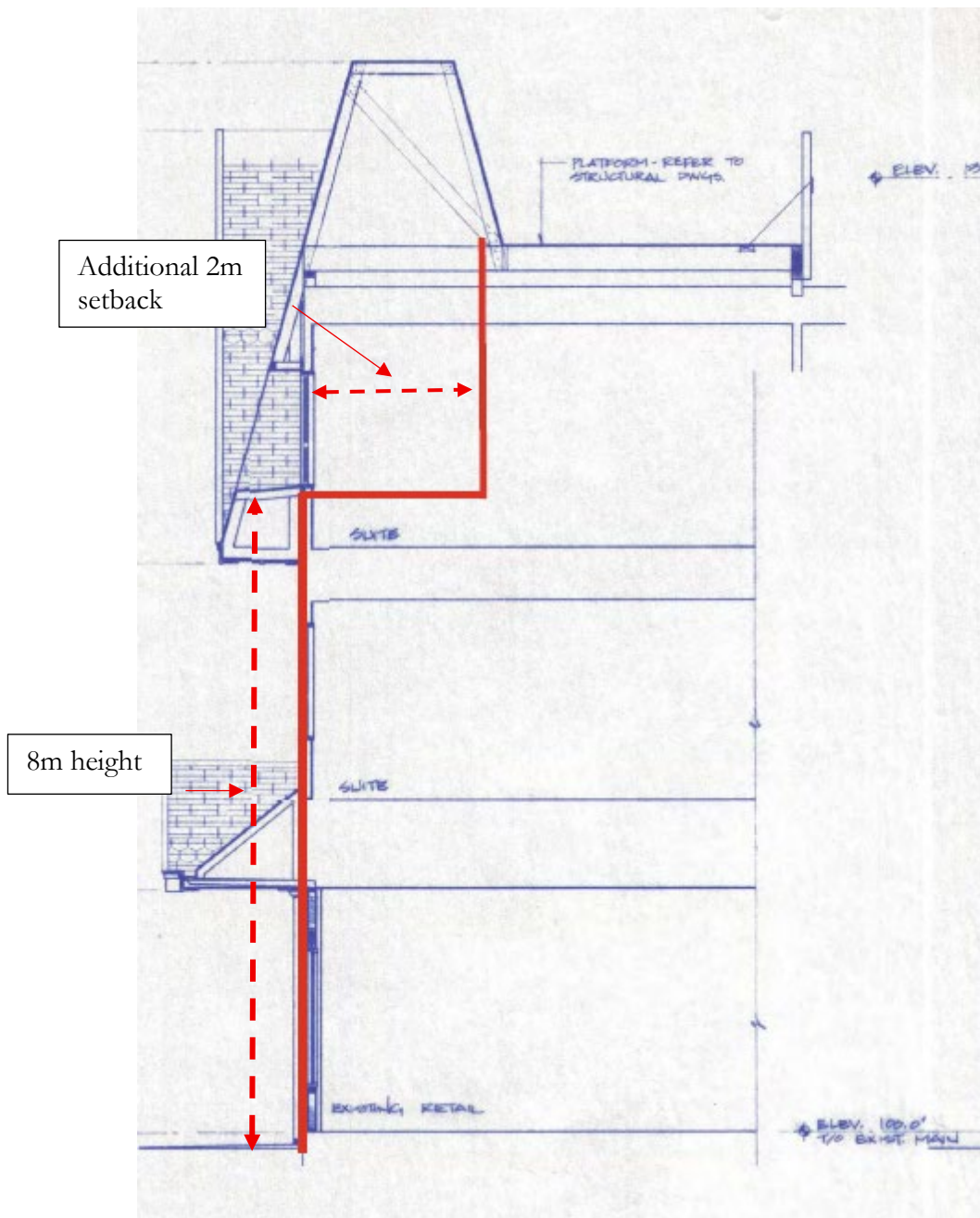
Corner Cut

Due to its construction in the 1960s, the building at 226 Bear Street reflects design standards that predate the current *Town of Banff Land Use Bylaw*. As a result, the property features a triangular corner cut of 3 metres that fronts the intersection of Bear and Wolf Street.. While Section 12.3.6(f) requires properties with dual street frontages to incorporate a minimum 6.0-metre triangular corner cut, the existing structure was developed with a smaller 3.0-metre corner clearance.

Abutting Wolf and Bear Street- 6m corner cut requirement



Real Property Report indicating property line



Existing building situated within the required setbacks.

As the proposed development results in the existing non-conforming building being *enlarged, added to, ...and...structurally altered*, for the proposed development to be approved, variances would be required to allow these issues to continue.

Variance Test (Existing Non-conforming Variances)

Under Section 4.7.1, a variance to the Land Use Bylaw may be granted only, if in the opinion of the Development Approving Authority (MPC), it meets the following criteria:

- a. *the deviation from this Bylaw is minor;*

The existing non-conforming building was constructed pre-incorporation, and as such was not regulated by the *Town of Banff Land Use Bylaw*. This resulted in the development not being constructed to setback and site coverage regulations that are now required by the CD Districts Development Regulations.

b. the proposed development would not unduly interfere with the amenities of the area or materially interfere with, or affect the use, enjoyment, safety, aesthetics, or value of neighbouring properties; and

The existing building has been in its current location since the 1960's with no changes to the site coverage, or setbacks. Surrounding buildings that were developed after this building are also existing non-conforming with regards to setbacks and site coverage.

c. the proposed development conforms with the use prescribed for that building or land in the district that applies to it; Mixed Use Housing is a discretionary use in the CD District.

d. an unusual site configuration, soil conditions, or other factors, which are peculiar to the site and not common in the district, may result in unnecessary hardship or practical difficulties for the proposed development to comply with the provisions of this Bylaw;

The building was developed in 1960s, pre-incorporation (1990) and was not bound by the provisions of the *Town of Banff Land Use Bylaw*. In order to comply with the Land Use Bylaw, the existing structure would have to be demolished and rebuilt to the current required setbacks and site coverage. Additionally, 226 Bear Street is unique as it is the only building of the same scale within the CD District to have an internal open air court yard.

e. approval of the variances will, in the opinion of the development approving authority, substantially improve the quality of design of the development relative to the Banff Design Guidelines; or contribute to the preservation of the heritage value of a recognized historical building or resource;

The existing building was built in the 1960s prior to the adoption of the *Banff Design Guidelines*, therefore is inconsistent with the direction provided in the document. The redevelopment of the existing building in the early 1990's provided the opportunity to align more closely with the *Banff Design Guidelines*. The proposed development is consistent with the existing building design. Furthermore, the existing building on site is not a designated or protected heritage resource.

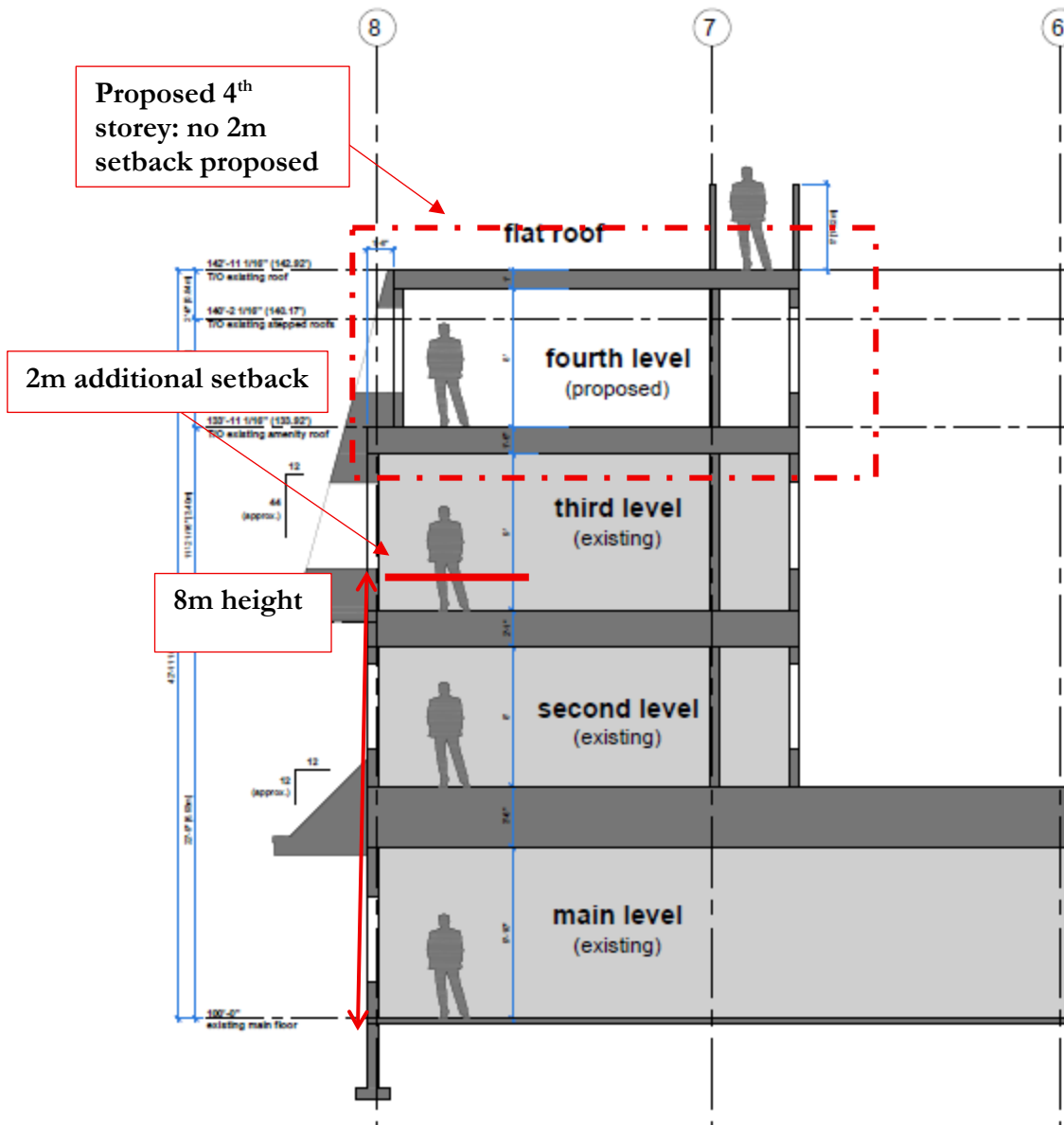
Section 8.12.3 of the *Town of Banff Land Use Bylaw* states- *Where a district regulation provides an alternative height limit, such as number of storeys, or a specific height in metres, the more restrictive shall apply.* The proposed development permit application 26DP51 meets 2 out of the 3 height requirements highlighted in s.12.3.6.c.



Proposed exterior renovations and height



The existing third storey and the proposed fourth storey do not incorporate this required 2-meter set back, a variance is required for both the existing non-conforming structure and the proposed fourth-storey addition. Therefore, a variance would be required.



Elevations indicating the additional set back requirement for portions of the building over 8m

Additional Variances

Under Section 4.7.1, a variance to the Land Use Bylaw may be granted only, if in the opinion of the Development Approving Authority (MPC), it meets the following criteria:

a. the deviation from this Bylaw is minor;

The existing building proposed to receive an increase in the number of storeys. The proposed 4th storey addition complies with 2 out of the 3 height requirements highlighted in s.12.3.6(c). The proposed 4th storey conforms to the CD District regulations for maximum building height (12m), as the new storey measures 11.4m. Additionally, it complies with the maximum eave line height of 8m, proposing an eave line height of 6.4m. It also does not comply with the setback requirements of s.12.3.6(e), (f) or (g). The proposed scale of the new addition is similar to the massing of surrounding commercial buildings such as Cascade Shops, which is 4 storeys in height.

b. the proposed development would not unduly interfere with the amenities of the area or materially interfere with, or affect the use, enjoyment, safety, aesthetics, or value of neighbouring properties; and

Currently, the existing building functions as a mixed-use development, with commercial businesses on the ground floor and residential units occupying the second and third storeys. Visual implications are minimal because the design of the addition is highly consistent with the existing building. While the proposed development requests an additional storey, both the proposed eave line and overall building height fully comply with the provisions of Section 12.3.6(c) of the Land Use Bylaw.

c. the proposed development conforms with the use prescribed for that building or land in the district that applies to it; Mixed Use Housing is a discretionary use in the CD District.

d. an unusual site configuration, soil conditions, or other factors, which are peculiar to the site and not common in the district, may result in unnecessary hardship or practical difficulties for the proposed development to comply with the provisions of this Bylaw;

226 Bear Street is unique within the Downtown District because of its open-air courtyard design. Achieving the maximum buildable Floor Area Ratio (FAR) by infilling this internal courtyard space is not a viable development option, as the courtyard is integral to the building's established site configuration and functionality.

e. approval of the variances will, in the opinion of the development approving authority, substantially improve the quality of design of the development relative to the Banff Design Guidelines; or contribute to the preservation of the heritage value of a recognized historical building or resource

The existing building was built in the 1960s prior to the adoption of the *Banff Design Guidelines*, therefore is inconsistent with the direction provided in the document. The redevelopment of the existing building in the early 1990's provided the opportunity to align more closely with the *Banff Design Guidelines*. The proposed development is consistent with the existing building design. Furthermore, the existing building on site is not a designated or protected heritage resource.

District Design Regulations

The following is a summary of the 'CD' Land Use District Design Regulations applicable to the project:

CD District Design Regulations	Required	Proposed
s.12.3.7.a	All mechanical equipment shall be concealed within the roof or building envelope.	Complies
s.12.3.7.b	Direct vehicular access from adjacent roadways will be discouraged where lane access is available. No direct vehicular access from Banff Avenue will be permitted	Complies
s.12.3.7.c	The floor of the first storey shall be within 0.6 m of finish grade of the sidewalk.	Complies
s.12.3.7.d	Rundle rock, river rock, or other native stone cladding is required for the majority of the ground floor elevation, exclusive of window glazing, facing any public roadway.	Complies

s.12.3.7.e	New buildings shall consider and be compatible or contextual to the architecture, size, massing, roofline, cornice line, and details of the adjoining buildings.	Complies
s.12.3.7.f	All sides of a building shall be complementary in design, details, and materials. Where a side or rear facade is visible from a public street, or if parking is located at the side or rear of a building, the facade shall include building materials, and architectural features similar to those present on the front facade of the building.	Complies
s.12.3.7.g	Visible walls or portions of walls on abutting streets or visible from residential areas or adjacent properties where windows are not provided shall have architectural treatment.	Complies
s.12.3.7.h	For developments with more than a 12.0 m frontage, the façade should be differentiated by dividing the building into vertical bays with varying architectural treatments and different setbacks from the property line.	Complies
s.12.3.7.i	The third floor of any building shall be stepped back or concealed beneath a sloping roof.	Complies
s.12.3.7.j	Buildings should be designed to enhance the pedestrian environment and provide linkages wherever possible to the overall pedestrian and open space system, including open or enclosed arcades. Where a portion of a site is dedicated for public pedestrian walkways through the building to the lane, and / or a publicly accessible washroom facility that portion of the building or walkway may, at the discretion of the Development Approving Authority, be deducted from the Floor Area Ratio calculation, provided that a minimum 2.0 m clear and unobstructed passage is maintained for the length of the walkway and / or that the washroom facility is signed as publically accessible to the satisfaction of the Development Approving Authority. The pedestrian walkway shall not be used for the sale or display of goods. Commercial frontage facing lanes is encouraged.	Complies
s.12.3.7.k	Windows and doors at the street property line shall be clear-glazed and unobstructed so that the interior of the premises are at all times visible from the sidewalk. Tinted or reflective glazing is not permitted.	Complies
s.12.3.7.l	Interior space configurations shall provide an unobstructed view into the building or product display window from an adjacent sidewalk.	Complies
s.12.3.7.m	For all front windows, at least 75% of the glass area shall be unobstructed by signage, including advertisements, screens, and window coverings.	Complies
s.12.3.7.n	Metal garage doors, folding security screens or other security features that detract from the street appearance shall not be allowed.	Complies
12.3.7.o	Rooftop HVAC equipment, elevators and other rooftop features shall be designed to fit in with the materials and colors of the overall building design. These features shall be located away from the building edges to avoid their being seen from the street below. If these features can be seen from the adjoining street, adjacent	Complies

	properties or roads, the building design shall use screening, decoration, plantings (e.g., rooftop gardens), or other techniques to integrate these features with the design of the building.	
12.3.7.p	When HVAC or mechanical and electrical equipment is placed at ground level, it shall be integrated into building design and/or use screening techniques to avoid both visual and noise impacts on adjoining properties and the public realm.	Complies
12.3.7.q	The maximum width of any single permitted use on the ground floor on Banff Avenue shall not exceed 15.0 metres. The width of a use is calculated by measuring the length of the longest line drawn parallel to the building façade that faces the street and extending from the centerline of either exterior walls or party walls, as the case may be, enclosing the use.	Complies
12.3.7.r	Areas used for loading, unloading, and service should be enclosed, located below grade, or screened from view from a public roadway.	Complies
12.3.7.s	Each dwelling shall have a minimum outdoor amenity area of 5.0 m ²	Proposed: 315m ² (Complies)

Outdoor Amenity Area

Prior to Development Permit application 26DP51, the two existing residential storeys (42 units) lacked direct access to an outdoor amenity area, rendering the property non-conforming with respect to Section 12.3.7.s. of the Land Use Bylaw. Development Permit application 26DP51 proposes a 4th-storey addition containing 21 new units (bringing the total to 63 units), alongside the creation of a 315m² rooftop outdoor amenity area (as shown below). Through this application, the applicant has chosen to address this non-conforming aspect of the existing building by providing satisfactory outdoor amenity space for all 63 residential units.



Roof top outdoor amenity area

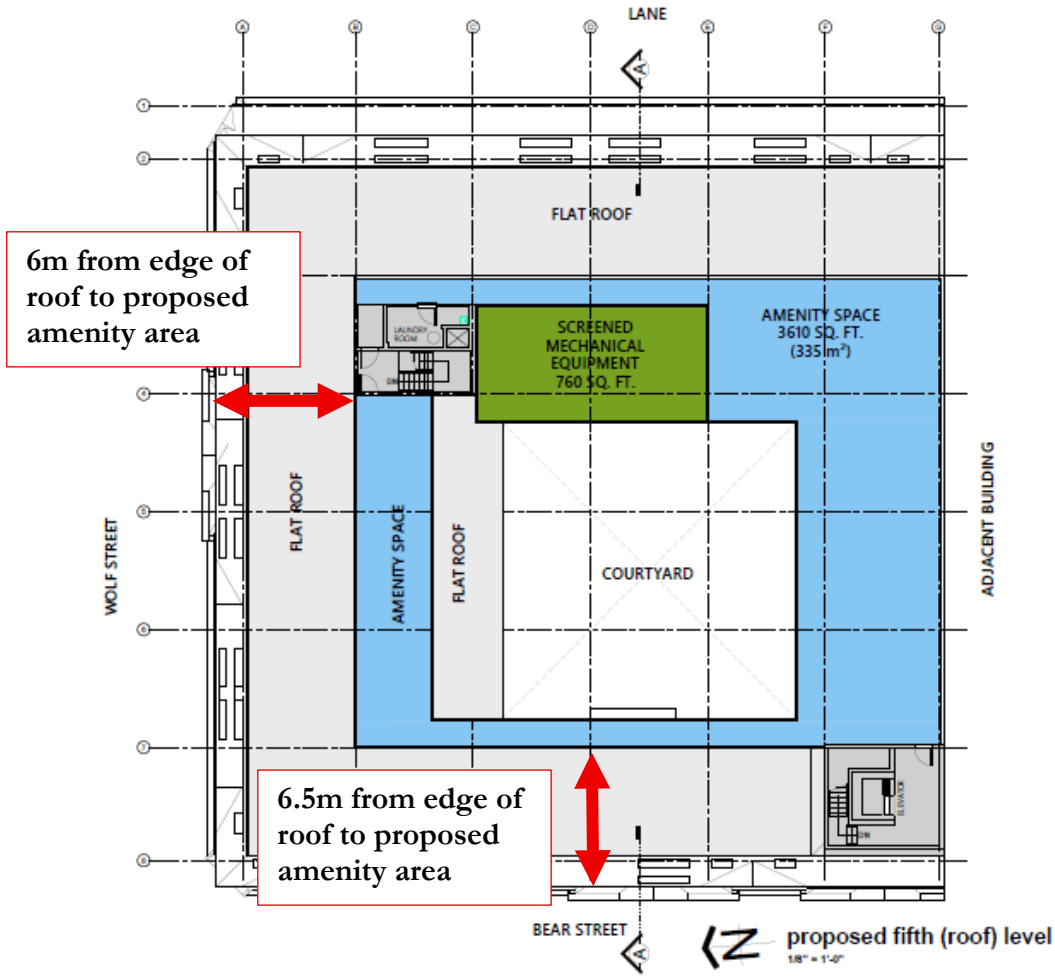


Figure 8: Roof top outdoor amenity area setback from the public sight lines.





Figure 9: Roof top outdoor amenity area as seen from Wolf and Bear Street

Other District Regulations

CD District- Other Regulations (s.12.3.8)	Required	Proposed
s.12.3.8.a	Housing is allowed only above the first storey.	Housing is located of the 2 nd , 3 rd and 4 th storey’s
s.12.3.8.b	b. No dwelling shall have more than 6 bedrooms.	The existing and proposed residential storey’s are comprised of 1- and 2-bedroom units.
s.12.3.8.c	A Self Storage Facility is allowed only below grade.	N/A

Parking

Under the *Town of Banff Land Use Bylaw* section 8.16.1(a); *There is no minimum number of required parking stalls for any housing development. Where parking stalls are provided, they must conform to the requirements of this bylaw.* Currently, 226 Bear Street has a below grade parkade that has 29 parking stalls.

Design Guidelines

The original 1960’s building was changed in the 1990’s to better align the design with the Banff Design Guidelines. The proposed addition works within the design that was established in the early 1990’s and is compatible with both the existing site, and surrounding developments.

Response Options

Should the Municipal Planning Commission deem the proposed development with variances complies with the *Town of Banff Land Use Bylaw*, they may approve the application with any conditions deemed necessary. Recommended conditions of approval are attached as Appendix ‘A’. The Municipal Planning Commission may refuse the application or may also postpone a decision if more information is required.

IMPLICATIONS OF RECOMMENDATION

Banff Community Plan

The need for high-quality development within the town has been well documented in numerous plans, policies, and reports. The Banff Community Plan specifically outlines the goal of ensuring “*that all new development and redevelopment incorporates the highest quality architecture, landscape architecture, environmental and urban design that is complimentary to its location and surrounding context.*”

Parks Canada

The Development Permit Application (26DP51) for the proposed Mixed Use Housing has been circulated to Parks Canada and a response is pending. As a Condition of Approval, the applicant must provide confirmation to the satisfaction of the Development Officer that all Parks Canada requirements have been fully addressed.

Financial

If the application is approved, a Development Permit Application Fee of \$5,900 (\$1,700 + \$200 per dwelling) must be paid as well as a \$19,950 in-lieu of On-Site Garbage Facilities (\$950/dwelling rate); a \$2,625 Address Assignment Fee (\$125/dwelling rate); and, a Municipal Planning Commission surcharge fee of \$400.00.

Public Notification

A Development Permit Application Notification Sign has been installed on site since May 25th, 2026. If the Development Permit is approved, a Notice of Decision will be advertised in the local newspaper and adjacent neighbours will be notified by regular mail, followed by the standard (21) twenty-one-day appeal period. If the application is refused or approved, the applicant or affected parties have the right to appeal the decision to the Development Appeal Board.



CONCLUSION

This is a Development Permit application for Mixed Use Housing at 226 Bear Street. The proposal includes variances to the following section of the *Town of Banff Land Use Bylaw*:

Allow the continuation of the existing non-conforming building:

- Section 12.3.6(b) To allow for the continued 100% site coverage of the existing building located at 226 Bear Street.

- Section 12.3.6(d) To allow for the remaining 25% of the existing building frontage to remain within the required 2.0 m setback.
- Section 12.3.6(f) To allow for the existing building, which fronts two streets, to continue use without the required 6.0 m triangular corner cut.
- Section 12.3.6(g) To allow for the existing portions of the building fronting Bear Street that are over two storeys in height to remain within the required 1.0 m front yard setback.

With additional variances to:

- Section 12.3.6(c) To allow for a proposed 4th-storey residential addition over the maximum 3-storey limit for the CD District; and,
- Section 12.3.6(e) To allow for the existing building to omit the required 2.0 m setback for portions of the structure over 8.0 m in height.

Additionally, four of the six requested variances are existing non-conforming site conditions at 226 Bear Street that were established prior to municipal incorporation. The applicant is requesting two new variances in direct relation to the proposed fourth-storey residential addition. Concurrently, the proposal will bring a historical non-conforming deficit regarding outdoor amenity space into full compliance with the provisions of the *Town of Banff Land Use Bylaw* and *Banff Design Guidelines*.

ATTACHMENTS

Appendix 'A' – Conditions of Approval

Appendix 'B' – Development Plans

Appendix 'C' – Parks Canada's Circular Response

Submitted By:

Drew Cornell, Development Planner

Reviewed By:

Kelly Gibson, Town Manager

Appendix 'A'

Conditions of Approval

1) **Conditions to be met prior to the issuance of the Development Permit:**

- a) Pay to the Town of Banff the following fees as established by Town of Banff *Land Use Bylaw*:
 - i. \$5,900 (\$1,700 + \$200 per dwelling) Development Permit Application Fee;
 - ii. \$400 Municipal Planning Commission Surcharge; and,
 - iii. \$19,950 in-lieu of On-Site Garbage Facilities (\$950/dwelling rate);
 - iv. \$2,625 Address Assignment Fee (\$125/dwelling rate);
- b) Provide details, for review and approval of the Development Officer, of all proposed exterior materials;
- c) Provide confirmation, to the satisfaction of the Development Officer, that any and all Parks Canada requirements have been satisfied;
- d) Provide confirmation, to the satisfaction of the Director of Engineering, that existing services are suitable for the proposed development;
- e) Submit a detailed Stormwater Management Plan, for review and approval of the Director of Engineering, in compliance with the Town of Banff Engineering Standards;
- f) Submit an exterior lighting plan, for review and approval of the Development Officer, showing numbers, types, locations and technical specifications for individual light fixtures in conformance with s.8.22.0 of the Town of Banff Land Use Bylaw;
- g) Submit a proposed Truck Route and Traffic Plan for construction vehicles. Show locations of all on-site storage (e.g. material, equipment, etc.) during construction;
- h) Submit a Construction Hoarding Plan for the site including proposed height, colour, location of access points and any off-site encroachments associated with the required construction hoarding, in accordance with the Town of Banff Policy C3000, for review and approval by the Development Officer. For further information see <http://www.banff.ca/DocumentCenter/View/5911>. All existing trees to be retained shall be protected by fencing set at the outer canopy (drip line) of the tree during demolition, excavation and construction;
- i) Submit a Waste Management Plan form for review and approval by the Development Officer, which can be found here - <https://banff.ca/FormCenter/Operations-7/Zero-CRD-Waste-Plan155>. Be advised that all projects that require a building permit in Banff must adhere to strict zero waste requirements, following deconstruction or green demolition principles. More information about the Zero Waste Requirements can be found here - <https://banff.ca/1173/Zero-Waste-Requirements-for-Building-Per>

2) Specific Conditions:

- a) This application approves a 4th storey addition to the existing building to add Mixed Use Housing (an additional 21 dwelling units) located at 226 Bear Street only.
- b) This application includes 1052m² of gross floor area. In accordance with the Banff Off-Site Levies Bylaw no off-site levies are being collected with the proposed development at this time. Future development on this site may be subject to off-site levy charges, in accordance with the Banff Off-Site Levies Bylaw and off-site levies for this proposed development may be collected at that time.

3) General Conditions:

- a) Any changes to the approved plans or building shall be submitted for review and approval of the Development Officer prior to implementation on-site;
- b) All exposed metal flashing, mechanical equipment and flues shall be coordinated to match the building colour;
- c) Protect all existing services, including landscaping, on adjacent roadways and properties during construction. Assume responsibility and repair all damages to any existing services and landscaping on adjacent roadways and properties;
- d) Protect undisturbed land by only stockpiling materials on heavy canvas or polypropylene tarpaulins to protect native vegetation. All materials will be stored within the confines of the work site. All fuels, oils, lubricants, and other petrochemical products shall not be stored within 100m of any waterbody;
- e) Confine “noise” activities to hours set out in *Town of Banff Community Standards Bylaw 260*;
- f) Minimize the idling of construction vehicle engines at all times in accordance with *Town of Banff Traffic Bylaw 16-7*; and,
- g) Ensure that all garbage and food waste is stored in bear-proof bins as per *Town of Banff Waste Bylaw 18-4*. Construction sites must undergo thorough clean-up, including removal of general litter at project completion.













226















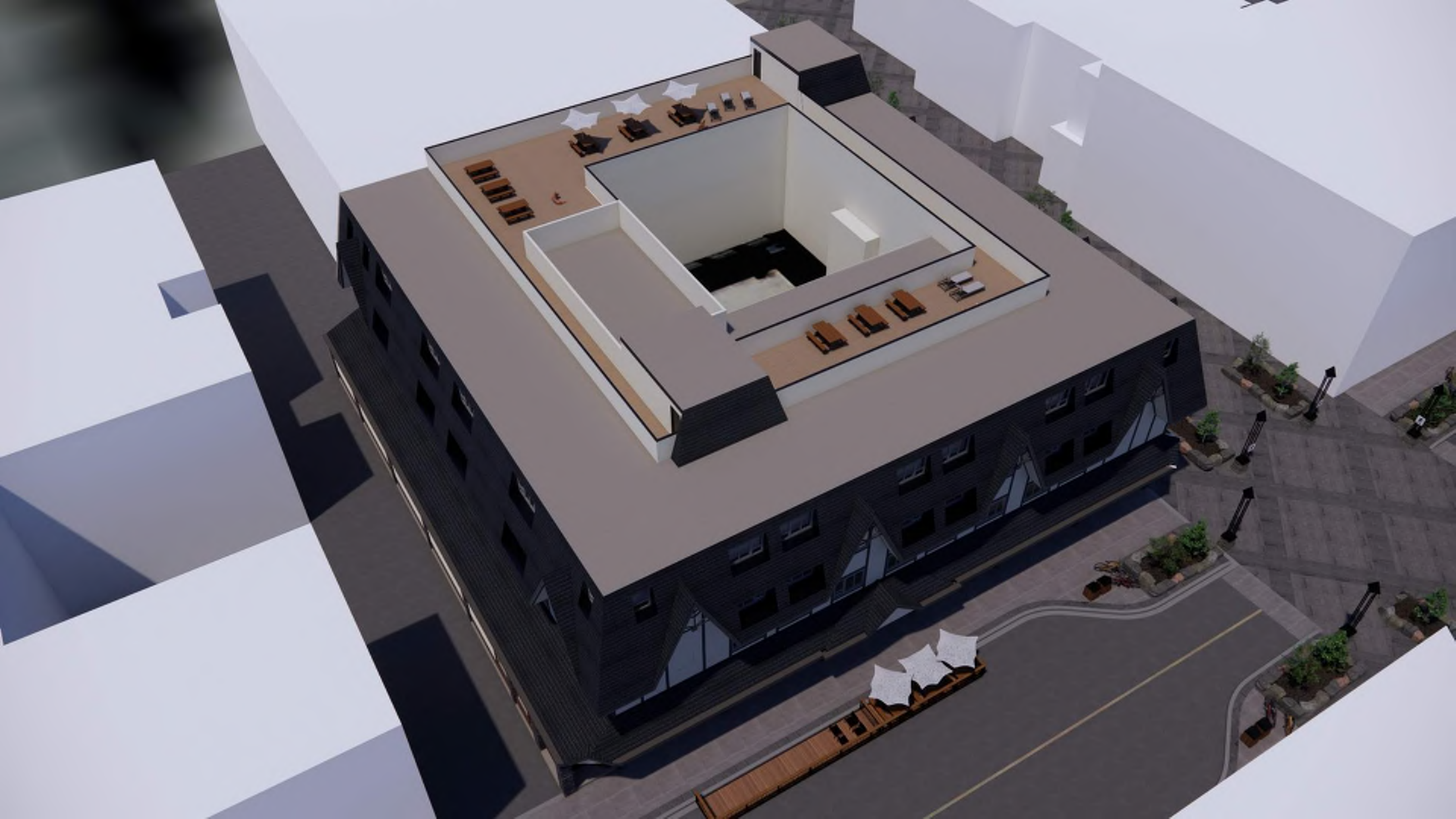






































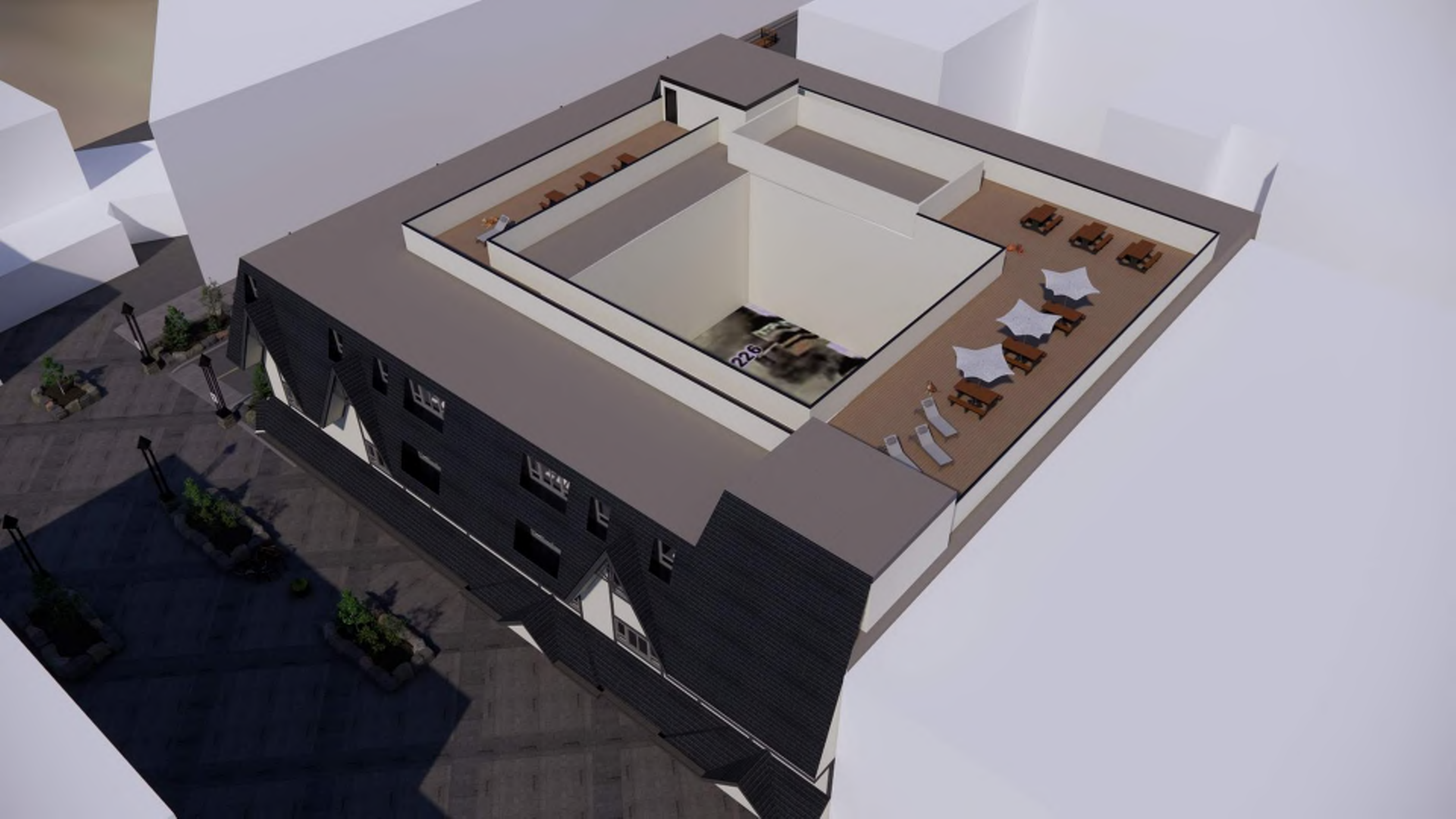




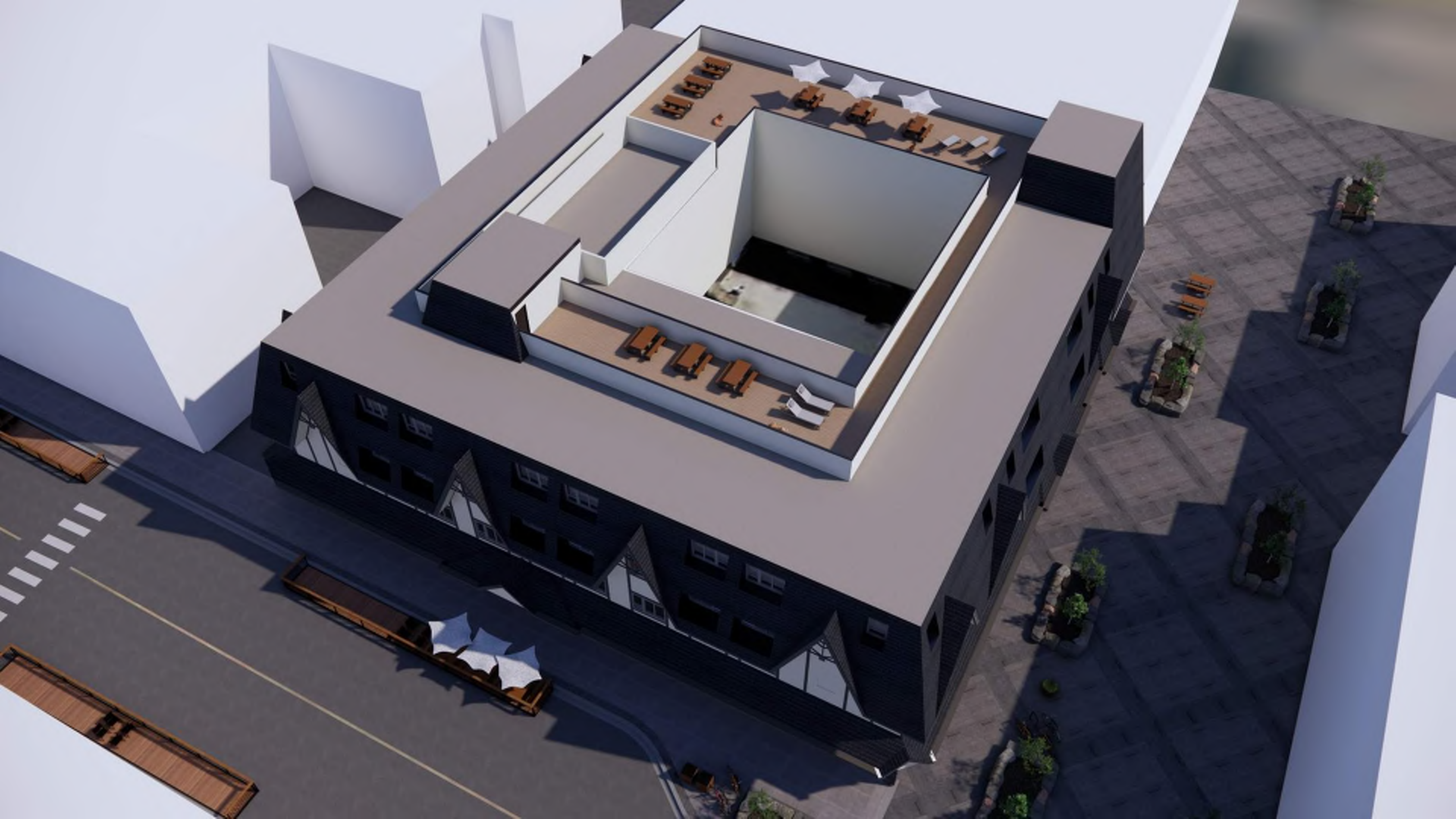


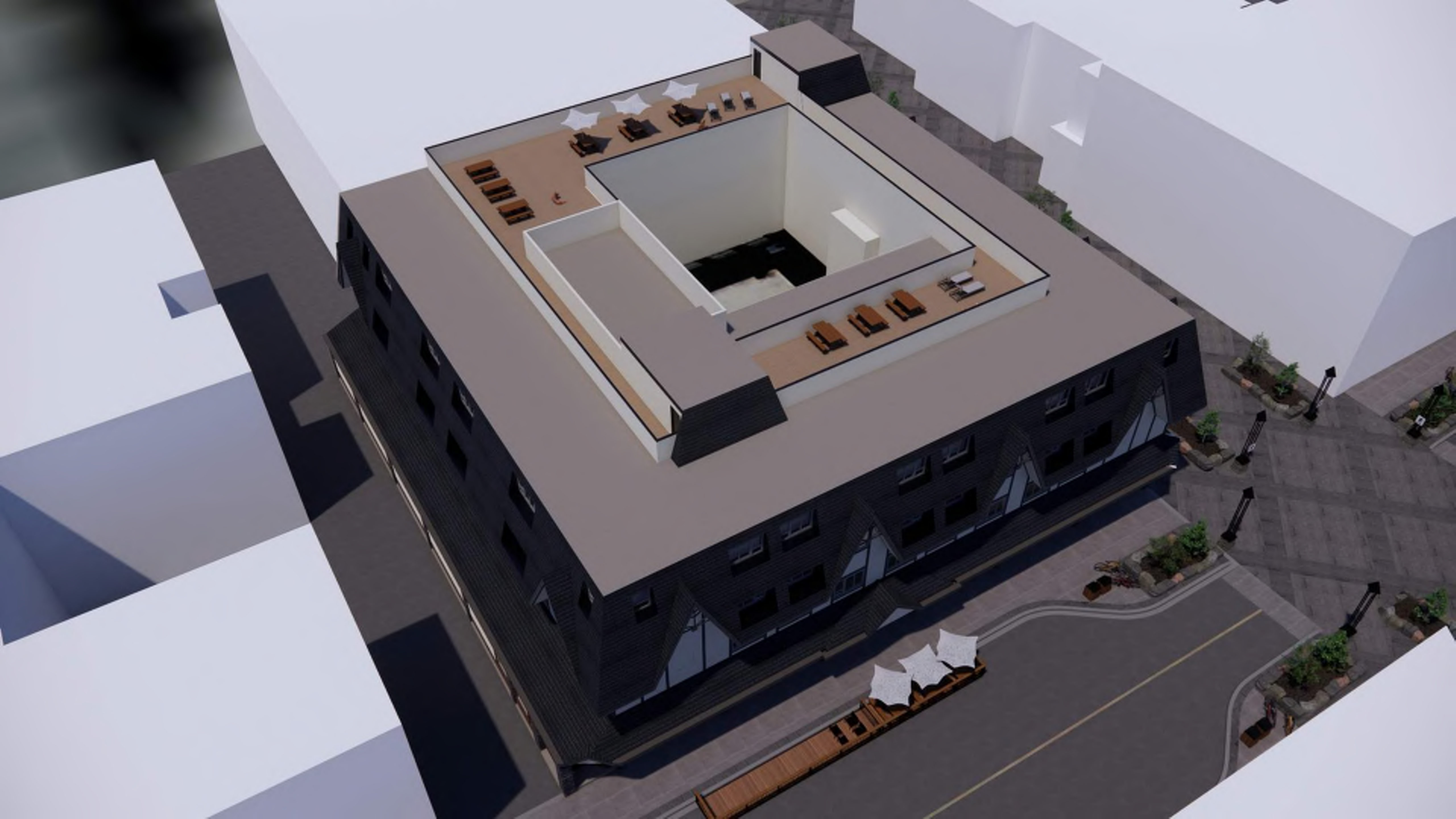
















226



Application for Additional Accommodation

226 Bear Street

Project Goals

- + Critical Building Maintenance
 - Replace and Repair Flat Roof Membrane
 - Repair and Refinish Building Facade
- + Add 4th Floor to Existing Building to provide 20 Accommodation Units
- + Maintain Existing Building Height



Existing Building - 226 Bear Street

view from corner of Bear St and Wolf St



Proposed Refinishing & Addition - 226 Bear Street

view from corner of Bear St and Wolf St

Roofline Changes



Proposed Refinishing & Addition - 226 Bear Street

view from corner of Bear St and Wolf St



Existing Building - 226 Bear Street

view from corner of Lane and Wolf St



Proposed Refinishing & Addition - 226 Bear Street

view from corner of Lane and Wolf St

Roofline Changes



no increase to existing maximum roof height

existing roofline

additional roofline

no increase to existing maximum roof height

Proposed Refinishing & Addition - 226 Bear Street

view from corner of Lane and Wolf St

Application for Additional Accommodation

226 Bear Street

New Finishes

+ Walls

Benjamin Moore - White Dove

+ Trim & Fascia

Benjamin Moore - Wrought Iron

colour consultant - Randall McKay





proposed fourth level
1/8" = 1'-0"

PROJECT: 1404 Sachkiw Apartments Addition	ADDRESS: wolf & bear street, banff, ab	LOT: -- BLOCK: -- PLAN: --	CLIENT: Sachkiw	ISSUED: A: issued for review 2024-04-24	Copyright reserved. These drawings and designs are at all times the property of the designer and may not be used without permission. They are to be used only for the project shown. Written consent is required from the designer before any reproduction.	DRAWN: CC DESIGNED: CC/AR CHECKED: AR	DRAWING NUMBER:	
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existing lane elevation



existing wolf street elevation



existing bear street elevation



proposed lane elevation



proposed wolf street elevation



proposed bear street elevation

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GROSS FLOOR AREA

EXISTING BUILDING - 1964

LEVEL 1 - COMMERCIAL - 1304 m²

LEVEL 2 - RESIDENTIAL - 1102 m²

LEVEL 4 - RESIDENTIAL - 1102 m²

TOTAL = COM & RES - 3508 m²

PROPOSED ADDITION - 2026

LEVEL 4 - RESIDENTIAL - 1052 m²

TOTAL = EXISTING & PROPOSED - 4560 m²

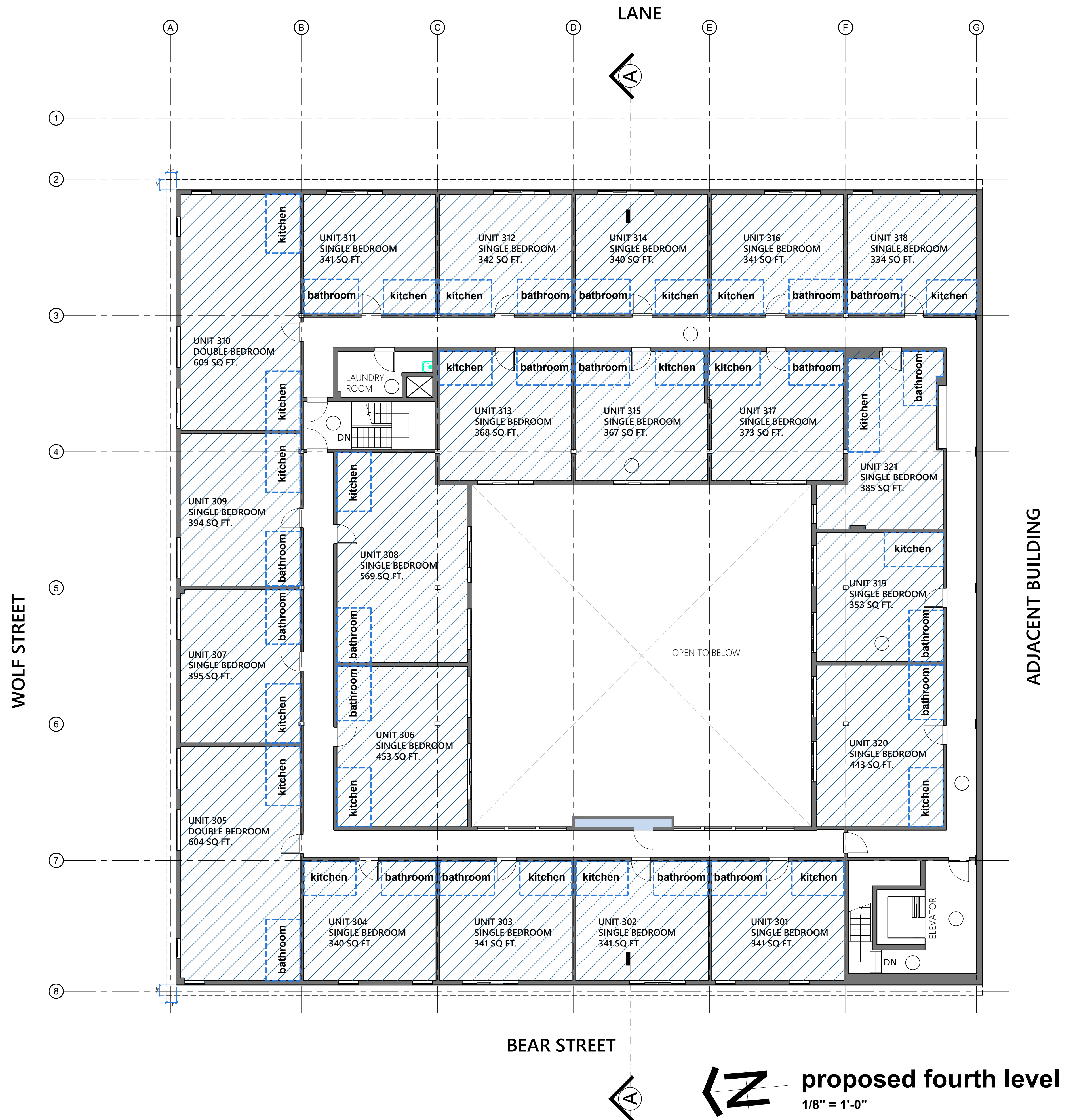
FLOOR AREA RATIO

SITE AREA - 1454 m²

MAXIMUM F.A.R. - 3.2 = 4652.8 m²

EXISTING BUILDING - 3508 m²

PROPOSED BUILDING - 4560 m²



BEAR STREET

proposed fourth level

1/8" = 1'-0"

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GROSS FLOOR AREA

EXISTING BUILDING - 1964

LEVEL 1 - COMMERCIAL - 1304 m²

LEVEL 2 - RESIDENTIAL - 1102 m²

LEVEL 4 - RESIDENTIAL - 1102 m²

TOTAL = COM & RES - 3508 m²

PROPOSED ADDITION - 2026

LEVEL 4 - RESIDENTIAL - 1052 m²

TOTAL = EXISTING & PROPOSED - 4560 m²

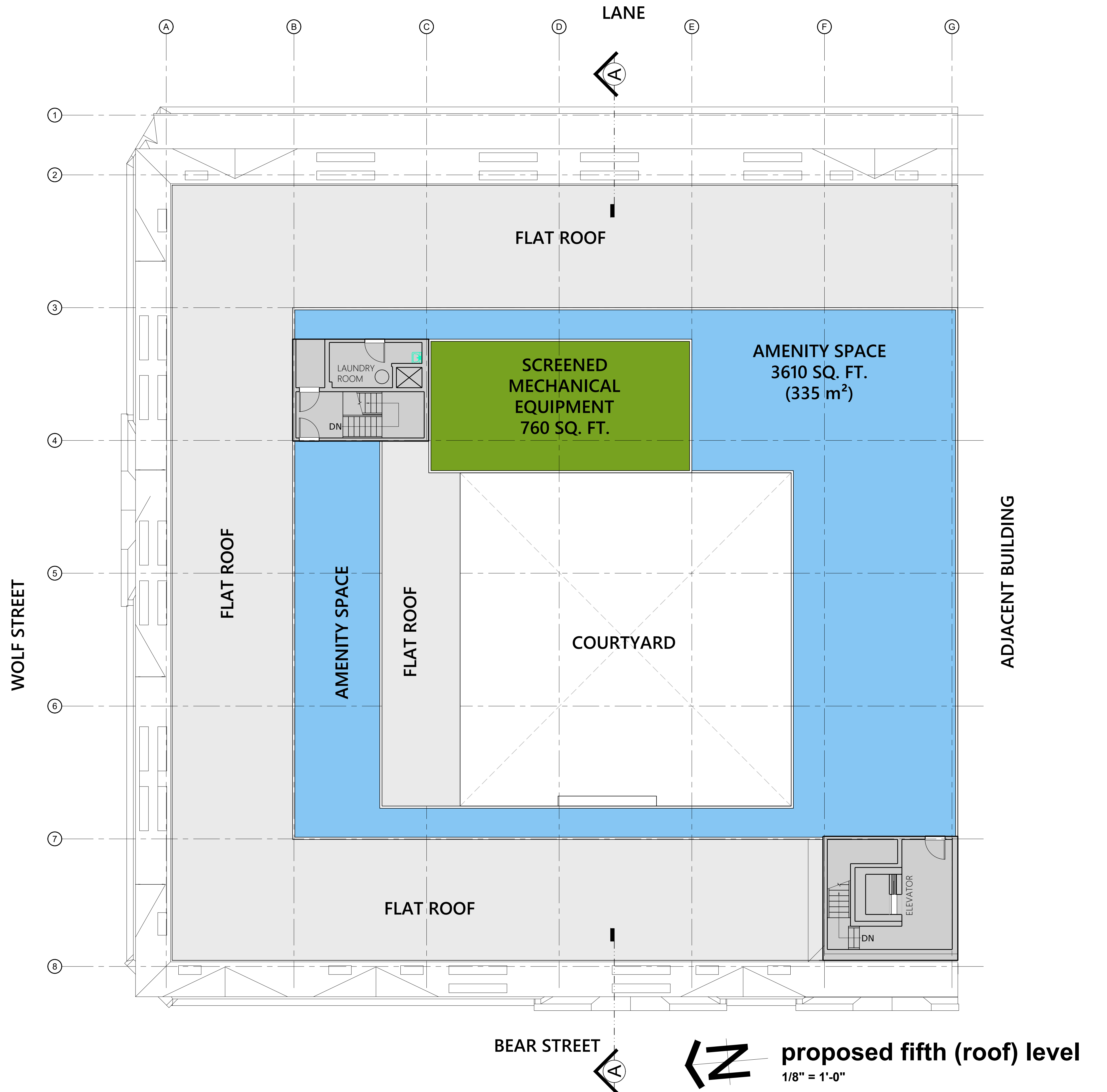
FLOOR AREA RATIO

SITE AREA - 1454 m²

MAXIMUM F.A.R. - 3.2 = 4652.8 m²

EXISTING BUILDING - 3508 m²

PROPOSED BUILDING - 4560 m²



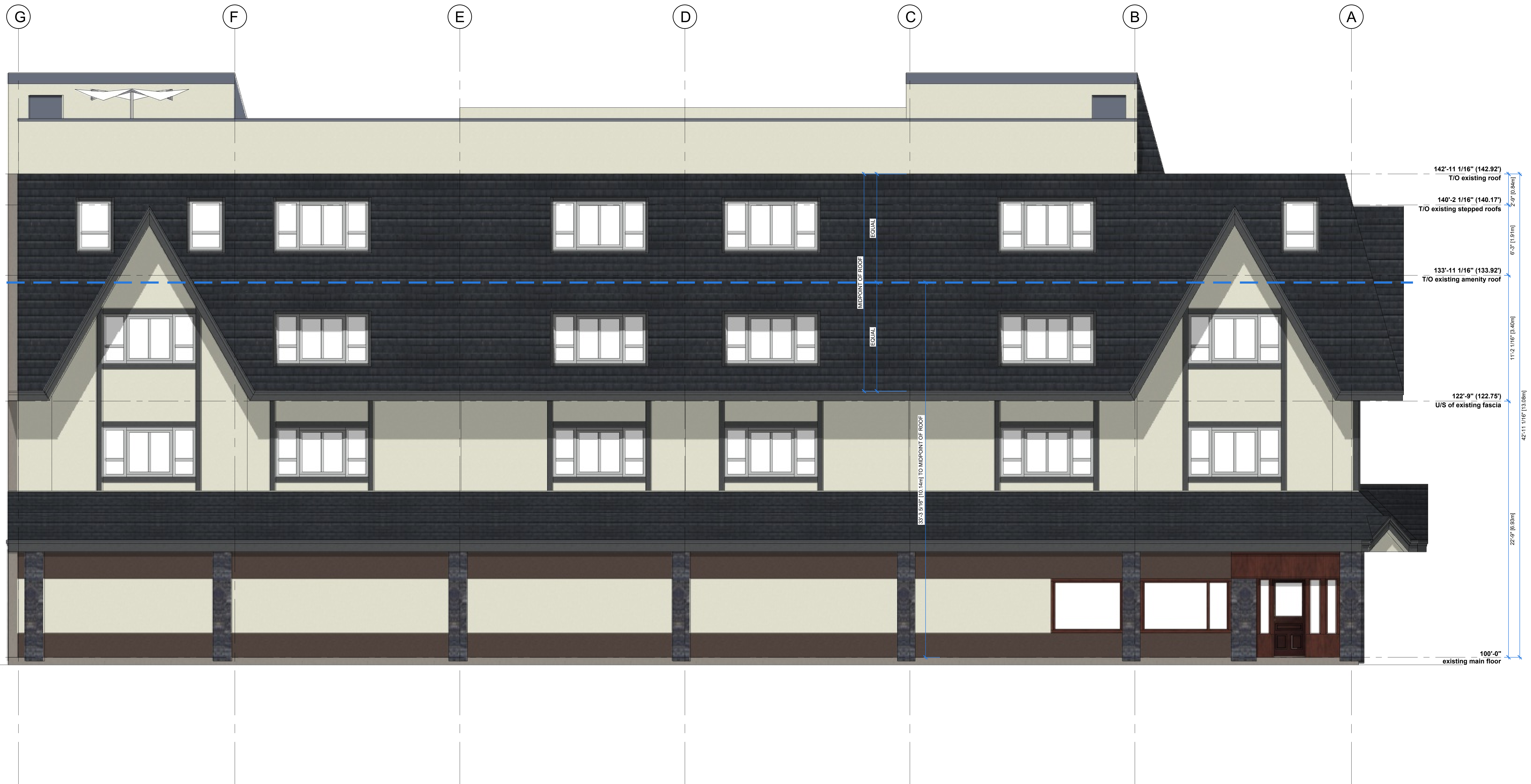
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existing lane elevation

1/4" = 1'-0"

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proposed lane elevation

1/4" = 1'-0"

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existing wolf street elevation

1/4" = 1'-0"

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proposed wolf street elevation

1/4" = 1'-0"

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existing bear street elevation

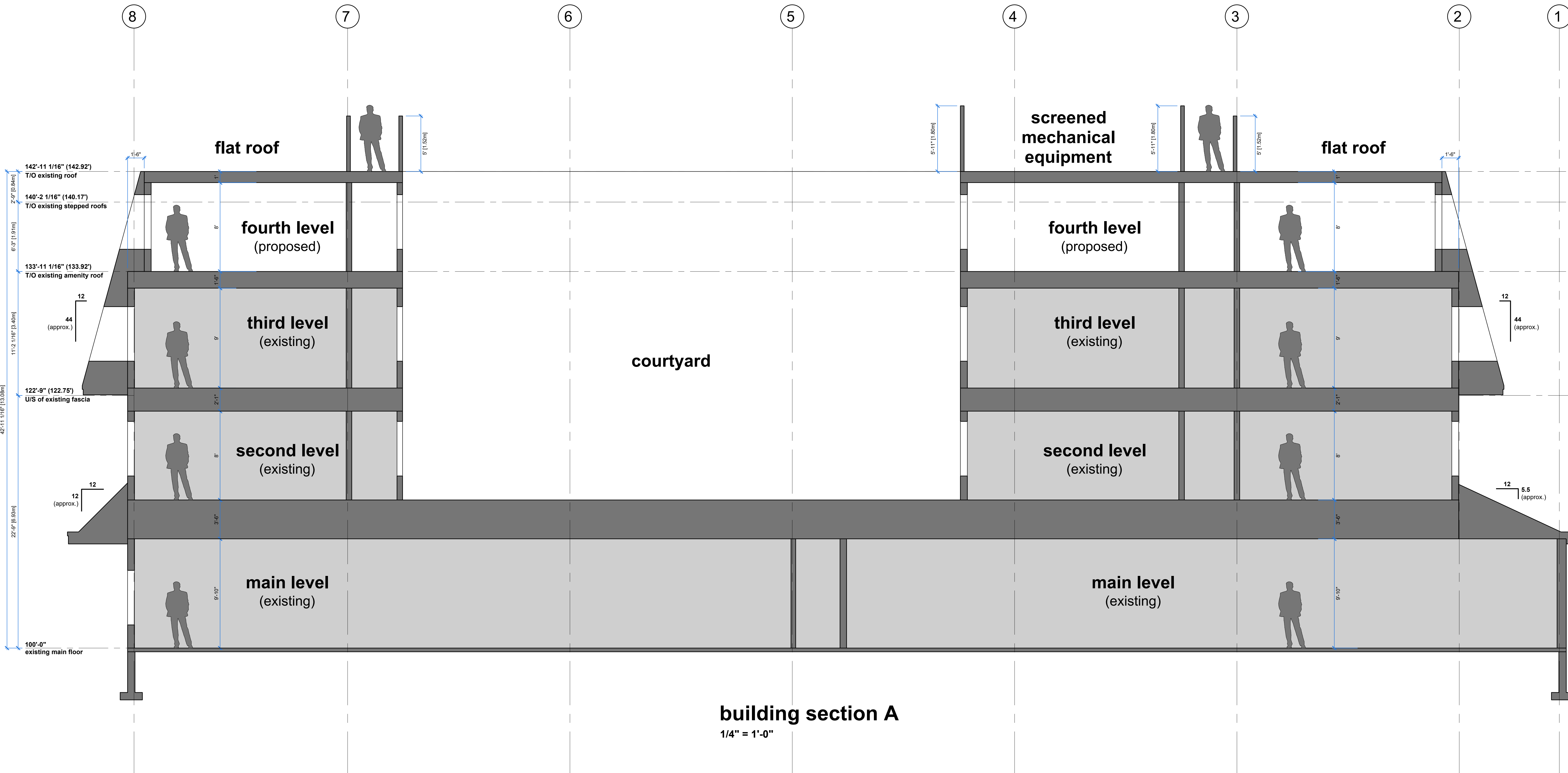
1/4" = 1'-0"

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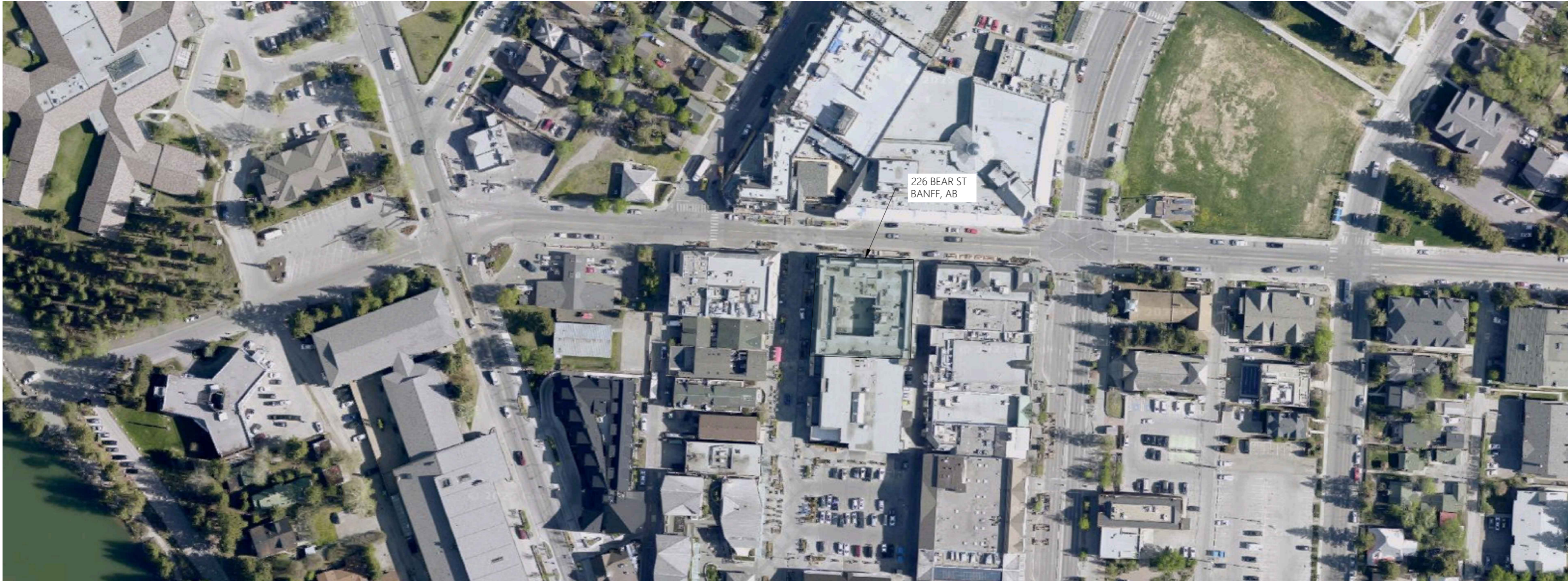


proposed bear street elevation
 1/4" = 1'-0"

PROJECT: 1404 Sachkiw Apartments Addition	ADDRESS: wolf & bear street, banff, ab	LOT: BLOCK: PLAN:	CLIENT: Sachkiw	ISSUED: A: issued for review 2026-05-29	Copyright reserved. These drawings and designs are at all times the property of the designer and may not be used without permission. They are to be used only for the project shown. Written consent is required from the designer before any reproduction.	DRAWN: DESIGNED: CHECKED:	CC AR AR	DRAWING NUMBER: A3.6	russell and russell design studios
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226

BEAR STREET
BANFF, AB

PREPARED FOR:



MEASUREMENT STANDARD:

ANSI/BOMA Z65.5-2020
RECA-RMS

LAND USE:

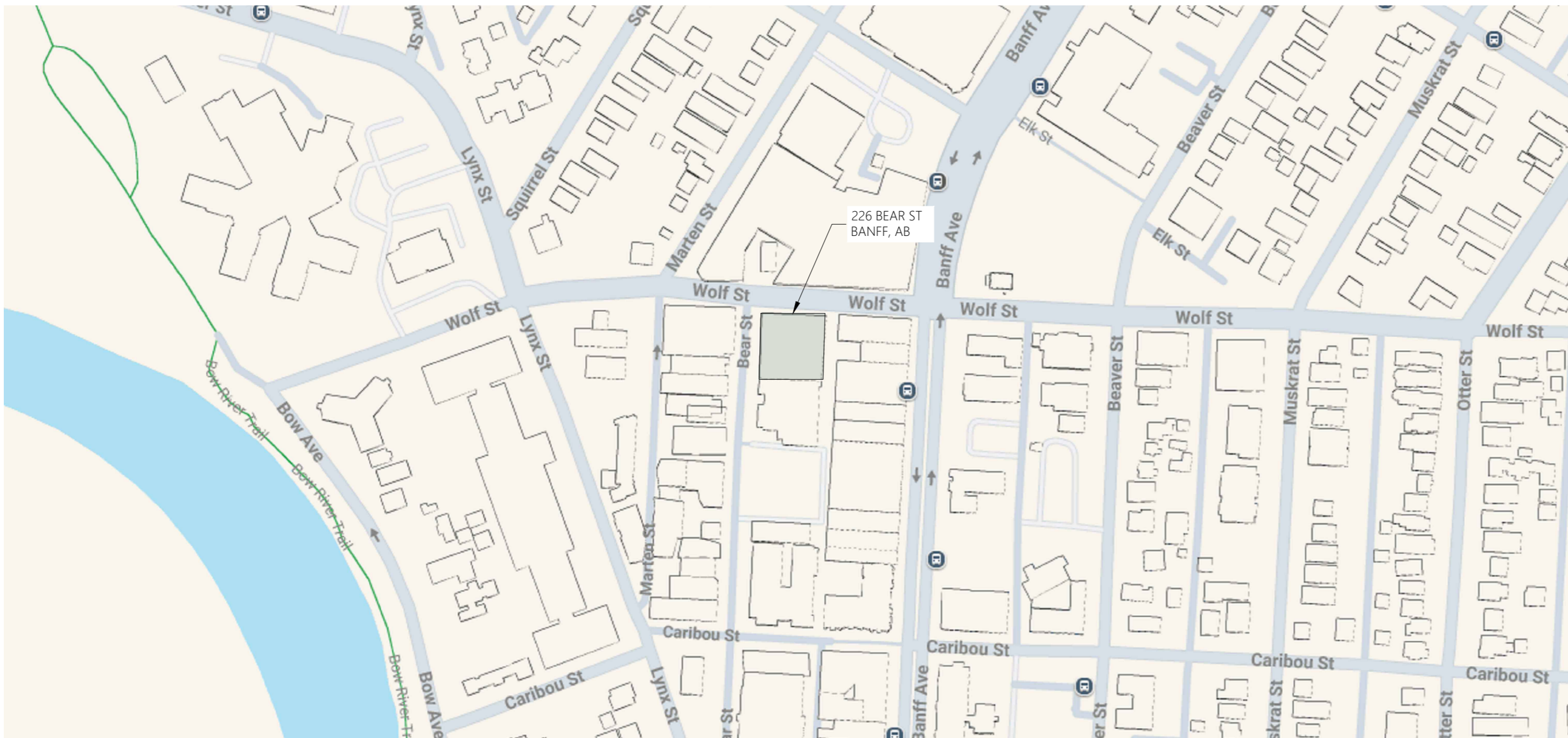
CD

GROSS AREA:

52,511 SQ FT.

DWELLING UNIT AREA PER RECA RMS:

21,781 SQ FT.



SHEET LIST

- AB-00 - TITLE PAGE
- AB-A01 - BUILDING OVERVIEW
- AB-A02 - PARKADE AREA SURVEY
- AB-A03 - MAIN LEVEL AREA SURVEY
- AB-A04 - SECOND LEVEL AREA SURVEY
- AB-A05 - THIRD LEVEL AREA SURVEY

NO.	DESCRIPTION	DATE
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2		
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4		
5		

SURVEYED BY:

MB

PREPARED BY:

VI

DRAWING TITLE:

TITLE PAGE

SURVEY DATE:

02/04/25

04/04/25

SHEET:

AB-00

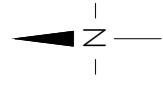
PROJECT NUMBER:

4920



+1 (403) 830-5591

asbuilt.ca



PREPARED FOR:



MEASUREMENT STANDARD:
ANSI/BOMA Z65.5-2020
RECA-RMS

LAND USE:
CD

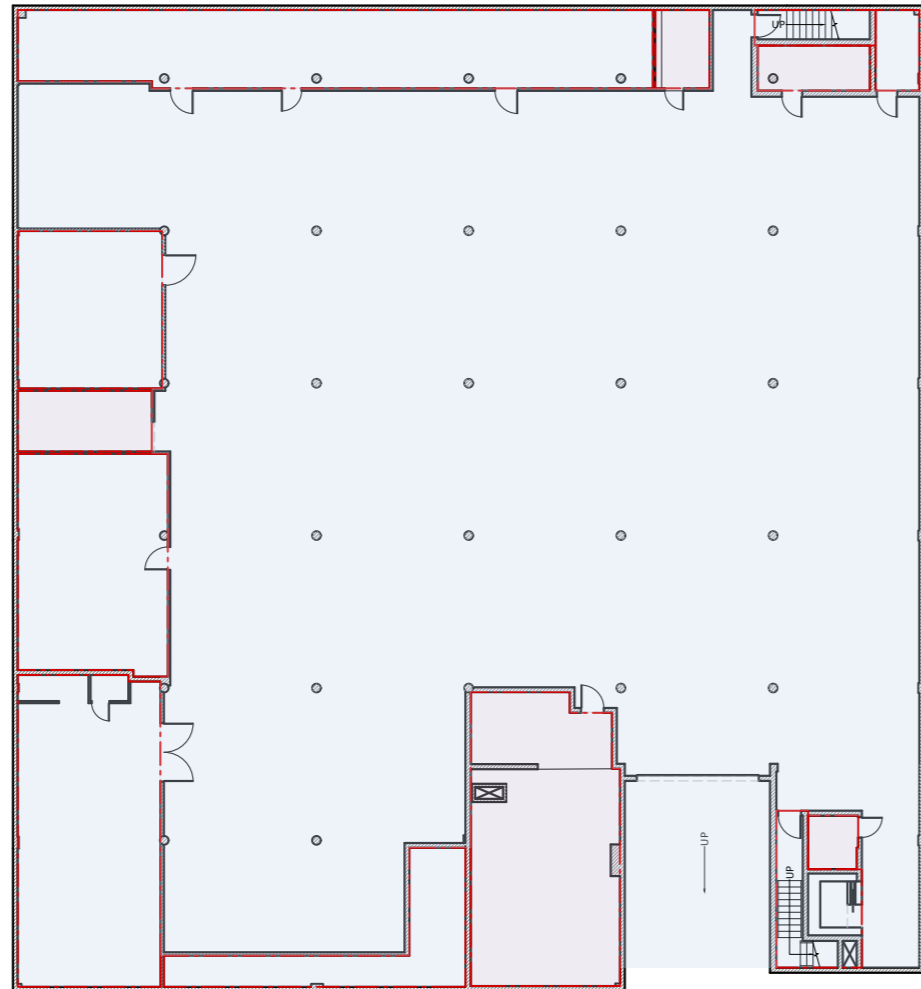
GROSS AREA:
52,511 SQ FT.

DWELLING UNIT AREA PER RECA RMS:
21,781 SQ FT.

NOTES:

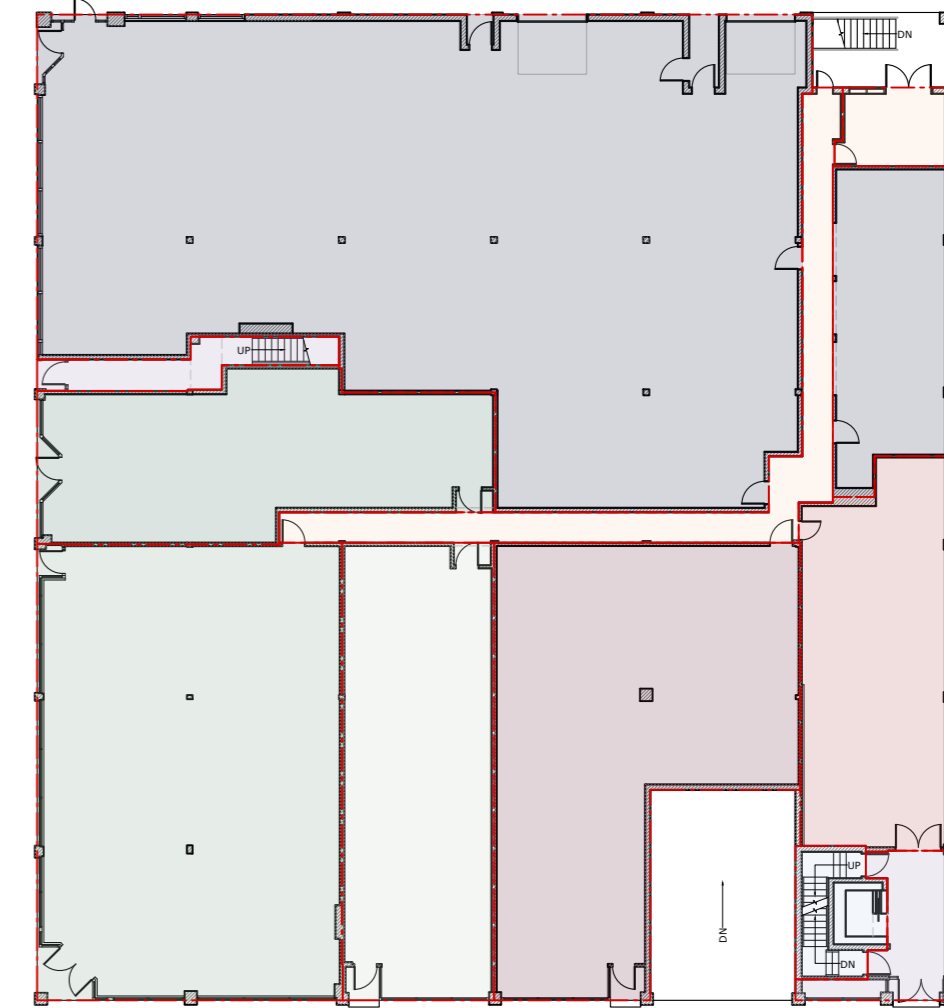
PARKADE - GROSS AREA			
SPACE ID	RENTABLE EXCLUSION (SQ FT.)	AREA (SQ FT.)	
PARKADE	10,822	-	
STORAGE ROOM FOR RESIDENTIAL	267	-	
STORAGE ROOM #15	764	-	
STORAGE ROOM #14	564	-	
GARBAGE ROOM	-	141	
STORAGE ROOM 1	393	-	
STORAGE #10/#12/RENTED	843	-	
TELEPHONE ROOM	-	73	
STAIRS 1	74	-	
ELECTRICAL ROOM	-	87	
STORAGE ROOM 2	61	-	
STAIRS 2/ELEVATOR	177	-	
ELEVATOR ROOM	-	46	
BOILER ROOM	-	730	
TOTAL	13,965	1,077	

PARKADE



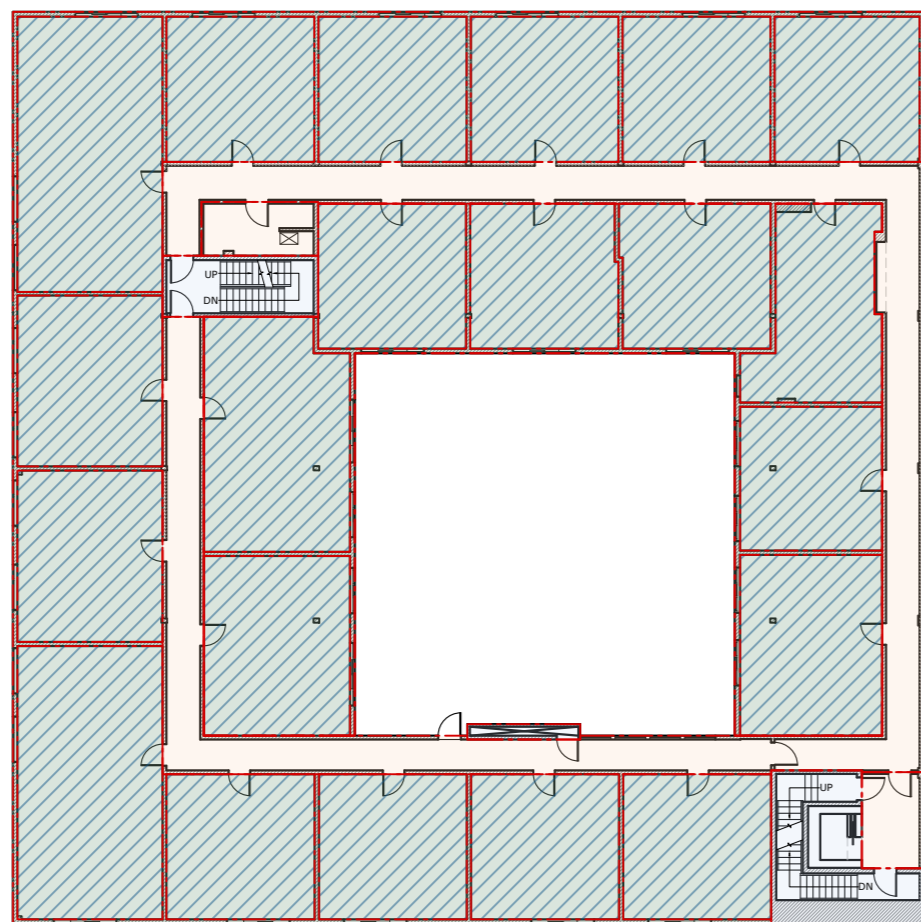
MAIN LEVEL			
SPACE ID	RENTABLE EXCLUSION (SQ FT.)	AREA (SQ FT.)	
RENTABLE EXCLUSION	190	-	
BUILDING SERVICE AREA	-	388	
FLOOR SERVICE AREA	-	684	
OLDE IRISH PUB	-	5,993	
SAFFRON	-	1,142	
TOWNHOUSE LIQUOR	-	2,400	
TOWNHOUSE GROCETERIA	-	1,199	
PERFECT IMAGE (TATTOO)	-	1,873	
BAR BURRITO	-	971	
TOTAL	190	14,650	

MAIN LEVEL



SECOND LEVEL - AS PER RECA RMS			
SPACE ID	RENTABLE EXCLUSION (SQ FT.)	AREA (SQ FT.)	
RENTABLE EXCLUSION	496	-	
BUILDING SERVICE AREA	-	-	
FLOOR SERVICE AREA	-	2,000	
RESIDENTIAL UNITS	-	8,871	
TOTAL	496	10,871	

SECOND LEVEL

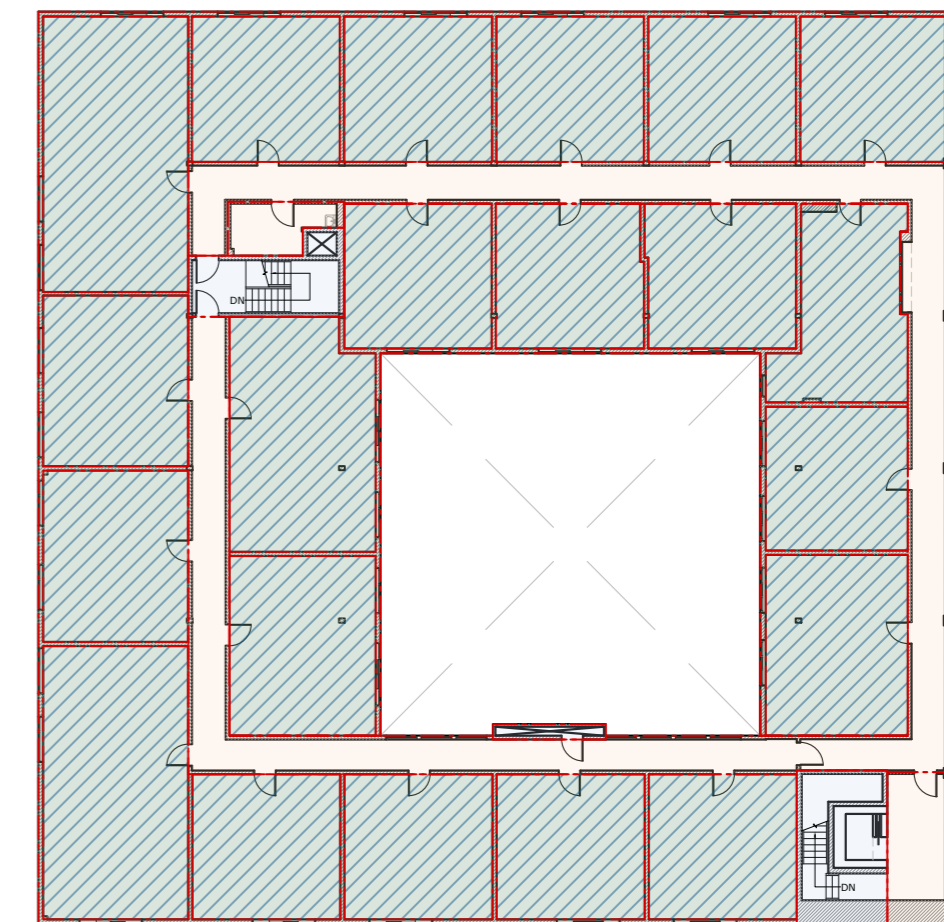


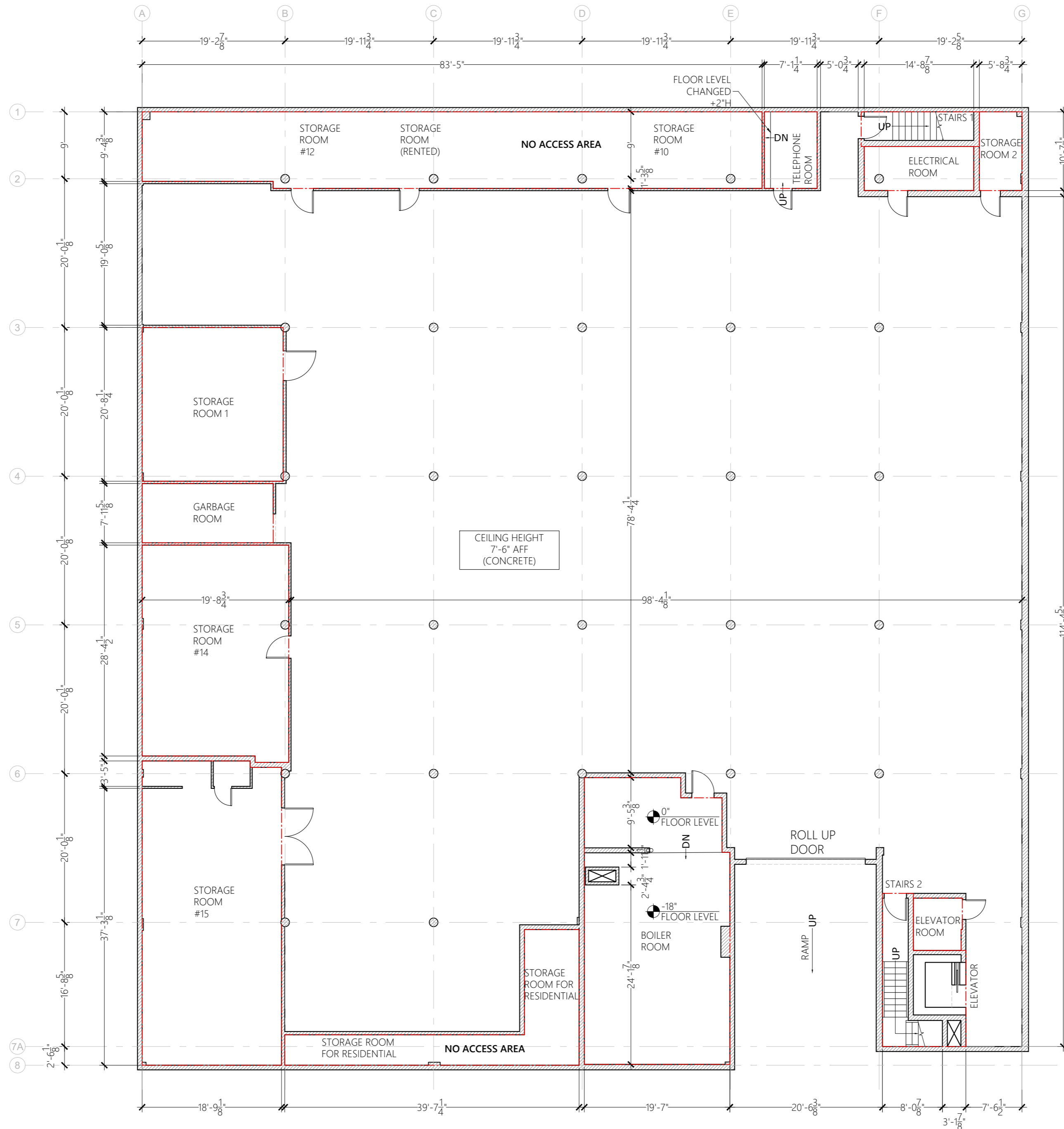
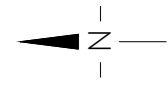
SECOND LEVEL - GROSS AREA			
SPACE ID	RENTABLE EXCLUSION (SQ FT.)	AREA (SQ FT.)	
RENTABLE EXCLUSION	496	-	
BUILDING SERVICE AREA	-	-	
FLOOR SERVICE AREA	-	2,000	
RESIDENTIAL UNITS	-	9,389	
TOTAL	496	11,389	

THIRD LEVEL - AS PER RECA RMS			
SPACE ID	RENTABLE EXCLUSION (SQ FT.)	AREA (SQ FT.)	
RENTABLE EXCLUSION	455	-	
BUILDING SERVICE AREA	-	-	
FLOOR SERVICE AREA	-	2,042	
RESIDENTIAL UNITS	-	8,868	
TOTAL	455	10,910	

THIRD LEVEL

THIRD LEVEL - GROSS AREA			
SPACE ID	RENTABLE EXCLUSION (SQ FT.)	AREA (SQ FT.)	
RENTABLE EXCLUSION	455	-	
BUILDING SERVICE AREA	-	-	
FLOOR SERVICE AREA	-	2,042	
RESIDENTIAL UNITS	-	9,388	
TOTAL	455	11,430	





226

BEAR STREET
BANFF, AB

PREPARED FOR:



MEASUREMENT STANDARD:
RECA-RMS

LAND USE:
CD
GROSS AREA:
15,042 SQ FT.

NOTES:

SURVEYED BY: MB
PREPARED BY: VI

DRAWING TITLE:
PARKADE AREA
SURVEY

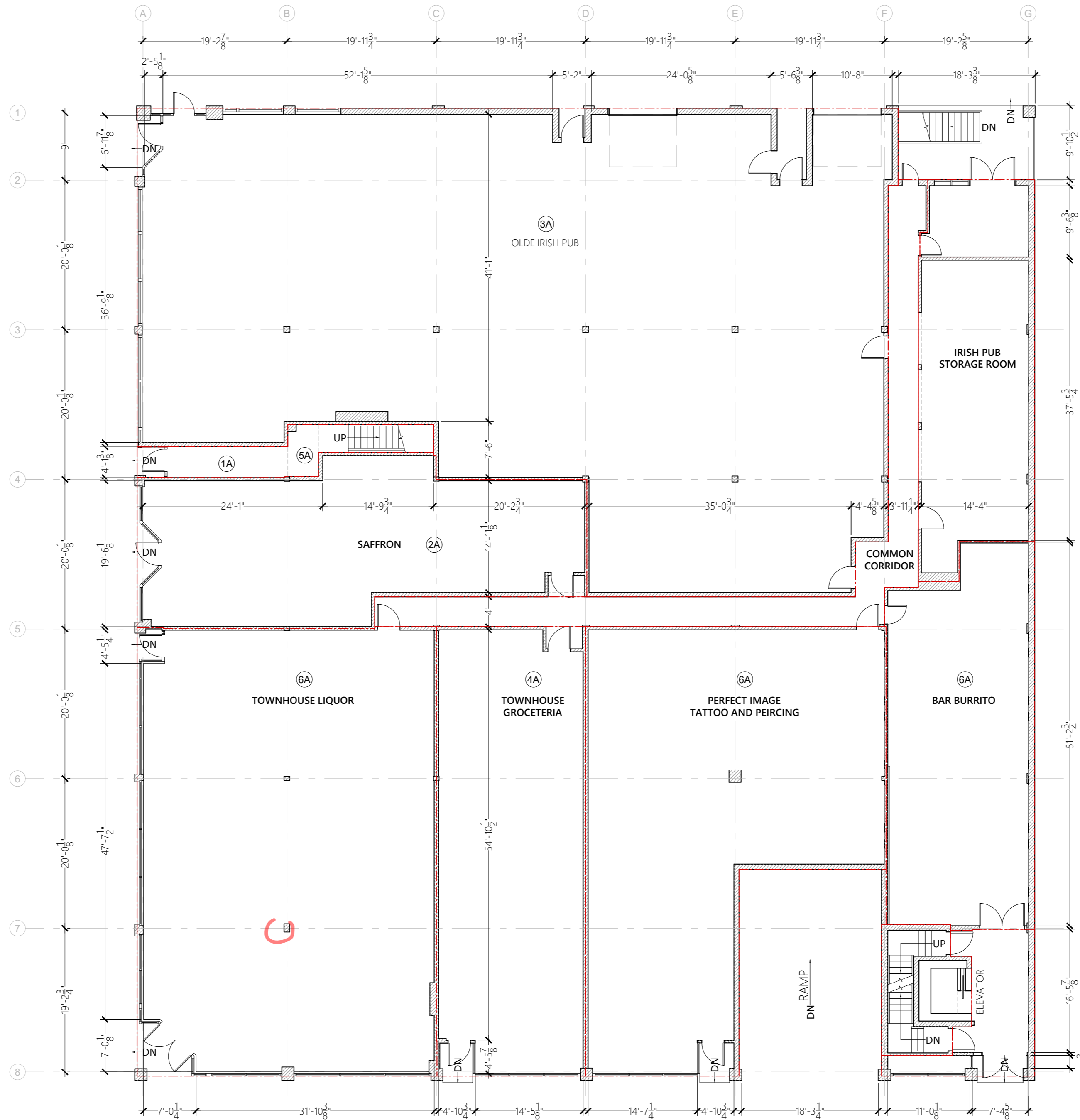
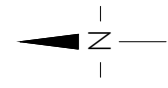
SURVEY DATE: 02/04/25
04/04/25
SHEET: AB-A02

PROJECT NUMBER: 4920



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PARKADE - GROSS AREA			
SPACE ID	RENTABLE EXCLUSION (SQ FT.)	AREA (SQ FT.)	
PARKADE	10,822	-	
STORAGE ROOM FOR RESIDENTIAL	267	-	
STORAGE ROOM #15	764	-	
STORAGE ROOM #14	564	-	
GARBAGE ROOM	-	141	
STORAGE ROOM 1	393	-	
STORAGE #10/#12/RENTED	843	-	
TELEPHONE ROOM	-	73	
STAIRS 1	74	-	
ELECTRICAL ROOM	-	87	
STORAGE ROOM 2	61	-	
STAIRS 2/ELEVATOR	177	-	
ELEVATOR ROOM	-	46	
BOILER ROOM	-	730	
TOTAL	13,965	1,077	



226

BEAR STREET
BANFF, AB

PREPARED FOR:



MEASUREMENT STANDARD:

ANSI/BOMA Z65.5-2020

LAND USE:

CD

GROSS LEASABLE AREA:
14,650 SQ. FT.

CERTIFICATE:

WE VISITED 226 BEAR ST ON 04/04/2025 TO CONFIRM THE CONSTRUCTED AREA, MEASURED IN ACCORDANCE WITH THE ABOVE CITED STANDARD (MEASURED FROM THE OUTERMOST ARCHITECTURAL FINISH AT EXTERIOR WALLS EXCLUSIVE OF DECORATIVE PROJECTIONS, THE COMMON AREA SIDE OF WALLS SEPARATING TENANTS FROM COMMON AREA, THE TENANT SIDE OF ANY "MAJOR VERTICAL PENETRATIONS", AND THE CENTRE OF ANY DEMISING WALLS), WE VERIFY THE "GROSS LEASABLE AREA" OF THE PREMISES TO BE 14,650 SQUARE FEET.

- 1A CEILING HEIGHT 7'-9" AFF (DRYWALL)
- 2A CEILING HEIGHT 9'-1" AFF (2X4 ACOUSTIC TILE)
- 3A CEILING HEIGHT 9'-8" AFF (DRYWALL)
- 4A CEILING HEIGHT 9'-9" AFF (2X4 ACOUSTIC TILE)
- 5A CEILING HEIGHT 9'-10" AFF (DRYWALL)
- 6A CEILING HEIGHT 13'-0" AFF (U/S ROOF DECK) 12'-3" AFF (U/S JOIST)

ADJACENT BUILDING

Jordan Sasges 09/04/2025
DATE

JORDAN SASGES
PRINCIPAL-OPERATIONS

SURVEYED BY: MB PREPARED BY: VI

DRAWING TITLE:
MAIN LEVEL AREA SURVEY

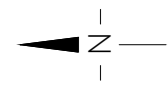
SURVEY DATE: 02/04/25 - 04/04/25 SHEET: AB-A03

PROJECT NUMBER: 4920



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MAIN LEVEL			
SPACE ID	RENTABLE EXCLUSION (SQ. FT.)	AREA (SQ. FT.)	
RENTABLE EXCLUSION	190	-	
BUILDING SERVICE AREA	-	388	
FLOOR SERVICE AREA	-	684	
OLDE IRISH PUB	-	5,993	
SAFFRON	-	1,142	
TOWNHOUSE LIQUOR	-	2,400	
TOWNHOUSE GROCETERIA	-	1,199	
PERFECT IMAGE (TATTOO)	-	1,873	
BAR BURRITO	-	971	
TOTAL	190	14,650	



226

BEAR STREET
BANFF, AB

PREPARED FOR:



MEASUREMENT STANDARD:

RECA-RMS

LAND USE:

CD

GROSS AREA:

11,389 SQ FT.

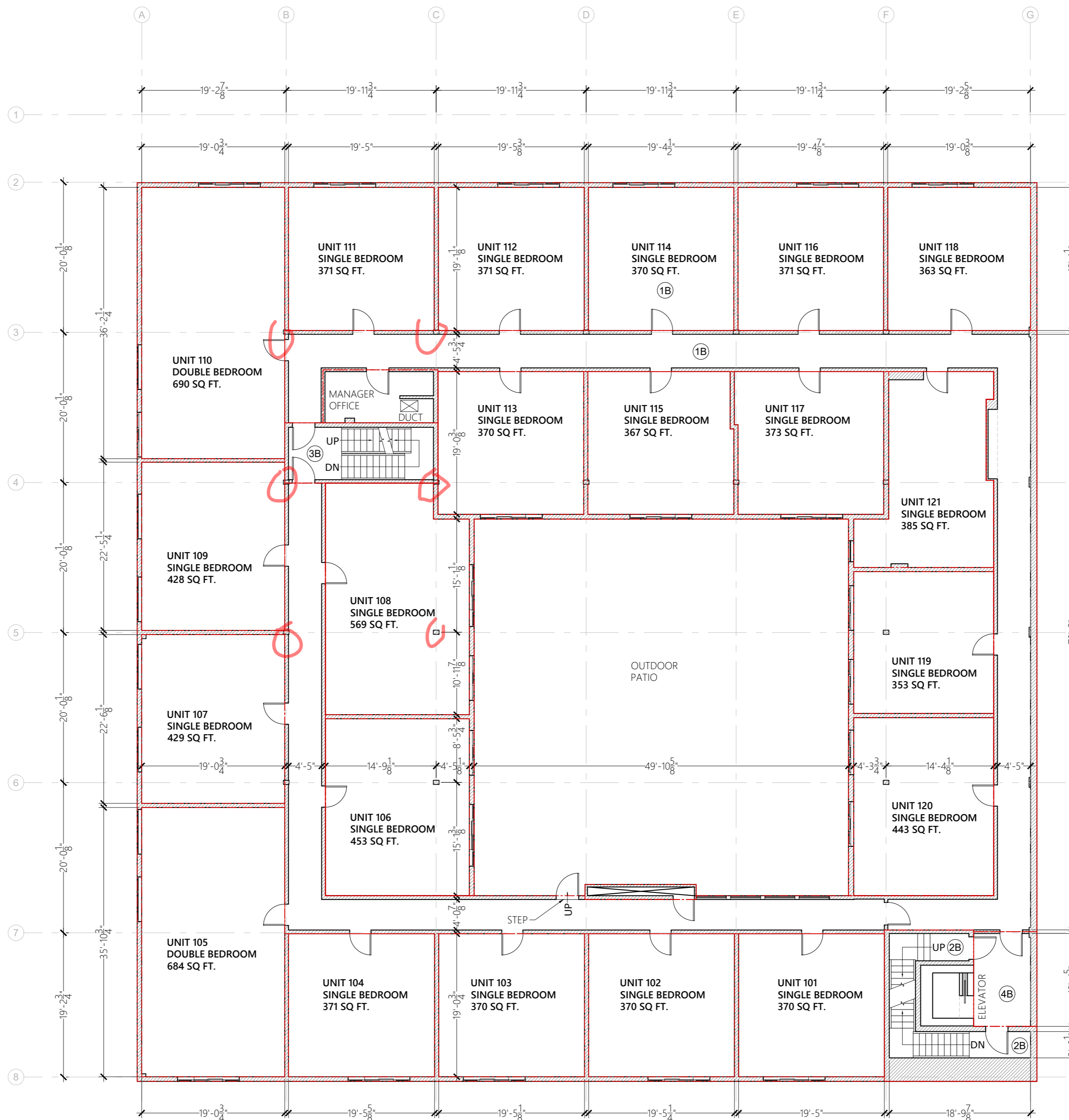
DWELLING UNIT AREA PER RECA RMS:

10,871 SQ FT.

NOTES:

- 1B CEILING HEIGHT 8'-0" AFF (DRYWALL)
- 2B CEILING HEIGHT 8'-2" AFF (DRYWALL)
- 3B CEILING HEIGHT 8'-4" AFF (DRYWALL)
- 4B CEILING HEIGHT 8'-9" AFF (DRYWALL)

ADJACENT BUILDING



SECOND LEVEL - AS PER RECA RMS			
SPACE ID	RENTABLE EXCLUSION (SQ FT.)	AREA (SQ FT.)	
RENTABLE EXCLUSION	496	-	
BUILDING SERVICE AREA	-	-	
FLOOR SERVICE AREA	-	2,000	
RESIDENTIAL UNITS	-	8,871	
TOTAL	496	10,871	

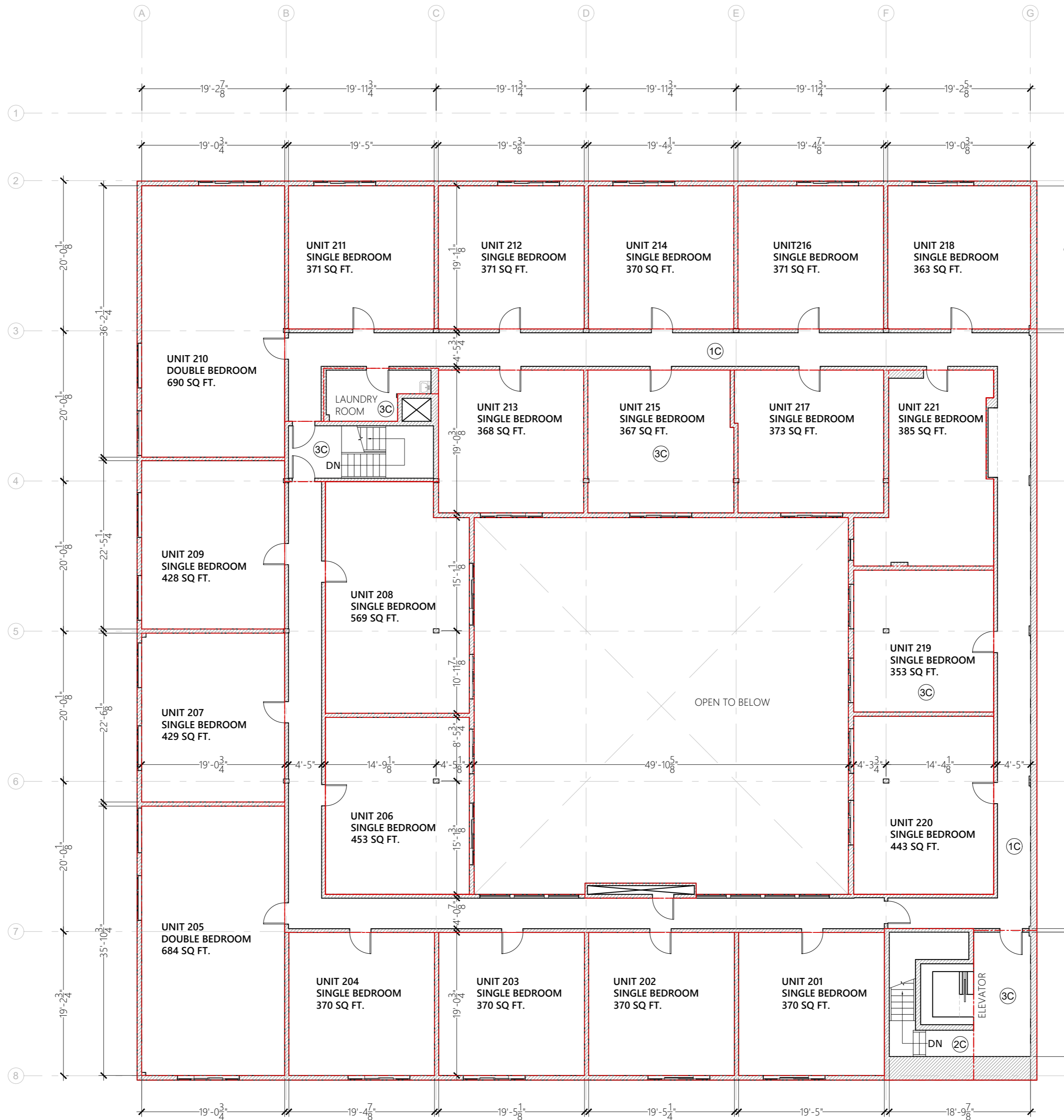
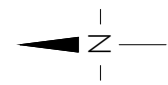
SECOND LEVEL - GROSS AREA			
SPACE ID	RENTABLE EXCLUSION (SQ FT.)	AREA (SQ FT.)	
RENTABLE EXCLUSION	496	-	
BUILDING SERVICE AREA	-	-	
FLOOR SERVICE AREA	-	2,000	
RESIDENTIAL UNITS	-	9,389	
TOTAL	496	11,389	

SURVEYED BY: MB	PREPARED BY: VI
--------------------	--------------------

DRAWING TITLE:
SECOND LEVEL AREA SURVEY

SURVEY DATE: 02/04/25 - 04/04/25	SHEET: AB-A04
---	------------------

PROJECT NUMBER: 4920



226

BEAR STREET
BANFF, AB

PREPARED FOR:



bevens@atlasdevco.com

MEASUREMENT STANDARD:

RECA-RMS

LAND USE:

CD

GROSS AREA:

11,430 SQ FT.

DWELLING UNIT AREA PER RECA RMS:

10,910 SQ FT.

NOTES:

- 1C CEILING HEIGHT 8'-0" AFF (DRYWALL)
- 2C CEILING HEIGHT 8'-2" AFF (DRYWALL)
- 3C CEILING HEIGHT 9'-1" AFF (DRYWALL)

ADJACENT BUILDING

SURVEYED BY: MB
PREPARED BY: VI

DRAWING TITLE:
THIRD LEVEL AREA SURVEY

SURVEY DATE: 02/04/25
-
04/04/25
SHEET: AB-A05

PROJECT NUMBER: 4920



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THIRD LEVEL - AS PER RECA RMS			
SPACE ID	RENTABLE EXCLUSION (SQ FT.)	AREA (SQ FT.)	
RENTABLE EXCLUSION	455	-	
BUILDING SERVICE AREA	-	-	
FLOOR SERVICE AREA	-	2,042	
RESIDENTIAL UNITS	-	8,868	
TOTAL	455	10,910	

THIRD LEVEL - GROSS AREA			
SPACE ID	RENTABLE EXCLUSION (SQ FT.)	AREA (SQ FT.)	
RENTABLE EXCLUSION	455	-	
BUILDING SERVICE AREA	-	-	
FLOOR SERVICE AREA	-	2,042	
RESIDENTIAL UNITS	-	9,388	
TOTAL	455	11,430	

ALBERTA LAND SURVEYOR'S REAL PROPERTY REPORT



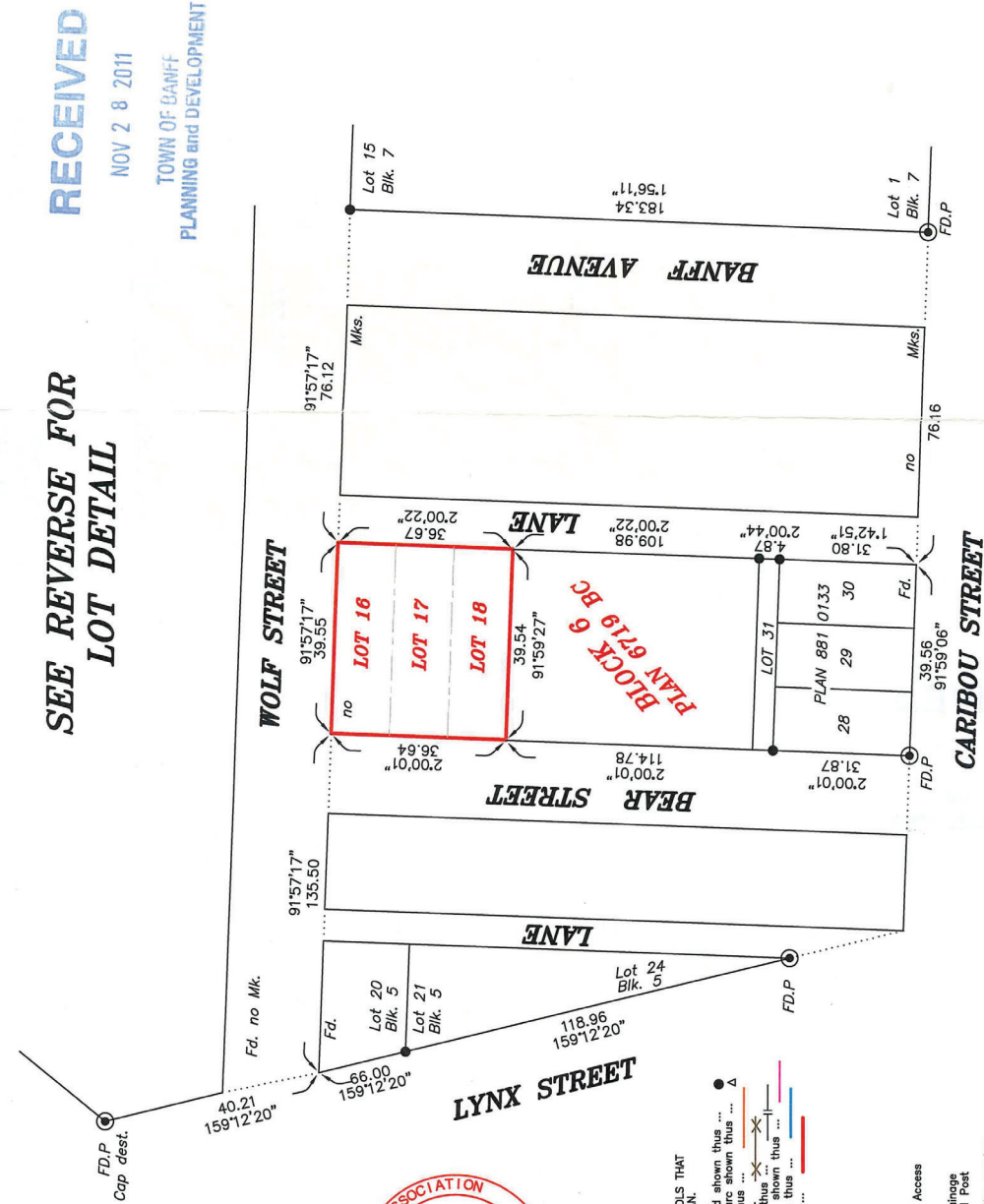
312, 4000 - 4 Street S.E.
 Calgary, Alberta T2G 2T8
 Phone (403) 263-6455
 E-mail: edmin@globalraymac.ca

SEE REVERSE FOR
 LOT DETAIL

RECEIVED

NOV 28 2011

TOWN OF BANFF
 PLANNING and DEVELOPMENT



- LEGEND**
 ABBREVIATIONS AND SYMBOLS THAT MAY APPEAR ON THIS PLAN:
 Statutory Iron Post found shown thus ... ●
 Delta (Central) angle of arc shown thus ... Δ
 Line not to scale shown thus ... ---
 Fences are shown thus ... ---
 Utility Rights-Of-Way are shown thus ... ---
 Building foundation shown thus ... ---
 A denotes length of arc
 Bk. denotes Block
 Cnt. denotes center
 Con. denotes concrete
 E. denotes east
 Fd. denotes found
 G. denotes ground level
 M. denotes mark
 M.A. denotes Maintenance Access
 N. denotes north
 O.D. denotes Overland Drainage
 P denotes C.L.S. Standard Post
 Reg. No. denotes registration number
 Ret. Wall denotes retaining wall
 R.W. denotes Right-Of-Way
 U. denotes utility
 W. denotes west
 Fences are within 0.10m of property line unless otherwise noted
 Eave dimensioned to Face

DESCRIPTION OF PROPERTY
Lot(s) 16 to 18 inclusive
Block 6719 BC and 21553 C.L.S.R.
 1. D. Allan Jamieson, Canada Land Surveyor do hereby certify that this Report and related survey, was prepared and performed under my personal supervision and in accordance with the Manual Of Standard Practice of the Alberta Land Surveyors' Association and supplements thereto. Accordingly, within those standards as of the date of this Report, I am of the opinion that:
 1. The Plan illustrates the boundaries of the Property, the improvements as defined in Part D, Section 8.5 of the Alberta Land Surveyors' Association's Manual of Standard Practice, registered easements and rights-of-way affecting the extent of the title to the property;
 2. The improvements are entirely within the boundaries of the property unless otherwise noted;
 3. No visible encroachments exist on the Property from any improvement situated on an adjacent property unless otherwise noted, and;
 4. No visible encroachments exist on registered easements or rights-of-way affecting the extent of the property, unless otherwise noted.
 5. Title information is based on a title search dated November 23rd A.D. 2011 C. of T. No. 091 030 208
 6. Date of Survey November 21st, 2011
 7. Unless otherwise specified the dimensions shown relate to distances from Property, boundaries to foundation walls at time of survey.
 8. Distances are in metres and decimals thereof.
 9. This document is not valid unless it bears an original signature (in blue ink) and a red Global Raymac Surveys Inc. permit stamp.
 10. Purpose: This Report has been prepared for the benefit of the Property owner, subsequent owners and any of their agents for the purpose of real estate transactions. Copying is permitted only for the benefit of these parties. Where applicable, registered easements and utility rights of way affecting the extent of the property have been shown on the plan. Unless shown otherwise, property corner markers should not be placed along the survey. For this report the plan should not be used to establish boundaries due to the risk of misinterpretation of measurements by the user. The information on this Real Property Report reflects the status of this property as of the date of survey only. Users are encouraged to have the Real Property Report updated for future requirements.
 11. Property is subject to Caveat Reg. No. 091 030 232.
 12. Property is subject to Utility Right of Way Reg. No. 091 030 233.
 13. Pillars and Eaves on Building on Subject Property encroach into the Town of Banff Road Allowance as shown.
 14. Building, Eave on Building and Pillars on Subject Property encroach into the lane as shown.
 15. Building on Lot 19 encroaches into Subject Property as shown.

Dated this 23rd day of November, A.D. 2011.
 MUNICIPAL ADDRESS:
 226 Bear Street
 Banff, Alberta
 CLIENT: Colliers International Investment Group
 FILE NO.:
 SCALE 1: 1000
 Drawn by: Lin Shi
 GRS. FILE NO. 11R110103
 D. Allan Jamieson, C.L.S., A.L.S.

ALBERTA LAND SURVEYOR'S REAL PROPERTY REPORT

SEE REVERSE FOR
BLOCK DETAIL

WOLF STREET

GLOBAL RAYMAC
SURVEYS

312, 4000 - 4 Street S.E.
Calgary, Alberta T2C 2P9
Phone (403) 283-6455
E-mail: admin@globalraymac.ca

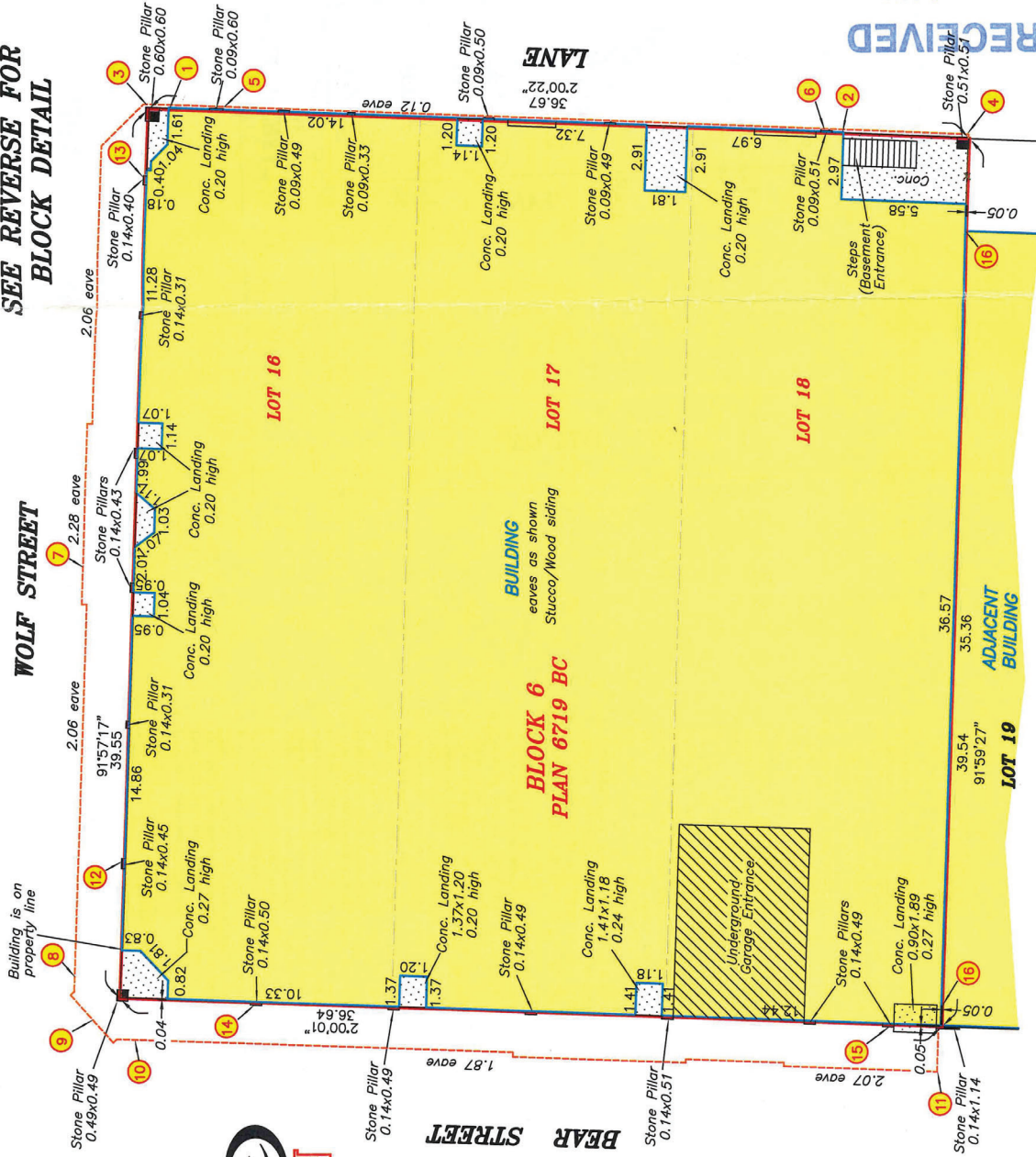
DESCRIPTION OF PROPERTY

Lot(s) 16 to 18 inclusive
Block 6
Plan 6719 BC and 21553 C.L.S.R.

LEGEND

ABBREVIATIONS AND SYMBOLS THAT
Apply to this report are as follows:
Iron Bar found shown thus ... X
Statutory Iron Post found shown thus ... Δ
Delta (Central) angle of arc shown thus ... Δ
Eave Fascia are shown thus ... ---Δ
Line not to scale shown thus ... ---
Utility Rights-Of-Way are shown thus ... ---
Building Foundation shown thus ... ---
A denotes length of arc
Blk. denotes Block
Cont. denotes cantilever
C. denotes concrete
E. denotes east

Et. denotes found
G.L. denotes ground level
M. denotes metres
N. denotes north
M.S. denotes marks
O.D. denotes Overland Drainage
Reg. No. denotes registration number
Ret. Wall denotes retaining wall
S. denotes Right-Of-Way
U. denotes Utility
W. denotes west
F. denotes face
I. denotes iron
L. denotes length
Eave dimensioned to Fascia



- 1 Building encroaches into Lane by 0.09
- 2 Building encroaches into Lane by 0.06
- 3 Eave encroaches into Lane by 0.21
- 4 Eave encroaches into Lane by 0.17
- 5 Pillar encroaches into Lane by 0.18
- 6 Pillar encroaches into Lane by 0.15
- 7 Eave encroaches into Road by 2.27
- 8 Eave encroaches into Road by 2.06
- 9 Eave encroaches into Road by 1.55
- 10 Eave encroaches into Road by 1.83
- 11 Eave encroaches into Road by 2.02
- 12 Pillar encroaches into Road by 0.14
- 13 Pillar encroaches into Road by 0.11
- 14 Pillar encroaches into Road by 0.10
- 15 Pillar encroaches into Road by 0.09
- 16 Building encroaches into subject property by 0.05



Dated this 23rd day of November A.D. 2011.
MUNICIPAL ADDRESS:
226 Bear Street
Banff, Alberta
CLIENT: Colliers International Investment Group
FILE NO.:
SCALE 1: 200
Drawn by: Lin Shi
G.R.S. FILE NO. 11R110103

NOV 28 2011
TOWN OF BANFF
PLANNING AND DEVELOPMENT

RECEIVED

2026-06-12 – 26DP51 – 226 Bear Street – Parks Canada Agency Review

- A. Parks Canada has reviewed the information provided in circular **26DP51** in the context of the following documents:
- *Canada National Parks Act 2000*
 - Banff National Park of Canada Management Plan 2022
 - Town of Banff Incorporation Agreement 1989
 - National Parks of Canada Lease and Licence of Occupation Regulations 1991
 - Lease for the property
 - *Impact Assessment Act 2019* and applicable Parks Canada environmental policies
- B. Parks Canada reviewed the application with the following understanding:
- The application is for construction of a new residential storey on an existing building in the Downtown District (CD).
- C. Parks Canada review results:
- The proposal as described in the circular does not appear to conflict with the *Canada National Parks Act 2000*, Banff National Park of Canada Management Plan 2022, Town of Banff Incorporation Agreement 1989, Lease and Licence of Occupation Regulations 1991, or the lease for the property.
- D. Parks Canada Impact Assessment requirements:
- Based on a review of the project details provided in the circular and Parks Canada environmental policies and legislation, the project will require an impact assessment (IA) and determination as per the *Impact Assessment Act 2019* (IAA).
 - Prior to initiating physical works and permit issuance, the proponent must contact Impact Assessment Officer Colleen Crowe (colleen.crowe@pc.gc.ca) to discuss the required submittals for progressing the IA process.
- E. Parks Canada Realty requirements:
- Upon occupancy of the dwelling, an updated statutory declaration listing each occupant of Block 6, Lot 16-18, LTO Plan 6719BC (226 Bear Street) is required to confirm that they are 'eligible residents' as defined under the National Parks of Canada Lease and Licence of Occupation Regulations.

Should more details become available about the project or should the scope, scale, or nature of the project change, Parks Canada (banffpark.development-banffpark.developpement@pc.gc.ca) must be contacted with an updated project description, as this may change the review results and impact assessment requirements.

Thank you.

REQUEST FOR DECISION

**Subject: Proposed Bare Land Condominium Subdivision
418 Muskrat Street – 26SN04**



Presented to: Municipal Planning Commission Date: June 17, 2026

Submitted by: Dave Michaels, Manager, Agenda #: 5.2
Planning Services

RECOMMENDATION

That the Municipal Planning Commission consider subdivision application 26SN04 for the proposed Bare Land Condominium Subdivision of Lot 9, Block 23 and Plan 6719BC (418 Muskrat Street), subject to the conditions of approval attached as Appendix 'A'.

BACKGROUND

Reason for Report

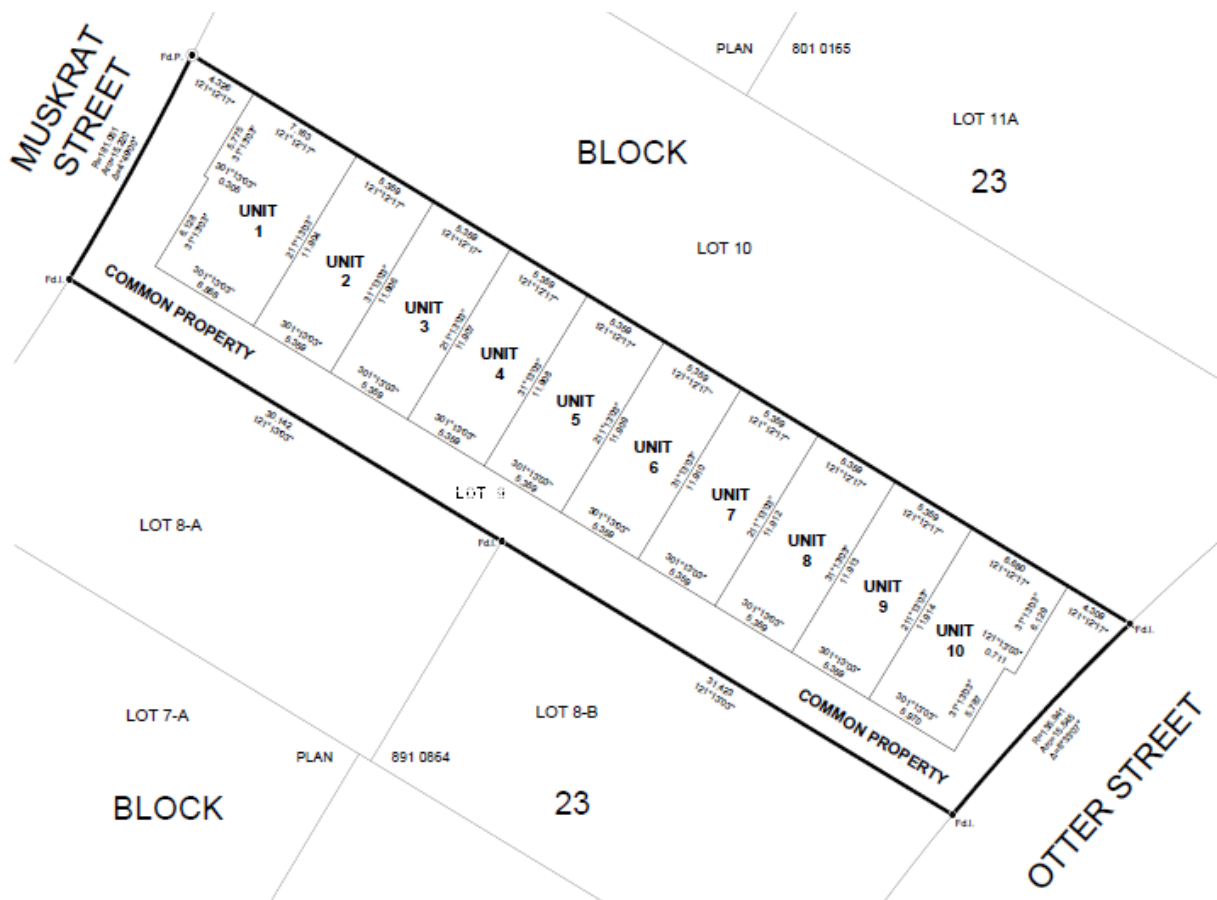
To present a subdivision application for a proposed bare land condominium subdivision of 418 Muskrat Street. This property is in the RNC: North Central District. The proposed tentative plan of subdivision (Appendix 'B') would result in the creation of 10 residential bare land condominium units on the subject property.

The proposed subdivided units would align with the 10 new housing units currently under construction at the property that were approved by the Municipal Planning Commission (MPC) on August 13, 2025, through Development Permit 25DP57.



Approved Development 25DP57

The proposed plan of subdivision would create individual units for each home allowing them to be sold individually.



Proposed plan of subdivision

In accordance with Section 3.2.10(b) of the *Town of Banff Land Use Bylaw*, MPC is the Development Approving Authority for all subdivision applications.

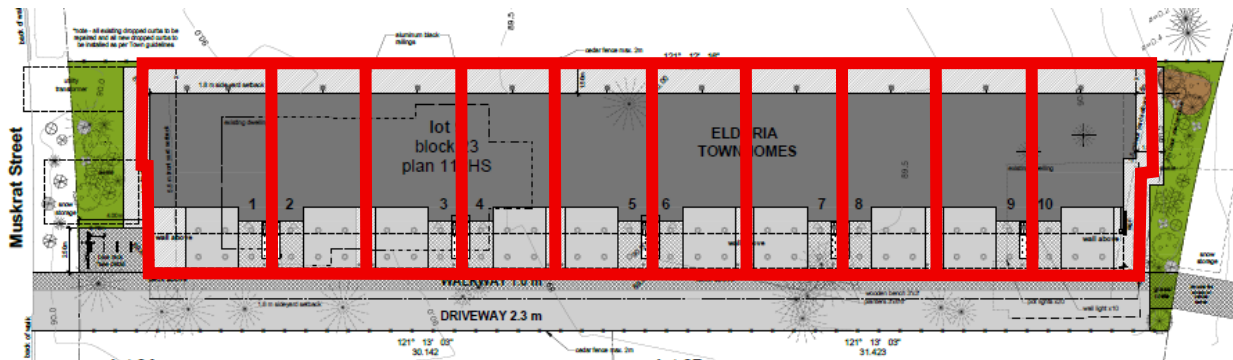
Summary of Issue

The subject property is located in the RNC: North Central District land use district, which has the following purpose:

“The purpose of this district is to provide for a mix of medium density housing in a transition zone between adjacent lower density and higher density residential districts.” (Land Use Bylaw Section 12.25.2)

The 10-unit apartment housing development that is currently under construction on site was approved by MPC with a variance to section 12.25.6.f of the Land Use Bylaw to allow a portion of the 3rd storey to be located within the rear yard setback.

The proposed bare land subdivision would align the condominium units with the walls between the homes, and would include a portion of land with each home.



Approved Development site plan with proposed condominium units show in red

In deciding on subdivision applications, MPC should be guided by Section 5 of the Land Use Bylaw and the district specific requirements.

5.3.5 The Municipal Planning Commission shall not approve a subdivision application unless:

- a. the land to be subdivided is, in its opinion, suitable for the purposes for which the subdivision is intended, having regard to its topography; its soil characteristics; storm water collection and disposal; any potential for flooding, subsidence or erosion of the land; its accessibility to a public roadway; the availability and adequacy of water supply, sewage disposal systems and solid waste disposal; compatibility with the use of land in the vicinity; the provisions of the Banff National Park Management Plan and any applicable statutory plans; and such other matters considered necessary to determine whether the land is suitable for the intended purposes;*

The proposed subdivision is of a recently approved (2025) 10-unit apartment housing development where suitability for purpose, topography, storm water, access, utilities etc. were considered at the time of the development application.

The new site servicing that was approved with the Development Permit for the housing is suitable to meet the development and would not change as part of the proposed subdivision. As some of the servicing for each unit would be located across another unit, confirmation that legal agreements are in place that ensure all units have access to their servicing, is a recommended condition of approval.

Through the circulation process, FortisAlberta have confirmed that *no easement is required by FortisAlberta* for the proposed subdivision.

- b. each parcel to be created has direct access to a public roadway, or lawful means of access satisfactory to the Municipal Planning Commission;*

The approved development provides a common access driveway from Muskrat Street with a garage for each home. The access driveway is proposed to be located within common property for the subdivision with the individual garages being located within each individual condominium unit.

- c. except where conditions are imposed pursuant to s.5.4.2, the proposed subdivision conforms to the provisions of the Act, the Agreement, the Banff National Park Management Plan, any applicable statutory plan, and this Bylaw; and*

The proposed subdivision and recommended conditions of approval requires that it conforms with all statutory requirements.

d. the proposed subdivision conforms to the requirements of an applicable environmental assessment under the Canadian Environmental Assessment Act.

The approved Development Permit has an Impact Assessment Determination.

RNC (North Central District) Land Use Bylaw Requirements

The proposed condominium plan complies with the Land Use Bylaw with regards to subdivision requirements for lot width, depth and area, as the proposed bare land subdivision does not alter the existing lot dimensions.

IMPLICATIONS OF RECOMMENDATION

Banff Community Plan

The need for high-quality development within the town has been well documented in numerous plans, policies, and reports. The Banff Community Plan specifically outlines the goal of ensuring “*that all new development and redevelopment incorporates the highest quality architecture, landscape architecture, environmental and urban design that is complimentary to its location and surrounding context.*”

Financial

Subdivision Application Fee of \$5,000 (\$2,500 + \$250 per lot) and upon final Subdivision Endorsement a fee of \$1,000 (\$500 + \$100 per lot) will be invoiced as well as a Municipal Planning Commission surcharge fee of \$400.00. With land subdivision, the Municipal Government Act allows a municipality to take up to 10% of the land for municipal reserves. If land is not required, cash in lieu of municipal reserves may be taken, up to 10% of the land value. Historically, the Town of Banff has required cash in lieu of 5%. In May 2025, Council passed the following motion:

COU25-152 Moved by Mayor DiManno

That with respect to Item 7.4, Request for Decision: Cash-In-Lieu of Municipal Reserves – Subdivision Fees, the following be adopted:

That Council direct that cash-in-lieu of Municipal Reserves at the time of subdivision be set at 0 percent until January 29, 2027.

For: (6): Mayor DiManno, Councillor Canning, Councillor Christensen, Councillor Olver, Councillor Pelham, and Councillor Pettigrew

MOTION CARRIED

Therefore, no cash in lieu of municipal reserves is recommended.

Parks Canada

The Development Permit Application (26SN04) for the proposed residential bare land condominium subdivision at 418 Muskrat Street has been circulated to Parks Canada. A response had not been received at the time of writing this report. As a Condition of Approval, the applicant must provide confirmation to the satisfaction of the Development Officer that all Parks Canada requirements have been fully addressed.

Organizational

The information and plans pertaining to the application were circulated for review and comments have been incorporated into this report.

Public Implications

A Notification of Proposed Development sign was posted at the subject property in accordance with Section 653(4) of the *Municipal Government Act, Revised Statutes of Alberta 2000, c. M-26*.

If the Subdivision proposed is approved, the Land Use Bylaw and Municipal Government Act requires that notification of the decision be provided in writing within 14-days to the applicant and advertised to the public in the *Rocky Mountain Outlook*. Additionally, notification by regular mail (or acceptable alternative) shall be provided to adjacent neighbours, Parks Canada, and the Canadian Rockies Public School Division. The regulated 21-day development appeal period will follow public notification.

Unlike with a Development Permit where any affected person may file an appeal, a Subdivision may only be appealed by the applicant, the school board, the Minister of the Environment, or any adjacent lessee.

CONCLUSION

The proposed residential bare land condominium subdivision conforms to all the subdivision provisions of the Land Use Bylaw under the RNC (North Central) Land Use District.

It is recommended that Municipal Planning Commission (MPC) consider the proposed subdivision affecting 418 Muskrat Street subject to the conditions of approval attached as Appendix 'A'.

ATTACHMENTS

- Appendix 'A' – Conditions of Subdivision Approval
- Appendix 'B' – Proposed Plan of Subdivision

Submitted By:

Dave Michaels, Manager, Planning Services

Reviewed By:

Kelly Gibson, Town Manager

(1) Conditions to be met prior to endorsement of the Plan of Subdivision:

- a) Submit a final plan of subdivision prepared by a Canada Land Surveyor in accordance with the provisions of the *Canada Lands Survey Act* and register the Plan of Subdivision at the Alberta Land Titles within one (1) year of the date of approval by Municipal Planning Commission;
- b) Subdivision Application Fee of \$5,000 (\$2,500 + \$250 per unit) and, upon final Subdivision Endorsement, a fee of \$700 (\$500 + \$100 per lot) will be invoiced as well as a Municipal Planning Commission surcharge fee of \$400.00 in accordance with Schedule "G" of the *Town of Banff Land Use Bylaw*;
- c) Provide confirmation, to the satisfaction of the Development Officer, that access to the servicing for individual units is provided for through legal agreements to be registered against the titles of the individual units;
- d) Provide evidence pursuant to Section 654(1) of the *Municipal Government Act* that all property taxes for the subject lands have been paid to the Town of Banff prior to final endorsement of the Plan of Subdivision; and,
- e) Provide confirmation, to the satisfaction of the Development Officer that any and all requirements of Parks Canada have been met, including, but not limited to, written confirmation that satisfactory arrangements have been made to surrender the existing lease and create new leases.

Appendix 'B'
Proposed Subdivision Plans

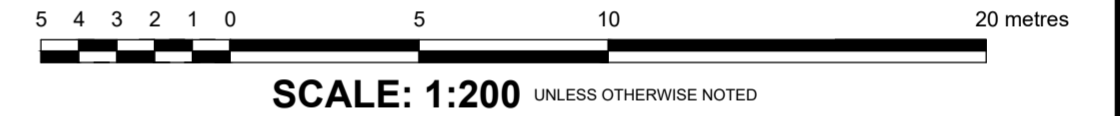
PLAN No. _____
 ENTERED AND REGISTERED
 ON _____
 INSTRUMENT No.: _____
 A. D. REGISTRAR

SUBDIVISION AUTHORITY
 NAME: XXXXXXXXXX
 FILE No.: XXXXXXXXXX
NOTE
 FOR ANY ENDORSEMENT, REGISTRATION MEMORANDUM, NOTIFICATION, OR OTHER ENTRY THAT IS TO BE MADE ON THE PLAN, PLEASE SEE THE CONDOMINIUM ADDITIONAL SHEET (CS) WHICH IS ADDED TO THIS PLAN PURSUANT TO THE CONDOMINIUM PROPERTY REGULATION.

ADDRESS OF CONDOMINIUM CORP.
 XXXXXXXXXX
 XXXXXXXXXX
REGISTERED OWNERS:
 2707533 ALBERTA INC.
CANADA LANDS SURVEYS RECORDS
 DATE _____
NATURAL RESOURCES CANADA
 APPROVED: _____, 2026

ATS REFERENCE: N.E.1/4, SEC.35, TP.25, R.12, W.5.M.

PROPOSED BARE LAND CONDOMINIUM PLAN
 OF
LOT 9, BLOCK 23,
PLAN 6719BC (L.T.O.) 21553 (C.L.S.R.)
 TOWN OF BANFF
 BANFF COORDINATED SURVEY AREA
 BANFF NATIONAL PARK, ALBERTA



The plot size that will provide true scale and optimum readability for this plan is 558mm x 431mm

LEGEND	ABBREVIATIONS
<ul style="list-style-type: none"> ● C.L.S. Standard Post Found ● Alberta Statutory Iron Post Found — Unit Boundaries — Area affected by the registration of this plan and contains 0.096 ha. 	<ul style="list-style-type: none"> Fd. Found ha. Hectare I. Iron Post m² Square Meters P. C.L.S. Standard Post R. Radius

NOTES
 -Distances are horizontal at ground level, in metres and decimals thereof. Combined Scale Factor = 0.999xxx.
 -Distances on curves are arc distances.
 -Bearings are referred to 3TM, NAD83(CSRs) EPOCH 2002.0, and were derived using GNSS observations and the Precise Point Positioning service of Natural Resources Canada. Reference Meridian is 117° West Longitude.
 -Unit numbers are shown thus.....UNIT 1.
 -All areas not designated as a unit are common property.
 -The boundary of any unit is governed by the monuments placed pursuant to the Surveys Act.

UNIT FACTOR TABLE		
Unit Number	Approximate Unit Area Square Metres	Unit Factor
1	83	1247
2	64	953
3	64	953
4	64	953
5	64	953
6	64	953
7	64	953
8	64	953
9	64	953
10	76	1129
Total	671	10,000

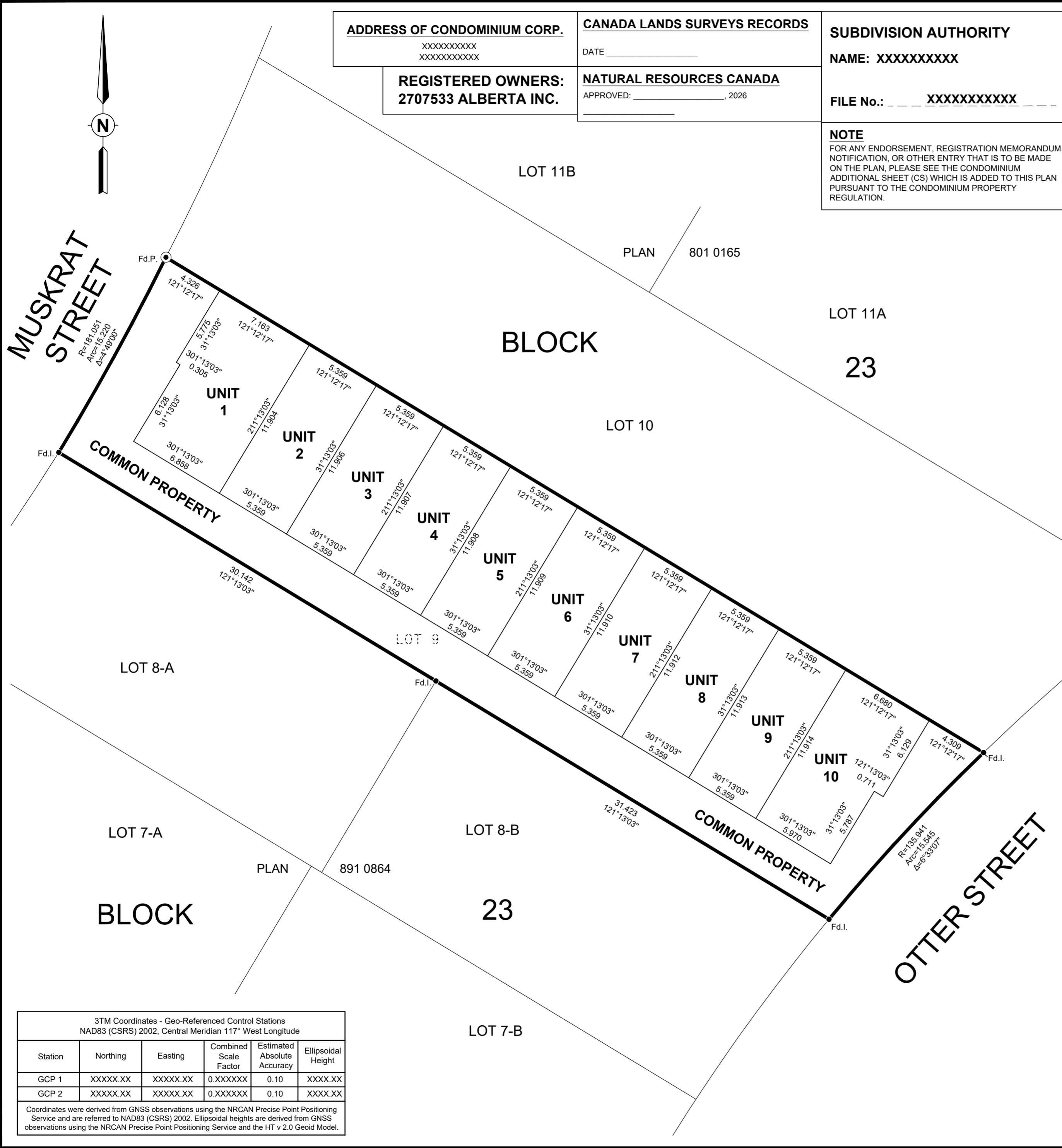
The basis for determining unit factors is as follows:
 Unit factors have been assigned in proportion to approximate unit areas as established from architectural drawings.

I Irwin Natt, of the City of Canmore, Canada Lands Surveyor, certify that I was present at and personally supervised the survey represented by this plan and that the survey and plan are correct.

This survey was executed during the period of September 22, 2025 to XXXXX XX, 2026

Date: _____ 2026
 Irwin Natt, Canada Land Surveyor

McElhanney Ltd.
 203 - 502 Bow Valley Trail, Canmore AB T1W 1N9
 Tel. 403 678 6363
 PROJECT: 25310101600 PLOT DATE: 2026.02.23
 FILE: 01016TC
 ACLS CHECKLIST: XXX



3TM Coordinates - Geo-Referenced Control Stations
 NAD83 (CSRS) 2002, Central Meridian 117° West Longitude

Station	Northing	Easting	Combined Scale Factor	Estimated Absolute Accuracy	Ellipsoidal Height
GCP 1	XXXXX.XX	XXXXX.XX	0.XXXXXX	0.10	XXXX.XX
GCP 2	XXXXX.XX	XXXXX.XX	0.XXXXXX	0.10	XXXX.XX

Coordinates were derived from GNSS observations using the NRCAN Precise Point Positioning Service and are referred to NAD83 (CSRS) 2002. Ellipsoidal heights are derived from GNSS observations using the NRCAN Precise Point Positioning Service and the HT v 2.0 Geoid Model.

TOWN OF BANFF BYLAW 497

Being a Bylaw of the Town of Banff to Amend the Land Use Bylaw A Bylaw to enable heritage conservation goals and solutions established in the Heritage Resource Action Plan

WHEREAS the Council of the Town of Banff has adopted a Land Use Bylaw to regulate and control the use and development of land and buildings within the municipality;

AND WHEREAS Council has endorsed the Heritage Resource Action Plan, which identifies tools and policy measures to support the conservation, adaptive reuse, and long-term viability of heritage resources within the Town;

AND WHEREAS Council considers it desirable and in the public interest to amend the Land Use Bylaw to introduce additional regulatory tools to facilitate heritage conservation, improve process clarity, and provide incentives that align with the Town's growth management framework;

NOW THEREFORE, 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 the "Land Use Bylaw Amendment (Heritage Conservation Tools) Bylaw 497".

2.0 PROVISIONS

2.1 The Town of Banff Land Use Bylaw is hereby amended as follows:

2.1.1 Amending Section 2.3.4, by adding the following new definitions:

Heritage Related Development means development involving a building or site that is listed on the Municipal Heritage Inventory or designated as a Municipal Historic Resource, and includes conservation, restoration, rehabilitation, or adaptive reuse of the historic resource.

Heritage Donating Parcel means a parcel of land that has been approved by the Development Approving Authority to transfer its undeveloped Gross Floor Area to a Heritage Receiving Parcel under this Bylaw.

Heritage Receiving Parcel means a parcel of land that has been approved by the Development Approving Authority to receive undeveloped Gross Floor Area transferred from a Heritage Donating Parcel.

Residential Heritage Transfer Certificate means an official record issued by the Town of Banff that verifies the transfer of undeveloped Gross Floor Area from a Heritage Donating Parcel.

Non-Commercial Heritage Use means the use of a Municipal Historic Resource limited to Day Care, Public Education Services, Private Education Services, Studio, Natural Science Exhibit, Public Library and Cultural Exhibit, Religious Assemblies, Government Services and Professional, Financial, Health and Office Services.

2.1.2 Amending Section 3.1.2.b by deleting the following words in ~~strikeout~~ and inserting the following words in underline:

- b. Subject to Section 3.1.4, shall refer to the Municipal Planning Commission ~~for decision on~~ an application for a development permit for a discretionary use or a use deemed to be a discretionary use pursuant to s.2.3.3 for decision;

2.1.3 Adding a new Section 3.1.4. as follows:

3.1.4 The Development Officer may decide upon an application for a discretionary use for a Heritage Related Development, except for an application for a Non-Commercial Heritage Use.

2.1.4 Amending Section 3.1.3 by inserting the following words in underline:

Applications for a development permit for a sign or tree removal shall be decided by a Development Officer, except where a proposed sign or tree removal is part of an application for another type of discretionary use ~~that does not include Heritage Related Development~~, then the Municipal Planning Commission shall decide the whole of the application.

2.1.5 Under Sections 4.6.1, 4.6.2 and 4.6.3, delete all references to the “Municipal Planning Commission” and replace them with “Development Approving Authority”.

2.1.6 Amending Section 4.7.1 by deleting the following words in ~~strikeout~~ and inserting the following words in underline:

~~A~~ Subject to Section 4.7.2, a Development Approving Authority may grant a development permit for development that does not comply with the regulations of the Bylaw, only if, in its opinion:

- a. the deviation from this Bylaw is minor;
- b. the proposed development would not unduly interfere with the amenities of the area or materially interfere with, or affect the use, enjoyment, safety, aesthetics, or value of neighbouring properties; and
- c. the proposed development conforms with the use prescribed for that building or land in the district that applies to it; and either
- d. an unusual site configuration, soil conditions, or other factors, which are peculiar to the site and not common in the district, may result in unnecessary hardship or practical difficulties for the proposed development to comply with the provisions of this Bylaw; or
- e. approval of the variances will, in the opinion of the development approving authority, substantially improve the quality of design of the development relative to the Banff Design Guidelines; ~~or contribute to the preservation of the heritage value of a recognized historical building or resource.~~

2.1.7 Deleting 4.7.2 in its entirety and replacing with the following:

4.7.2 A Development Approving Authority may grant a development permit for a Heritage Related Development that does not comply with the regulations of the Bylaw, only if, in its opinion:

- a. the proposed development would not unduly interfere with the amenities of the area or materially interfere with, or affect the use, enjoyment, safety, aesthetics, or value of neighbouring properties; and
- b. the proposed development conforms with the use prescribed for that building or land in the district that applies to it.

2.1.8 Inserting a new section 4.7.3 as follows:

Before approving a development permit pursuant to s.4.7.1 or s.4.7.2, a Development Approving Authority may consider comments from nearby residents and owners.

2.1.9 Under Section "4.11.0 Expiry of a Development Permit", add new Sections 4.11.6, 4.11.7, and 4.11.8 as follows:

4.11.6 Notwithstanding 4.11.1 and s.4.11.2, where the development permit includes a Heritage Related Development:

- a. All conditions of the development permit, except those of a continuing nature, must be met within 18 months of the date of issuance of the Notice of Decision; and
- b. Development shall commence within two years of the date of issuance of the development permit.

4.11.7 The Development Officer may extend the two years referred to in Section 4.11.6 for Heritage Related Development for an additional one year, upon written request by the applicant before the initial two-year period ends.

4.11.8 Extensions granted under Section 4.11.7 for Heritage Related Development shall not be subject to the fees described under Schedule G of this bylaw for Extension and Renewals.

2.1.10 Under Section "8.10.0 Accessory Dwelling Housing", add a new Section 8.10.3. as follows:

8.10.3 Notwithstanding s.8.10.2, for Heritage Related Development, Accessory dwelling housing is not limited to being equal to, or less than, the number of principal dwellings on a site, provided that the proposed development complies with the maximum FAR in that district.

2.1.11 Under Section "8.19.0 Required Housing", add a new Section 8.19.10 as follows, and renumber subsequent sections accordingly:

8.19.10 Notwithstanding Section 8.19.9, where housing is required as part of a Heritage Related Development or Non-Commercial Heritage Use, the Development Approving Authority may, at their discretion, enter into a Development Agreement with the applicant to establish alternative timelines to those listed in the Housing Policy for completion of the required housing, subject to the following conditions:

- a. The applicant shall demonstrate that the extension directly supports the retention, rehabilitation, or adaptive reuse of the Heritage Related Development;
- b. The applicant shall commit, within the Development Agreement, to meeting the required housing obligation in full within the approved extended period; and
- c. The Development Agreement shall be registered against the Certificate of Title for the property and shall specify the revised timelines and secure the commitment through a registered instrument on title.

Alternative timelines established under this Section shall not exceed the 10th anniversary of the associated Development Permit.

2.1.12 Under Section “8.0.0 General Development Regulations”, add a new Section 8.6.2 as follows:

8.6.2. At the discretion of the Development Approving Authority, Heritage Related Developments may project over or into a required front, rear, or side yard, where necessary to facilitate development or address site-specific or building-specific constraints.

2.1.13 Under Section “8.12.0 Building Height”, add a new Section 8.12.6 as follows:

8.12.6 Notwithstanding section 8.12.3, for Heritage Related Developments, where a district regulation provides an alternative height limit, such as number of storeys, or a specific height in metres, the more permissive shall apply.

2.1.14 Under Section “10.0.0 Specific Use Regulations”, add new Section 10.7.0 as follows:

10.7.0 Transfer of Development Rights and Obligations for Municipal Historic Resources

10.7.1 Heritage Donating Parcel Eligibility

- a. A parcel may be approved as a Heritage Donating Parcel where the Development Approving Authority is satisfied that:

- i. the parcel contains a building or site that is listed on the Municipal Heritage Inventory or designated as a Municipal Historic Resource;
- ii. the proposed development includes the conservation, restoration, rehabilitation, or adaptive reuse of the historic resource in a manner that maintains its heritage value;
- iii. the historic resource will be retained and protected through the development approval process and any required heritage protection agreement, designation, or other legal instrument;
- iv. the development will not involve the demolition of the historic resource, except where otherwise permitted under this Bylaw or approved by Council; and
- v. the parcel complies with all other applicable regulations of this Bylaw.

10.7.2 Heritage Receiving Parcel Eligibility

- a. A Heritage Receiving Parcel shall be approved by the Development Approving Authority to receive transferred Gross Floor Area and comply with all applicable regulations of the district in which it is located, except where otherwise modified by the provisions of this Bylaw.
- b. A Heritage Receiving Parcel shall not be located within the following Residential Districts:
 - i. RMR: Marmot / Rundle District
 - ii. RMS I: Middle Springs I District;
 - iii. RMS II(B): Middle Springs II(B) District;
 - iv. RMS II(D): Middle Springs II(D) District;
 - v. RMS II(E): Middle Springs II(E) District.
 - vi. RTM: Tunnel Mountain District.

10.7.3 Heritage Receiving Parcel Compatibility

- a. The Development Approving Authority shall consider the use, enjoyment, safety, aesthetics, or value of neighbouring properties when evaluating the compatibility of the Heritage Receiving Parcel with the adjacent developments.

10.7.4 Heritage Receiving Parcel Undeveloped Gross Floor Area Execution

- a. The transfer of undeveloped Gross Floor Area shall be executed through a Development Agreement between the Town and the owner(s) of the Heritage Donating Parcel and Heritage Receiving Parcel(s).
- b. A Residential Heritage Transfer Certificate issued under this Bylaw shall form part of the supporting documentation for such agreement.

10.7.5 Transfer of Undeveloped Floor Area

- a. Notwithstanding the density requirements of section 12, the maximum Gross Floor Area that can be developed on a Heritage Receiving Parcel shall be calculated by using the maximum Floor Area Ratio for the number of proposed dwellings in that district, plus the additional Gross Floor Area transferred to the site from a Heritage Donating Parcel.
- b. Undeveloped Gross Floor Area may be transferred from a Heritage Donating Parcel to a Heritage Receiving Parcel, subject to the following:
 - i. the Heritage Receiving Parcel has sufficient municipal servicing capacity to accommodate the additional Gross Floor Area;
 - ii. the resulting development shall not exceed the maximum height or setback standards of the applicable district for the Heritage Receiving Parcel, notwithstanding Section 4.7.0; and,
 - iii. the transferred floor area shall be used for residential purposes only.

10.7.6 Transfer of Undeveloped Floor Area Registration

- a. The transfer of undeveloped Gross Floor Area shall be registered by caveat against the Certificates of Title for both the Heritage Donating Parcel and the Heritage Receiving Parcel prior to or concurrent with the issuance of the associated Development Permit(s).
- b. The caveat shall identify the amount of floor area transferred and reference the applicable Development Agreement and Residential Heritage Transfer Certificate.
- c. A caveat against the Certificate of Title for the Heritage Donating Parcel shall limit future development by the amount of floor area transferred.

10.7.7 Divisibility and Transferability

- a. Undeveloped Gross Floor Area identified in a Residential Heritage Transfer Certificate may be transferred to a single Heritage Receiving Parcel or divided among two or more Heritage Receiving Parcels, provided the total transferred area does not exceed that authorized under the Certificate.
- b. Undeveloped Gross Floor Area may be transferred between parcels subject to the validation and registration requirements of this Subsection.

2.1.15 Under Section “10.0.0 Specific Use Regulations”, add new Section 10.8.0 as follows:

10.8.0 Non-Commercial Heritage Use

10.8.1 Eligibility

- a. Non-Commercial Heritage Uses are intended to support the conservation and adaptive reuse of Municipal Historic Resources.

- b. A Municipal Historic Resource may be adaptively reused for a discretionary Non-Commercial Heritage Use, subject to approval of a development permit and compliance with all applicable district regulations.
- c. Only sites containing a Municipal Historic Resource are eligible under this Subsection.
- d. A Heritage Donating Parcel that has previously transferred undeveloped Gross Floor Area under this bylaw remains eligible to participate in this Subsection, subject to compliance with all applicable limits.
- e. Eligibility shall be verified by the Development Approving Authority prior to issuance of a Development Permit.

10.8.2 Non-Commercial Heritage Uses shall comply with the following:

- a. The use shall maintain the heritage character and appearance of the Municipal Historic Resource and shall not result in alterations that materially change the building's historic form, massing, or defining architectural features, except where approved through the Development Permit approval process.
- b. Any alterations required to accommodate the use shall be minimal, compatible with the heritage character of the building and shall comply with applicable heritage conservation requirements.
- c. The Development Approving Authority may establish limits on the number of employees, visitor attendance, hours of operation, or floor area devoted to the use where necessary to ensure compatibility with the Municipal Historic Resource and surrounding development.
- d. The use shall not generate vehicular traffic, deliveries, or parking demand in excess of that which is characteristic of the neighbourhood within which it is located.

- e. The sale of goods or services to the public shall not be permitted except where clearly ancillary to the primary use and where the activity:
 - i. occurs entirely within the building;
 - ii. occupies a limited portion of the Gross Floor Area; and
 - iii. does not operate as a retail store, restaurant, drinking establishment, or other commercial use.
- f. Any signage associated with the use shall be limited in scale and designed to be compatible with the heritage character of the building and shall comply with the Sign Regulations of this Bylaw.

2.1.16 Section 12 is amended by adding “Non-commercial Heritage Use” as a discretionary use to the following sections: 12.11.4, 12.12.4, 12.13.4, 12.14.4, 12.15.4, 12.16.4, 12.17.4, 12.18.4, 12.21.4, 12.24.4, 12.25.4, 12.26.4, 12.27.4, 12.28.4, 12.29.4, 12.30.1, 12.31.4, 12.32.4, and 12.33.4.

3.0 SEVERABILITY

- 3.1 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.

4.0 ENACTMENT

- 4.1 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 Canadian Identity and Culture and Minister responsible for Official Languages.
- 4.2 The Town Manager is authorized to consolidate Town of Banff Land Use Bylaw.

PROPOSED

Item 7.2

READ A FIRST TIME this xx day of xxx, 2026.

Pursuant to the *Municipal Government Act* (Alberta), a PUBLIC HEARING was held this xx day of xxx, 2026.

READ A SECOND TIME this xx day of month, 2026.

READ A THIRD TIME this xx day of month, 2026.

SIGNED AND PASSED this ____ day of _____, 2026.

Corrie DiManno
Mayor

Kelly Gibson
Town Manager

APPROVED by the Minister of Canadian Identity and Culture and Minister Responsible for Official Languages, or by their delegate, this __ day of _____, 20xx:

Minister of Canadian Identity and Culture and
Minister Responsible for Official Languages/Delegate