

# Development Permit Application Guide



## Home Occupations

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### WHAT IS A HOME OCCUPATION?

Home Occupations include a limited range of businesses that may operate from homes in residential neighbourhoods. Bed and Breakfasts fall under a separate category and have a separate guide and application. Home Occupations are classified into two types:

**Type 1 Home Occupations** involve an office in a dwelling or accessory building for a person who occupies the dwelling as a principal residence. Typical uses include self-employed persons providing professional, financial or office services not involving any production, repairs, or the parking of a commercial vehicle on site. Only residents of the home may be employed by the business.

**Type 2 Home Occupations** involve an occupation, trade, art or craft for gain or support, conducted entirely within the dwelling or related accessory building, by a person who occupies the dwelling as a principal residence. Typical uses include production of crafts and souvenirs, individual instruction to students, mobile repairs and installation and minor household repair services. Only one commercial vehicle may be allowed and one person other than the residents of the home may be employed by the business.

### IS A DEVELOPMENT PERMIT REQUIRED?

Development Permits are required to confirm that the proposed home occupation will comply with the regulations pertaining to home occupations in the Land Use Bylaw.

### IS A BUSINESS LICENCE REQUIRED?

If your Development Permit is approved you will also need a business licence issued by the Town of Banff. For further information, call the Business Licence clerk at 762-1201 or drop-by the Town Hall. Development Permits for home occupations are issued and renewable on an annual basis in conjunction with the business licence.

### HOW TO COMPLETE A DEVELOPMENT PERMIT APPLICATION FORM FOR A HOME OCCUPATION?

Each Development Permit application form contains a list of plans and materials that must accompany the application. In certain cases, a Development Officer may waive some of the listed requirements. In addition, prior to submitting a Development Permit application, the proposal should satisfy the regulations and objectives of the Town of Banff Land Use Bylaw and other relevant documents:

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

The Town of Banff Land Use Bylaw identifies a number of different land use districts within the town boundaries. Type 1 and 2 home occupations are considered discretionary uses in most residential neighbourhoods, however there are a couple of exceptions. The regulations for home occupations are also outlined in the "Specific Use Regulations" section of the Land Use Bylaw.

### ***Purposes of the Town***

Commercial activity in the Town of Banff, including home occupations, must be consistent with the purposes of the Town as set out in the Community Plan and Land Use Bylaw. The purposes of the Town are:

- (1) To maintain the Town as part of a World Heritage Site;
- (2) To serve as a centre for accommodation and other goods and services for Banff National Park visitors;
- (3) To serve as a centre for the widest possible range of interpretive and orientation services to Banff National Park visitors;
- (4) To maintain and enhance community character complementary to the surrounding natural environment; and
- (5) To provide a comfortable living community for those persons who need to reside in the Town.

### ***Appropriate Use Guidelines***

New business proposals in the Town of Banff, including home occupations, must also meet a test of appropriateness that reflects the following principles and the purposes of the Town (above):

- (1) Does the business need to be located in the community?
- (2) Does the business contribute to a vibrant heritage-tourism industry?
- (3) Is the business a required community service?
- (4) Does the business involve a permissible park activity?
- (5) Does the business involve value added production or services to be sold elsewhere (outside the community)?

### ***Eligible Resident Status***

Parks Canada has certain restrictions regarding who has a “need to reside” within a National Park. Since operating a home occupation does not, in itself, provide a “need to reside”, you must provide written confirmation of your eligible resident status from Parks Canada with your application for home occupation. Please contact the Banff National Park office at 762-1564 for more information about the “need to reside” requirement.

### **WHAT ARE THE REGULATIONS PERTAINING TO HOME OCCUPATIONS?**

All home occupations shall comply with the following:

- § You cannot make structural changes to your home to accommodate your home occupation;
- § Your neighbours’ privacy and enjoyment cannot be disturbed, nor can the amenities of the neighbourhood be affected;
- § No more than ten percent of the gross floor area of your home may be devoted to the business;
- § No more than two clients may visit your home at any one time;
- § Your business cannot generate pedestrian or vehicular traffic which is uncharacteristic of your neighbourhood;
- § Materials, supplies and equipment from your home occupation cannot be stored outside;
- § Signs advertising your business are not allowed;
- § Parking of commercial vehicles on or about the site for a type 1 home occupation is not permitted and is strictly limited for type 2 home occupations,
- § No person other than residents of the principal residence shall be employed in a type 1 home occupation and only one other person may be employed in a type 2 home occupation;
- § Your home occupation may not be permitted if it would be more appropriately located in a commercial district.

### **HOW DOES THE DEVELOPMENT PERMIT APPROVAL PROCESS WORK?**

Once a Development Permit Application is received and deemed to be complete, it is reviewed for consistency with the Land Use Bylaw and other relevant documents. The application may also be circulated to other municipal departments, Parks Canada, and other advisory bodies for comment. The duration of the review period is at least two weeks and can be longer, depending on the volume of work being handled by Town of Banff staff and external agencies and the complexity of the proposed development.

The Development Officer may decide on the application if the proposed home occupation is a type 1. If the proposed home occupation is a type 2, the application is referred to the Municipal Planning Commission (MPC) for review and decision. The MPC consists of two Councillors, five public representatives and one Parks Canada representative. The Development Officer and MPC have the ability to refuse development permit applications for home occupations (discretionary uses) even though they may meet the minimum standards of the Land Use Bylaw.

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

What is the Fee for processing a Development Permit Application?

Application processing fees vary according to the type of home occupation proposed and are outlined in the Development Processing Fees Schedule. These fees are non-refundable after a decision has been made and help the Town to partially recover the costs of reviewing and advertising Development Permits. Contact Town of Banff Planning and Development staff for more information.

The Town of Banff Land Use Bylaw and other planning documents are available on the Town of Banff website ([www.banff.ca](http://www.banff.ca)) or at the Banff Town Hall.

# Development Permit Application



## Home Occupation

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

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

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

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

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

City/Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_ Email: \_\_\_\_\_

Tel. No.: \_\_\_\_\_ Cell No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

**\*A copy of the Title is required to be submitted with the Development Permit application.**

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

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

City/Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_ Email: \_\_\_\_\_

Tel. No.: \_\_\_\_\_ Cell No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

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

Brief description of proposed home occupation: \_\_\_\_\_

\_\_\_\_\_

**FOR OFFICE USE ONLY**

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

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

Application Fee: \_\_\_\_\_

Received by: \_\_\_\_\_

**Authorization of Agent**

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

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

\_\_\_\_\_  
(municipal address of property)

Signature(s) of registered owner(s) Date  
\_\_\_\_\_  
\_\_\_\_\_

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

**Property owner's agreement**

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

\_\_\_\_\_  
Signature of property owner Date

**Payment of fee**

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

\_\_\_\_\_  
Signature of applicant or agent Date

**Declaration**

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

\_\_\_\_\_  
Signature of applicant or agent Date

**Description of the Proposed Business**

- q Provide a detailed explanation of product or type of service and how the business will be operated
- q Explain how the proposed business complies with the regulations pertaining to home occupations in the Land Use Bylaw
- q Explain why you think the business would be appropriately located in a residential area
- q Explain how potential impacts on adjacent residential properties will be addressed
- q Explain how the proposed business is consistent with the purposes of the Town and Appropriate Use Guidelines as described in the application guide
- q Identify the number of employees (including owner) including those who are not residents of the home
- q Describe any equipment or inventory involved and where it will be stored
- q Describe where primary business activities will be conducted (e.g. in the home or at client's house)
- q Identify type, size and number of any staff or business vehicles involved in the proposed business
- q Explanation of any pedestrian or vehicular traffic resulting from the business

**Floor Plan of Residence / Accessory Building(s)**

- q 3 copies of each
- q 1 electronic copy in PDF format
- q Scale of 1:100 (minimum)
- q Dimensioned floor plans of principal residence and accessory building(s)
- q Identify area to be used for home occupation
- q Proposed floor area to be used for home occupation
- q Total floor area of principal residence and accessory building(s)
- q Photos of building(s) and proposed location of home occupation
- q Identify any renovations required for the proposed business

**Site Plans (existing and proposed)**

- q 3 copies of each
- q 1 electronic copy in PDF format
- q Scale of 1:200 (minimum)
- q North arrow and scale
- q Size and location of all existing and proposed buildings/uses including accessory buildings and structures, garages, and fences
- q Location, number, surface material, grades and dimensions of all parking spaces and driveways
- q Dimensioned setbacks

**The following information may be requested during review of the application:**

- q Certificate of Title (issued not more than 30 days from the date application is submitted)
- q CEAA Model Class Screening Report (if applicable)
- q Written Permission from Condominium Board (if applicable)

**Please attach the following to the home occupation development permit application:**

- q Application Fee (see Development Permit Processing Fee Schedule)
- q Confirmation of "Eligible Resident" status in accordance with National Parks Lease and Licence of Occupation Regulations (1991)

**NOTE:**

**Incomplete applications will not be accepted.**

**In certain cases, a Development Officer may waive some of the listed requirements.**

**Additional information may be requested during review of the application.**

**Presentation quality plans may be required for Municipal Planning Commission review.**