

Development Permit Application Guide



Bed and Breakfast Operations

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

www.banff.ca
enviroservices@banff.ca

BED AND BREAKFAST: THE BANFF APPROACH

A variety of accommodation options are required to meet the differing tastes and budgets of the approximately four million annual visitors to Banff. Bed and Breakfasts are an important component of the accommodation selection. Because Bed & Breakfasts are usually located in residential neighbourhoods, Banff must balance the needs of visitors and residents. The aim is to give visitors the bed and breakfast experience while retaining the character and quality of the neighbourhood for residents.

WHAT IS A BED AND BREAKFAST?

A Bed and Breakfast is a home in a residential district that provides nightly accommodation (and breakfast) to visitors. Bed and Breakfasts are classified into two types in the Town of Banff Land Use Bylaw:

Bed and Breakfast Home means a single detached dwelling that is owner occupied and where, as an ancillary activity, sleeping accommodation with breakfast is provided to members of the traveling public for remuneration. Only residents of the home may be employed by the business. All new proposals for Bed & Breakfast operations will fall into this category.

Bed and Breakfast Inn refers to an existing Bed and Breakfast home larger than typical that does not have more than 10 commercial accommodation units and there is evidence it was in operation and licensed continuously for at least 5 years immediately prior to January 1, 1990. No new proposals for Bed & Breakfast Inns will be permitted.

IS A DEVELOPMENT PERMIT REQUIRED?

A Development Permit is required to confirm that the proposal will comply with the regulations pertaining to Bed and Breakfasts in the Land Use Bylaw. Development Permits for Bed and Breakfasts must be renewed every two years in conjunction with the business licence.

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, contact the Business Licence clerk at Town Hall at 762-1201.

HOW TO COMPLETE A DEVELOPMENT PERMIT APPLICATION FORM FOR A BED AND BREAKFAST HOME:

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, Banff Design Guidelines 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. Bed and Breakfasts are considered discretionary uses in a limited range of residential neighbourhoods. A total of 65 Bed and Breakfasts may be permitted to operate at any one time in the town of Banff. The maximum number of Bed and Breakfasts within each residential district where Bed and Breakfasts may be considered is outlined in Schedule "D" of the Land Use Bylaw. Additional regulations for Bed and Breakfasts are outlined in the "Specific Use Regulations" section of the Land Use Bylaw.

ELIGIBLE RESIDENT STATUS

Parks Canada has certain restrictions regarding who has a "need to reside" within a National Park. Since operating a Bed and Breakfast 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 Bed and Breakfast. Please contact the Banff National Park office at 762-1564 for more information about the "need to reside" requirement.

WHAT ARE SOME OF THE SPECIFIC REGULATIONS PERTAINING TO BED AND BREAKFAST HOMES?

All Bed and Breakfasts shall comply with the following:

- § A Bed and Breakfast home may only be located within single detached housing;
 - § A Bed and Breakfast shall be operated exclusively by a live-in owner as an accessory use;
 - § A Bed and Breakfast home shall not contain more than two guest rooms (commercial accommodation units) except in the RBA, RCM or RCR district where a maximum of four guest rooms may be considered;
 - § A Bed and Breakfast shall not change the principal residential character, use or external appearance of the dwelling;
 - § A guest room shall not contain a kitchen;
 - § The minimum size of any guest room, exclusive of closets, is 9.0m² with no dimension less than 2.4m;
 - § An outdoor amenity space adjacent to the dwelling suitable for the relaxation of guests, which shall have a minimum area of 9.0m², must be provided;
 - § In addition to individual guest rooms within the dwelling, a Bed and Breakfast must contain an indoor amenity space suitable for the relaxation of guests, which shall have a minimum area of 9.0m²;
 - § The Bed and Breakfast shall not generate vehicular traffic in excess of that which is characteristic of the residential district in which it is located;
 - § Adequate parking at the rate of one parking stall per guest room must be provided on the site, parking of guest vehicles on public roadways is not permitted;
 - § A Bed and Breakfast may not be located on a parcel closer than 75.0m from any other parcel containing another Bed and Breakfast. This distance is measured as the shortest distance between the property lines of the two sites;
 - § Signs must conform to the Banff Design Guidelines and require a separate permit;
- A Bed and Breakfast must comply with the provincial health standards and guidelines for bed and breakfast facilities and a food establishment permit is required if food will be served to guests. Please contact the Public Health Inspector at 762-2990 for more information. A Bed and Breakfast must also comply with all building and fire safety codes.

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.

All Bed and Breakfasts are regulated as discretionary uses so 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 MPC has the ability to refuse development permit applications for Bed and Breakfasts (discretionary uses) even though they may meet the minimum standards of the Land Use Bylaw. The MPC may approve a permit for a Bed and Breakfast that does not entirely conform to the bylaw if a variance to the bylaw would contribute to the preservation of a recognized heritage resource as identified on the Town of Banff Registry of Recognized Heritage Resources.

Once a decision is made and a Notice of Decision is issued, there is a statutory 14-day period during which the applicant or any affected person may appeal the decision of the MPC to the Development Appeal Board (DAB). As a quasi-judicial board, the DAB has the power to uphold, deny, or vary the decision of the 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 number of guest rooms (commercial accommodation units) 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) or at the Banff Town Hall.

Development Permit Application



Bed and Breakfast

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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: _____

Description of proposed use/development: _____

FOR OFFICE USE ONLY

Development Permit No.: _____

Roll #: _____

Application Fee: _____

Received by: _____

PROJECT DATA

PLEASE FILL IN ALL AREAS APPLICABLE TO YOUR PROPOSAL:

Site Data

Area of lot(s):	m ²	Footprint (area) of all buildings on site:	m ²
Lot frontage:	m	Lot depth:	m
Existing landscaped area:	m ²	Proposed landscaped area	m ²

Building Data

No. of existing bedrooms:		Size of proposed guest room (1):	m ²
No. of proposed guest rooms:		Size of proposed guest room (2):	m ²
Size of proposed outdoor amenity area:	m ²	Size of proposed guest room (3):	m ²
Size of proposed indoor amenity area:	m ²	Size of proposed guest room (4):	m ²

Parking

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

Authorization of Agent

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

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

(civic address of property)

Signature(s) of registered owner(s) Date

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

Property owner's agreement

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

Signature of property owner Date

Payment of fee

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

Signature of applicant or agent Date

Declaration

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

SUBMITTAL REQUIREMENTS

Architectural Plans (existing and proposed)

- q 10 copies of each
- q 1 electronic copy in PDF format
- q Scale of 1:100 metric (minimum)
- q Dimensioned floor plans of all floors of the building(s)
- q Proposed layout of all guest areas, with dimensions, including indoor and outdoor amenity areas, guest rooms, bathrooms and kitchen and dining areas
- q Photos showing building exterior and interior including all rooms devoted to the Bed and Breakfast operation

Site Plans (existing and proposed)

- q 10 copies of each
- q 1 electronic copy in PDF format
- q Scale of 1:200 metric (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 Dimensioned setbacks
- q Location of proposed outdoor amenity areas suitable for relaxation of guests
- q Location, number, surface material, grades and dimensions of all existing and proposed parking spaces and driveways, with dimensions, clearly identifying resident and guest stalls
- q Location of existing and proposed exterior landscaped areas

Context Plan

- q 10 copies
- q 1 electronic copy in PDF format
- q Scale of 1:500 metric (minimum)
- q North arrow and scale
- q Location of property including adjacent streets, land use districts and existing Bed and Breakfasts

Please attach the following to the Development Permit application:

- q Application Fee (see Development Processing Fees)
- q Confirmation of “Eligible Resident” status in accordance with National Parks Lease and Licence of Occupation Regulations (1991)
- q Certificate of Title (issued not more than 30 days from the date application is received)
- q CEAA Model Class Screening Report (if applicable)

NOTE: Incomplete applications will not be accepted.

Please fold plans prior to submittal.

Additional information may be requested during review of the application.

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