

Development Permit Application Guide



Change of Use or Intensification of Use

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

WHEN ARE DEVELOPMENT PERMITS REQUIRED FOR A CHANGE OF USE?

A Development Permit is required when there is a change in the use of a property or building or a change in the intensity of use. For example, converting a retail space into a restaurant or a warehouse into office space would constitute a change of use.

WHEN ARE DEVELOPMENT PERMITS NOT REQUIRED FOR A CHANGE OF USE?

A Development Permit is not required when there is a change in ownership or proprietorship and the use of the property or building remains unchanged.

HOW TO COMPLETE A DEVELOPMENT PERMIT APPLICATION FORM FOR A CHANGE OF USE:

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, the Development Permit application shall satisfy the regulations and objectives of the Town of Banff Land Use Bylaw, Banff Design Guidelines, and Banff Community Plan:

Banff Land Use Bylaw

The Town of Banff Land Use Bylaw identifies a number of different land use districts within the town boundaries. Each land use district has different development regulations for floor area, site coverage, landscaping, height, parking, and setbacks. Permitted and discretionary uses are prescribed for each district.

Banff Design Guidelines

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

Banff Community Plan

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

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

HOW DOES THE DEVELOPMENT PERMIT APPROVAL PROCESS WORK?

Once the Town of Banff receives a Development Permit Application and it is deemed to be complete, it is reviewed for consistency with the Town of Banff Land Use Bylaw and Banff Design Guidelines, Banff Community Plan, and other relevant documents. The application is also circulated to other municipal departments, Parks Canada, and other agencies for comment. The duration of the review period is at least 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. Certain proposals may also require CEAA (Canadian Environmental Assessment Act) screening, which is administered by Parks Canada.

Once all comments have been received, the Development Officer may then consider the application if the proposed development is a permitted use. Permitted uses are allowed provided that they meet the requirements of the Land Use Bylaw, Banff Design Guidelines, and other relevant standards and regulations. If the proposed development is a discretionary use or is considered a large scale or complex project, the application is referred to the Municipal Planning Commission (MPC) for review. The MPC consists of eight voting members including two Councillors, five public representatives, one person nominated by the Federal Minister of Heritage, and either the Director of Environmental Services or the Director of Community Services (appointed by Council as a non-voting member). The MPC has the ability to refuse Development Permit applications for discretionary uses even though they may meet the minimum standards of the Land Use Bylaw.

Once a decision is made and a Notice of Decision is issued, there is a statutory 14-day period during which the applicant or any affected person may appeal the decision of the 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. A development may commence once a Development Permit and a Building Permit, if required, have been issued.

WHEN IS A BUILDING PERMIT REQUIRED?

Like many Alberta municipalities, Banff operates on a two-permit system. A Development Permit deals with land use regulations (e.g. density, site coverage, setbacks, parking, height, design, etc.). A Building Permit deals with the Alberta Building Code (e.g. building structure, materials, insulation, etc.). In many cases, a Building Permit is required in addition to a Development Permit. Furthermore, a Building Permit may be required even though a Development Permit is not required. To determine whether or not your project requires a building permit, please contact the Town of Banff Safety Codes Officer.

WHAT IS THE FEE FOR PROCESSING A DEVELOPMENT PERMIT APPLICATION?

Application processing fees vary according to the size, type, and complexity of the development and are outlined in the Development Processing Fees Schedule. These fees help the Town to partially recover the

costs of reviewing, approving and advertising Development Permits. Building permits have associated fees and vary depending on the estimated value of the proposed development. New buildings, additions, or renovations that result in the creation of new floor area are charged off-site levies in accordance with the Off-site Levies Bylaw. Off-site levies are used to pay for all or part of the capital cost of new or expanded sewer and water facilities. Other fees may apply. Contact Town of Banff Planning and Development staff for more information.

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

Development Permit Application



Change of Use or Intensification of Use

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

www.banff.ca
enviroservices@banff.ca

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 COMPLETE ALL AREAS APPLICABLE TO YOUR PROPOSAL:

Site Data

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

Building Data

No. of existing buildings:		Date(s) of construction:	
No. of buildings to be demolished*:		No. of proposed buildings:	
Existing gross floor area by use (list below):		Proposed gross floor area by use (list below):	
	m ²		m ²
	m ²		m ²
	m ²		m ²
	m ²		m ²
	m ²		m ²
	m ²		m ²
Existing F.A.R. (gross floor area/lot size):		Proposed F.A.R. (gross floor area/lot size):	
Existing site coverage (area of buildings/lot size): %		Proposed site coverage (area of buildings/lot size):	%
Existing landscaped area:	m ²	Proposed landscaped area	m ²
Existing building height:	m	Proposed building height:	m
No. of storeys in existing building:		No. of storeys in proposed building:	

***A Town of Banff Pre-Demolition Building Information Recording Sheet must be completed for each building that will be demolished. Copies are available at Town Hall or may be downloaded from the Town of Banff website.**

Required Housing

No. of existing bedrooms on-site:		No. of proposed bedrooms on-site:	
No. of existing bedrooms off-site:		No. of proposed bedrooms off-site:	
Civic address(es) of existing off-site housing:		Civic address(es) of proposed off-site housing:	
No. of bedrooms for which cash-in-lieu has been paid:		No. of bedrooms for which cash-in-lieu will be paid:	

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

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

Context Plan

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

Site Survey*

- q 10 copies
- q 1 electronic copy in PDF format
- q Scale of 1:200 (minimum)
- q North arrow and scale
- q Dimensioned boundaries and site area
- q Legal description and municipal address of property
- q Adjacent line of curb or street/lane
- q Footprints of all buildings and structures on adjacent sites within 6 m of the property line
- q Spot elevations at corners of site
- q 1 m contours showing slopes over 30 %
- q Existing or proposed rights-of-way or easements
- q Any wetlands, ponds, or watercourses
- q Existing trees and vegetation
- q Any existing rock outcroppings or other geologic features
- q Any existing buildings to be removed

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

Site Plans (existing and proposed)

- q 10 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 Footprints of adjacent buildings within 6 m of property lines
- q Driveway location, size, surface material, and grades
- q Dimensioned parking spaces and loading areas
- q Garbage room location, dimensions and details
- q Existing and proposed services

Architectural Plans (existing and proposed)

- q 10 copies of each
- q 1 electronic copy in PDF format
- q Scale of 1:100 (minimum)
- q Dimensioned floor plans of all structures including typical unit plans
- q Elevations showing proposed building height, finishes and colours, signage and lighting (if applicable)

Please attach the following to the Development Permit application:

- q 8½" x 11" reduced drawings of all submitted plans (1 set)
- q Application Fee (see Development Processing Fees)
- q Certificate of Title (issued not more than 30 days from the date application is received)
- q CEAA Model Class Screening Form (if applicable)
- q Letter of consent from property owner
- q Detailed description of the proposed operation

NOTE: **Incomplete applications will not be accepted.**
Please fold plans prior to submittal.
More detailed information may be requested during review of the application.
Presentation quality plans may be required for Municipal Planning Commission review.

Notification Requirements for Development Permit Applications

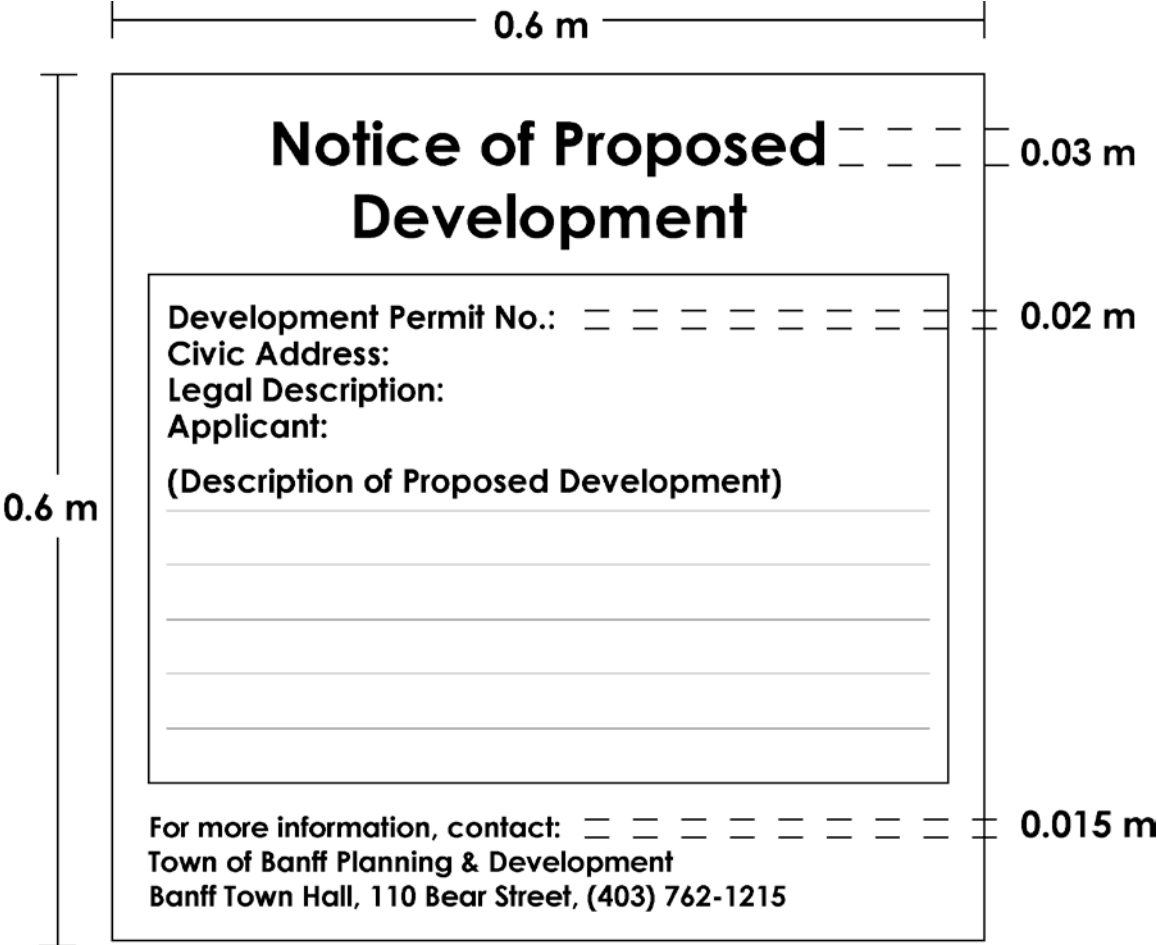


In accordance with the Land Use Bylaw, the applicant of a Development Permit is required to post a notification sign on the site that is the subject of the application. The notification sign shall comply with the following requirements:

1. Notification signs are required for all developments except for signs (unless a variance is requested), tree removal permits, home occupations or any developments deemed by the Development Officer to be minor in nature.
2. The sign shall include a description of the proposal and be posted on the site in a conspicuous place easily visible from an adjacent public roadway to the satisfaction of the Development Officer.
3. The notification sign shall be installed within seven (7) days after submitting a complete development permit application and the applicant shall notify the Development Officer when the sign has been posted.
4. The notification sign shall be posted for a minimum of twenty-one (21) days.
5. The applicant is responsible for preparation, posting and maintenance of the sign as well as removal after the twenty-one (21) day posting period.
6. The notification sign shall contain the information and meet the specifications as set out in the attached diagram to the satisfaction of the Development Officer.

A decision on the development permit application may be withheld until the site has been posted in compliance with the above requirements. If you have any questions about notification requirements for development permit applications, please contact the Town of Banff Planning & Development office at Banff Town Hall, 110 Bear Street or by phone (403) 762-1215.

Sign Specifications for Posting Properties



Specifications:

- Black lettering on a white background.
- Sign material to be plywood or corrugated plastic.
- Sign size may be reduced to 8.5 inches x 11.0 inches at the discretion of the Development Officer.