

Development Permit Application Guide



Commercial Development Allotment

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

www.banff.ca

WHAT IS A COMMERCIAL USE?

A Commercial Use is defined as any land use, except housing or institutional or government service, which is a permitted or discretionary use in a Commercial District. Commercial developments include, but are not limited to, hotels, retail shops, restaurants, bars, personal service shops, professional or consulting services, offices, transportation services, and commercial services.

WHAT ARE THE COMMERCIAL GROWTH MANAGEMENT ALLOCATION REGULATIONS?

The Banff Community Plan contemplates a total envelope of 3.89 million square feet of development on commercially zoned lands in Banff and an annual rate of commercial growth of 1.5 %. Each year, a Development Officer determines the amount of commercial use development allotment available for allocation. One third of the allotment is allocated to medium commercial developments between 46 m² and 465 m² and two thirds of the allotment are allocated to large commercial developments of 465 m² or greater. In the event that fewer commercial use development allotments are applied for than are available during any allocation period, all applications shall receive the allotment requested with the exception of those applications refused by the Development Officer. In the event that more commercial use development allotments are applied for than are available on an annual basis during any allocation period, a random selection draw shall be held to determine the order in which allotment requests are granted in that allocation period. The process of allocating commercial square footage will occur until the town reaches build-out. Small commercial use developments (less than 46 m²) may obtain a Development Permit without going through the random selection draw. Applications for commercial use development allotments must be received by October 15th of each calendar year.

HOW TO COMPLETE A COMMERCIAL USE DEVELOPMENT ALLOTMENT APPLICATION FORM?

Each Commercial Use Development Allotment application form contains a list of plans and materials that must accompany the application. In addition, prior to submitting the application, the proposal 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.

WHEN CAN A DEVELOPMENT PERMIT APPLICATION FOR A COMMERCIAL DEVELOPMENT BE SUBMITTED?

Before a Development Permit application can be submitted for a commercial development of 46 m² or greater, a commercial development allotment is required. Small commercial use developments (less than 46 m²) may obtain a Development Permit without going through the random selection draw. If the development does not involve the creation of new square footage, it is not necessary to apply for a commercial use development allotment.

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 21-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 21-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) or at Town Hall.

Development Permit Application



Commercial Development Allotment

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

Development Street Address: _____ Unit No.: _____

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: _____

Existing Gross Floor Area: _____ m² Proposed Gross Floor Area: _____ m²

Total Incremental New Gross Floor Area Proposed: _____ m² Category (circle): Medium Large

FOR OFFICE USE ONLY

Application 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:	

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:	

AUTHORIZATIONS

Authorization of Agent

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

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

(civic address of property)

Signature(s) of registered owner(s) Date

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

Property owner's agreement

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

Signature of property owner Date

Payment of fee

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

Signature of applicant or agent Date

Declaration

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. I understand that drawings and other submitted images may be shared on permits.banff.ca to better inform the public about this application.

SUBMITTAL REQUIREMENTS

Context Plan

- 2 copies
- Scale of 1:500 (minimum)
- North arrow and scale
- Location of property including adjacent streets and land use districts

Site Plans (existing and proposed)

- 2 copies of each
- Scale of 1:200 (minimum)
- North arrow and scale
- Building program (type of development, number of residential units, site area, gross floor area by use, floor area ratio, site coverage, parking and housing required and provided)
- Dimensioned setbacks
- Size and location of all existing and proposed buildings/uses including accessory buildings and structures, garages, and fences
- Dimensioned layout of existing and proposed parking area, entrances, exists, and public thoroughfares, adjacent line of curb, street and lane
- Outline to scale of adjacent buildings on adjoining site

Architectural Plans (existing and proposed)

- 2 copies of each
- Scale of 1:100 (minimum)
- Dimensioned floor plans of all structures
- Elevations/sections showing proposed building height

Landscape Plan

- 2 copies
- Scale of 1:200 (minimum)
- Existing and finished grades
- Vegetation to be retained and to be removed
- Layout of soft and hard landscaping
- Pedestrian circulation
- Open space and recreational amenities
- Proposed boulevard landscaping and paving
- Retaining walls and screening

Please attach the following to the Development Permit application:

- 8½” x 11” reduced drawings of all submitted plans (1 set)
- Application Fee (see Development Processing Fees)
- Certificate of Title (issued not more than 30 days from the date application is received)
- A written description of design approach relative to the *Banff Design Guidelines*

NOTE: A Development Officer may refuse to accept an application for a commercial use development allotment if, in the Development Officer’s opinion, the application for proposed development is not in conformity with the Land use Bylaw and does not make adequate provision in respect of the regulations or guidelines of this Bylaw.

Please fold plans prior to submittal.