

Development Permit Application Guide



Subdivisions

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

www.banff.ca

WHAT IS A SUBDIVISION?

A subdivision occurs when a parcel of land is divided into two or more lots, or when two or more lots are combined into a single parcel. Creating a condominium plan is also a form of subdivision.

HOW TO COMPLETE AN APPLICATION FOR A SUBDIVISION:

Each subdivision application form contains a list of plans and materials that must accompany the application. Often, supplemental information is required to perform a satisfactory review of the proposed subdivision. In addition, prior to submitting a subdivision application, the proposal shall satisfy the regulations and objectives of the Town of Banff Land Use Bylaw 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 requirements for minimum width, depth and area for lots and different development regulations for floor area, site coverage, landscaping, height, parking, and setbacks. Permitted and discretionary uses are prescribed for each district.

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 SUBDIVISION APPROVAL PROCESS WORK?

Once the Town of Banff receives a subdivision application and it is deemed to be complete, it is reviewed for consistency with the Town of Banff Land Use Bylaw and 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 subdivision. 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 will prepare a report and recommendation for the Municipal Planning Commission. The Municipal Planning Commission is responsible for rendering decisions on all applications for subdivisions. 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 subdivision applications even though they may meet the minimum standards of the Land Use Bylaw. The MPC may also refer an application for subdivision approval to any municipal, federal, or provincial department, or any other agency or body it deems appropriate. Any comments received are not binding on the MPC. In rendering a decision, the MPC may impose the following conditions in a subdivision approval:

- a) Conditions to ensure compliance with the Municipal Government Act, the Town of Banff Incorporation Agreement, the Banff National Park Management Plan, any applicable statutory plan, and the Banff Land Use Bylaw;
- b) Conditions requiring the applicant to make satisfactory arrangements for the supply of water, electric power, telephone, sewer service, vehicular and pedestrian access and any other utility or facility including payment of installation or construction costs by the applicant;
- c) A condition that the applicant enter into an agreement with the Town to do all or any of the following:
 - i. To construct or pay for the construction or improvement of a public roadway required to give access to the development;
 - ii. To construct or pay for the construction to municipal standards of a pedestrian walkway system to serve the development; or a pedestrian walkway that will connect the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development, or both;
 - iii. To specify the location and number of vehicular and pedestrian access locations to a site from public roadways;
 - iv. To install or pay for the installation of utilities that are necessary to serve the development;
 - v. To construct or pay for improvements with an excess capacity pursuant to s.651 of the Municipal Government Act;
 - vi. To construct or pay for the construction of off-street or other parking facilities, and garbage, recycling, loading and unloading facilities; and
 - vii. To pay an off-site or redevelopment levy imposed by a Bylaw adopted pursuant to the Municipal Government Act.
- d) A condition requiring the applicant to repair or reinstate, or to pay for the repair or reinstatement, to original condition any street furniture, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged or destroyed or otherwise harmed by development or building operations upon the subject site;
- e) A condition that financial security be posted with the Town to ensure that the proposed subdivision will be carried out in accordance with the subdivision approval and its conditions; and
- f) Such other conditions as it deems appropriate in the circumstances.

Within 21-days after a decision has been made on an application for subdivision, a Development Officer is required to notify the applicant and adjacent property owners of the decision, either by ordinary mail or personal service, and publish a notice of the decision in a local newspaper, and post a notice of the decision for public view in the Town offices, stating the nature of the proposed subdivision, its location, whether the subdivision was approved or refused, and any conditions or variances approved.

HOW CAN A SUBDIVISION DECISION BE APPEALED?

An appeal from a subdivision decision of the MPC or any condition imposed on it, may be made by the applicant for subdivision approval, the Council, a school authority, the Minister, or any adjacent lessee or licensee by filing with the Development Appeal Board a written notice of appeal, along with the processing fee set by Council. Appeals by the applicant, the Minister or the Council must be filed within 30 days of issuance of the decision; appeals by a school authority or adjacent lessee or licensee must be filed within 21 days of the date of issuance of the decision.

WHEN CAN A SUBDIVISION BE REGISTERED?

A subdivision approved by the Municipal Planning Commission or Development Appeal Board shall not be registered until it has been signed by the Development Officer and the Minister has approved any new or amended lease required to effect the subdivision.

WHAT IS THE FEE FOR PROCESSING A SUBDIVISION APPLICATION?

Application processing fees vary depending on the type of subdivision and are outlined in the Development Processing Fees Schedule. Prior to registration at Land Titles, a subdivision endorsement fee is required to be paid to the Town of Banff and there may be additional fees associated with road closures, land appraisal, and municipal and/or school reserves. 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



Subdivision

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

For office use only

DP# _____

Property File# _____

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: _____

**Town staff will contact you upon receipt of the application to arrange for the applicable fee(s) to be paid.*

Mailing Address: _____

City/Province: _____ Postal Code: _____ Email: _____

Tel. No.: _____ Cell No.: _____ Fax No.: _____

Present use of property: _____

Description of proposed use/development: _____

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 agree to grant right of entry to Town of Banff staff to the property noted above for the purpose of processing this subdivision application.

Signature of property owner

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

Context Plan

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

Site Survey*

- 1 electronic copy in PDF format
- Scale of 1:200 metric (minimum)
- North arrow and scale
- Dimensioned boundaries and site area
- Legal description and municipal address of property
- Adjacent line of curb or street/lane
- Footprints of all buildings and structures on adjacent sites within 6 m of the property line
- Spot elevations and 0.5 m contours showing slopes over 30 %
- Existing or proposed rights-of-way or easements
- Existing trees and vegetation and any wetlands, ponds, or watercourses
- Any existing rock outcroppings or other geologic features
- Any existing buildings to be removed

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

Tentative Plan of Subdivision*

- 1 electronic copy in PDF format
- Scale of 1:500 metric (minimum)
- North arrow and scale
- Location, dimensions, boundaries, and area of the land being subdivided
- Location, dimensions, boundaries, and area of the proposed new parcels
- Location, dimensions, boundaries, and designation of roadways, public utility lots, reserves, rights-of-way, railway lines, and easements, on both the land to be subdivided and adjacent land
- Existing and proposed vehicular and pedestrian access to serve a proposed or remaining parcel
- Location of all buildings, structures, utilities and other man-made features on proposed and remaining lots
- Gross area of land in the plan and the area dedicated in public roadways, walkways, and reserves shown in tabular form

*The tentative plan of subdivision shall be prepared by a qualified Canadian Land Surveyor.

Please attach the following to the subdivision application:

- Certificate of Title (issued not more than 30 days from the date application is received)
- Proof of payment of municipal property taxes (for most recent property tax assessment)
- An environmental assessment, in accordance with the terms of reference provided by Parks Canada
- Pre-Demolition Building Information Recording Sheet (if applicable)

Additionally, the following may be required:

- A report certified by a professional engineer providing details of proposed on- and off-site servicing, required upgrading of that servicing, and considering cumulative impacts
- A traffic impact analysis certified by a professional engineer
- Servicing concept plan including water, sewer, storm sewer, gas, telephone and cable
- Slope stability analysis
- Storm drainage analysis
- Such other information as required to process the application in accordance with the Agreement or the Act

NOTE: Incomplete applications will not be accepted.

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