

Development Permit Application Guide



Land Use Bylaw Amendment

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

www.banff.ca

BANFF'S LAND USE DISTRICTS:

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. The Land Use Bylaw also identifies the permitted and discretionary uses allowed in each land use district.

WHAT IS A LAND USE BYLAW AMENDMENT?

There are two types of Land Use Bylaw amendments that can be made. There can be text amendments, which change the wording of the Bylaw. There can also be a change of land use designation, commonly known as a rezoning, which results in a change to the geographic boundaries of a land use district.

HOW DOES THE LAND USE BYLAW AMENDMENT PROCESS WORK?

Land Use Bylaw text amendments may be initiated by leasehold owners of land within the Town of Banff, affected persons, or by the Municipal Planning Commission or Town Council. Applications for rezoning may only be made by leasehold owners of land, Municipal Planning Commission or Town Council. Affected persons may not initiate an amendment that would result in a change of land use designation.

Once the Town of Banff receives an application to amend the Land Use Bylaw and it is deemed to be complete, the application is 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 amendment. Once all comments have been received and the Development Officer has had an opportunity to review the proposed amendment and prepare a report, the amendment is presented to the Municipal Planning Commission. 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 is required to make a recommendation to Council in respect of any application to amend the Land Use Bylaw. Council is then presented with the report and an amending bylaw for first reading. Once an amending bylaw has received first reading, a public hearing is scheduled. A public hearing is required to be held prior to second reading in accordance with the Municipal Government Act of Alberta. Amending bylaws may only come into effect once they have passed first, second, and third readings and have been consented by the Minister of Heritage or his or her designate for the purposes of the National Parks Act.

Some Land Use Bylaw amendments can be relatively straightforward and others can be very complex. It is important to discuss any proposed amendments with Town of Banff Planning and Development staff prior to embarking on this process.

What Does a Land Use Bylaw Amendment Cost?

Land Use Bylaw amendments, which will result in no change in use or density, are considered minor amendments. Land Use Bylaw amendments, which will result in a change in use or density, are considered major amendments. The fees for both minor and major amendments are listed in the Development Processing Fees Schedule.

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

Land Use Bylaw Amendment



Text Amendment of Rezoning

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: _____

Mailing Address: _____

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

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

Present use of property: _____

Description of proposed use/amendment: _____

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

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

Please attach the following to the Land Use Bylaw amendment application:

- Certificate of Title documenting leasehold ownership (issued not more than 30 days from the date application is received)
- A written statement to describe and justify the proposal
- Application Fee (see Development Processing Fees)
- Written permission for right-of-entry onto the land by Town staff
- 1 electronic copy in PDF format

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