

POLICY Housing - Consolidated



Policy C012

1.0 POLICY

The Town of Banff will encourage the supply of a mix of affordable housing options to ensure those working in Banff, live in Banff as a healthy and balanced community.

2.0 PROVISIONS

2.1 To this end, the Town of Banff will:

- a) Establish a Housing Corporation and assign the responsibility of housing related issues, excepting those issues related to planning and development, to the Banff Housing Corporation who will work with other organizations to maintain a healthy and balanced community in Banff;
- b) In cooperation with the Banff Housing Corporation, negotiate with Parks Canada for the acquisition of land. Continue to work with Parks Canada for infill development as compensation for the +/- 4 ha of land that have been lost through the realignment of the Town Boundary;
- c) Investigate and consider supporting alternate housing forms, including housing cooperatives;
- d) Encourage the development of affordable residential housing by the private sector through on-going review of the Land Use Bylaw, and the provision of research and information to developers;
- e) Require construction of new housing in conjunction with new commercial development or intensification of existing commercial development;
- f) Encourage the Banff Housing Corporation to take active steps to identify any housing shortfall in housing;
- g) The Town of Banff acknowledges it has a funding responsibility for the work the BHC completes that is of benefit to or is on behalf of the Town of Banff.

2.2 The Town of Banff will not sacrifice “quality” for “quantity” of housing. Design and construction quality and “livability” issues such as privacy, amenity space, adequate storage, children’s play areas etc. will be considered in the creation or approval of all new housing. Housing that meets the Banff Design Guidelines is deemed to meet the quality criteria of the Town of Banff.

2.3 The Town supports Parks Canada’s eligible residency restrictions (Need to Reside) under the National Parks Act and related regulations. The Banff Housing Corporation and

Parks Canada should work together to ensure that housing in Banff Housing Corporation projects is available only for eligible residents.

- 2.4 New development of commercial floor space or a change of use resulting in the intensification of existing commercial floor space will be required to provide additional housing within the town as per the regulations of the Land Use Bylaw. The required housing ratios in the Land Use Bylaw will be periodically reviewed.

The housing required by the Land Use Bylaw may be provided in one of three ways:

- a) New housing may be constructed. New housing may be located within or added onto an existing building, and shall be located within the Town of Banff.
- b) The applicant may, at the discretion of the Development Approving Authority, pay “cash-in lieu” for the limited amount of required housing at a rate of \$34,732 per bedroom. When the housing calculation results in a fractional number the cash-in-lieu shall be determined by multiplying the fractional number by \$34,732.
Amended 2020.12.07 Bylaw 388-3
Amended 2018.05.28 COU18-140
- c) The Rocky Mountain Cooperative Housing Association is allowed to sell the remaining 32 unsold units in Phase II (2 Studio; 16 one-bedroom. and 14 two-bedroom units), for a total of 46 bedrooms as of January 24, 2005 and utilize the 32 units for the purpose of staff housing required under Section 8.0.0 of the Land Use Bylaw subject to the following conditions:
 - This policy change will not be applicable to any RMCHA units that have currently been sold or subscribed to in Phase I and Phase II, or any units that may be resold in the future;
 - The bedrooms may be accepted as required housing at the discretion of the Development Officer and/or Development Approving Authority.

- 2.5 Cash-in-lieu for required housing will be directed to the Banff Housing Corporation for the purposes of addressing housing options in the Town of Banff.

- 2.6 The cash-in-lieu rate will be reviewed annually by Council in conjunction with the annual review of other municipal fees. The rate will be recalculated in accordance with the Calgary Construction Price Index, Table 327-0058, low rise apartment building.

Amended 2018.05.28
COU18-140

- 2.7 Developers will be “debited” for any housing demolished in the course of creating new housing. The number of bedrooms debited will be determined by the Development Approving Authority based on a pre-demolition inspection and review of property records in a manner consistent with the requirements of the Land Use Bylaw.

- 2.8 The timing for provision of the required housing or cash-in-lieu shall be as follows:
- a) The proposed housing must be issued a Development Permit between the dates of issuance of the Development Permit for the commercial use and the date of occupancy for the commercial use for which it is required.

- b) The required housing must be issued an Occupancy Permit before any occupancy is granted for its associated commercial building or use unless a Development Agreement between the applicant(s) and the Town of Banff is entered into which stipulates an alternate required occupancy date for the housing.
- c) If cash-in-lieu is provided, the full payment must be received prior to the issuance of a Certificate of Occupancy and / or completion of the commercial development as determined by the Development Approving Authority, except as noted below:

For required housing accruing from applications involving between 5m² and 150m² in total Gross Floor Area as determined by the Development Approving Authority, a Development Agreement between the applicant(s) and the Town of Banff will be required which stipulates a required payment schedule not to exceed three years. The Development Agreement must be registered on title at the expense of the applicant(s), and make provisions for the following:

- A schedule of payments within the three (3) year window, with the initial payment due at Development Permit issuance, and subsequent payments scheduled to coincide with Business License renewals;
 - Assignability of responsibility to the property owner for outstanding payments in the case of default or change of ownership *or* provision of a bank guarantee such as an Irrevocable Letter of Credit;
 - A discontinuance of use or deintensification within the three year payment window will result in credit for payments made to date, which may be applied to subsequent development on the same site. No payment will be refunded.
 - Assignability of “credit” for the housing (e.g. an understanding that the credit runs with the land and not the applicant);
- d) Housing may be “credited” against future commercial development for up to five years from issuance of a Development Permit for the housing provided it is:
 - Designated against a specific commercial project identified on the Development Permit; and
 - The proposed additional commercial space or future expansion is approved as part of the overall Development Permit for the commercial project.

2.9 Only housing proposed and constructed in conjunction with new development will be recognized as fulfilling the Land Use Bylaw requirements. No existing housing will be recognized as providing the housing required by the Land Use Bylaw.

2.10 The intent of this policy is to supply of a mix of affordable housing options to ensure those working in Banff live in Banff. Therefore, housing requirements may be met by new construction in any land use district where residential uses are permitted or discretionary except:

- When the required bedrooms are constructed within Single Detached Housing (not including an Accessory Dwelling) where the total Gross Floor Area of the dwelling exceeds 186 sq. m.

2.11 The Town of Banff recognizes that required housing may be constructed through a partnership between the commercial applicant and a residential developer. Prospective residential developers who have approached the Town of Banff will have the option for their contact information to be forwarded to a commercial applicant, in order to facilitate the construction of new bedrooms as outlined in this policy.

On Original

Karen Sorensen
Mayor

On Original

Robert Earl
Town Manager

APPROVAL HISTORY

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|-----------|------------|------------------------------|
| Amended | 2020.12.07 | COU20-418 to COU20-423 |
| Amended | 2018.05.28 | COU18-140 |
| Amended: | 2012.09.24 | |
| Amended: | 2005.01.24 | COU05-35 |
| Amended: | 2003.09.22 | COU03-227 |
| Amended: | 2001.07.09 | COU01-275 |
| Amended: | 1999.02.22 | COU99-65 |
| Amended: | 1997.09.08 | COU97-389 |
| Amended: | 1995.09.25 | COU95-646 |
| Amended: | 1993.09.13 | |
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