

BYLAW 2024-38

**A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO
AMEND REVISED LAND USE BYLAW 2018-22**

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

TITLE

- 1 This bylaw shall be known as “Revised Land Use Bylaw Amendment 2024-38 – Smith Creek.”

INTERPRETATION

- 2 Words defined in revised Land Use Bylaw 2018-22 shall have the same meaning when used in this bylaw.

PROVISIONS

- 3 Revised Land Use Bylaw 2018-22 is amended by this bylaw.
- 4 Following Section 3.23, insert Section 3.24 R2A TSMV Residential Low Density, Three Sisters Mountain Village District as described in Schedule A of this bylaw.
- 5 Following Section 7.10, insert Section 7.11 Smith Creek Land Use Overlay as described in Schedule B of this bylaw.
- 6 Following Section 7.11, insert Section 7.12 Smith Creek Bonusing Overlay as described in Schedule C of this bylaw.

ENACTMENT/TRANSITION

- 7 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 8 Schedule A forms part of this bylaw.
- 9 Schedule B forms part of this bylaw.
- 10 Schedule C forms part of this bylaw.
- 11 This bylaw comes into force on the date it is passed.

FIRST READING:

PUBLIC HEARING: Not required as per *Municipal Government Act* s.619(3)(b)

SECOND READING:

THIRD READING:

Bylaw approved by: _____

Approved on behalf of the Town of Canmore:

Sean Krausert
Mayor

Date

Cheryl Hyde
Manager, Municipal Clerk’s Office

Date

Schedule A

3.24 R2A TSMV RESIDENTIAL LOW DENSITY, THREE SISTERS MOUNTAIN VILLAGE DISTRICT

Purpose

To provide for low density residential development as well as other compatible residential neighbourhood uses in alignment with Area Structure Plan policy.

3.24.1 Permitted Uses

Accessory Building
Accessory Dwelling Unit, Attached
Accessory Dwelling Unit, Detached
Common Amenity Housing
Day Home
Detached Dwelling
Detached Dwelling (with an Accessory Dwelling Unit)
Duplex Dwelling
Excavation, Stripping and Grading
Home Occupation - Class 1
Home Occupation - Class 2
Logging Operation
Manufactured Dwelling
Open Space
Public Utility
Stockpile

3.24.2 Discretionary Uses

Administrative/Sales Office
Care Facility
Cultural Establishment
Day Care
Public Building
Show Home

3.24.3 Regulations

- 3.24.3.1 The minimum lot area for each principal Dwelling Unit shall be 230.0 m².
- 3.24.3.2 The minimum front yard setback shall be 6.0 m.
- 3.24.3.3 The minimum side yard setback shall be 1.5 m for each side yard, except:
- Where a common party wall has been constructed on a property line, the side yard setback shall be 0.0m; or
 - On the street side of a corner site where it shall be 3.0 m.
- 3.24.3.4 The minimum rear yard setback shall be 7.5 m.

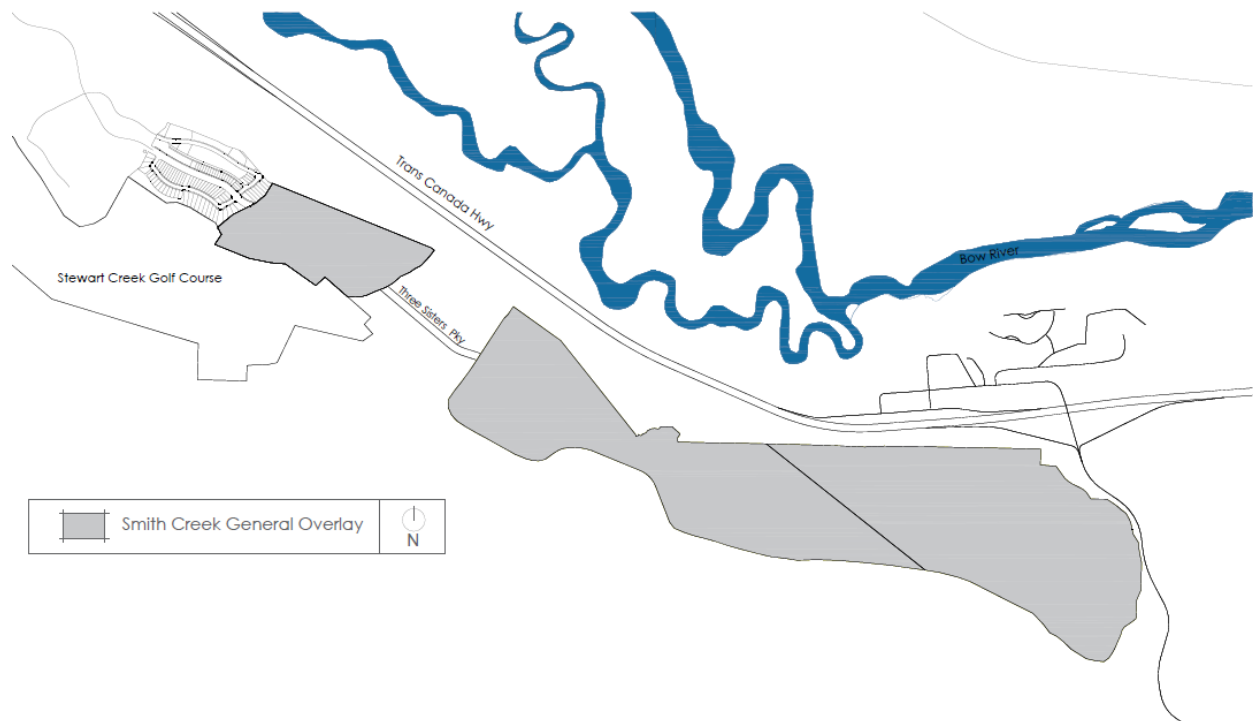
- 3.24.3.5 The maximum building height shall be 10.0 m.
- 3.24.3.6 The maximum site coverage for all buildings shall be 45%.
- 3.24.3.7 The minimum lot width is 7.5 m.

Schedule B

7.11 Smith Creek Land Use Overlay

Purpose

This purpose of this section is to provide specific regulations that facilitate the implementation of the Smith Creek Area Structure Plan.



7.11.1 General Regulations:

- 7.11.1.1 This overlay applies to development within the Smith Creek Area Structure Plan.
- 7.11.1.2 The provisions of this section prevail over any other section or requirement in the Land Use Bylaw.
 - a. The regulations in this overlay prevail over the regulations of the R2A TSMV, and R3 TSMV land use districts.
 - b. Sections 10, 11, and 12 of the Land Use Bylaw shall not apply to developments within this overlay.

7.11.2 Definitions:

For the purposes of this section and sections 3.22, 3.24, and 7.12 the following definition(s) apply.

affordable housing: refers to both owned and rental housing units that through a variety of restrictions such as those imposed through a restrictive covenant, option to purchase, a land lease, or other means, is removed from the influence of the open real estate market. Affordable Housing includes PAH (Perpetually Affordable Housing) and may be owned and operated by other non-profit organizations.

bonus units: means the number of residential units per hectare provided for in section 7.12 in excess of the number of residential units per hectare provided for in section 3.22.3.10 as amended or replaced.

developed density: means the number of Dwelling Units with development permit approval per hectare.

finished grade: means the elevation of the ground post-construction, as described in a development grading plan.

landscaping: means the modification and enhancement of a site or development through the use of the following elements:

- a. landscape existing prior to development and is intended to be retained during the development process and may consist of trees, shrubs, hedges, grass, or other ground cover native to the region;
- b. soft landscaping consisting of intentional plantings of trees, shrubs, hedges, grass, and other permeable ground cover; and
- c. hard landscaping consisting of non-vegetative materials such as brick, stone, concrete, tile, and wood, excluding asphalt.

Logging or Logging Operation: for the purpose of this overlay means the cutting of trees where the total area subject to cutting is greater than 1000m² or where the merchantable timber being cut on the parcel contains over 50m³ of gross wood volume.

residential units: residential unit means all residential and Tourist Home units and excludes any Employee Housing, Common Amenity Housing, or affordable housing.

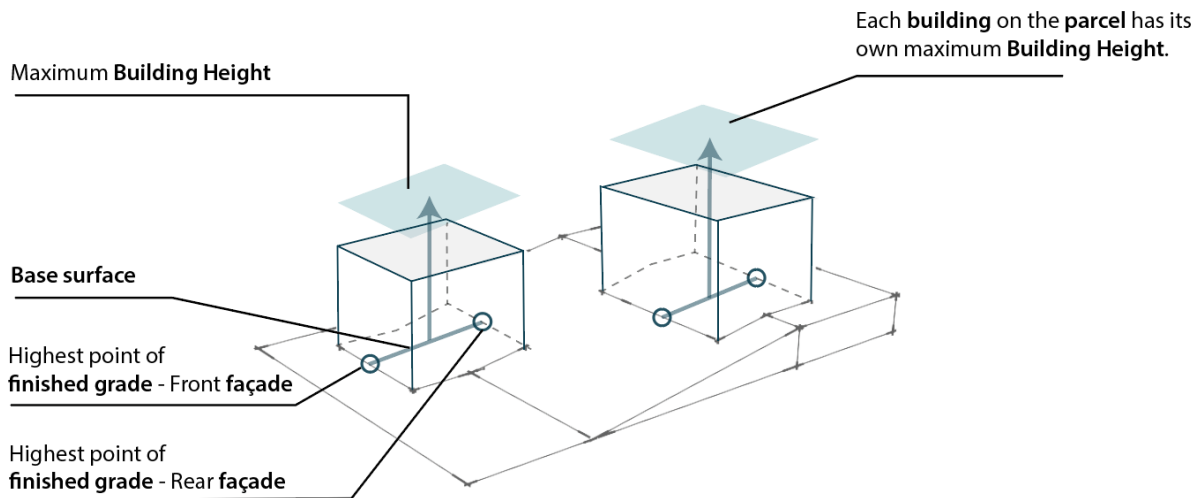
stockpile: refers to the storage of construction materials, excavation materials or both during construction of a development occurring on or off-site.

undeveloped unit: means a Dwelling Unit which could have been developed within an area for development within a Conceptual Scheme based on the maximum UPH or bonus UPH for the land use district, but which has not been developed.

7.11.3 Measuring Building Height

7.11.3.1 Measurement of building height within Smith Creek shall comply with this section.

7.11.3.2 Maximum building height shall be listed in the regulations for each land use district.



- 7.11.3.3 Maximum building height shall be calculated as the vertical distance extending upwards from the base surface.
- 7.11.3.4 The base surface of a building shall be determined by creating a hypothetical plane between two points connecting the highest point of finished grade on the front and rear façade of a building.
- 7.11.3.5 Each individual building located on a property will have its own base surface from which maximum building height is calculated.
- 7.11.3.6 Ancillary structures such as a flagpole, solar panels, an elevator housing, a mechanical penthouse, portions of the building structure used to provide screening of mechanical systems or equipment located outside of a building, an access to an outdoor rooftop amenity space that has no functional indoor floor area other than for the purpose of access and egress, or an architectural feature commonly associated with a place of worship shall not be included within the height calculation.
- 7.11.4 **Provision of Affordable Housing**
- 7.11.4.1 A minimum of 10% of all multi-residential units, excluding Tourist Homes, Employee Housing, and Common Amenity Housing, shall be provided as affordable housing.
- 7.11.4.2 All units including affordable housing units, Employee Housing units and Common Amenity Housing units, shall be counted towards the Smith Creek residential unit count, with the exception of Accessory Dwelling Unit, Attached and Accessory Dwelling Unit, Detached.
- 7.11.4.3 Affordable housing units and Employee Housing units are included within the unit per hectare (UPH) density calculation for parcels falling under this overlay.

7.11.5 Density Modifiers

7.11.5.1 The number of undeveloped units from a previous Conceptual Scheme phase shall be used to increase the maximum UPH and bonus UPH for subsequent Conceptual Scheme phases.

a. The number of undeveloped units shall increase the maximum UPH and bonus UPH for each land use district to allow for development in the Smith Creek ASP Plan Area of 1,700 Dwelling Units without Bonusing and 2,150 Dwelling Units with Bonusing.

b. The number of undeveloped units shall be calculated as follows:

i. Undeveloped Units = (Maximum Density (UPH) – Developed Density in previous Conceptual Scheme phase (UPH)) x Development Permit Area (ha); and

ii. Undeveloped Units with Bonusing = (Maximum Bonus Density (UPH)- Developed Density in Conceptual Scheme phase (UPH)) x Development Permit Area (ha).

7.11.5.2 The UPH for each land use district following the first Conceptual Scheme phase will be modified at redistricting as follows:

a. Maximum UPH shall be increased by:

$$\frac{\text{the number of undeveloped units}}{\text{the number of ha proposed for redistricting}}$$

b. Bonusing Overlay Maximum UPH shall be increased by:

$$\frac{\text{the number of undeveloped units}}{\text{number of ha proposed for redistricting}}$$

7.11.5.3 The density for land use districts in each phase of the Conceptual Scheme with the density modifier as set out above in Section 7.11.5.2. will be shown on the land use bylaw maps using:

a. the number expressed in units per hectare denoted by the letter “d#” followed by a number with the number denoting the maximum units per hectare with undeveloped units.

b. the number expressed in units per hectare denoted by the letter “b#” followed by a number with the number denoting the maximum units per hectare with undeveloped units.

7.11.6 Parking

- 7.11.6.1 Where the development authority is satisfied through a parking study that parking stalls (for automobiles or bicycle or both) can be shared by off-peak uses or due to other daily, weekly, or seasonal differences, the number of parking stalls required may be increased or decreased in accordance with the recommendations in that study and shall not be considered a relaxation of the parking requirements by the development authority.
- 7.11.6.2 Where shared parking between two or more sites is approved, a binding agreement for shared parking must be executed between the owner of the site in which the parking is provided and the owner of the site in which the parking is required and registered on the title of the properties.

7.11.7 Lighting Zones

- 7.11.7.1 Architectural or decorative lighting is permitted in Zone O.

7.11.8 Tourist Homes

- 7.11.8.1 Section 8.6.0.2 of the Land Use Bylaw does not apply to developments within the overlay.

7.11.9 Amenities For Multi-Unit Residential Development

- 7.11.9.1 Section 8.7 of the Land Use Bylaw does not apply to developments within the overlay.
- 7.11.9.2 Amenity space may be provided as communal amenity space, private amenity space or a combination of both.
- 7.11.9.3 Each Dwelling Unit shall have direct or indirect access to an amenity space that is located outdoors.
- 7.11.9.4 Where private amenity space is provided, it must be in the form of a balcony, deck or patio and have no dimensions less than 2.0 metres.

7.11.10 Public Amenities

- 7.11.10.1 Public art resulting from the density bonusing program will be placed along the pathway network within Smith Creek in locations identified within a Conceptual Scheme or other location within Smith Creek that can be enjoyed by the public as agreed to by the development authority.

7.11.11 Soils Management

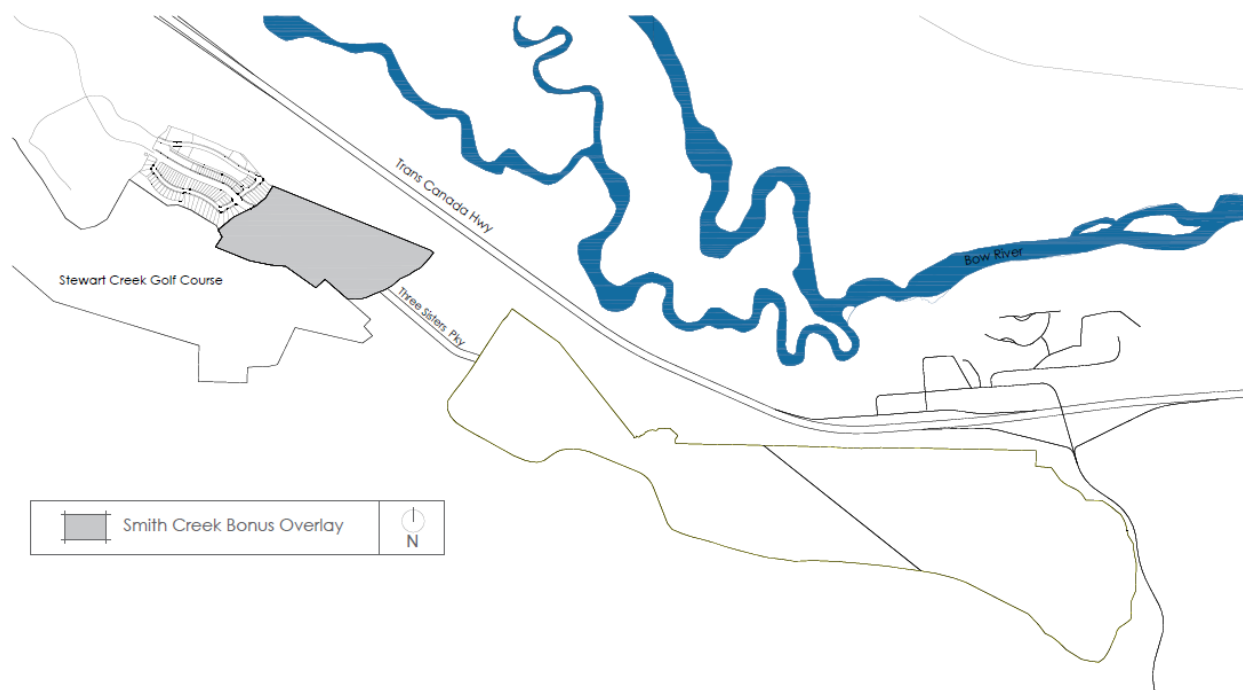
- 7.11.11.1 Stockpiling, Logging Operation, and Excavation, Stripping and Grading is a permitted use within this Overlay and is subject to a Site Servicing Agreement or Development Permit.

Schedule C

7.12 Smith Creek Bonusing Overlay

Purpose

The purpose of this overlay is to regulate density bonusing in alignment with the objectives contained within the Smith Creek Area Structure Plan. Density bonuses shall facilitate the advancement of Town policy and goals that are beyond a municipality's ability to require through bylaw. Should one development phase as identified within the ASP not use its maximum density permitted, the additional density shall be transferred to other phases covered by this overlay provided that the maximum number of residential units does not exceed 2,150 within the Smith Creek Area Structure Plan as a whole. Density bonusing will be set out in each Conceptual Scheme phase.



7.12.1 General Bonusing Rules

- 7.12.1.1 Section 12 of the Land Use Bylaw does not apply to developments within this overlay.
- 7.12.1.2 This overlay applies to development within the Smith Creek Area Structure Plan.
- 7.12.1.3 The overlay boundary takes precedence over the regulations found in section 3.22.
- 7.12.1.4 Section 7.12 applies and replaces the reference to section 7.10 in section 3.22.3.9.
- 7.12.1.5 The maximum density may be increased beyond section 3.22.3.8, when the Smith Creek Bonusing Overlay 7.12 applies.
- 7.12.1.6 Section 7.12.4 applies and replaces the reference to 7.10.3 in section 3.22.3.10
- 7.12.1.7 Bonus units shall only be earned through a combination of the incentives listed in 7.12.4.

- 7.12.1.8 The number of bonus units earned shall be calculated as part of the development permit application.
- 7.12.1.9 When calculating the number of bonus units earned, fractions will be rounded to the nearest integer.
- 7.12.1.10 The application of the provisions of this overlay is not a variance or relaxation of the land use district regulations in section 3.22.

7.12.2 Definitions

For the purposes of this section and section 3.22, the following definitions apply, in addition to the definitions found in section 7.11.

low impact development (LID): refers to landscaping and stormwater management techniques that mimic or preserve the pre-development hydrological process, allowing rainwater to be managed where it falls. These techniques reduce stormwater runoff and improve water quality. Examples include one or more of: rain gardens, bioswales, bioretention facilities, blue-green roofs, urban trees with an engineered stormwater function, permeable pavement, rainwater harvesting and reuse.

renewable energy generation: refers to energy generated from natural sources. Examples of renewable energy generation include solar energy, geothermal energy, and hydropower.

7.12.3 Bonusing within Residential Districts

- 7.12.3.1 The maximum number of bonus units achieved through bonusing within lands covered by the Smith Creek Area Structure Plan is 2,150.
- 7.12.3.2 The maximum number of bonus units is indicated on the land use bylaw map by the number following the “b”.
- 7.12.3.3 Bonus units shall only be earned through a combination of the incentives listed in 7.12.4.
- 7.12.3.4 An applicant is not required to provide additional affordable housing on the bonus units earned through bonusing unit incentives in 7.12.4.

7.12.4 Calculation of Bonus Units in Residential Districts

7.12.4.1 Affordable Housing Incentives

- a. Affordable Housing units required by Section 7.11.4 may be provided in an area of Canmore not governed by the Smith Creek Area Structure Plan and such Affordable Housing units are subject to the same regulations outlined within this overlay.
- b. Affordable Housing units provided as a part of the 10% Affordable Housing requirement shall earn one additional bonus unit for every four affordable housing units provided.

- c. Affordable Housing units provided above the 10% affordable housing requirement shall earn five additional bonus units for every Affordable Housing unit provided.
- d. At the sole discretion of the developer, after 12 months from building occupancy, any unpurchased units of Affordable Housing may be sold at market value if they are not purchased by Canmore Community Housing Corporation or another non-profit organization whose main purpose is to provide Affordable Housing.

7.12.4.2 Electric Vehicle Incentives

- a. To qualify for bonus units under this section, the applicant must contribute a minimum of \$15,000 to one or more types of Electric Vehicle (EV) infrastructure or chargers. Developments that incorporate contributions to Electric Vehicle (EV) infrastructure shall earn bonus units in accordance with section 7.12.4.2 (b-d).
- b. Each unit equipped with Electric Vehicle (EV) Level I charger(s) and sufficient conduit for future upgrades shall earn 0.1 additional bonus units.
 - i. To receive the bonus units, equal or more than 10% of the market units shall be equipped with EV Level I chargers and sufficient conduit for future upgrades.
- c. Each unit equipped with Electric Vehicle (EV) Level II charger(s) and associated infrastructure shall earn 0.2 additional Bonus Units.
 - i. To receive the bonus units, equal or more than 10% of the market units shall be equipped with EV Level II chargers.
- d. Each unit equipped with Electric Vehicle (EV) fast charger(s) and associated infrastructure shall earn 8.0 additional bonus units.

7.12.4.3 Sustainability Incentives

- a. Developments earn bonus units in accordance with the Tiers identified in the National Building Code – 2023 Alberta Edition based on the following:
 - i. Tier 1 shall not earn any bonus units allocated by site;
 - ii. Tier 2 shall earn 43% of the bonus units allocated by site;
 - iii. Tier 3 shall earn 70% of the bonus units allocated by site;
 - iv. Tier 4 shall earn 100% of the bonus units allocated by site.
 - v. Tier 5 shall earn 100% of the bonus units allocated by site.
- b. Where a development permit incorporates renewable energy generation, every \$15,000 dollars spent shall earn one bonus unit.

- c. Where a development permit incorporates capture of rainfall onsite utilizing Low Impact Development techniques, every \$15,000 dollars spent shall earn 1 bonus unit. To qualify for one bonus unit under this section, the applicant must:
 - i. Achieve a minimum of 5mm rainfall captured per rainfall event.
 - ii. Identify the amount of rainfall capture at the time of development permit.

7.12.4.4 Social / Cultural Incentives

- a. Developments that incorporate contributions to public art, public space, educational installations, or cultural facilities shall earn bonus units. Each \$15,000 contribution to social/cultural initiatives described above shall earn 1 bonus unit. To qualify for one bonus unit under this section, the applicant must:
 - i. Contribute a minimum of \$15,000 to one or more of the above social/cultural initiative(s).
 - ii. identify the contribution at the time of development permit with the details as identified in 7.12.4.4(b-d).
- b. Contributions to public art must include a proposal or art plan which identifies:
 - i. preferred themes;
 - ii. reference and location;
 - iii. budget allocated to the public art piece; and
 - iv. an outline for the coordination of the artist selection.
- c. Contributions to public space or cultural facilities must:
 - i. Be identified on the site plan submitted at the time of development permit;
 - ii. Include a detailed plan illustrating the layout and associated features/landscaping;
 - iii. Include a statement of purpose and description of intended programming;
 - iv. Provide a budget verified by an industry expert; and
 - v. In the case of cultural facilities, the submission must reference the institution or group collaborating on the initiative and the purpose of the building.
- d. Contributions to cultural or educational installations must include a proposal which contains:

- i. a description of the installation;
- ii. identifies the installation theme(s);
- iii. references the institution that is collaborating on the project; and
- iv. provides a budget verified by an industry expert.