

Section 7 Overlay Districts

- 7.1 Valley Bottom Flood Hazard Overlay District**
- 7.2 High Groundwater Area**
- 7.3 Groundwater Protection**
- 7.4 Airport Vicinity Protection Area (AVPA) Regulations**
- 7.5 Historic Resources**

7.1 Valley Bottom Flood Hazard Overlay District [2017-36]

- 7.1.0.1 For parcels located in the Floodway, Flood Fringe or Overland Flow area, as shown in Figure 7.1-1, the requirements of this section apply. Where there is any conflict between this section and any other requirements of this Bylaw, the provisions of this section shall prevail.
- 7.1.0.2 The Overland Flow Elevations map (Figure 7.1-2) provides the design flood level for all areas within the Flood Fringe or Overland Flow Area. The design flood level is based on the 1:100 year flood level calculated in the Flood Risk Mapping Study (WER-AGRA, March 1993).
- 7.1.0.3 Floodway Area Uses
- In the floodway, only the following uses, when listed as either Permitted or Discretionary in the Land Use District for which the site is designated, shall be allowed:
- a. Extensive Agricultural Pursuits
 - b. Outdoor Athletic and Recreational Activities
 - c. Parking Areas
 - d. Parks and Playgrounds
 - e. Public Utilities
 - f. Wildlife Corridors
 - g. Wildlife Habitat
- 7.1.0.4 Excepting for public utilities, no new buildings or outside storage shall be allowed in the floodway.
- 7.1.0.5 No alterations shall be made to a floodway and no structures including, but not limited to, riprap, berms, fences, walls, gates, patios, docks or decks shall be constructed on, in or under a floodway unless in the opinion of the Development Authority there will be no obstruction to floodwaters and no detrimental effect on the hydrological system or water quality, including the natural interface of the riparian and aquatic habitats.
- 7.1.0.6 Flood Fringe Area and Overland Flow Area Uses
- The uses listed in the applicable Land Use District for the site shall be allowed.
- 7.1.0.7 Flood Fringe Area and Overland Flow Area Regulations
- No storage of chemicals, explosives, flammable liquids, toxic or waste materials that cannot be readily removed in the event of a flood shall be allowed.
- 7.1.0.8 All buildings shall be designed and constructed with the ground floor elevation, and all electrical, heating, air conditioning and other mechanical equipment, at or above the design flood level.
- 7.1.0.9 The requirements of Subsection 7.1.0.8 are encouraged but not required in the following situations:
- a. construction of an accessory building as allowed by the Land Use Bylaw, provided that the accessory building is not a suite,

- b. renovations and repairs to an existing building,
 - c. where the Development Authority deems it unreasonable to meet the requirements due to site specific constraints; and
 - d. where work is being conducted in accordance with the recommendations of the Alberta Building Code Standard(s) relating to flood mitigation.
- 7.1.0.10 Notwithstanding 7.1.0.9, basements or building additions below the design flood level shall not be developed.

7.1.1 Schedules

7.1.2 Fig 7.1-1 Floodway, Flood Fringe and Overland Flow areas

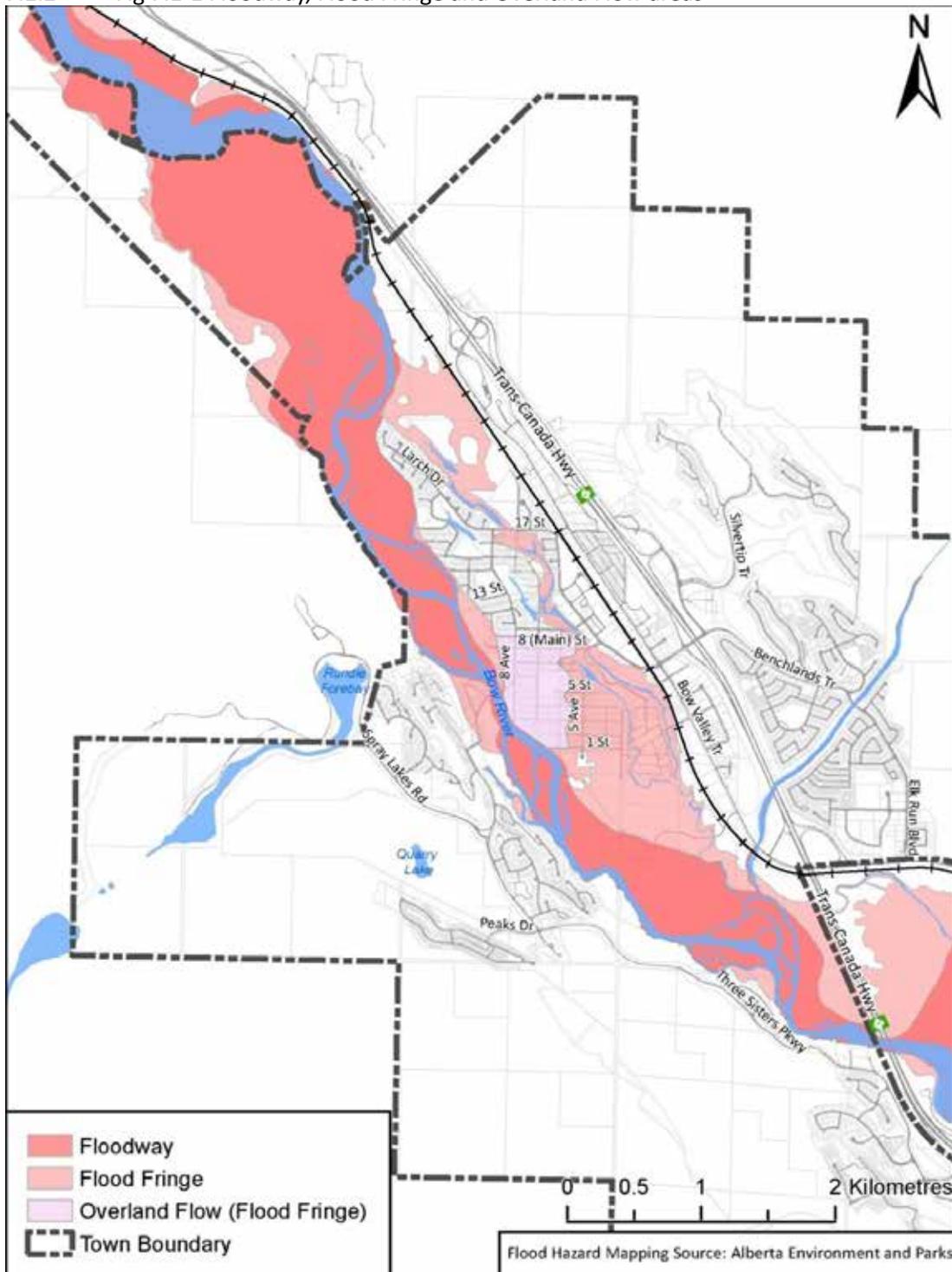
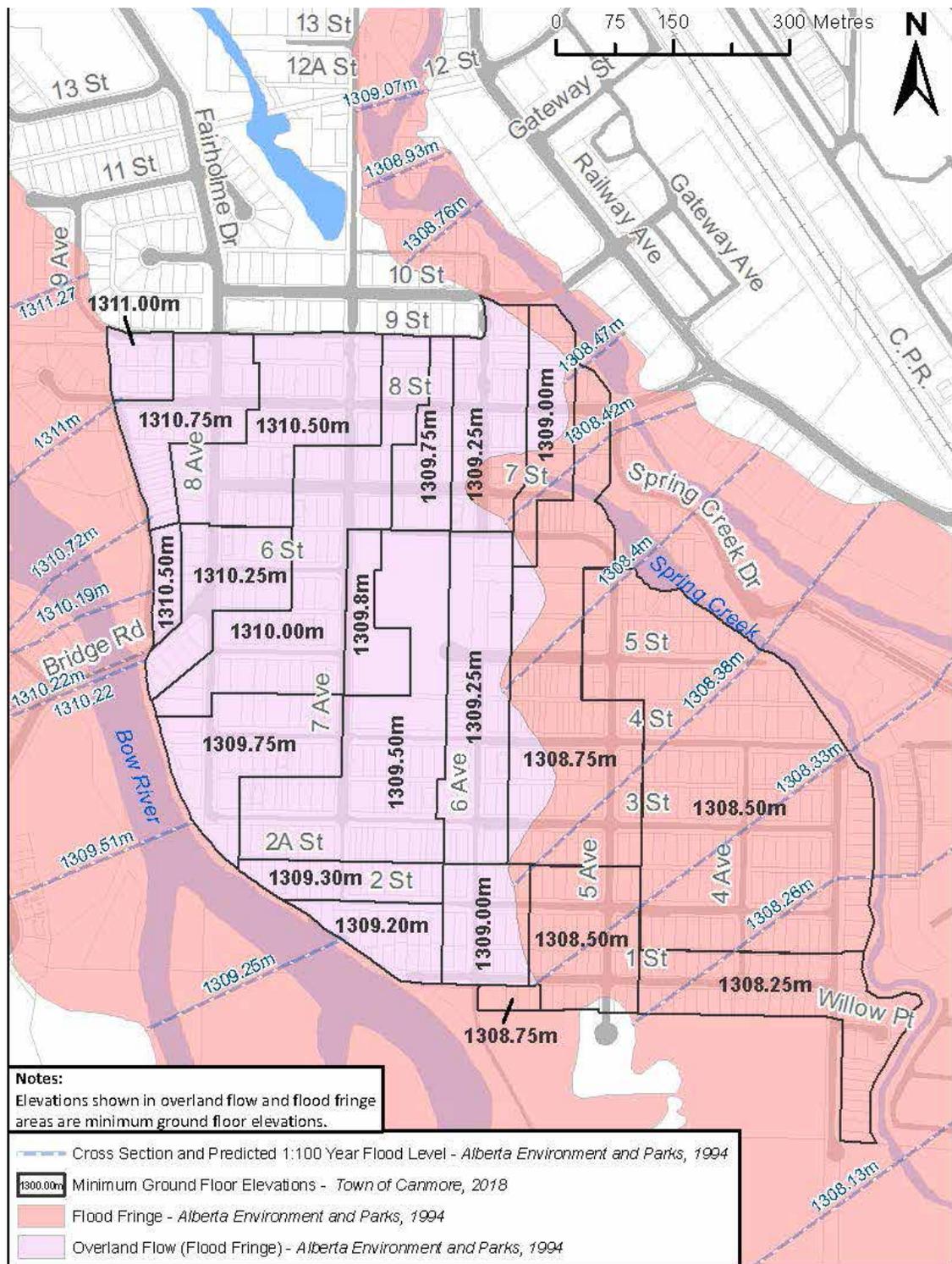


Figure 7.1-2 Overland Flow Elevations



7.2 High Groundwater Area

7.2.1 Habitable Floor Space

7.2.1.1 All buildings within the area shown in Figure 7.2-1 shall be designed and constructed with the ground floor elevation, and all electrical, heating, air conditioning and other mechanical equipment, at or above the 1:100 year design groundwater table geodetic elevation shown on Map OTH-04 in Section 1.3.2.2 of the Town of Canmore Engineering Design and Construction Guidelines.

7.2.1.2 The requirements of Subsection 7.2.1.1 are encouraged but not required in the following situations:

- a. construction of an accessory building as allowed by the Land Use Bylaw, provided that the accessory building is not a suite,
- b. renovations and repairs to an existing building,
- c. in mixed use, commercial or multi-dwelling developments the Development Authority may allow underground parking below the 1:100 year design groundwater table geodetic elevation, in accordance with the provisions of the Engineering Design and Construction Guidelines,
- d. where the Development Authority deems it unreasonable to meet the requirements due to site specific constraints; and
- e. where work is being conducted in accordance with the recommendations of the Alberta Building Code Standata relating to flood mitigation.

7.2.2 Schedules

Figure 7.2-1



7.3 Groundwater Protection

7.3.1 General Groundwater Protection Regulations

7.3.1.1 Throughout the Town of Canmore all development shall adhere to the requirements for the protection of groundwater as described in the Land Use Bylaw and in Section 1.3.2 of the Engineering Design and Construction Guidelines (EDCG).

7.3.2 Wellhead Protection Area Regulations and Prohibited Uses

7.3.2.1 Development wholly or partly within the Wellhead Protection Area as shown in Section 7.3.5, Schedule "A", shall comply with the requirements in Section 7.3.2.2, and with the relevant requirements of the Engineering Design and Construction Guidelines.

7.3.2.2 Notwithstanding the Permitted or Discretionary Uses within any Land Use District, the following uses and developments are prohibited within the Wellhead Protection Area unless a District contains regulations that require use-specific conditions for the extraordinary protection of groundwater within the Wellhead Protection Area (e.g. Automotive and Equipment Repair Shops within the GD-2 Land Use District):

- a. Autobody and paint shops
- b. Automotive and equipment repair shops
- c. Dry-cleaning establishments
- d. Hazardous waste recycling depots
- e. Hazardous waste transfer stations
- f. Gas bars
- g. Laboratories
- h. Laundry (retail or industrial)
- i. Service stations
- j. Any other uses or developments that are determined through a qualified professional assessment to pose a serious risk the aquifer.

7.3.2.3 Should an existing development listed in Section 7.3.2.2 in operation prior to the adoption of the Land Use Bylaw be damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the development may not be repaired or rebuilt except in accordance with the Land Use Bylaw. If the extent of damage is less than 75%, then the development may be permitted to rebuild at the discretion of the Development Authority.

7.3.3 Construction Activity Control Area

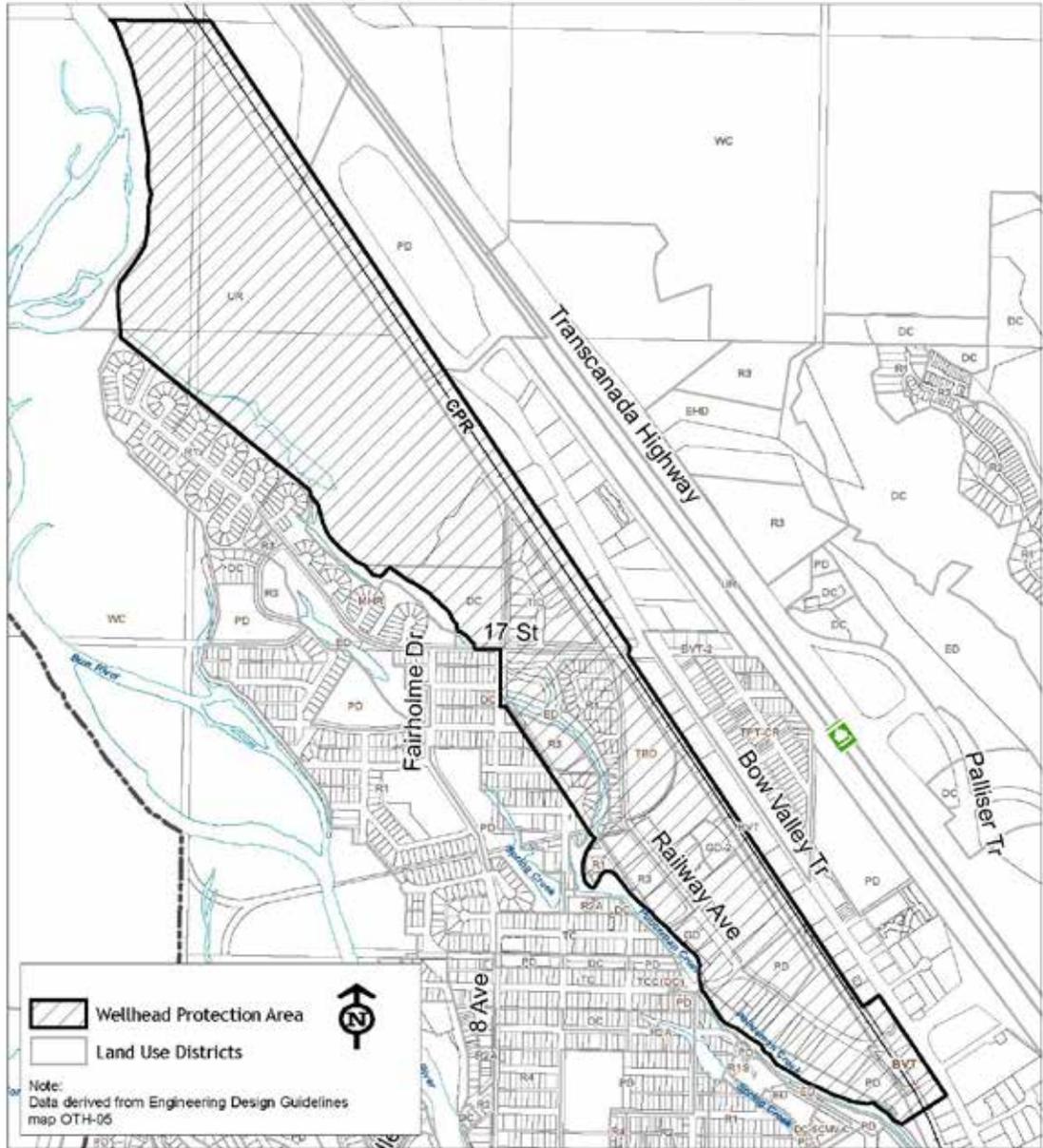
7.3.3.1 Construction activities located within the Wellhead Capture and Protection Zone (Figure OTH-06 in the Engineering Design and Construction Guidelines) shall be conducted in accordance with Section 1.3.3 of the Engineering Design and Construction Guidelines.

7.3.4 Stormwater Disposal Control near Watercourses

7.3.4.1 Stormwater treatment and disposal for areas within 500m of a water course (500m Infiltration Zone) shall be in accordance with the Town of Canmore Engineering Design and Construction Guidelines. The 500m Infiltration Zone areas are shown in Figure STM-04 of the EDCG.

7.3.5 Schedules

Schedule "A" Wellhead Protection Area



7.4 Airport Vicinity Protection Area (AVPA) Regulations

7.4.1 Definitions

In this Section,

airport means the Canmore Municipal Heliport within the protection area.

airport take-off and landing area means the area of land within the airport that is used or intended to be used for the take-off and landing of aircraft.

airport zoning reference point elevation means the airport zoning reference point elevation of the airport take-off and landing area as described in 7.4.10.

Department means the Town of Canmore Planning & Development Department.

Development includes a proposed development.

Land Use Bylaw means the Land Use Bylaw of the Town of Canmore.

NEF means noise exposure forecast.

NEF contour means a numbered contour as shown on Schedule 1, Subsection 7.4.7.

Protection Area means Canmore Airport Vicinity Protection Area as shown on Schedule 1, Subsection 7.4.7.

Take-off/approach surface means a take-off and approach surface as shown on Schedule 4, Subsection 7.4.10.

For the purposes of this AVPA, a reference to a land use, structure or development may include an accessory land use, structure or development, as the case may be.

7.4.2 General Provisions

7.4.2.1 This AVPA applies to a development wholly or partly within the boundary of the Protection Area.

7.4.2.2 All developments within the Protection Area require a development permit except for those that comply with both the height limitations in Subsection 7.4.10 and with the exemptions for development permits described in Section 1, Administration.

7.4.2.3 The Development Officer shall administer this AVPA and may refer applications to the Canmore Planning Commission.

7.4.2.4 The Development Officer may issue a development permit for a development if the development conforms with this AVPA and this Land Use Bylaw.

7.4.2.5 A decision of the SDAB shall conform with the land uses described for the AVPA.

7.4.2.6 The Development Authority and SDAB are not precluded by this AVPA from attaching to a development permit, in accordance with the Land Use Bylaw, any conditions that do not conflict with this AVPA.

7.4.2.7 Establishment of Protection Area

The area described in 7.4.7 is established as the Canmore Airport Vicinity Protection Area.

7.4.3 Processing of Development Applications

7.4.3.1 For the purposes of this section and 7.4.9, the protection area is divided into the following districts:

- a. the Airport Property District, designated A-P
- b. the Airport Urban District, designated A-U

as per Schedule 1, Subsection 7.4.7.

7.4.3.2 For the purposes of this section, one land use is substantially similar to another if, in the opinion of the Development Officer:

- a. its intended use is the same as that of the other
- b. it is no more sensitive to external noise than the other
- c. it does not attract birds
- d. it does not generate a large amount of smoke or dust
- e. it does not exceed the height limitations in Subsection 7.4.5
- f. it does not detrimentally impact flight paths or the NEF in the opinion of the Development Authority

7.4.3.3 The Development Officer may issue a development permit for a development that involves a land use that is designated "P" in Table 1 of Schedule 3 or is substantially similar to such a land use.

7.4.3.4 The Development Officer may issue a development permit for a development that involves a land use that is designated "C" followed by a number in Table 1 of Schedule 3 or is substantially similar to such a land use, and the appropriate condition specified in Table 2 of Schedule 3 is deemed to be part of the land use and conditions of approval for the purposes of this Regulation.

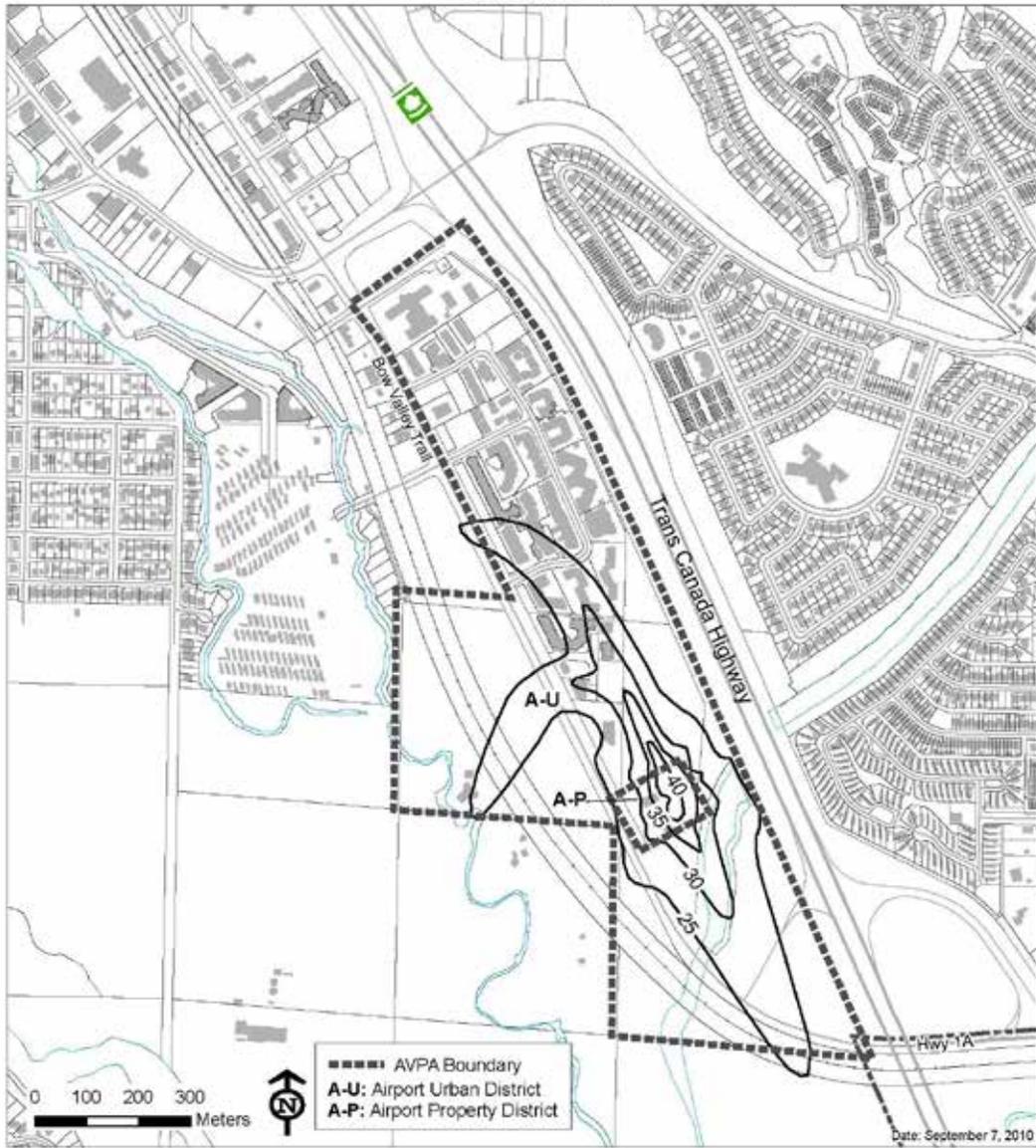
7.4.3.5 The Development Officer shall not issue a development permit for a development that involves a land use that:

- a. is designated "NA" in Table 1 of Schedule 3, Subsection 7.4.9 or is substantially similar to such a land use, or;
- b. is neither listed in Table 1 of Subsection 7.4.9 nor authorized under Subsection 7.4.3.3 or 7.4.3.4.

7.4.3.6 If a development permit application is made for a development that involves a land use that, in the opinion of the Development Officer, may attract birds or generate large amounts

of smoke or dust or both, the Development Officer shall require the applicant to submit a report prepared by a qualified professional regarding the potential impacts of the proposed development on the operation of the heliport.

Airport Vicinity Protection Area (AVPA) Noise Exposure Forecast Zones Schedule 1



7.4.4 Accessory Land Use

- 7.4.4.1 If a development permit application is made for a development that involves an accessory land use, structure or development that, in the opinion of the Development Officer:
- a. is more sensitive to external noise than the major land use, structure or development
 - b. attracts birds
 - c. generates a large amount of smoke or dust or both
 - d. may detrimentally impacts flight paths or the NEF

The Development Officer shall require the applicant to submit a report prepared by a qualified professional regarding the potential impacts of the proposed development on the operation of the heliport.

7.4.5 Height Limitations

- 7.4.5.1 The Development Officer may issue a development permit for a development if no point of the development will exceed the height of the take-off/approach surfaces as described in Schedule 4, Height Limitations.

- 7.4.5.2 For the purposes of this section:

- a. if the development is a railway, the highest point of the development shall be deemed to be 6.0m higher than the actual height of the rails
- b. if the development is a highway or public roadway, the highest point of the development shall be deemed to be 4.5m higher than the actual height of the part of the highway or public roadway on which vehicles travel

7.4.6 Amendment

- 7.4.6.1 An application for amendment to the AVPA or NEF boundaries may be made to the Town with the submission of an acoustical report demonstrating that the proposed development is not within current NEF Contours and is in compliance with Section 1, Administration.

7.4.7 Schedule 1: AVPA Boundary and Noise Exposure Forecast Zones

7.4.8 Schedule 2: Land Use in Relation to Noise Exposure Forecast Areas

The performance criteria utilized to determine permitted and conditional land uses are as follows:

1. Uses that involve continuous human occupancy (e.g. residential use):

Conditional approval above the 25 NEF Contour; not permitted above the 30 NEF Contour.

2. Uses that involve continuous human occupancy but comprise residential replacement or infill:

Conditional approval above the 25 NEF Contour.

3. Uses that involve temporary medium term human occupancy where the majority of people occupy the space for an 8-hour work period (employee oriented) (e.g. commercial/ office uses, restaurants and hotels):

Conditional approval above the 30 NEF Contour; not permitted above the 40 NEF Contour.

4. Uses that involve temporary short term human occupancy where the majority of people occupy the space temporarily (customer oriented) (e.g. drive-in restaurants, vehicle and equipment sales):

Not permitted above the 40 NEF Contour.

5. Uses that involve the assembly of people (e.g. clubs, fraternal organizations):

Conditional approval above the 30 NEF Contour; not permitted above the 40 NEF Contour.

6. Uses that involve outdoor recreation:

Conditional approval above the 30 NEF Contour.

7. Uses that involve outdoor accommodation (e.g. camping, R.V. trailer park):

Not permitted above the 35 NEF Contour.

8. Uses that may attract birds or produce large quantities of smoke, dust or both:

Referral required.

9. Uses that, because of their nature, are not adversely affected by external noise due to limited or no human occupancy or sufficient internal noise generation:

Permitted.

10. Uses that may be adversely affected by external noise but do not involve human occupancy (e.g. kennel, fur farm):

Referral required above the 25 NEF Contour.

Other uses require specific determination of noise compatibility.

7.4.9 Schedule 3: Land Use Classification

TABLE 1

Land Use Classes

Airport Urban District (A-U)

The Airport Urban District (A-U) refers to the area within the AVPA boundary where the Town of Canmore Land Use Bylaw districts apply.

Land Use	Performance Criteria (see Schedule 2)	Noise Exposure Forecast Areas				
		NEF 25-Area	NEF 25-30 Area	NEF 30-35 Area	NEF 35-40 Area	NEF 40-Area
ATHLETIC & RECREATIONAL USES						
Archery range	6	P	P	C3	C3	C3
Arenas and swimming pool	5	P	P	C1	C1	NA
Gun club	9	P	P	P	P	P
Tennis court	6	P	P	C3	C3	C3
AUTO SERVICE USE						
Automobile sales and rentals	4	P	P	P	P	NA
Auto wreckers	9	P	P	P	P	P
Car wash	9	P	P	P	P	P
Gas bars	4	P	P	P	P	NA
Parking facilities	9	P	P	P	P	P
Rapid drive-through vehicle service	4	P	P	P	P	NA
Recreational vehicle sales and service	4	P	P	P	P	NA
Recreational vehicle parking	9	P	P	P	P	P
Service station	4	P	P	P	P	NA
Trailer drop-off site	9	P	P	P	P	P
ENTERTAINMENT USES						
Cultural establishments	5	P	P	C1	C1	NA
Drinking establishments	3	P	P	C1	C1	NA

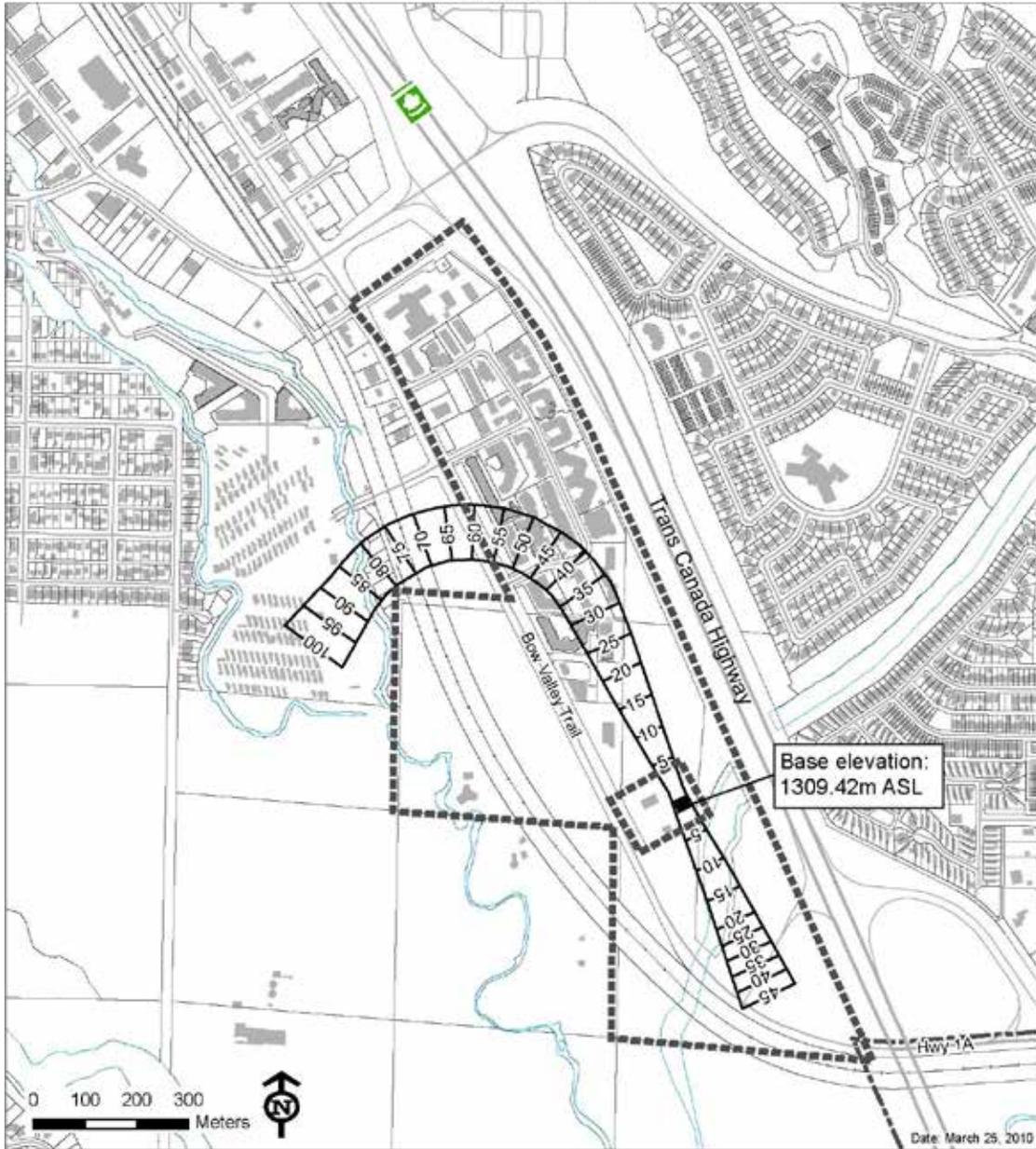
Land Use	Performance Criteria (see Schedule 2)	Noise Exposure Forecast Areas				
		NEF 25- Area	NEF 25-30 Area	NEF 30-35 Area	NEF 35-40 Area	NEF 40- Area
Drive-in food services	4	P	P	P	P	NA
Eating establishments	3	P	P	C1	C1	NA
Entertainment establishments	5	P	P	C1	C1	NA
Private clubs and lodges	5	P	P	C1	C1	NA
Theatre	5	P	P	C1	C1	NA
GENERAL COMMERCIAL USES						
Amusement arcades	4	P	P	P	P	NA
Arts and crafts studio	3	P	P	C1	C1	NA
Banks	3	P	P	C1	C1	NA
Barber and beauty shop	3	P	P	C1	C1	NA
Bowling alleys and pool halls	4	P	P	P	P	NA
Convenience store and grocery store	4	P	P	P	P	NA
Clinics, medical office	3	P	P	C1	C1	NA
Garden centres	9	P	P	P	P	P
Hotels, motels	3	P	C1	C1	NA	NA
Laundromat	4	P	P	P	P	NA
Liquor store	4	P	P	P	P	NA
Office and laboratories	3	P	P	C1	C1	NA
Shopping centres	3	P	P	C1	C1	NA
Souvenir shops	3	P	P	C1	C1	NA
Tourist information centre	4	P	P	P	P	NA
MISCELLANEOUS SERVICE USES						
Bus depot	4	P	P	P	P	NA
Kennel	10	P	C2	C2	C2	C2
Sign	9	P	P	P	P	P
Train station	4	P	P	P	P	NA

Land Use	Performance Criteria (see Schedule 2)	Noise Exposure Forecast Areas				
		NEF 25- Area	NEF 25-30 Area	NEF 30-35 Area	NEF 35-40 Area	NEF 40- Area
Taxi stand	9	P	P	P	P	P
Veterinary clinic	10	P	C2	C2	C2	C2
OUTDOOR PARK USES						
Campgrounds	7	P	P	P	NA	NA
Cross-country skiing trails	6	P	P	C3	C3	C3
Golf course	6	P	P	C3	C3	C3
Jogging trail	6	P	P	C3	C3	C3
Managed or supplemental natural bird habitats	8	C2	C2	C2	C2	C2
Outdoor theatre	8	C2	C2	C2	C2	C2
Playground	6	P	P	C3	C3	C3
Public park	6	P	P	C3	C3	C3
PUBLIC & QUASI-PUBLIC USES						
Church	5	P	P	C1	C1	NA
Community centre	5	P	P	C1	C1	NA
Hospital and nursing home	1	P	C1	NA	NA	NA
Library	3	P	P	C1	C1	NA
School	3	P	P	C1	C1	NA
PUBLIC UTILITY USES						
Communications tower (radio, television, etc)	9	P	P	P	P	P
Public incinerator	8	C2	C2	C2	C2	C2
Radio station	3	P	P	C1	C1	NA
Sanitary landfill site	8	C2	C2	C2	C2	C2
Residential infill and replacement	2	P	C1	C1	C1	C1

TABLE 2 – Conditions of Approval

“C” indicates that a use may be approved conditionally provided that the following processes

AVPA
Height Limitations
Schedule 4



and/or conditions are applied to an application:

- C1** Construction shall conform to the exterior acoustic insulation requirements of PART 11 of the Alberta Building Code, 2006 for those NEF areas other than the NEF 25-Area unless otherwise stated in this Regulation. Where this condition is specified, the Development Officer shall indicate on the development permit the noise contours between which the proposed development site would be located for reference of a Safety Codes Officer at the time the building permit application is filed.
- C2** A copy of the application must be reviewed by a qualified professional as part of the development application process before the Development Officer decides whether or not a development permit will be issued.
- C3** The development shall not include structures for the seating of spectators except as varied to allow seating that, in the opinion of the Development Officer, is minor in nature.
- P** The use is permitted without special conditions to accommodate the AVPA if the use is provided for in the applicable Land Use District in the Land Use Bylaw.
- NA** The use is not allowed notwithstanding that it may be a Permitted Use or a Discretionary Use within the applicable Land Use District.

7.4.10 Schedule 4: Structural Height Limitations

- 7.4.10.1 Schedule 4, below, illustrates the maximum height, in metres, of buildings and any other structures above the AVPA Base Elevation of 1309.42m above sea level.

7.5 Historic Resources

7.5.1 Purpose

The purpose of this section is to encourage the conservation, preservation of heritage character and reuse of historic resources (buildings and sites). It is intended to achieve objectives set out in the Mining the Future and the Municipal Development Plan documents and to improve connection to local identity by building awareness of the past by protecting historic buildings through the provision of incentives.

This section does not restrict development of historic buildings or sites, as the relevant Land Use District uses and regulations will continue to apply. The regulations in this section apply in a supplemental fashion to those contained in the relevant Land Use District and do not override them.

7.5.2 Definitions

In this section, the following words shall have the meanings provided. Other terms shall be as defined in the relevant section of the Land Use Bylaw.

Act: shall mean the Historical Resources Act, Revised Statutes of Alberta, 2000, as amended.

Adjacent development: shares a property line with the property containing a Historic Resource;

Character defining elements: are the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to the heritage value of a resource, and which must be retained in order to preserve its heritage value. These are outlined in the Statement of Significance.

Compensation: is granted upon designation of a building and site as a Municipal Historic Resource, pursuant to the Act. Compensation is in the form of conservation incentives agreed to by the Town of Canmore and resource landowner. The agreement made at the time of designation by the resource landowner is binding on the property, and therefore still applies to future resource landowners of the site.

Conservation: are actions or processes that are aimed at safeguarding the character-defining elements of a cultural resource so as to retain its heritage value and extend its physical life. This may involve preservation, rehabilitation, restoration, or a combination of these actions or processes as outlined in the Standards and Guidelines for the Conservation of Historic Places in Canada.

Grant in Aid of Municipal Property Taxes or the grant: is granted by the Town of Canmore to cover a portion or all of the municipal property tax over a single year or multiple years as compensation upon designation as a Municipal or Provincial Historic Resource.

Heritage Value: is the aesthetic, historic, scientific, cultural, social or spiritual importance or significance of a resource for past, present or future generations.

Historic Designation: is a form of federal, provincial or municipal government regulation that

legally protects Historic Resources from alteration unauthorized by the government body.

Historic Resource: is a structure, site, object, cultural or natural feature that is significant by virtue of its design, construction, association with an historic event, person, place, or social movement, or by virtue of the importance of its research or knowledge content; and is included on the Town of Canmore Historic Resources Inventory.

Historic Resource Impact Assessment: is a report that evaluates proposed impacts on the character defining elements, heritage value and significance of a heritage sites and identifies mitigation alternatives.

Integrity: is the ability of a property to visibly convey its significance with reference to location, design, setting, materials, workmanship, sense of place, and: association with historical events, lives of significant persons, or a work or entity of high artistic value.

Municipal Historic Resource: is the designation, by municipal bylaw pursuant to Subsection 7.5.8, of an historic site and/or building.

Municipal Historic Resource Bylaw: A municipal bylaw governing a Historic Resource pursuant to Subsection 7.5.8.

Municipal Property Tax: is the tax amount levied by the Town based on the assessment established by the Town Assessor and the mill rate established annually by bylaw by the Town. The municipal property tax excludes the school taxes levied by the Province of Alberta.

Provincial Historic Resource: is the designation, by the Province of Alberta, of an historic site and/or building, pursuant to the Act.

Resource Landowner: is the owner of the historical resource.

Significance: is the meaning attached to a resource; the reason why a resource is important.

Site: is the property, including the structures, and land where a Historic Resource is located.

Statement of Significance: is a statement as to why a place/object is important and what parts of it must be conserved to understand its significance. This forms part of a formal designation as a Municipal Historic Resource under a Municipal Historic Resource Bylaw as outlined in Subsection 7.5.8.

7.5.3 Historic Resources Inventory

7.5.3.1 The following properties are those that comprise the Historic Resource Inventory. Additional Historic Resources may be added by Council following further review and public consultation.

7.5.3.2 Properties on the Inventory and those properties adjacent to Inventory properties shall be subject to the provisions of this section of the bylaw.

7.5.3.3 The criteria utilized to include properties on the Historic Resources Inventory include:

- a. The age of the structure should generally be 60 to 70 years or older; and
- b. The unique nature or appearance of the structure or site; and
- c. The historic significance of the structure or site with respect to events or people of interest; and
- d. The degree of modification made to the structure internally and externally; and
- e. The potential for the structure or site to accommodate redevelopment appropriate to the land use district in which it is located.

7.5.4 Schedule A Inventory – Protected Properties

Level of Current Designation	Historic Resource Name & Location	
Provincial Historic Resource	North West Mounted Police Barracks 601 – 609 Main Street Lots 18, 19 & 20, Block 71, Plan 1095 F	
Provincial Historic Resource	Ralph Connor Memorial United Church 617 Main Street Lot 15, Block 71, Plan 1095 F	

Level of Current Designation	Historic Resource Name & Location	
Registered Historic Resource	McNeill Heritage House 500 Three Sisters Drive Block 24, Plan 7610775	

7.5.5 Modifications to the Historic Resources Inventory

- 7.5.5.1 The Historic Resources Inventory may be updated periodically by Council. New historical resources may be considered for inclusion on the Inventory upon:
- Direction of Council; or
 - Application by a historic resource owner; or
 - Recommendation by the Centennial Museum Society of Canmore.
- 7.5.5.2 Any review or update of the Inventory shall involve all resource landowners and adjacent property owners, and shall include appropriate public consultation to the satisfaction of Council.
- 7.5.5.3 Removal of resources from the Inventory shall be by decision of Council, and may be considered upon request from the relevant resource owner.
- 7.5.5.4 All Historic Resources on the Inventory are eligible for Municipal Historic Resource Designation, pursuant to Subsection 7.5.8.
- 7.5.5.5 The Inventory in itself provides no legal authority to preserve or restrict development of a Historic Resource, except as provided for in Subsection 7.5.8.

7.5.6 Development Regulations

- 7.5.6.1 Any development permit application for a Historic Resource on the Inventory may be required to provide a Historic Resource Impact Assessment prepared by a qualified professional, if in the opinion of the Development Authority, the historic values or heritage

character of the Resource would be affected by the application.

- 7.5.6.2 The Town shall refer any development permit or demolition application for a Historic Resource on the Inventory to the Centennial Museum Society of Canmore for its comments. The Development Authority shall not be bound by any comments or recommendations of the Society provided in response to the referral.
- 7.5.6.3 Upon receipt of a development permit for a Historic Resource on the Inventory, if necessary the Development Authority will request an extension to the time period allowed for the review of a development permit contained in the Municipal Government Act. An additional review period of 45 days will be requested of the applicant, to allow for the conservation measures contained below to be evaluated to determine which may be appropriate to the application. During this period the Development Authority will work with the resource owner to encourage the preservation of the Historic Resource and its character defining elements.
- 7.5.6.4 The review period may be waived or reduced by the Development Authority in case of an emergency situation requiring immediate demolition for reasons of public safety, or where a professional structural engineer engaged by the resource owner or the applicant, confirms that the structure or historic resource cannot be reasonably maintained in its existing state.
- 7.5.6.5 The Development Authority shall not issue a demolition permit until:
- a. Conservation measures or options have been explored to its satisfaction; or
 - b. The additional time period for review has expired; or
 - c. Emergency conditions require that the demolition be undertaken; or
 - d. An engineer confirms that the structure cannot reasonably be maintained; or
 - e. The Town has sought permission from the owner to document or collect artifacts from the property.
- 7.5.6.6 Conservation and preservation of heritage character measures are available to all Historic Resources on the Inventory, and may be granted by the Town based on the specific property characteristics, and will be subject to an agreement between the Town and the resource owner. Conservation measures may include:
- a. Land Use Bylaw amendments to address conservation concerns
 - b. Variances to the Land Use Bylaw setback and height restrictions
 - c. Variances to Land Use Bylaw parking and/or cash in lieu of parking provisions
 - d. Variances to the Architectural and Urban Design Standards
 - e. Technical assistance with protection or development of Historic Resources
 - f. Formal designation as a Municipal Historic Resource under Subsection 7.5.8.
- 7.5.6.7 Conservation and preservation of heritage character measures are intended to preserve the appearance of the Historic Resource principally as seen from the public realm, and may also preserve interior features where appropriate and with the agreement of the resource owner. Conservation measures shall also accommodate reuse and redevelopment of the Historic Resource.

- 7.5.6.8 Where a development permit application for a Property of Interest is submitted to the Town, the Town shall consult with the Property of Interest owner to determine if there is any interest on the part of the owner to include the property on the Inventory.

7.5.7 Development Adjacent to Historic Resources

- 7.5.7.1 The intent of this section is to protect Historic Resources while allowing for the economic development of adjacent properties. The Town will work actively with potential developers to achieve a balance between these goals.
- 7.5.7.2 A development on a site adjacent to a Historic Resource will be allowed to achieve the maximum FAR (Floor Area Ratio) allowed in the relevant Land Use District. This can usually be accomplished by adjusting the location of the maximum building envelope on the site.
- 7.5.7.3 The Development Authority may refer development permit applications for lands adjacent to a Historic Resource to the Centennial Museum Society of Canmore for comments on the application.
- 7.5.7.4 Adjacent development shall be arranged on the site to protect significant views of the Historic Resource from the street and other public areas.
- 7.5.7.5 New adjacent development shall not eliminate significant views from or of the Historic Resource of mountains, waterways, landscapes or characteristic vegetation. Complete blockage of these views by an adjacent development is not permitted.
- 7.5.7.6 Adjacent developments shall relate to the scale of the Historic Resource. Building heights can differ between a Historic Resource and adjacent developments, however, appropriate adjacent designs shall step back heights from the Historic Resource, with building massing and height reduced at the point where the buildings are closest.
- 7.5.7.7 Adjacent developments in commercial areas shall minimize the amount of concrete block fire walls adjacent to the Historic Resource.
- 7.5.7.8 Section 1.17 of the Land Use Bylaw allows for a number of variances to existing regulations where such variances provide a community benefit. The preservation of Historic Resources is an example of such a benefit.

The Town will cooperate with the owners of adjacent properties to assist owners in developing or redeveloping properties in a manner that is both economically viable and responsive to the adjacent Historic Resource. This cooperation may include variances to the Land Use Bylaw where such variances are required to preserve or enhance the adjacent historic resource. Examples of possible variances include:

- a. Variances to property setbacks and height regulations
- b. Variances to parking and/or cash in lieu of parking regulations
- c. Variances to the Community Architectural and Urban Design Standards
- d. Variances to the distribution of building mass

The common property boundary will often be the most sensitive portion of the adjacent site in terms of impact on the Historic Resource and will therefore be the likely focus

of regulations and any required variances for the adjacent lot. For instance, the Town's requirement for an increase in one sideyard can be compensated for with a decrease in a rear setback requirement. Similarly, a required stepping back of rooflines on one portion of the project may be balanced with a lesser requirement for articulation elsewhere on the building.

7.5.8 Municipal Historic Resource Designation

- 7.5.8.1 Designation of a formal Municipal Historic Resource shall only be undertaken where Council is of the opinion that the resource is sufficiently significant to warrant the legislated level of protection. Agreement of the owner of the Municipal Historic Resource shall be sought by Council prior to undertaking formal designation under this section.
- 7.5.8.2 Designation of a Municipal Historic Resource is intended to preserve the appearance of the Historic Resource principally as seen from the public realm, and may also preserve interior features where appropriate and with the agreement of the resource owner. Designation under a Bylaw shall also accommodate reuse of the Historic Resource.
- 7.5.8.3 Designation of a formal Municipal Historic Resource shall be through a Municipal Historic Resource Bylaw in accordance with the requirements of the Act.
- 7.5.8.4 If the Town seeks to designate a Municipal Historic Resource, the affected resource landowner shall be given 60 days notice of Council's intention to consider a bylaw pursuant to the Act.
- 7.5.8.5 If the Town seeks to designate a Municipal Historic Resource, the Town may apply the 120 day waiting period pursuant to the Act. During the notice of intent period:
- a. The Historic Resource is protected from alteration
 - b. Demolition is not permitted unless it is determined that there are immediate and professionally verified safety or structural concerns
 - c. Conservation incentives and development options will be collaboratively explored by the Town of Canmore and the resource landowner
 - d. Municipal Historic Resource designation may be granted between day 60 to day 120 of the period
- 7.5.8.6 If considered by the Town, a Municipal Historic Resource Bylaw must be passed to grant Municipal Historic Resource designation between days 60 - 120 of the notice period, unless the affected owner of the resource consents to a longer period in writing.
- 7.5.8.7 Landowners may voluntarily apply to have their property designated a Municipal Historic Resource.
- 7.5.8.8 A Municipal Historic Resource designation should only be granted by bylaw when mutually agreed to by the Town and the resource owner.
- 7.5.8.9 Properties who receive designation as a Municipal Historic Resource will be provided a plaque by the Town commemorating the designation.
- 7.5.8.10 Once a resource is designated as a Municipal Historic Resource, a caveat shall be registered on title at the Alberta Land Titles Office.

- 7.5.8.11 If Council repeals a Municipal Historic Resource Bylaw, the removal of the caveat registered on the title at the Alberta Land Titles Office shall also be completed.
- 7.5.8.12 A Municipal Heritage Resource Bylaw runs with the land and should the land or Historic Resource change ownership, the conditions of the Municipal Historic Resource Bylaw continue to apply to the designated resource.
- 7.5.8.13 Conservation incentives that are available only to properties that are formally designated as a Municipal or Provincial Historic Resource include the following:
- a. Assistance accessing incentives offered by the Province of Alberta
 - b. Advice on heritage equivalencies with regard to the Alberta Building Code
 - c. Historic Resource Conservation through the Heritage Preservation Partnership Program
 - d. Alberta Historical Resources Foundation Heritage Awards
 - e. Technical assistance
 - f. Grant in aid of municipal property taxes through the Town of Canmore
- 7.5.8.14 If an owner of a Municipal Historic Resource is provided any financial incentives as part of a Municipal Historic Resource bylaw, then the Town shall require the owner to enter into an agreement waiving any further compensation claims pursuant to the Act.
- 7.5.8.15 A resource landowner may be eligible to receive a grant covering the municipal portion of their property taxes, commencing January 1 of the year following the year in which Council passes a Municipal Historic Resource Bylaw respecting the property, pursuant to Subsection 7.5.8.16 below.
- 7.5.8.16 Any grant in aid of municipal property tax amount shall be based on associated costs of preservation, rehabilitation, restoration and/or maintenance. A grant shall be tied to the lands on which the historic resource is located and will apply to subsequent resource landowners should the Historic Resource be sold prior to the completion of the grant term.
- 7.5.8.17 Any applications to receive Municipal Historic Resource designation submitted by a resource owner to the Town shall also provide a Statement of Significance including the following information:
- a. Name of the proposed Historic Resource
 - b. Municipal address and legal description
 - c. Name and contact information of resource landowner
 - d. Current copy of the certificate of title
 - e. Age and history of the Historic Resource
 - f. Historic photographs or illustrations of the Historic Resource
 - g. Current colour photographs of the Historic Resource and surrounding site
 - h. A legal survey of the Historic Resource and site to be designated, prepared by an Alberta Land Surveyor
 - i. How the project meets the intent of the Standards and Guidelines for Conservation of

Historic Places in Canada

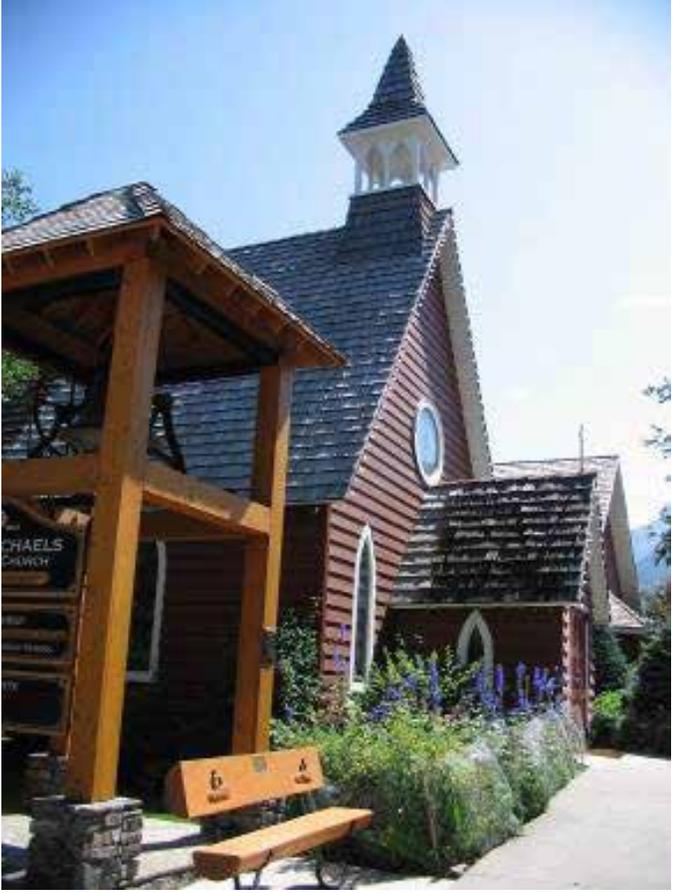
- j. A copy of the Town of Canmore property tax notice for the year previous to the request being made for compensation
 - k. Which incentives, if any, are being requested
- 7.5.8.18 The Town may refer an application to receive Municipal Historic Resource Designation and Bylaw to the Centennial Museum Society of Canmore for comments.
- 7.5.8.19 Any application to receive Municipal Historic Resource Designation should be evaluated on the following criteria:
- a. The manner in which the proposal conforms with the Standards and Guidelines for Historic Places in Canada, the Alberta Building Code, the local significance of the Historic Resource and the Land Use Bylaw
 - b. Eligibility for inclusion on the Alberta and Canada Registry of Historic Places
 - c. The extent to which the owner/developer is requesting incentive compensation
 - d. The costs and benefits to the Town

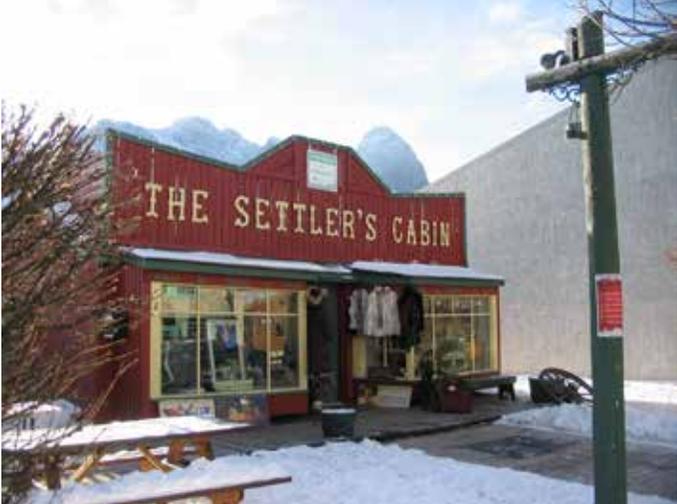
7.5.9 Historic Properties of Interest

- 7.5.9.1 Historic Properties of Interest listed below are listed only for the purposes of interest and shall not be subject to the provisions of Subsection 7.5.6 unless they have been moved to the Historic Resource Inventory, Subsection 7.5.4, by decision of Council.
- 7.5.9.2 Where a Development Permit application for a property adjacent to a Property of Interest is submitted to the Town, the Town shall consult with the applicant to determine if there are design options or alternatives acceptable to the applicant that may mitigate any significant impact on the Property of Interest. The Town may offer incentives such as those described in Subsection 7.5.7.8, above, for design alternatives.

Level of Current Designation	Historic Property of Interest: Name & Location	
Undesignated	Canmore Hotel 738 Main Street Lots 9 & 10, Block 63, Plan 1095F	
Undesignated	Canmore Mines Lamphouse S.E. ¼ Sec. 29, Twp. 24, Rng. 10, W5M	
Undesignated	The Mine Manager's House 160 Rundle Crescent Lot 27, Block 2, Plan 841 0472	

07 OVERLAY DISTRICTS

Level of Current Designation	Historic Property of Interest: Name & Location	
Undesignated	Miner's Union Hall 738 7th Street Lot 10, Block 62, Plan 1095 F	
Undesignated	St Michael's Church 709 - 713 7th Street Lots 17 & 18, Block 61, Plan 1095 F	

Level of Current Designation	Historic Property of Interest: Name & Location	
Undesignated	Lot 13, Block 49, Plan 1095 F 830 Main Street	
Undesignated	Lot 12, Block 71, Plan 1095 F 633 Main Street	

07 OVERLAY DISTRICTS