



REQUEST FOR DECISION

Subject: Proposed Bylaw 482 – A Bylaw to amend the Land Use Bylaw to Remove Minimum Residential Parking Requirements

Presented to: Council

Date: March 11, 2024

Submitted by: Dave Michaels, Manager,
Planning Services

Item #: 7.1

ADMINISTRATIVE RECOMMENDATION

That Council:

1. Give first reading to proposed Bylaw 482 – A Bylaw to amend the Land Use Bylaw to Remove Minimum Residential Parking Requirements Attachment 1); and,
2. Direct Administration to schedule a Public Hearing for Proposed Bylaw 482, in accordance with the *Municipal Government Act*.

BACKGROUND

Reason for Report

At the September 25, 2023, Governance and Finance Committee meeting, the following motion was carried:

FIN23-154 Moved by Mayor DiManno

That with respect to Item 7.2, Request for Direction: Residential Parking Requirements, the following be approved:

That the Governance and Finance Committee direct administration to draft Land Use Bylaw amendments that decouple parking requirements from new housing development to provide an incentive that encourages the development of new housing, and greater housing density, on the limited land base in Banff.

MOTION CARRIED

In addition, the Town's successful application for the Housing Accelerator Fund requires that the five housing initiatives outlined in the funding agreement are actioned. The five approved initiatives are:

1. Land Use Bylaw amendments to increase residential density;
2. Land Use Bylaw amendments to reduce minimum parking requirements for residential development;
3. Introduce an Accessory Dwelling Unit Incentive Program;
4. Introduce an e-permitting solution; and,
5. Introduce financial tools and tactics to incentivize residential development.

This proposed bylaw is to action initiative 2 - *Land Use Bylaw amendments to reduce minimum parking requirements for residential development*. The Housing Accelerator Fund is directly tied to achieving the five initiatives, as well as permitting a total of 240 new homes in Banff by January 29, 2027.

Summary of Issue

As outlined in the report *Request for Decision – Residential Parking Requirements*, item 7.2 presented to the Governance and Finance Committee on September 25, 2023, (Attachment 2) minimum off-street vehicle parking requirements for residential development have existed in legislation in Banff since 1966. Originally through the Parks Canada Banff Townsite Zoning Regulations, and subsequently through the Town of Banff Land Use Bylaw, there is a legislated requirement for a minimum number of parking stalls when creating new housing in Banff.

As outlined in the September 25, 2023, Governance and Finance Committee report, the current minimum parking requirements are a limiting factor for the development of new housing. As such, the majority of other Land Use Bylaw amendments intended to incent housing development and increase the number of homes built in Banff will have no, or minimal, impact, unless there is a substantial shift in the philosophy of requiring a minimum number of parking stalls.

As directed by the Governance and Finance Committee, the proposed Land Use Bylaw Amending Bylaw decouples, or removes, the minimum parking requirement for residential development and allows those looking to create housing in Banff determine an appropriate level of off-street parking.

Administration anticipates that the majority of residential projects will still include off-street parking, and therefore the proposed bylaw retains and updates the requirements around when parking stalls are created. Administration also notes that the requirements to provide off-street parking with all other uses (e.g. commercial and institutional) will still remain in the Land Use Bylaw.

Bylaw 482 Explanatory Notes

The following provides an explanation and rationale of the provisions included in the bylaw:

- 2.1.1 This amends the definition of Hardsurfacing by removing reference to hard packed gravel in the CS: Commercial Service District. An allowance for hard packed gravel is provided in the following provision.
- 2.1.2 This deletes the existing section that relates to hardsurfacing with an updated section. The changes are shown in red below with comments on the changes:

8.13.0 **Hardsurfacing and Marking of Parking and Loading Areas**

- 8.13.1 Every off-street parking or loading space located in any **non-residential** district, and the access thereto, shall be **finished with hardsurfacing**. ~~hardsurfaced, except for those required through development of an Accessory Dwelling, which may be constructed of a permeable pavement material subject to the approval of the Town of Banff Engineering Department.~~

This requires hardsurfacing for all parking and loading spaces in non-residential districts. The allowance for permeable material is deleted here in favour of section 8.13.3.

- 8.13.2 **Notwithstanding section 8.13.1, every off-street parking or loading space located in the CS: Commercial Services district, and the access thereto, shall be finished with hardsurfacing and may include hard packed gravel in areas outside of the front yard setback.**

This would allow the use of hard packed gravel for parking or loading areas in the Industrial Compound except for areas within the front yard setback.

- 8.13.3 Every off-street parking or loading space **located in any residential district**, and access thereto, ~~serving apartment housing, stacked row housing, row housing, fourplex housing, or commercial development shall have a perimeter curb of cast in-place concrete or other material satisfactory to~~ **shall be finished with hardsurfacing, except may be constructed of a permeable material subject to the approval of** the Development Approving Authority.

This requires off-street parking and loading in residential districts to be hardsurfaced but allows consideration by the Development Approving Authority for alternate permeable materials.

~~Every off-street parking or loading space as described in s.8.13.2 shall be delineated with white or yellow paint.~~

This section has been deleted as administration determined it to be an unnecessary requirement. The Banff Design Guidelines also speaks to the use colours for all exterior materials, which would include surface painting.

~~"Guest Parking", "Disabled Parking", and "No Parking" areas shall be clearly marked.~~

This section has been deleted as to allow the flexibility to only use signs when appropriate, as determined by the developer, rather than require it for all development in an effort to reduce the use signs where possible.

- 2.1.3 This is the provision that would eliminate the minimum parking requirements for all residential development. However, where parking is provided, it must still meet the requirements of the Land Use Bylaw such as location of stalls, driveway widths, stall dimensions, surface materials etc.

This section also includes the existing requirements for Bed and Breakfast Homes and Inns and Home Occupations. It is worth noting that proposed amendments for Bed and Breakfast Homes and Inns are covered in a separate amending bylaw that is currently under review.

- 2.1.4 This removes the reference to residential uses as it relates to providing cash in-lieu as residential parking stalls are no longer required.
- 2.1.5 This removes the references to residential uses as it relates to an option to provide off-site parking for development in the CD: Downtown District as residential parking stalls are no longer required.
- 2.1.6 This amends the current section by deleting the dimension requirements for accessible parking stalls as the Alberta Building Code has accessible parking stall dimensions therefore this is redundant. The replacement section requires that vehicle access in residential districts must be off a lane, if one exists. This provision is currently included in Residential Land Use District Specific Regulations, therefore it is more appropriate in the general parking section of the Land Use Bylaw.
- 2.1.7 This removes the minimum width for drive aisles to allow more flexibility for parkade and surface lot layouts, but require approval from the Director of Engineering to ensure that access and maneuverability are maintained.

- 2.1.8 This removes an allowance for the location of required parking stalls for an accessory dwelling in the RMS II (E): Middle Springs II (E) District. By removing this requirement, any parking provided in this district would have the same requirements as all other residential districts.
- 2.1.9 As existing residential parking requirements allow for tandem parking in some situations, this section remains but removes the reference to residential uses.
- 2.1.10 The section that limits driveway width remains with changes to allow wider driveways in residential districts when adequate landscape screening is provided. There is also a minor change included that increases where a driveway in a non-residential district can start to get wider. This change is proposed to provide consistency with the residential district requirements and to allow for additional landscape screening opportunities.
- 2.1.11 This deletes a section within the Specific Use Regulations for Home Occupations that states that a Home Occupation parking stall cannot occupy a required parking stall. As there would be no required parking stalls for housing developments where Home Occupations are considered, this current clause would be redundant.

Response Options

Council may consider any of the following response options:

- Give first reading to amending Bylaw 482, as presented, and schedule a Public Hearing;
- Deny first reading of amending Bylaw 482, provide direction to Administration on alternate Land Use Bylaw amendments related to off-street parking requirements for residential development and direct Administration to return to Council with alternate text for discussion based on directions; or
- Deny first reading of amending Bylaw 482 and take no further action at this time.

As highlighted, residential parking requirements are currently a limiting factor for the development of housing. Of all the proposed Land Use Bylaw amendments proposed, administration anticipates that the removal of minimum parking requirements will result in residential developers maximizing the amount of new homes that can be constructed on residential sites in Banff.

OTHER INFORMATION

Budget

In order to receive the funds from the Canadian Mortgage and Housing Corporation Housing Accelerator Fund, the Town must provide evidence of completing milestones that relate to the 5 key initiatives that were included in the submitted Housing Action Plan. Removing minimum parking requirements for residential development will meet achieve one of the noted milestones. In addition to meeting milestones related to the initiatives, funding is also directly related to the number of new dwellings that have been approved because of changes within a 3-year period.

Specific budget allocations for Housing are embedded in a number of service areas (see “Internal Resources”). There are no budget implications for Land Use Bylaw amendments.

Internal Resources

Housing as a Service Area is addressed in multiple departmental functions. The housing working team includes administrative staff from Community Services, Planning and Environment, Engineering, and Corporate Services. The recommendations would be predominantly administered through Planning and Environment, with the Communications department providing support and input as to the communication strategy relating to all proposed housing amendments.

Communication

A communication strategy is under development for all the proposed Bylaw amendments relating to housing. The public hearing required for Land Use Bylaw amendments will be advertised in the Rocky Mountain Outlook as well as through www.banff.ca and social media.

Banff Community Plan

Social

Housing goals:

- *To supply a mix of affordable housing options to ensure those working in Banff live in Banff.*
- *Ensure high standards for architecture, landscape architecture, environmental and urban design in residential development and redevelopment.*
- *Respect neighbourhood character that personifies and reinforces Banff's sense of place.*

Housing objectives:

- *Monitor and adjust the densities in residential areas to provide for a sufficient number of dwellings to satisfy the community need.*
- *Review guidelines for infill housing in high density residential neighborhoods.*
- *Continue to mandate the provision of required housing in all new commercial developments.*
- *Ensure new housing developments provide community amenities, public space and parks.*
- *Review guidelines for infill housing in high density residential neighborhoods.*

Character and heritage goal:

- *Ensure all new development and redevelopment incorporates the highest quality architecture, landscape architecture, environmental and urban design that is complimentary to its location and surrounding context.*

Council Strategic Priorities

Better Banff For Residents – Addressing affordability and Livability in Banff

Banff is vibrant and connected community with a mandate as a service centre for Banff National Park visitors. As we continue to welcome the world, we will focus on enhancing quality of life for those who call Banff home.

- *Create the conditions that will provide a mix of affordable housing options to ensure those working in Banff can live in Banff.*
- *Stimulate accessibility and affordability initiatives for residents.*

Legislation/Policy

Banff National Park of Canada Management Plan (2022)

Key Strategy 9: Park Communities: Housing for eligible residents is a challenge in both communities. While it is not anticipated that all of the housing requirements will be addressed within the two communities, providing affordable housing for eligible residents—supported by sustainable land use and transportation planning—will continue to be a priority.

7. Management Areas – 7.1 Town of Banff: Over the next decade, areas of attention for the Town of Banff include: achieving housing for eligible residents whose needs are not currently being met through the market;

Objective 7.1.1 – Targets: To ensure the available space and character of residential land use districts is maximized for use as housing by eligible residents:

- where commercial use (e.g. a bed and breakfast inn, eating and drinking establishment or service station) is the principal use of a site in a residential land use district, any increases in the gross floor area are prohibited, as is relocation, assignment or transfer of these commercial uses to another parcel not located in a commercial land use district;
- a maximum number of home occupation businesses that will be permitted (including bed and breakfast homes and bed and breakfast inns) in residential land use districts is established by the municipal government; and
- bed and breakfast inns that were not in operation and continuously licensed by Parks Canada for a period of not less than five consecutive years prior to January 2, 1990, are not permitted, nor are those that have had a cessation of 12 months or more in their operation and/or licensing.

ATTACHMENTS

Attachment 1: Proposed Bylaw 482 – A Bylaw to amend the Land Use Bylaw to Remove Minimum Residential Parking Requirements

Attachment 2: September 25, 2023, Governance and Finance Committee Report - Residential Parking Requirements

Circulation date: February 29, 2024

Submitted By: Dave Michaels
Manager, Planning Services

Reviewed By: Kelly Gibson
Town Manager

TOWN OF BANFF BYLAW 482

Being a Bylaw of the Town of Banff to Amend the Town of Banff Land Use Bylaw to Remove Minimum Residential Parking Requirements

NOW THEREFORE the Council of the Town of Banff, in the Province of Alberta,
duly assembled, ENACTS AS FOLLOWS:

1.0 CITATION

- 1.1 This bylaw may be cited as the Land Use Bylaw Amending Bylaw 482.

2.0 PROVISIONS

- 2.1 Town of Banff Land Use Bylaw, as amended, is hereby further amended by:

- 2.1.1 Amending Section 2.3.4 by deleting the following words in strikeout:

Hardsurfacing means a durable ground surface, constructed of cast-in-place concrete, brick or concrete unit pavers, turfstone, stone, asphalt, or similar materials, ~~and includes hard packed gravel in the CS District (but excluding clay).~~

- 2.1.2 Amending Section 8.13.0 by deleting in its entirety and replacing with the following:

8.13.0 Hardsurfacing of Parking and Loading Areas

- 8.13.1 Every off-street parking or loading space located in any non-residential district, and the access thereto, shall be finished with hardsurfacing.
- 8.13.2 Notwithstanding section 8.13.1, every off-street parking or loading space located in the CS: Commercial Services district, and the access thereto, shall be finished with hardsurfacing and may include hard packed gravel in areas outside of the front yard setback.
- 8.13.3 Every off-street parking or loading space located in any residential district, and the access thereto, shall be finished with hardsurfacing, except may be constructed of a permeable material subject to the approval of the Development Approving Authority.

- 2.1.3 Amending Section 8.16.1 by deleting in its entirety and replacing with the following:

8.16.1 Residential

- a. There is no minimum number of required parking stalls for any housing development. Where parking stalls are provided, they must conform to the requirements of this bylaw.
- b. Bed and Breakfast Homes require 1.0 parking stall per commercial accommodation unit.
- c. Bed and Breakfast Inns require 0.5 parking stalls per commercial accommodation unit.
- d. Home Occupations require 1.0 parking stall where the parking of a commercial vehicle is part of the approval of a home occupation type 2. At its discretion, the Municipal Planning Commission may require additional parking if it is deemed necessary given the nature of the home occupation.

- 2.1.4 Amending Section 8.16.11 by deleting the following words in strikeout:

Notwithstanding s.8.16.12, the Development Approving Authority may, at its discretion, accept payment in lieu of the required parking for commercial ~~and residential~~ uses in the CD District, and bus parking stalls within the CD, CA and PS Districts, at the rate established by Council.

- 2.1.5 Amending Section 8.16.15 by deleting the following words in strikeout:

Notwithstanding s.8.16.0 the Development Approving Authority may, at its discretion, allow the required off-street parking to be off-site for commercial ~~and residential~~ developments in the CD District and for bed and breakfast inns provided:

- a. it is located within 100 m for a commercial use and 50 m for a ~~residential use or~~ bed and breakfast inn as measured along the centreline of public roadways between the parking area and the development to which it is related; and

- b. a restrictive covenant or other legal agreement acceptable to the Development Approving Authority ensures that this parking remains available for the use of the development.

2.1.6 Amending Section 8.16.18 by deleting the following words in strikeout and inserting the following words in underline:

~~Where parking stalls for the disabled are required they shall be at least 3.7 m wide; have a firm, slip-resistant and level surface; be located close to an entrance meeting disabled accessibility standards; and be clearly marked as being for the use of disabled persons only. This marking should consist of the international symbol of disabled access and should include the words "Permit Required". Additionally, parallel parking stalls should be at least 7.0 m in length.~~

Vehicular access in residential districts is restricted to an abutting lane where a lane exists.

2.1.7 Amending Section 8.16.19 by deleting the following words in strikeout and inserting the following words in underline:

Aisles shall be designed to the satisfaction of the Director of Engineering a minimum of 7 m wide for 90 degree parking, 5.5 m wide for 60 degree parking, and 3.6 m wide for 45 degree parking (if one-way traffic).

2.1.8 Amending Section 8.16.25 by deleting it in its entirety.

2.1.9 Amending Section 8.16.26 by deleting the following words in strikeout:

Tandem parking is not permitted as part of the required parking ~~except for residential uses as noted.~~

2.1.10 Amending Section 8.16.27 by deleting the following words in strikeout and inserting the following words in underline:

A driveway shall not be wider than:

- a. 3.6 m for the first 2.0 m inside a property line abutting a public roadway other than a lane, for residential developments, where the driveway serves four or fewer dwelling units, except where the distance between the back of sidewalk, or back of curb where no sidewalk exists, is at least 2.0 m in depth, then the driveway shall be no wider than 3.6 m at a property line; except this may be increased at the discretion of the

Development Approving Authority when adequate landscape screening is provided; and,

~~6.0 m for the first 2.0 m inside a property line abutting a public roadway other than a lane for any residential development with greater than four dwelling units; and~~

- b. 6.0 m for the first ~~4.5~~ 2.0 m inside a property line abutting a public roadway other than a lane in all other cases.

2.1.11 Amending Section 10.1.1.h. by deleting it in its entirety.

3.0 SEVERABILITY

- 3.1 If any clause in this bylaw, including any part of any schedule, is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

4.0 ENACTMENT

- 4.1 This bylaw comes into force after the date of final passing, upon approval and execution by the Superintendent, Banff National Park, for the Minister of the Environment.
- 4.2 The Town Manager is authorized to consolidate Town of Banff Land Use Bylaw.

READ A FIRST TIME this 11 day of March, 2024.

Pursuant to the Municipal Government Act (Alberta), a PUBLIC HEARING was held this _____ day of _____ 2024.

READ A SECOND TIME this _____ day of _____ 2024.

READ A THIRD TIME this _____ day of _____ 2024.

SIGNED AND PASSED this _____ day of _____, 2024.

PROPOSED

Item #: 7.1
Attachment 1

Corrie DiManno
Mayor

Kelly Gibson
Town Manager

APPROVED by the Minister of the Environment, by his delegate this ____ day of _____, 2024:

Minister of the Environment/Delegate