

Rules to Retain in Land Use Bylaw 1P2007

The Zero-Based Review (ZBR) report suggests reviewing and, if appropriate, removing several rules from Land Use Bylaw 1P2007 (LUB). After reviewing the function and impact of these areas of the bylaw, Administration recommends retaining the rules related to outdoor speakers, air conditioning units, drainage, and the corner visibility triangle within the LUB. Details on these topics, and why they are being maintained in the LUB, are outlined below.

Outdoor Speakers

The LUB currently prohibits outdoor speakers on patios, in vehicle sales lots, and restricts outdoor speakers on drive throughs next to residential areas. These rules may be relaxed through a development permit. When outdoor speakers are allowed, they must also abide by the Community Standards Bylaw, which regulates noise related concerns across all districts based on maximum thresholds. If rules related to outdoor speakers were removed from the LUB the Community Standards Bylaw would allow outdoor speakers in all situations, as long as the maximum threshold for noise was not breached. The Community Standards Bylaw could be amended to prohibit outdoor speakers, but does not have a mechanism for flexibility in special circumstances. Administration recommends retaining the outdoor speaker rules in the LUB as this allows the two bylaws to work together to provide flexibility when warranted, and allows options for nuisance control.

Air Conditioning Units

The ZBR suggested removing air conditioning units if concerns are related only to noise, which is handled through the Community Standards Bylaw. Air Conditioning units were not present in the previous bylaw, Land Use Bylaw 2P80, and were added to Land Use Bylaw 1P2007 when the bylaw was adopted. In 2013 a notice of motion, NM2013-14, was issued regarding air conditioner noise, which was explored through two reports, PFC2014-0148 and PUD2014-0658, both titled *Air Conditioner Update*, which reviewed placement and noise related concerns. It was determined that the rules in the LUB, which allow a maximum projection of 1.0 metres into a side setback area, were appropriate. Furthermore, it was determined that the placement of air conditioning units in a side setback area was actually less bothersome than placement in the rear, which had greater impacts on the neighbouring parcel. The Community Standards Bylaw was amended at this time to better address the noise concerns. Administration feels that maintaining the maximum projection rules in the LUB allows for a balance between the placement of an air conditioning unit under the LUB, and the noise concerns handled under the Community Standards Bylaw to mitigate potential concerns.

Drainage from Accessory Residential Buildings

The ZBR report suggests removing drainage rules related to Accessory Residential Buildings in the low density residential districts. These rules prohibit drainage from an Accessory Residential Building from being discharged onto a neighbouring parcel. The LUB has similar rules for homes built along the property line. Drainage concerns are typically handled through the Drainage Bylaw, which is currently under review. Administration feels that it is best to maintain these rules in the Land Use Bylaw until such a time that the Drainage Bylaw review is complete.

Corner Visibility Triangle

The corner visibility triangle is a portion of corner lots where structures and plantings are limited to ensure that visibility is maintained for drivers, and is referenced by both the Calgary Traffic Bylaw, and the LUB. Section 348 in the low density residential districts notes that “buildings, fences, finished grade of a parcel and vegetation must not exceed the lowest elevation of the street by more than 0.75 metres.” This is in alignment with the Calgary Traffic Bylaw (26M96). The LUB also includes additional nuances for what is allowed within the corner visibility triangle for signs, multi-residential districts, centre city districts and the mixed use districts noting that “within a corner visibility triangle, building, fences, finished grade of a parcel and vegetation must not be located between 0.75 metres and 4.6 metres above the lowest elevation of the street” (Sections 348, 569, 1118, 136). Administration recommends retention of the corner visibility triangle rules within the LUB as the additional nuances provide options and alternatives for the design of buildings, while maintaining safety measures for drivers based on the corner visibility triangle.