

**MISCELLANEOUS - PROTECTIVE AND EMERGENCY USE AND
MANAGING LARGE VEHICLES IN COMMERCIAL USES
CITY WIDE
BYLAW 29P2016**

EXECUTIVE SUMMARY

This report proposes two minor housekeeping amendments to the Land Use Bylaw (LUB).

The first proposes to list “Protective and Emergency Service” as a permitted use in the Industrial – Commercial (I-C) District.

The second amends the way large vehicles are regulated in the commercial districts, proposing to use a maximum vehicle weight of 4536 kilograms instead of the definition of “large vehicle” to distinguish large vehicles from small vehicles in commercial uses.

PREVIOUS COUNCIL DIRECTION

None.

ADMINISTRATION RECOMMENDATION

2016 April 21

That Calgary Planning Commission recommends **APPROVAL** of the proposed amendments to the Land Use Bylaw (1P2007).

That Council hold a Public Hearing on Bylaw 29P2016; and

1. **ADOPT** the proposed amendments to the Land Use Bylaw (1P2007), in accordance with Administration’s recommendation; and
2. Give three readings to the proposed Bylaw 29P2016.

REASONS FOR RECOMMENDATION:

“Protective and Emergency Service” is listed in most districts except for some Industrial and Special districts. It was not initially listed in the Industrial – Commercial (I-C) District as there were very few I–C parcels and none accommodated this public function. With the passage of time and the increased industrial development that has occurred since 2007, there are now many more I–C parcels in Calgary, most of which are located along major roads on the perimeters of industrial areas. Some of these parcels may provide future opportunities to accommodate these critical public services.

An amendment was made to the LUB in 2013 regarding how large vehicles are regulated in commercial districts, in an effort to simplify and standardise the use of definitions and language. This amendment involved using the definition of “large vehicle” to replace a specified maximum weight of a vehicle, as the method of limiting large vehicles in many low intensity commercial

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businesses, such as vehicle rental and auto repair shops. These businesses are often found in neighbourhoods, close to residential uses. However, the definition of “large vehicle” was originally written to regulate large vehicles in residential districts, and not originally intended to manage them in commercial districts. The definition of “large vehicle” includes vehicles such as cube vans that need to be allowed in commercial uses such as “Vehicle Rental – Minor” and “Auto Service – Minor”, as they provide an important and valuable service to communities. For example, people often need to rent a cube van to move their home from one location to another. It is reasonable to allow cube vans to be rented from businesses located on small commercial parcels. The amendment proposes to revert to the previous method of managing large vehicles in some commercial uses by referring to gross vehicle weight instead of the definition of “large vehicle”.

ATTACHMENT

1. Proposed Bylaw 29P2016

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ADMINISTRATION RECOMMENDATION TO CALGARY PLANNING COMMISSION

Recommend that Council **ADOPT**, by bylaw, the proposed amendments to Land Use Bylaw 1P2007 (APPENDIX I).

Moved by: S. Keating

Carried: 9 – 0

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REGULATORY DISCUSSION

PROTECTIVE AND EMERGENCY SERVICE

The “Protective and Emergency Service” use definition accommodates police, fire and emergency medical service uses. These uses are accommodated in most districts in the city with the exception of a few Industrial and Special districts. It is a permitted use.

“Protective and Emergency Service” was originally not listed in the Industrial Commercial (I-C) District as there were few parcels with this designation and none located in the I-C district.

There are now many more I-C district parcels in the city, located along major roads on the perimeters of industrial areas, some of which may provide future opportunities to accommodate an important public function. Accordingly, Administration recommends listing Protective and Emergency Service in the I-C district.

MANAGING LARGE VEHICLES IN COMMERCIAL USES

From 2007 until 2013 large vehicles in a number of commercial uses were managed by limiting the “gross vehicle weight” of the vehicles allowed on these parcels. The maximum “gross vehicle weight” allowed for these uses was 4500 kilograms, roughly equivalent to 10,000 pounds, which is the weight above which a vehicle is no longer a standard passenger car, light truck or van, and becomes a heavy or commercial vehicle that may require a commercial license to be operated. A “gross vehicle weight” rating of over 10,000 pounds in the United States is deemed to be a commercial vehicle by the United States Department of Transportation.

In 2013 an effort was made to simplify the language in the LUB by using the definition of “large vehicle” to limit the use of large commercial vehicles in some commercial uses instead of using a “gross vehicle weight” limit of 4,500 kilograms.

However, the definition of “large vehicle” also includes any vehicle that is a cube van or flatbed truck. These vehicles have been traditionally associated with various commercial uses throughout the city for many years, including “Vehicle rental – Minor”, “Auto Service – Minor/Major” and “Vehicle sales – Minor / Major”.

Administration recommends returning to the use of a “gross vehicle weight” maximum to regulate the presence of large vehicles in various light commercial uses, as the amendments in 2013 were not intended to exclude these vehicles.

Accordingly, Administration recommends amending the definition of the following uses and returning to the pre-2013 method of managing large vehicles based on their gross vehicle weight:

1. Auto Service – Major;

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2. Auto Service – Minor;
3. Bulk Fuel Sales Depot;
4. Car Wash – Multi Vehicle;
5. Car Wash – Single Vehicle;
6. Large Vehicle Service;
7. Large Vehicle Wash;
8. Vehicle Rental – Minor;
9. Vehicle Sales – Major;
10. Vehicle Sales – Minor;
11. Vehicle Storage – Large; and
12. Vehicle Storage – Passenger.

Canada and the United States share many vehicle standards due to our integrated economies and shared transportation systems. A more exact conversion of a vehicle with a “gross vehicle weight” of 10,000 pounds is 4536 kilograms. Administration recommends using a 4536 kilogram limit instead of the previous 4500 kilogram limit.

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APPENDIX I

PROPOSED AMENDMENTS TO LAND USE BYLAW 1P2007

- (a) Add a new subsection (q.1) to section 954(2):
“(q.1) **Protective and Emergency Service;**”
- (b) Delete and replace the wording in subsection 150(a)(i) with:
“(a)(i) where motor vehicles with a **gross vehicle weight** equal to or less than 4536 kilograms are serviced and repaired in a **building**; and”
- (c) Delete and replace the wording in subsection 151(a)(i) with:
“(a)(i) where motor vehicles with a **gross vehicle weight** equal to or less than 4536 kilograms are serviced and repaired in a **building**; and”
- (d) Delete and replace the wording in subsection 159(a)(ii) with:
“(a)(ii) where the vehicles receiving fuel have a **gross vehicle weight** greater than 4536 kilograms;”
- (e) Delete and replace the wording in subsection 161(a)(i) with:
“(a)(i) where motor vehicles with a **gross vehicle weight** equal to or less than 4536 kilograms are washed; and”
- (f) Delete and replace the wording in subsection 162(a)(i) with:
“(a)(i) where motor vehicles with a **gross vehicle weight** equal to or less than 4536 kilograms are washed; and”
- (g) Delete and replace the wording in subsection 222(a) with
“(a) means a **use** where vehicles with a **gross vehicle weight** greater than 4536 kilograms undergo maintenance and repair;”
- (h) Delete and replace the wording in subsection 223(a) with
“(a) means a **use** where vehicles with a **gross vehicle weight** greater than 4536 kilograms are washed;”

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- (i) Delete and replace the wording in subsection 324(a)(ii) with
“(a)(ii) where the **gross vehicle weight** of the vehicles rented is equal to or less than 4536 kilograms; and”
- (j) Delete and replace the wording in subsection 325(a)(ii) with
“(a)(ii) where six (6) or more vehicles, each with a **gross vehicle weight** equal to or less than 4536 kilograms, are available for sale or lease; and”
- (k) Delete and replace the wording in subsection 326(a)(ii) with
“(a)(ii) where no more than five (5) vehicles, each with a **gross vehicle weight** equal to or less than 4536 kilograms, are available for sale or lease;”
- (l) Delete and replace the wording in subsection 327(a)(i) with
“(a)(i) where motor vehicles with a **gross vehicle weight** greater than 4536 kilograms are stored when they are not in use;”
- (m) Delete and replace the wording in subsection 328(a)(i) with
“(a)(i) where motor vehicles with a **gross vehicle weight** of 4536 kilograms or less are stored when they are not in use;”