

MISCELLANEOUS  
CITY WIDE  
BYLAW 40P2015

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**EXECUTIVE SUMMARY**

This report proposes amendments to the rules in the Land Use Bylaw regarding low density residential window wells. These amendments are proposed to reflect the impending changes to the Alberta Building Code.

**PREVIOUS COUNCIL DIRECTION**

None

**ADMINISTRATION RECOMMENDATION(S)**

2015 September 24

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

**RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION**

That Council hold a Public Hearing on Bylaw 40P2015; and

1. **ADOPT** the proposed amendments to Land Use Bylaw (1P2007), in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 40P2015.

**REASON(S) FOR RECOMMENDATION:**

The Alberta Building Code will be changing as of 2015 November 01. The impending changes to the Alberta Building Code will result in an inconsistency whereby the Alberta Building Code will require, at minimum, a 0.76 metres clearance from window to window well to provide a safe means of egress, but Bylaw 1P2007 would only allow window wells to project a maximum of 0.6 metres into the side yard. Projections are regulated in 1P2007 for a variety of reasons: to limit the overall massing of a structure, to ensure appropriate clearance necessary for maintenance, and to ensure that there can be unencumbered passage between the front and rear of a building. As window wells were perceived as being a common obstruction, when 1P2007 was drafted, they were listed as a projection and limited to a maximum of 0.6 metres in width. Although they would not affect the massing of the structure, window wells have the potential to obstruct passage between the front and rear of a building.

In Low Density Residential districts Administration recommends increasing the projection limit to 0.8 metres for window wells in the side yard, while maintaining the rule that at least one side yard must remain free of projections. Maintaining the rule that at least one side yard be free of any projections would continue to ensure that buildings will be designed in a manner which would allow unencumbered passage between the front and rear yards in Low Density Residential Districts.

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Administration also recommends allowing window wells to project up to 0.8 metres into setback areas in Multi-Residential Districts. Bylaw 1P2007 currently makes provisions for projections into the side yard which are necessary to provide access to a building; Examples include stairs, ramps and landings. As window wells can be seen as serving a similar purpose: providing egress to basement bedrooms, it would be prudent to regulate them in a similar manner to these projections

These proposed amendments would ensure that window wells are regulated in much the same manner as other projections which are intended to provide access to a building. Further, the amendments would eliminate the potential inconsistency in legislation between 1P2007 and the Alberta Building Code.

**ATTACHMENT**

1. Proposed Bylaw 40P2015

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**ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION**

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

**Moved by: R. Wright**

**Carried: 7 – 0**

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APPENDIX I

DESCRIPTION OF PROPOSED AMENDMENTS TO LAND USE BYLAW 1P2007

Item No.	Section	Current Text	Recommended Change
Amendments to address the impending changes to the Alberta Building Code requiring larger window wells for basement bedrooms to ensure adequate size for safe egress from the building.			
1.	337(1.2)	<b>(1.2)</b> Portions of a <b>building</b> less than 2.4 metres above <b>grade</b> and window wells may project a maximum of 0.6 metres into a <b>side setback area</b> : (a) for a <b>Contextual Semi-detached Dwelling</b> and a <b>Semidetached Dwelling</b> , only where the <b>side setback area</b> is on the <b>street</b> side of a <b>corner parcel</b> ; and (b) for all other <b>uses</b> : (i) when located on a <b>corner parcel</b> ; or (ii) where at least one <b>side setback area</b> is clear of all central air conditioning equipment, window wells and portions of the <b>building</b> measured from <b>grade</b> to a height of 2.4 metres.	<b>(1.2)</b> Portions of a <b>building</b> less than 2.4 metres above <b>grade</b> may project a maximum of 0.6 metres, and window wells may project a maximum of 0.8 metres, into a <b>side setback area</b> : (a) for a <b>Contextual Semi-detached Dwelling</b> and a <b>Semidetached Dwelling</b> , only where the <b>side setback area</b> is on the <b>street</b> side of a <b>corner parcel</b> ; and (b) for all other <b>uses</b> : (i) when located on a <b>corner parcel</b> ; or (ii) where at least one <b>side setback area</b> is clear of all central air conditioning equipment, window wells and portions of the <b>building</b> measured from <b>grade</b> to a height of 2.4 metres.
2.	549(5)	<b>(5)</b> Eaves and window wells may project a maximum of 0.6 metres into any <b>setback area</b> .	<b>(5)</b> Eaves may project a maximum of 0.6 metres, and window wells may project a maximum of 0.8 metres, into any <b>setback area</b> .
3.	1099(5)	<b>(5)</b> Eaves and window wells may project a maximum of 0.6 metres into any <b>setback area</b> .	<b>(5)</b> Eaves may project a maximum of 0.6 metres, and window wells may project a maximum of 0.8 metres, into any <b>setback area</b> .
4.	1146(5)	<b>(5)</b> Eaves and window wells may project a maximum of 0.6 metres into any <b>setback area</b> .	<b>(5)</b> Eaves may project a maximum of 0.6 metres, and window wells may project a maximum of 0.8 metres, into any <b>setback area</b> .

**APPENDIX II**

**PROPOSED AMENDMENTS TO LAND USE BYLAW 1P2007**

- (a) In Section 337 delete subsection (1.2) in its entirety and replace with the following:
- “(1.2) Portions of a **building** less than 2.4 metres above **grade** may project a maximum of 0.6 metres, and window wells may project a maximum of 0.8 metres, into a **side setback area**.”
- (b) In Section 549 delete subsection (5) in its entirety and replace with the following:
- “(5) Eaves may project a maximum of 0.6 metres, and window wells may project a maximum of 0.8 metres, into any **setback area**.”
- (c) In Section 1099 delete subsection (5) in its entirety and replace with the following:
- “(5) Eaves may project a maximum of 0.6 metres, and window wells may project a maximum of 0.8 metres, into any **setback area**.”
- (d) In Section 1146 delete subsection (5) in its entirety and replace with the following:
- “(5) Eaves may project a maximum of 0.6 metres, and window wells may project a maximum of 0.8 metres, into any **setback area**.”