

# THE CITY OF CALGARY LAND USE BYLAW 1P2007

## OFFICE CONSOLIDATION

### BYLAWS AMENDING THE TEXT OF BYLAW 1P2007

11P2008	June 1, 2008	34P2010	August 19, 2010	40P2015	November 9, 2015
13P2008	June 1, 2008	39P2010	November 22, 2010	43P2015	November 9, 2015
15P2008	June 1, 2008	7P2011	January 10, 2011	45P2015	December 8, 2015
47P2008	June 1, 2008	13P2011	February 7, 2011	15P2016	April 22, 2016
48P2008	June 1, 2008	21P2011	June 20, 2011	22P2016	May 2, 2016
49P2008	June 1, 2008	24P2011	June 27, 2011	23P2016	May 24, 2016
50P2008	June 1, 2008	27P2011	July 1, 2011	27P2016	June 13, 2016
53P2008	June 1, 2008	30P2011	July 25, 2011	29P2016	June 13, 2016
54P2008	May 12, 2008	31P2011	September 12, 2011	28P2016	June 14, 2016
57P2008	June 9, 2008	33P2011	September 19, 2011	43P2016	November 21, 2016
67P2008	October 1, 2008	35P2011	December 5, 2011	4P2017	January 23, 2017
68P2008	October 6, 2008	36P2011	December 5, 2011	5P2017	February 13, 2017
71P2008	December 22, 2008	4P2012	January 10, 2012	13P2017	March 27, 2017
51P2008	January 4, 2009	2P2012	February 6, 2012	20P2017	May 1, 2017
75P2008	January 4, 2009	9P2012	April 23, 2012	29P2017	June 26, 2017
1P2009	January 26, 2009	12P2012	May 7, 2012	30P2017	June 26, 2017
10P2009	April 21, 2009	30P2012	November 5, 2012	37P2017	August 2, 2017
17P2009	June 1, 2009	32P2012	December 3, 2012	49P2017	September 12, 2017
28P2009	July 13, 2009	4P2013	March 1, 2013	50P2017	September 25, 2017
31P2009	September 14, 2009	5P2013	March 25, 2013	56P2017	September 25, 2017
41P2009	October 13, 2009	38P2013	September 2, 2013	24P2018	March 13, 2018
32P2009	December 14, 2009	44P2013	December 2, 2013	13P2018	April 2, 2018
46P2009	December 14, 2009	7P2014	April 14, 2014	16P2018	April 2, 2018
38P2009	December 15, 2009	33P2013	June 9, 2014	18P2017	April 2, 2018
3P2010	March 1, 2010	13P2014	June 9, 2014	17P2018	April 10, 2018
11P2010	April 19, 2010	15P2014	June 9, 2014	25P2018	April 24, 2018
14P2010	May 17, 2010	11P2014	June 19, 2014	39P2018	June 11, 2018
26P2010	May 17, 2010	24P2014	October 27, 2014	40P2018	June 25, 2018
12P2010	June 7, 2010	37P2014	December 22, 2014	51P2018	August 6, 2018
19P2010	June 7, 2010	5P2015	March 9, 2015	52P2018	August 7, 2018
23P2010	June 7, 2010	13P2015	May 13, 2015		
32P2010	July 26, 2010	26P2015	September 1, 2015		

#### NOTE:

Amending Bylaw numbers are located in the text of this document to identify that a change has occurred in a Section, Subsection or Clause. Amending Bylaws should be consulted for detailed information. Where the amendment corrected spelling, punctuation or type face, the amending bylaw number has not been noted in the document.

This document is consolidated for convenience only. The official Bylaw and all amendments thereto are available from the City Clerk and should be consulted in interpreting and applying this Bylaw.

Printed by the City Clerk by authority of City Council.

**Land Use Planning in the Province of Alberta is regulated by the Municipal Government Act, Part 17, which contains the following purpose statement:**

*The purpose of this Part and the regulations and bylaws under this Part is to provide means whereby plans and related matters may be prepared and adopted*

*(a) to achieve the orderly, economical and beneficial development, use of land and patterns of human settlement, and*

*(b) to maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta,*

*without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest.*

**TITLE:** THE CALGARY LAND USE BYLAW 1P2007

**AUTHOR:** LAND USE BYLAW SUSTAINMENT TEAM,  
DEVELOPMENT & BUILDING APPROVALS,  
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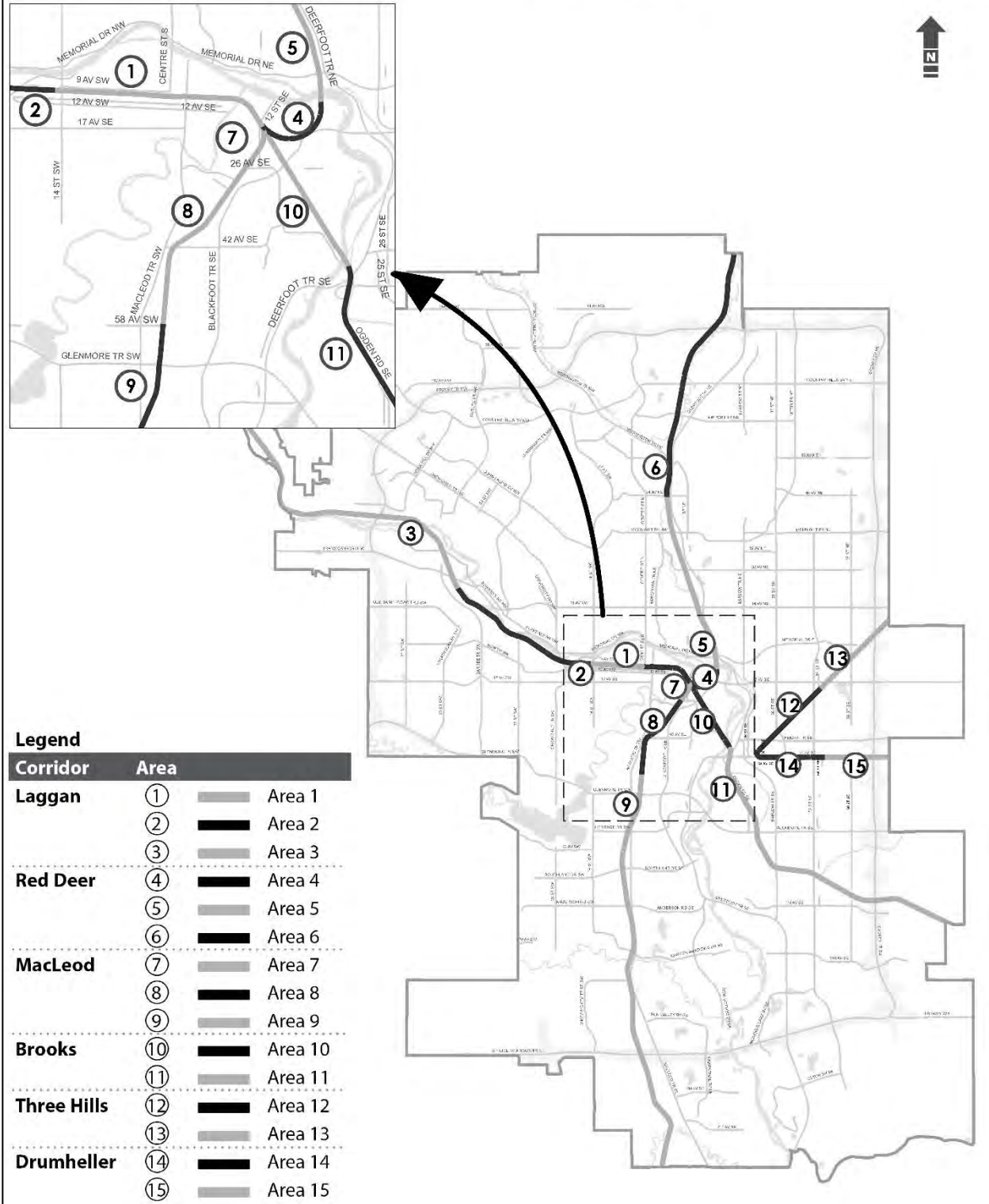
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- (52) “**development**” means:
- (a) an excavation or stockpile and the creation of either of them;
  - (b) a **building** or an addition to or replacement or repair of a **building**, and the construction or placing of any of them on, in, over or under land;
  - (c) a change of **use** of land or a **building** or an act done in relation to land or a **building** that results in or is likely to result in a change in the **use** of the land or **building**; or
  - (d) a change in the intensity of **use** of land or a **building** or an act done in relation to land or a **building** that results in or is likely to result in a change in the intensity of **use** of the land or **building**.
- (53) “**Development Authority**” means a person or body appointed as a **Development Authority** as contemplated by and in accordance with the *Municipal Government Act*.
- (54) “**development completion permit**” means a permit issued by a **Development Authority** confirming that the requirements of a **development permit** have been satisfactorily completed.
- (55) “**development permit**” means a document authorizing a **development**, issued by a **Development Authority** pursuant to this Bylaw or any previous Bylaw governing land use within the **City**, and includes the plans and conditions of approval.
- (55.1) “**digital display**” means a device intended to display **copy** using electronic screens, projection, television, computer video monitors, liquid crystal displays (LCD), light emitting diode (LED) displays, or any other similar electronic, computer generated or digital technology. 30P2011
- (56) “**dilapidated vehicle**” means a vehicle that is:
- (a) incapable of being safely operated;
  - (b) partially or fully dismantled; or
  - (c) substantially damaged.
- (57) “**discretionary use**” means a **use** of land or a **building** that is listed as such **use** in a land use district or a Direct Control District Bylaw.
- (57.1) “**district energy**” means infrastructure consisting of insulated pipes, pumps, metering systems and thermal production facilities capable of transferring heat energy through a controlled conductive medium carried between multiple sites for uses including, but not limited to, space heating, chilled water, domestic hot water heating and industrial processes, A **district energy** system may be designed to serve any group of **buildings** by means of one or a combination of thermal or energy heat plants and pipe systems. 26P2010, 33P2013

- 26P2010, 33P2013,  
13P2017
- (57.2) *deleted*
- 33P2013, 13P2017
- (57.3) *deleted*
- (58) “**eaveline**” means the line formed by the intersection of the wall and roof of a **building**.
- 9P2012
- (59) “**expressway**” means a **street** identified as a Skeletal Road in the Transportation Bylaw.
- (60) “**fence**” means a structure which may be used to prevent or restrict passage, to provide visual **screening**, sound attenuation, yard décor, protection from dust or the elements, or to mark a boundary.
- (61) “**flood fringe**” means those lands abutting the **floodway**, the boundaries of which are indicated on the Floodway/Flood Fringe Maps that would be inundated by floodwaters of a magnitude likely to occur once in one hundred years.
- (62) “**floodway**” means the river channel and adjoining lands indicated on the Floodway/Flood Fringe Maps that would provide the pathway for flood waters in the event of a flood of a magnitude likely to occur once in one hundred years.
- (63) “**floor area ratio**” means the quotient of the total **gross floor area** of all **buildings** on a **parcel** divided by the area of the **parcel**.
- 51P2008
- (63.1) “**floor plate area**” means the horizontal cross-section of a floor, between the floor and the next floor above, measured to the glass line, or where there is no glass line, to the outside surface of the exterior walls and includes all mechanical equipment areas and all open areas inside a **building** that do not contain a floor, including atriums, elevator shafts, stairwells and similar areas.
- 51P2018
- (63.2) “**freight rail corridor**” means one of the following fifteen rights-of-way for a freight rail operation excluding spur lines, as indicated, by area, on Map 3.1:
- (a) Area 1: means areas between Centre Street S and 15 St SW;
  - (b) Area 2: means areas between 15 Street SW and south of 16 Avenue NW;
  - (c) Area 3: means areas between south of 16 Avenue NW and west to the City limits;
  - (d) Area 4: means areas between east of 12 Street SE and south of Bow River;
  - (e) Area 5: means areas between south of Bow River and 64 Avenue NE;
  - (f) Area 6: means areas between 64 Avenue NE and north to the city limits;
  - (g) Area 7: means areas between 12 Street SE underpass and 26 Avenue SE;

Map 3.1 - Freight Rail Corridors



- (h) Area 8: means areas between 26 Avenue SE and 58 Avenue SE;
- (i) Area 9: means areas between 58 Avenue SE and south to the city limits;
- (j) Area 10: means areas between Centre Street S and Deerfoot Trail;
- (k) Area 11: means areas between Deerfoot Trail and southeast to the city limits;
- (l) Area 12: means areas between 50 Avenue SE and east of 54 Street SE;
- (m) Area 13: means areas between east of 54 Street SE and northeast to the city limits;
- (n) Area 14: means areas between the at-grade crossing on 50 Avenue SE and east of 52 Street SE; and
- (o) Area 15: means areas between east of 50 Avenue SE and east to the city limits.

**(64)** “**frequent bus service**” means bus service which has a frequency of at least one bus every 20 minutes on weekdays from 6:30 AM to 6:00 PM and a frequency of at least one bus every 30 minutes on weekday evenings from 6:00 PM to the end of service and on weekends during the times of service.

35P2011

**(65)** “**frontage**” means the linear length of a **property line** shared with a **street**.

**(66)** “**front property line**” means:

- (a) the **property line** separating a **parcel** from an adjoining **street**;
- (b) in the case of a **parcel** that adjoins more than one **street**, the shortest **property line** that is parallel to the direction of travel on the **street**; and
- (c) in the case of a **parcel** that adjoins more than one **street** and where the **property lines** adjoining **streets** are of equal length, the **property line** adjoining the **street** to which the **parcel** has been municipally addressed.

71P2008



## (xiv) Meridian 5 Range 2 Township 25 Section 5

That portion of the North East Quarter which lies to the north of the parcel on Plan 53/28 and to the east of the transmission line right of way on Plan 79JK, containing 30.9 hectares (76.16 acres) more or less excepting thereout:

Plan	Number	Hectares	(Acres) More or Less
Subdivision	8110054	7.60	18.78
Subdivision	0110288	1.579	3.90
Subdivision	0310801	3.261	8.06
Subdivision	0311537	0.0002	0.0004
Subdivision	0313145	9.648	23.83
Road	0410951	1.247	3.08
Road	0411502	0.277	0.68
Subdivision	0512903	4.677	11.56

## (xv) Meridian 5 Range 2 Township 25 Section 5

That portion of the North West Quarter which lies to the North of the parcel on Plan 53/28 and to the east of the transmission line right of way on Plan 79JK, containing 20.9 hectares (51.67 acres) more or less excepting thereout:

	Hectares	(Acres) More or Less
A) Plan 0110288 subdivision	4.020	9.93

(xvi) Lot 35 through 40 Block 90 Plan 0614543;

(xvii) Lot 59 through 99 Block 90 Plan 0614543; and

(xviii) Lots 2 through 4 Block 6 Plan 8910893

any of which may be further subdivided from time to time.

**25.1** The following **developments** do not require a **development permit**:

1P2009

(a) **Public Transit System;**(a.1) temporary structures affiliated with a **City** approved street festival;

4P2012

(a.2) any activity and associated structures granted a permit through the Parks and Pathways Bylaw;

4P2012, 32P2012

(b) **Utilities – Linear;**

- 32P2012 (c) **developments** as defined in section 8(2) of Bylaw 2P80 that comply with the rules of The City of Calgary Land Use Bylaw 2P80, that have commenced or for which an application for a permit pursuant to the Building Permit Bylaw was received prior to June 1, 2008;
- 32P2012, 11P2014 (d) **developments** as defined in section 7 of the Municipal District of Rocky View No. 44 Land Use Bylaw, Bylaw C-4841-97, that have commenced and comply with the rules of the Municipal District of Rockyview or for which an application for a permit pursuant to the Building Permit Bylaw was received prior to June 1, 2008, and which are located in the lands annexed from the Municipal District of Rocky View No. 44 to the City of Calgary as described in APPENDIX A of Order in Council 333/2007;
- 32P2012, 11P2014, 37P2017 (e) **developments** as defined in Section 8(2) of Part 10, that comply with the rules of Part 10 and have commenced or for which an application for a permit pursuant to the Building Permit Bylaw was received prior to designation of the parcel under another part of this bylaw;
- 11P2014, 37P2017 (f) **developments** located in the **floodway**, which are being conducted by, or on behalf of, the **City** for the purpose of erosion control, where the primary purpose is to protect public infrastructure; and
- 37P2017 (g) **targeted grazing** on **City** owned lands carried on by, or on behalf of, the **City**.
- 30P2017 **25.2 (1)** Unless otherwise stated in subsections (4) and (5), the following **developments** do not require a **development permit** if the conditions of section 24 are met:
- (a) An addition to a **building** where:
- (i) it is located within the “Centre City Enterprise Area” as illustrated on Map 2.1;
- (ii) it is not listed on the **City** inventory of potential heritage sites; and
- (iii) the addition does not increase the **gross floor area** of the **building** by more than 1000.0 square metres.
- 52P2018 **(2)** Unless otherwise stated in subsections (4) and (5), a change of **use** for a **building** or portion of a **building** does not require a **development permit** if:
- (a) it is located within the “Centre City Enterprise Area” as illustrated on Map 2.1; and
- (b) it is a listed **use** in the district.

## Division 4: Permitted Use Development Permit

### Permitted Uses That Meet All Requirements

- 28 (1) Where a **development permit** application is for a **permitted use** in a **building** or on a **parcel** and the proposed **development** conforms to all of the applicable requirements and rules of this Bylaw, the **Development Authority** must approve the application and issue the **development permit**.
- (2) The **Development Authority** may, as a condition of issuing a **development permit** for a **permitted use**, require the applicant to construct or pay for the construction of the following that are necessary to serve the **development**:
- (a) public utilities, other than telecommunications systems or works; and
  - (b) vehicular and pedestrian access.
- (3) The **Development Authority** may, as a condition of issuing a **development permit** for a **permitted use**, impose conditions in respect of the following matters: 44P2013
- (a) an environmental site assessment; and
  - (b) phasing of the **development**.
- (4) The **Development Authority** may, as a condition of issuing a **development permit** for a **permitted use**, require the applicant to enter into an agreement with the **City** to do any or all of the following:
- (a) to construct or pay for the construction of a public thoroughfare required to give access to the **development**;
  - (b) to construct or pay for the construction of:
    - (i) a pedestrian walkway system to serve the **development**; or
    - (ii) pedestrian walkways to connect the pedestrian walkway system serving the **development** with a pedestrian walkway system that serves or is proposed to serve an **adjacent development**; or
    - (iii) both (i) and (ii);
  - (c) to install or pay for installation of public utilities, other than telecommunications systems or works, that are necessary to serve the **development**;
  - (d) to construct or pay for the construction of:
    - (i) off-street or other parking facilities; and
    - (ii) loading and unloading facilities.

- (e) to pay an off-site levy or redevelopment levy; and
- (f) to give security to ensure that the terms of the agreement under this section are carried out.

5P2013 (5) Where a **development** is located in the **floodway, flood fringe** or **overland flow** area, the **Development Authority** may, as a condition of issuing the **development permit**, require **building** or site design measures to mitigate the potential impact or obstruction of floodwaters.

5P2013 (6) Where a **development permit** application for a **permitted use** does not show that the **development** conforms to all of the applicable requirements and rules of this Bylaw, the **Development Authority** may, as a condition of issuing the **development permit**, require that the applicant amend specific elements of the plans to conform with the applicable requirements.

51P2018 (6.1) The **Development Authority** may, as a condition of issuing a **development permit** for a **permitted use** on a **parcel adjacent** to a **freight rail corridor**:

- (a) require additional information as necessary to mitigate the impact of a potential train derailment and noise impact associated with freight rail operations; and
- (b) require the mitigations identified in subsection (a) to be incorporated into the **development** for the life of the **development**.

5P2013 (7) The **Development Authority** may require the fulfillment of the conditions referred to in this section before releasing the **development permit**.

#### Notification of Decision for Permitted Use Application

- 29 (1) After approving a **development permit** application for a **permitted use**, the **Development Authority** must endorse the **development permit** as of the date of the decision.
- (2) When a **development permit** application for a **permitted use** is refused, the applicant must be given written notification of the decision and the reasons for it.

#### Permitted Uses That Do Not Meet All Requirements

- 30 Where a **development permit** application is for a **permitted use** in a **building** or on a **parcel** and the proposed **development** does not conform to all of the applicable requirements and rules of this Bylaw, the **Development Authority** may:
- (a) refuse to approve the **development permit** application; or
  - (b) approve the **development permit** application and grant a relaxation of the requirement or rule to which the proposed **use** does not conform.

### Test for a Relaxation

- 31** The **Development Authority** may approve a **development permit** application for a **permitted use** where the proposed **development** does not comply with all of the applicable requirements and rules of this Bylaw if, in the opinion of the **Development Authority**:
- (a) the proposed **development** would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties; and
  - (b) the proposed **development** conforms with a **use** prescribed by this Bylaw for that land or **building**.

### Use Area Relaxation

- 32** Where the **Development Authority** is considering an application for a relaxation of a **use area** restriction, the **Development Authority** must consider the test in section 31 of this Part and:
- (a) the purpose of the District;
  - (b) whether granting the relaxation would make the proposed **development** incompatible with existing **developments** or **uses**;
  - (c) proximity of the proposed **development** to **residential districts**; and
  - (d) sound planning principles.

### Conditions

- 33** The **Development Authority** may, as a condition of approving a **development permit** for a **permitted use** that does not comply with all of the applicable requirements and rules of this Bylaw:
- (a) impose the conditions referenced in section 28 of this part; and
  - (b) require the applicant to conform to a higher standard than required by the applicable rules if, in the opinion of the **Development Authority**, conformance to a higher standard will off-set any impact of granting the relaxation.

5P2013

### Notification of Decision

- 34** (1) After approving a **development permit** application for a **permitted use** that does not comply with all of the applicable requirements and rules of this Bylaw, the **Development Authority** must:
- (a) publish, in a local newspaper, a notice stating the location and **use** of the **parcel** for which the application has been approved; and
  - (b) endorse the **development permit** as of the date of the decision, but must not release the permit to the applicant:

54P2008, 16P2018

- (i) before the 21 day appeal period referred to in the *Municipal Government Act* has expired; or
  - (ii) in the case of an appeal to the Subdivision and Development Appeal Board, until such time as the appeal has been fully dealt with by the Subdivision and Development Appeal Board, or the Alberta Court of Appeal in the case of an appeal or leave to appeal of a decision of the Subdivision and Development Appeal Board, or the appeal has been withdrawn or abandoned.
- (2) After refusing a **development permit** application for a **permitted use** that does not comply with all of the applicable requirements and rules of this Bylaw, the **Development Authority** must provide written notification of the decision and the reasons for it to the applicant.

- (iii) both (i) and (ii).
  - (c) to install or pay for installation of public utilities, other than telecommunications systems or works, that are necessary to serve the **development**;
  - (d) to construct or pay for the construction of:
    - (i) off-street or other parking facilities; and
    - (ii) loading and unloading facilities.
  - (e) to pay an off-site levy or redevelopment levy; and
  - (f) to give security to ensure that the terms of the agreement under this section are carried out.
- (3) The **Development Authority** may, as a condition of issuing of a **development permit** for a **discretionary use** on a **parcel adjacent to a freight rail corridor**.
- (a) require additional information as necessary to mitigate the impact of a potential train derailment and noise impact associated with freight rail operations; and
  - (b) require the mitigation identified in subsection (a) to be incorporated into the **development** for the life of the **development**.

51P2018

### Notification of Decision for Discretionary Use Application

- 39 (1) After approving a **development permit** application for a **discretionary use**, the **Development Authority** must:
- (a) Publish, in a local newspaper, a notice stating the location and **use** of the **parcel** for which the application has been approved; and
  - (b) endorse the **development permit** as of the date of the decision, but must not release the permit to the applicant:
    - (i) before the 21 day appeal period referred to in the *Municipal Government Act* has expired; or
    - (ii) in the case of an appeal to the Subdivision and Development Appeal Board, until such time as the appeal has been fully dealt with by the Subdivision and Development Appeal Board, or the Alberta Court of Appeal in the case of an appeal or leave to appeal of a decision of the Subdivision and Development Appeal Board, or the appeal has been withdrawn or abandoned.
- (2) After refusing an application for a **development permit** application for a **discretionary use**, whether or not it complies with all of the rules of this Bylaw, the **Development Authority** must provide written notification of the decision and the reasons for it to the applicant.

16P2018

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