

THE CITY OF CALGARY

LAND USE BYLAW 1P2007

OFFICE CONSOLIDATION

BYLAWS AMENDING THE TEXT OF BYLAW 1P2007

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

PUBLISHING INFORMATION

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Division 6: General Provisions Relating to Development Permits

Applications the Development Authority Must Refuse

- 40 The **Development Authority** must refuse a **development permit** application when the proposed **development**:
- (a) is for a **use** that is not listed as either a **permitted** or **discretionary use** in the governing land use district;
 - (b) is for a **use** containing a restriction in its definition that is not met by the proposed **use**;
 - (c) exceeds any of the following requirements where they are specified on a Land Use District Map:
 - (i) maximum **floor area ratio**; and
 - (ii) maximum **units** per hectare;
 - (c.1) exceeds the maximum **building height** when specified on a Land Use District Map except where portions of the **building** exceed the maximum **building height** due to:
 - (i) **grade** variations within the **parcel**;
 - (ii) design elements of the **building** that extend above the **eaveline** where there is no usable floor area associated with the element;
 - (d) does not meet the minimum area requirement to accommodate **commercial multi-residential uses** in the M-X1 and M-X2 Districts unless the **parcel** is located in the **Developing Area** and was designated M-X1 or M-X2 prior to 2010 November 25;
 - (e) is for either a **Contextual Semi-detached Dwelling**, **Contextual Single Detached Dwelling** or a **Multi-Residential Development – Minor**, and does not comply with all of the requirements and rules of this Bylaw;
 - (f) is for any **sign** containing a **digital display** that would display **copy** shown on the **digital display** using full motion video, or otherwise gives the appearance of animation or movement;
 - (g) is not adequately serviced by infrastructure referenced in Section 129.1; or
 - (h) is for a **Liquor Store**:
 - (i) other than the expansion or alteration of an existing approved **Liquor Store** or renewal of approval of a previously approved **development permit** for a **Liquor Store**;
 - (ii) in a district specified in subsections 225(d) or 225(e); and

- (iii) is located within 90 per cent of a minimum separation distance specified in subsections 225(d) or 225(e).”

Applications That May Only Be Considered in a Direct Control District

- 41** Where this Bylaw provides that a **use** may only be a listed **use** in a Direct Control District, the **Development Authority** must refuse a **development permit** if it proposes the **use** in a District other than a Direct Control District which lists the **use**.

31P2009

Administrative Cancellation of an Application

- 41.1 (1)** In the case of an inactive or non-responsive application the **General Manager** may, in his or her sole and unfettered discretion, cancel a **development permit** application subsequent to acceptance, where he determines that the information provided is not adequate for the **Development Authority** to properly evaluate the application.
- (2)** The **General Manager** must provide written notice of the cancellation of the **development permit** application including reasons for the decision to the applicant.
- (3)** The fees associated with a **development permit** application cancelled by the **General Manager** may be refunded.

Term of a Development Permit

- 42** A **development permit** remains in effect until:
- (a) the date of its expiry if the **development permit** was issued for a limited time;
 - (b) it is suspended or cancelled; or
 - (c) it lapses upon the failure of the applicant to commence **development** as required under this Division.

Suspension or Cancellation of a Development Permit

71P2008

- 43 (1)** The **Development Authority** may suspend or cancel a **development permit** following its approval or issuance if:
- (a) the application contains a misrepresentation;
 - (b) facts have not been disclosed which should have been at the time of consideration of the application for the **development permit**;
 - (c) the **development permit** was issued in error;
 - (d) the requirements or conditions of the **development permit** have not been complied with; or

- (e) the applicant requests, by way of written notice to the **Development Authority**, the cancellation of the **development permit**, provided that commencement of the **use, development** or construction has not occurred.
- (2) If the **Development Authority** suspends or cancels a **development permit**, the **Development Authority** must provide written notice of the suspension or cancellation to the applicant.
- (3) Upon receipt of the written notice of suspension or cancellation, the applicant must cease all **development** and activities to which the **development permit** relates.

Commencement of Development

- 31P2009
- 44 (1) Where a **development permit** is for a change of **use**, a change of intensity of **use** or both, **development** must commence within one year of the date of approval of the **development permit**.
- (2) For the purpose of subsection (1), **development** commences when the applicant begins occupying the **parcel** and operating the **use** which was approved by the **development permit**.
- (3) Where a **development permit** is for construction, or for construction combined with a change of **use**, a change in intensity of **use** or both, **development** must commence within:
- 31P2009
- (a) three years of the date of approval of the **development permit** on **parcels** designated M-H1, M-H2, M-H3, C-O, I-B, S-CI, S-CRI, CC-MH, CC-MHX, CC-X, CC-COR, CC-ER, CC-ERR, CC-EMU, CC-EIR, CC-EPR, CC-ET and CR20-C20/R20 Districts; 51P2008, 26P2010, 33P2013
 - (b) three years of the date of approval of the **development permit**, on **parcels** designated DC Direct Control, unless otherwise directed by **Council**; and
 - (c) two years of the date of approval of the **development permit** on **parcels** designated as any other District.
- (4) For the purpose of subsection (3), **development** commences when the applicant has altered the **parcel** in furtherance of the construction.
- (5) Without restricting the generality of the foregoing:
- (a) excavation in anticipation of construction is an alteration of a **parcel**; and
 - (b) fencing a site, posting signage, obtaining permits and minor interior demolition are not alterations of the **parcel**.
- (6) *deleted* 31P2009
- (7) For the purpose of this section, the term “date of approval of the **development permit**” means:

- 41P2009
- (a) the date upon which the **Development Authority** approves the **development permit** application;
- (b) in the case of an appeal to the Subdivision and Development Appeal Board, the date upon which the Subdivision and Development Appeal Board renders a written decision approving the **development permit** application; or
- (c) In the case of an appeal or leave to appeal to the Court of Appeal, the date the judgement roll or decision of the court is filed with the Court of Appeal allowing the **development** to proceed pursuant to an approved **development permit**.
- 31P2009
- (8) The **General Manager** may grant a request to extend the date before which **development** must commence as specified in this Land Use Bylaw or any previous Bylaw governing land use within the **City** provided:
- (a) the **development permit** is not for a change of **use**, a change of intensity of **use** or both;
- (b) no more than two extensions are granted for any **development permit**;
- (c) the length of any extension is one year;
- (d) the request is made in writing on a form approved by the **General Manager** and must be submitted with the fee as prescribed by resolution of **Council**; and
- (e) the request is granted prior to the **development permit** lapsing.
- 31P2009
- (9) When **development** has not commenced in accordance with this section the **development permit** lapses.

Commencement of Construction

- 45 The approval of a **development permit** application and the release of a **development permit** does not authorize construction to either commence or continue except in conjunction with all other required permits.

Reapplication for a Development Permit

- 5P2013
- 46 Where a **development permit application** has been refused, the **Development Authority** must not accept an application for the same or similar **development** within six months of the date of decision except where the proposed **development** is for a **permitted use** that conforms to all of the applicable requirements and rules of this Bylaw.

Development Completion Permit

- 47 (1) When a **development permit** is required, a **development completion permit** must be issued before the **development** can be occupied or a **use** commenced.

- (2) The **General Manager** must determine which **developments** and **uses** do not require a **Development Completion Permit**, which may be amended from time to time.
- (3) The **Development Authority** must advise an applicant for a **development permit** if the proposed **development** or **use** requires a **Development Completion Permit**.
- (4) An application for a **Development Completion Permit** must be made on a form approved by the **General Manager** and must be accompanied by two copies of a surveyor's certificate.
- (5) An applicant for a **Development Completion Permit** must ensure the **development** or **use** is available for inspection by a Development Inspector during the Inspector's normal work day to confirm the **development** is completed in accordance with the **development permit**, and, upon request by the Development Inspector, the applicant must attend the inspection, produce any documents the Development Inspector feels are necessary for the inspection, and must not hinder the inspection in any way.
- (6) Where a **Development Authority** is satisfied that the **development** has been completed in accordance with all of the requirements of the **development permit**, the **Development Authority** may issue a **Development Completion Permit** for the **development**.
- (7) Where a **Development Authority** is not satisfied that a **development** has been completed in accordance with all of the requirements of the **development permit**, the **Development Authority** may:
 - (a) issue a **Development Completion Permit** upon receipt of a letter of credit or other security in an amount and form acceptable to the **Development Authority**, in order to ensure fulfilment of the outstanding requirements of the **development permit**; or
 - (b) refuse to issue a **Development Completion Permit**.
- (8) The **Development Completion Permit** must be retained on the premises in a legible condition for a period of one year from the date of issuance.

Appeals of Decisions on Development Permits

- 48 (1) Appeals in respect of decisions on **development permit** applications are governed by the *Municipal Government Act*.
- (2) The Subdivision and Development Appeal Board Administration must ensure that notice of a hearing of an appeal to the Subdivision and Development Appeal Board is published in a local newspaper at least five days prior to the date of the hearing.

- (3) If the decision of the **Development Authority** to refuse a **development permit** is reversed by the Subdivision and Development Appeal Board, the **Development Authority** must endorse the **development permit** in accordance with the decision of the Subdivision and Development Appeal Board.
- (4) If the decision of the **Development Authority** to approve a **development permit** application is reversed by the Subdivision and Development Appeal Board, the **development permit** is null and void.
- (5) If a decision of the **Development Authority** to approve a **development permit** is upheld by the Subdivision and Development Appeal Board, the **Development Authority** must release the **development permit** upon completion of any outstanding prior to release conditions.
- (6) If any decision of the **Development Authority** is varied by the Subdivision and Development Appeal Board, the **Development Authority** must endorse a **development permit** reflecting the decision of the Subdivision and Development Appeal Board and act in accordance therewith.

- (d) does not require **bicycle parking stalls – class 1**; and
- (e) requires a minimum of **bicycle parking stalls – class 2** based on 10.0 per cent of the minimum required **motor vehicle parking stalls**.

225 “Liquor Store”

- (a) means a **use** where alcoholic beverages are sold for consumption off the retail outlet premises, that has been licensed by the Alberta Gaming and Liquor Commission;
- (b) is a **use** within the Sales Group in Schedule A to this Bylaw;
- (c) in the C-N1 and C-N2 Districts, must only be located on a **parcel** with a front **property line** on a **major street** or a primary collector **street**;
- (d) in all Districts, not including the C-R2, C-R3 and CR20-C20/R20 Districts, must not be located within 300.0 metres of any other **Liquor Store**, when measured from the closest point of a **Liquor Store** to the closest point of another **Liquor Store**; 13P2015
- (e) in all **commercial** and **industrial districts**, not including the C-R2, C-R3 and CR20-C20/R20 Districts, must not be located within 150.0 metres of a **parcel** that contains a **School – Private** or a **School Authority – School**, when measured from the closest point of a **Liquor Store** to the closest point of a **parcel** that contains a **School Authority – School** or a **School – Private**; 13P2015
- (f) requires a minimum of 5.0 **motor vehicle parking stalls** per 100.0 square metres of **gross usable floor area**;
- (g) does not require **bicycle parking stalls – class 1**; and
- (h) requires a minimum of 1.0 **bicycle parking stalls – class 2** per 250.0 square metres of **gross usable floor area**.

226 “Live Work Unit”

- (a) means a **use**:
 - (i) where a business is operated from a **Dwelling Unit**, by the resident of the **Dwelling Unit**, but does not include a **Home Occupation – Class 1** or **Home Occupation – Class 2**;
 - (ii) that may incorporate only the following **uses** in a **Dwelling Unit** to create a **Live Work Unit** when located in the **commercial districts**, CC-EMU, CC-ET, CC-EIR or CR20-C20/R20 District: 13P2008, 39P2010, 33P2013
 - (A) **Artist’s Studio**;

- (B) **Counselling Service;**
 - (C) **Instructional Facility;**
 - (D) **Office;** and
 - (E) **Retail and Consumer Service**, provided any products sold are also made on the premises or directly related to the service provided;
- 13P2008, 39P2010
- (iii) that may incorporate only the following **uses** in a **Dwelling Unit** to create a **Live Work Unit** when located in the **multi-residential districts** or the CC-EPR District:
 - (A) **Artist’s Studio;**
 - (B) **Counselling Service;**
 - (C) **Office;**
 - (D) **Retail and Consumer Service**, provided any products sold are also made on the premises or directly related to the service provided; and
 - (iv) that, in the **multi-residential districts**, must be contained within a **Multi-Residential Development;**
- 67P2008
- 67P2008
- (b) is a **use** within the Residential Group in Schedule A to this Bylaw;
 - (c) must not exceed 50.0 per cent of the **gross floor area** of the **Dwelling Unit;**
- 13P2008, 9P2012
- (d) may have two persons, other than a resident of the **Live Work Unit**, working at the residence where the **use** is located; and
 - (e) requires a minimum number of **motor vehicle parking stalls** and **bicycle parking stalls – class 1** or **class 2** in accordance with the District the **use** is listed in.