

THE CITY OF CALGARY

LAND USE BYLAW 1P2007

OFFICE CONSOLIDATION

BYLAWS AMENDING THE TEXT OF BYLAW 1P2007

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

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;
 - (h) is for a **Liquor Store** in any district, other than the C-R2, C-R3 and CR20-C20/R20 Districts, that requires more than a 10 per cent relaxation of a minimum separation distance specified in subsections 225(d) or 225(e), except where the **development permit** is for:
 - (i) the expansion or alteration of an existing approved **Liquor Store** or renewal of approval of a previously approved **development permit** for a **Liquor Store**; or

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- (ii) an existing approved **Liquor Store** that proposes to move to a new location not within a minimum separation distance specified in subsections 225(d) or 225(e), excluding the distance from the original location of the existing approved **Liquor Store**.
- (i) is for a **Pawn Shop**:
 - (i) within 200 metres of another existing approved **Pawn Shop** where the **development permit** is for the expansion or alteration of an existing approved **Pawn Shop** or renewal of a previously approved **development permit** for a **Pawn Shop**;
 - (ii) in all other cases, where a **Pawn Shop** is located within 90 per cent of a minimum separation distance specified in subsection 254(c.1); or
- (j) is for a **Payday Loan** located within 90 per cent of a minimum separation distance specified in subsection 254.1(c).

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**.

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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.