

THE CITY OF CALGARY

LAND USE BYLAW 1P2007

OFFICE CONSOLIDATION

BYLAWS AMENDING THE TEXT OF BYLAW 1P2007

11P2008	June 1, 2008	26P2010	May 17, 2010	7P2014	April 14, 2014
13P2008	June 1, 2008	12P2010	June 7, 2010	33P2013	June 9, 2014
15P2008	June 1, 2008	19P2010	June 7, 2010	13P2014	June 9, 2014
47P2008	June 1, 2008	23P2010	June 7, 2010	15P2014	June 9, 2014
48P2008	June 1, 2008	32P2010	July 26, 2010	11P2014	June 19, 2014
49P2008	June 1, 2008	34P2010	August 19, 2010	24P2014	October 27, 2014
50P2008	June 1, 2008	39P2010	November 22, 2010	37P2014	December 22, 2014
53P2008	June 1, 2008	7P2011	January 10, 2011	5P2015	March 9, 2015
54P2008	May 12, 2008	13P2011	February 7, 2011	13P2015	May 13, 2015
57P2008	June 9, 2008	21P2011	June 20, 2011	26P2015	September 1, 2015
67P2008	October 1, 2008	24P2011	June 27, 2011	43P2015	November 9, 2015
68P2008	October 6, 2008	27P2011	July 1, 2011	40P2015	November 9, 2015
71P2008	December 22, 2008	30P2011	July 25, 2011	45P2015	December 8, 2015
51P2008	January 4, 2009	31P2011	September 12, 2011	15P2016	April 22, 2016
75P2008	January 4, 2009	33P2011	September 19, 2011	22P2016	May 2, 2016
1P2009	January 26, 2009	35P2011	December 5, 2011	23P2016	May 24, 2016
10P2009	April 21, 2009	36P2011	December 5, 2011	27P2016	June 13, 2016
17P2009	June 1, 2009	4P2012	January 10, 2012	29P2016	June 13, 2016
28P2009	July 13, 2009	2P2012	February 6, 2012	28P2016	June 14, 2016
31P2009	September 14, 2009	9P2012	April 23, 2012	43P2016	November 21, 2016
41P2009	October 13, 2009	12P2012	May 7, 2012	4P2017	January 23, 2017
32P2009	December 14, 2009	30P2012	November 5, 2012	5P2017	February 13, 2017
46P2009	December 14, 2009	32P2012	December 3, 2012	13P2017	March 27, 2017
38P2009	December 15, 2009	4P2013	March 1, 2013	20P2017	May 1, 2017
3P2010	March 1, 2010	5P2013	March 25, 2013	29P2017	June 26, 2017
11P201	April 19, 2010	38P2013	September 2, 2013	30P2017	June 26, 2017
14P2010	May 17, 2010	44P2013	December 2, 2013		

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.

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BYLAW 1P2007

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(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;

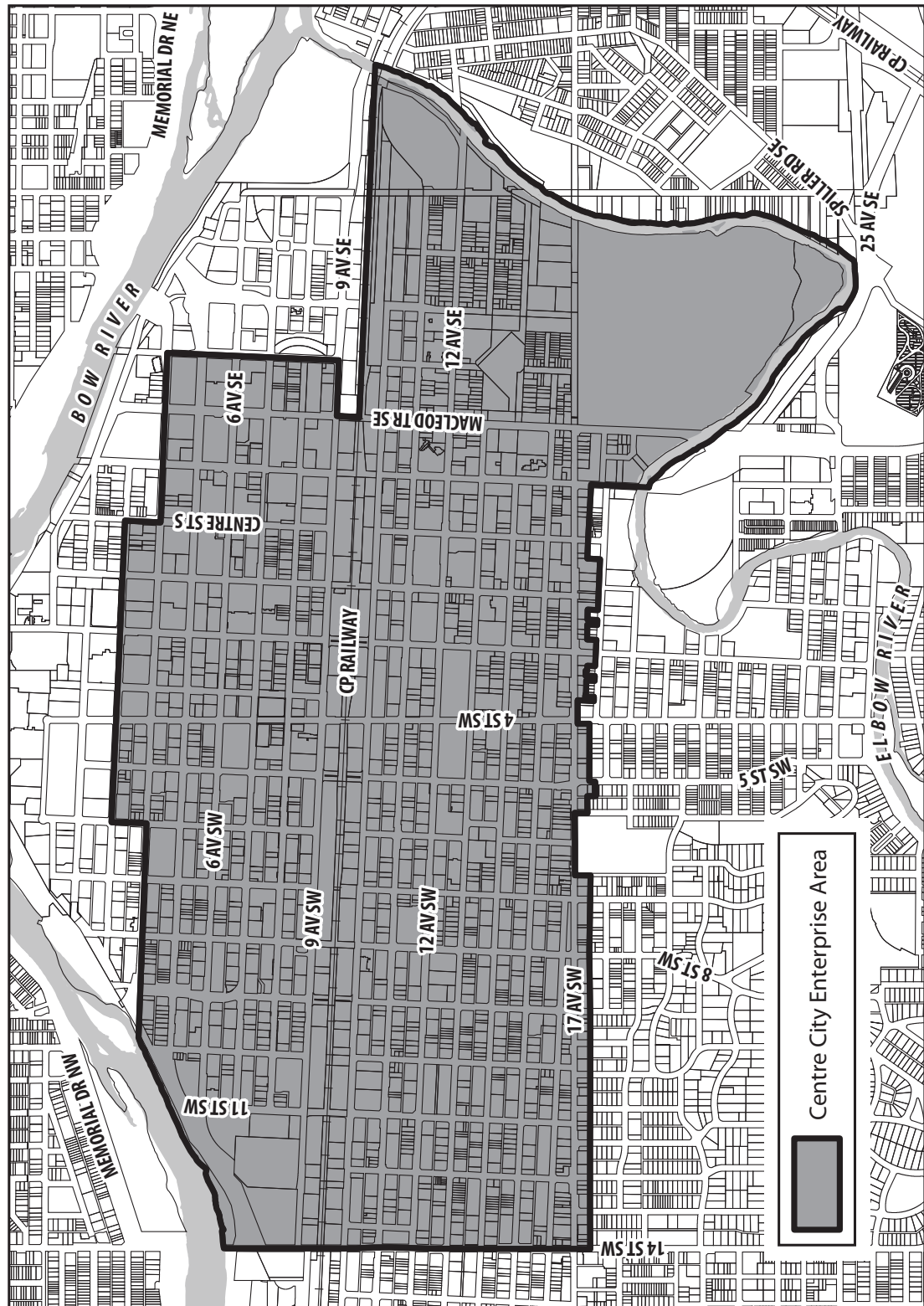
4P2012, 32P2012

(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 (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; and
- 11P2014 (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.
- 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.
- (2) Unless otherwise stated in subsections (4) and (5), a change of **use** for a **building** or portion of a **building**, not listed on the **City** inventory of potential heritage sites 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.

- (3) Unless otherwise stated in subsections (4) and (5), exterior alterations for **buildings** not listed on the **City** inventory of potential heritage sites, do 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.
- (4) The following **uses** are not exempt under subsections (1), (2) and(3):
- (a) **Custodial Care;**
 - (b) **Liquor Store;**
 - (c) **Medical Marihuana Counselling;**
 - (d) **Nightclub;**
 - (e) **Pawn Shop;** and
 - (f) **Payday Loan.**
- (5) The following **uses** are not exempt under subsections (1), (2) and (3) where they are located within 30 metres of a freight rail corridor **property line**:
- (a) **Addiction Treatment;**
 - (b) **Assisted Living;**
 - (c) **Child Care Service;**
 - (d) **Dwelling Unit;**
 - (e) **Emergency Shelter;**
 - (f) **Home Based Child Care – Class 2;**
 - (g) **Hospital;**
 - (h) **Jail;**
 - (i) **Residential Care;**
 - (j) **School – Private;**
 - (k) **School Authority – School;** and
 - (l) **Temporary Shelter.**
- (6) **Parcels** designated with a Direct Control District, whether so designated before or after the effective date of this Bylaw, are subject to the **development permit** exemption clauses contained in this section unless specifically indicated otherwise in the Direct Control Bylaw.
- (7) Subsections (1), (2), (3), (4), (5) and (6) remain in effect until July 1, 2020.

Map 2.1 "Centre City Enterprise Area"



Development Permit Application Requirements

- 26** (1) Any owner of a *parcel*, his authorized agent, or other persons having legal or equitable interest in the *parcel* may apply to the **General Manager** for a **development permit**.
- (2) An application for a **development permit** must be made on an application form approved by the **General Manager** and be submitted with the fee for an application as prescribed by resolution of **Council**.
- (3) An applicant for a **development permit** must provide such information as may be required by the **Development Authority** to evaluate the application.

Notice Posting Requirement

46P2007, 30P2011

- 27** (1) At least 7 days prior to making a decision on an application for a **development permit** for those **uses** listed in subsections (2), (2.1), (3) (4) and (5), the **Development Authority** must post in a conspicuous place a notice stating:
- (a) the proposed **use** of the **building** or **parcel**;
 - (b) that an application respecting the proposed **development** will be considered by the **Development Authority**;
 - (c) that any person who objects to the proposed **development** on the **parcel** may deliver to a **Development Authority** a written statement of their objection to the **development**;
 - (d) the date by which the objection must be delivered to the **Development Authority** to be considered by the **Development Authority**; and
 - (e) that the objection must include:
 - (i) their full name and the address for service of any notice to be given to the objector in respect of the objection; and
 - (ii) the reason for their objection to the proposed **development**.
- (2) The following **uses** must always be notice posted:
- (a) **Backyard Suite**; 26P2010, 24P2014
 - (a.1) **Drinking Establishment – Large** in the CC-EIR or the CC-ET districts; 51P2008, 24P2014
 - (a.2) **Drinking Establishment – Medium** in the C-C1, C-COR1, C-COR2, CC-X, CC-COR, CC-EMU, CC-ET, or CC-EIR Districts and in all **mixed use districts**; 24P2014, 13P2017, 20P2017
 - (b) **Drinking Establishment – Small** in the M-H2, M-H3, C-N1, C-N2, C-C1, C-COR1, C-COR2, I-E, CC-X, CC-COR, CC-EMU, CC-ET, CC-EPR, or CC-EIR Districts and in all **mixed use districts**; 51P2008, 13P2017, 20P2017
 - (c) **Drive Through** in the C-N2, C-C1 or C-COR2 districts;

- 17P2009 (c.1) **Home Based Child Care – Class 2;**
- (d) **Home Occupation – Class 2;**
- 51P2008, 13P2017, 20P2017 (e) **Liquor Store** in the C-N1, C-N2, C-C1, C-COR1, C-COR2, I-E, CC-X, CC-COR, CC-ET, CC-EIR, CC-EMU, or CC-EPR Districts and in all *mixed use districts*;
- 7P2014 (e.1) **Medical Marihuana Production Facility;**
- (f) **Multi-Residential Development** in the *Developed Area*;
- 26P2010, 33P2013 (f.1) **Night Club** in the CC-EIR District or CR20-C20/R20 District in the area indicated in Map 11;
- 51P2008, 33P2013, 13P2017, 20P2017 (g) **Outdoor Café** in the C-N1, C-N2, C-C1, C-COR1, C-COR2, I-E, I-R, S-R, CC-X, CC-COR, CC-ET, CC-EIR, CC-EMU, CC-EPR, CC-ERR, or CC-ER Districts or; CR20-C20/R20 District in the area indicated in Map 11 and in all *mixed use districts*;
- 43P2015 (g.1) **Pawn Shop;**
- 43P2015 (g.2) **Payday Loan;**
- 14P2010 (h) **Place of Worship – Large;**
- 14P2010 (h.1) **Recyclable Construction Material Collection Depot (temporary);**
- 12P2010, 14P2010, 24P2014 (i) *deleted*
- 12P2010, 9P2012, 24P2014 (i.1) *deleted*
- 51P2008, 14P2010, 38P2013, 13P2017, 20P2017 (j) **Social Organization** in the C-N1, C-N2, C-C1, C-COR1, C-COR2, S-CI, CC-COR, CC-ET, CC-EMU, CC-EIR, CC-EPR, or CC-ERR Districts and in all *mixed use districts*;
- 14P2010, 38P2013 (k) **Waste Disposal and Treatment Facility.**
- 38P2013 (l) **Wind Energy Conversion System - Type 1;** and
- 38P2013 (m) **Wind Energy Conversion System - Type 2.**
- 30P2011 (2.1) The following *uses* must be notice posted when *adjacent* to a *parcel* containing a **Dwelling Unit**:
- (a) **Digital Third Party Advertising Sign;** and
- (b) **Digital Message Sign.**
- 4P2013 (3) The following *uses* must always be notice posted in a *residential district*:
- (a) **Addiction Treatment;**
- (b) **Bed and Breakfast;**
- (c) **Child Care Service;**
- (d) **Community Recreation Facility;**
- (e) **Custodial Care;**

- (f) **Indoor Recreation Facility;**
 - (g) **Library;**
 - (h) **Museum;**
 - (i) **Place of Worship – Medium;**
 - (j) **Place of Worship – Small;**
 - (k) **Residential Care; and**
 - (l) **Service Organization.**
- (4) The following **uses** must always be notice posted in a **special purpose district**:
- (a) **Addiction Treatment;**
 - (b) **Child Care Service;**
 - (c) **Custodial Care;**
 - (d) **Place of Worship – Medium;**
 - (e) **Place of Worship – Small;**
 - (f) **Residential Care; and**
 - (g) **Service Organization.**
- (5) The construction of a new **building** or an addition to a **building** for the following **uses** must be notice posted:
- (a) **Assisted Living** in the **Developed Area**;
 - (b) **Duplex Dwelling** when listed as a **discretionary use**;
 - (c) **Semi-detached Dwelling** when listed as a **discretionary use**;
 - (d) **Single Detached Dwelling** when listed as a **discretionary use** in the **Developed Area**; 22P2016
 - (d.1) **Rowhouse Building** when listed as a **discretionary use** in the **Developed Area**; and 22P2016
 - (e) any **discretionary use** in the C-N1, C-N2, C-C1, C-COR1, C-COR2, I-E, CC-X, CC-COR, CC-ER, CC-ERR, CC-EMU, CC-EIR, CC-EPR, CC-ET Districts or CR20-C20/R20 District in the area indicated in Map 11 and in all **mixed use districts**; 51P2008, 26P2010, 9P2012, 33P2013, 20P2017
- (6) The **Development Authority** must not notice post any **development permit** applications not set out in subsections (2), (2.1), (3), (4) or (5).w 30P2011

Suspension or Cancellation of a Development Permit

- 43** (1) The **Development Authority** may suspend or cancel a **development permit** following its approval or issuance if: 71P2008
- (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 of conditions of the **development permit** have not been complied with; 43P2015
 - (e) the applicant requests, by way of written notice of the **Development Authority**, the cancellation of the **development permit**, provided that commencement of the **use**, **development** or construction has not occurred; or
 - (f) the **Development Authority** cancels a **development permit** for a **use** after it has commenced, to allow the same **use** in a new location that would otherwise not be allowed by a location distance rule when measured from the original location of approval.
- (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**.
- 31P2009 (6) *deleted*
- (7) For the purpose of this section, the term “date of approval of the **development permit**” means:
- (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
 - 41P2009 (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
29P2017 (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 up to two years;
 - (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.