

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	26P2018	July 30, 2018
19P2010	June 7, 2010	5P2015	March 9, 2015	51P2018	August 6, 2018
23P2010	June 7, 2010	13P2015	May 13, 2015	52P2018	August 7, 2018
32P2010	July 26, 2010	26P2015	September 1, 2015	67P2018	September 25, 2018

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.

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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

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DEVELOPMENT & BUILDING APPROVALS,
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BYLAW 1P2007

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PART 2: ADMINISTRATION

Division 1: Approving Authorities

67P2018

Development Authority - Powers and Duties

- 15 (1) The **Development Authority** must administer this Bylaw and decide upon all **development permit** applications.
- (2) The **Development Authority** must make available for inspection, during office hours, all applications and decisions for **development permits**, subject to any legislation in force restricting availability.
- (3) The types of **development permit** applications a **Development Authority** may consider are a development permit for:
- (a) a **permitted use** that complies with all requirements of this Bylaw;
 - (b) a **permitted use** that does not comply with all requirements of this Bylaw;
 - (c) a **discretionary use** that complies with requirements of this Bylaw; and
 - (d) a **discretionary use** that does not comply with all requirements of this Bylaw.
- (3.1) Unless otherwise referenced in this section, the **Development Authority** must not approve a **development permit** for an addition or structural alteration to a **non-conforming building**. 67P2008,
9P2012
- (4) The **Development Authority** may approve a **development permit** for an addition to a **non-conforming building** only if the addition: 67P2008
- (a) does not increase the **gross floor area** of the **building** by more than 10.0 per cent; and
 - (b) complies with the requirements of this Bylaw.
- (5) The **Development Authority** may approve a **development permit** for structural alterations to a **non-conforming building** where the alterations are limited to: 67P2008
- (a) new exterior openings to the **building**;
 - (b) the replacement of up to 10.0 per cent in total of each of the structural elements of the **building**; or
 - (c) any combination of new exterior openings to the **building** and the replacement of up to 10.0 per cent in total of each of the structural elements of the **building**.

9P2012

- (5.1) Nothing in this section diminishes or in any way affects the power of the **Development Authority** to issue a **development permit** which:
- (a) makes a **non-conforming building** conforming through the granting of a relaxation of the requirements or rules to which the existing **building** does not conform; and
 - (b) may include the approval of an addition, structural alteration or both, on the same **development permit**.
- (6) The **Development Authority** must collect fees according to the scale approved by resolution of **Council**.
- (7) The **Development Authority** may refuse to accept a **development permit** application where:
- (a) the information required by this Part is not provided;
 - (b) the quality of the information provided is inadequate to properly evaluate the application; or
 - (c) the fee for a **development permit** application has not been paid.

9P2012

67P2018

- (8) The **Development Authority** must issue the following notices and acknowledgements in the form and manner acceptable to the **General Manager** on **development permit** applications:
- (a) acknowledgement of application completeness;
 - (b) notice of application incompleteness; and
 - (c) notice of a deemed refusal of an application.

67P2018

Subdivision Authority – Powers and Duties

- 15.1 (1) The **Subdivision Authority** must issue the following notices and acknowledgements in the form and manner acceptable to the **General Manager** on subdivision applications:
- (a) acknowledgement of application completeness;
 - (b) notice of application incompleteness; and
 - (c) notice of a deemed refusal of an application.

- (n) **Solar collectors**, if the **building** they are on is not listed on the **City** inventory of evaluated historic resources, and: 67P2018
- (i) the total power generation capacity of all **solar collectors** on the **parcel** is 10 kilowatts or less; or
 - (ii) the **solar collectors** are used for thermal energy;
- (o) a **sign** that is exempt from the requirement to obtain a **development permit** as specified in Part 3, Division 5;
- (p) the following projects carried on by, or on behalf of, the **City**:
- (i) roads, traffic management projects, interchanges;
 - (ii) **Sewage Treatment Plant, Utilities, Water Treatment Plant, and Waste Disposal and Treatment Facility**; 5P2013
 - (iii) motor vehicle and pedestrian bridges, unless they are part of the +15 and +30 walkway systems;
 - (iv) water, sewage and storm water lines and facilities; and
 - (v) landscaping projects, parks, public tennis courts and street furniture;
- (q) the use of all or part of a **building** as a temporary polling station, returning offices' headquarters, Federal, Provincial or Municipal candidates' campaign offices and any other official temporary **use** in connection with a Federal, Provincial or Municipal election, referendum or census; and
- (r) a **Temporary Residential Sales Centre** located: 5P2013
- (i) in the **Developing Area**; or
 - (ii) on a **parcel** identified in subsection 25(2)(n).
- (s) a **Secondary Suite**, when listed as a **permitted use** in the district, for which an application for a permit pursuant to the Building Permit Bylaw has been received. 26P2015, 5P2017
- (2) The following **developments** do not require a **development permit** if they are not located in the **flood fringe** or **overland flow** areas and the conditions of section 24 are met:
- (a) an exterior alteration or addition to a **Duplex Dwelling, Semi-detached Dwelling** and **Single Detached Dwelling** where:
 - (i) listed as a **discretionary use**;
 - (ii) the addition and alteration complies with the rules of section 365; and
 - (iii) the existing **building** is not listed on the **City** inventory of evaluated historic resources; 67P2018

- (b) an addition to a **Contextual Semi-detached Dwelling** or a **Contextual Single Detached Dwelling**;
 - (i) if the addition has a **gross floor area** less than or equal to 40.0 square metres and the addition has a height that is less than or equal to 6.0 metres when measured from **grade** at any point adjacent to the addition; or
 - (ii) if the addition has a **gross floor area** less than or equal to 10.0 square metres and is located above the first **storey**;
- (c) the construction of and addition to a **Single Detached Dwelling, Semi-detached Dwelling and Duplex Dwelling** when listed as a **permitted use** in a land use district;
- (d) an outdoor in-ground or above ground private swimming pool or hot tub so long as it:
 - (i) is not located within the **actual front setback area**;
 - (ii) has a total area less than 15.0 per cent of the **parcel** area; and
 - (iii) does not have any above **grade** components including a **deck**, walkway, supporting member, heater or mechanical equipment within 1.2 metres of any **property line**;
- (e) **retaining walls** that are less than 1.2 metre in height, measured from the lowest **grade** at any point **adjacent** to the **retaining wall** to the highest **grade** retained by the **retaining wall**;
- (f) facilities required for environmental remediation or monitoring;
- (g) excavation, grading or stripping provided:
 - (i) the area of land to be excavated, stripped or graded is less than 1000.0 square metres;
 - (ii) it is part of a **development** for which a **development permit** has been released; or
 - (iii) the person carrying out the excavation, stripping or grading has signed a Development Agreement with the **City** for the area to be excavated, stripped or graded and that Development Agreement contemplates excavating, stripping or grading;
- (h) **Utilities** installed or constructed within a **street** or a utility right-of-way;

16P2018

(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;

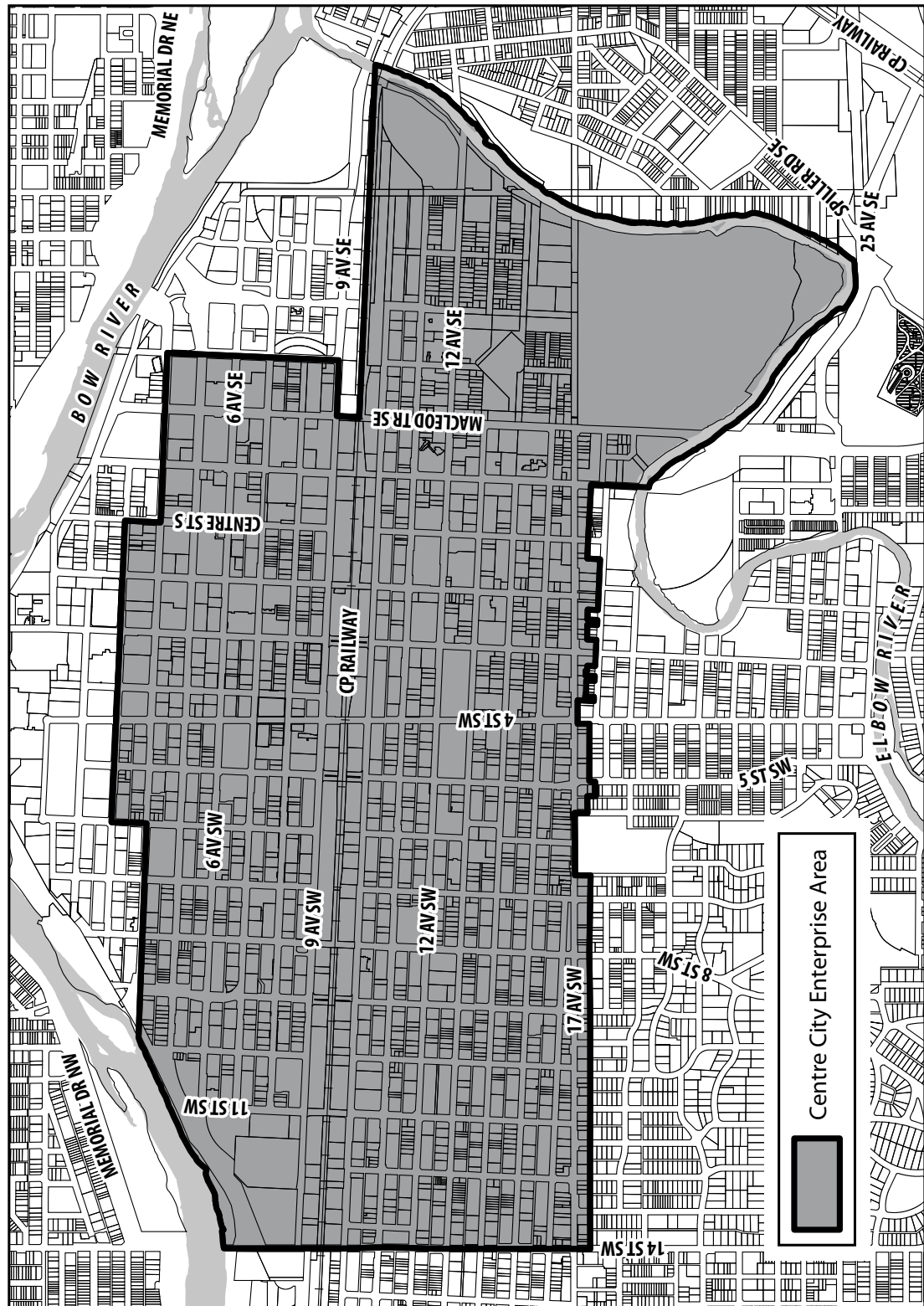
4P2012, 32P2012

(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 evaluated historic resources; and
- (iii) the addition does not increase the **gross floor area** of the **building** by more than 1000.0 square metres.
- 67P2018
- 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.

- (3) Unless otherwise stated in subsections (4) and (5), exterior alterations for **buildings** not listed on the **City** inventory of evaluated historic resources, do not require a **development permit** if: 67P2018
- (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) **Cannabis Counselling;** 25P2018
- (a.1) **Cannabis Store;** 26P2018
- (a.2) **Custodial Care;** 25P2018
- (b) **Liquor Store;**
- (c) *deleted* 25P2018
- (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"



- (8) In a **multi-residential district**, where the cumulative **gross floor area** of **commercial multi-residential uses** exceeds 930.0 square metres, the **commercial multi-residential uses** require 1.0 **loading stalls** per 9300.0 square metres of **gross floor area**.

Relaxations of Parking and Loading Stall Requirements

- 124 (1) For **uses** in **buildings** listed on the **City** inventory of evaluated historic resources, the **Development Authority** may consider a relaxation of the minimum **motor vehicle parking stalls, visitor parking stalls, bicycle parking stall** and **loading stall** requirements. Consideration for relaxations must be based on: 67P2018
- (a) satisfaction of the test for a relaxation referenced in section 31 or 36; 5P2013
- (b) the existing ability of the site to accommodate **motor vehicle parking stalls, visitor parking stalls, loading stalls** and **bicycle parking stalls**; and
- (c) the number of **motor vehicle parking stalls, visitor parking stalls, loading stalls** and **bicycle parking stalls** to be relaxed.
- (2) The **Development Authority** may consider a relaxation in the **required motor vehicle parking stalls** and **visitor parking stalls** for **uses** when a transportation demand management measure is approved by the **Development Authority** and is required to be implemented as a condition in a **development permit**.
- (3) Any approved transportation demand management measure must:
- (a) be sustainable throughout the term of the **development permit**; and
- (b) include requirements that must be incorporated into an approved plan or condition on a **development permit**.
- (4) The **Development Authority** may consider a relaxation in the minimum required **motor vehicle parking stalls, visitor parking stalls, loading stalls** and **bicycle parking stalls** for a **development** when: 13P2018
- (a) the test for a relaxation referenced in either section 31 or 36 is satisfied; and
- (b) the type of **use**, the size or shape of the **parcel**, or the topographical constraints present practical difficulties in accommodating the requirements of this Bylaw; when a relaxation is given for this reason, it and the reasons must be stated on the **development permit**; or

- (c) an applicant submits a parking study, as part of a **development permit** application, that demonstrates that the **motor vehicle parking stall** requirement, **visitor parking stall** or **bicycle parking stall** requirement should be less than the requirements of this Bylaw due to unique site, location or **use** characteristics, and the conclusions of the study are considered acceptable by the **Development Authority**.
- (5) The **Development Authority** may consider a relaxation in the minimum required **motor vehicle parking stalls** and **pick-up and drop-off stalls** for a **School Authority – School** when:
- 9P2012 (a) the proposed **development** is an addition to a **School Authority – School building** existing on the effective date of this Bylaw; or
- 57P2009 (b) The proposed **development** is a new **School Authority – School building** proposed on a **parcel** designated as reserve land existing on the effective date of this Bylaw; and
- (c) in the opinion of the **Development Authority**, it would be difficult to provide the required **pick-up and drop-off stalls** due to the **parcel** configuration, area of a **parcel** and **frontage**.
- 5P2013 (6) The **Development Authority** may consider a relaxation of Section 116 where:
- (a) the test for a relaxation referenced in either Section 31 or 36 is satisfied;
- (b) the **development permit** identifies the locations of the minimum required stalls, including the mechanisms used to maintain the stalls for the duration of the **development**;
- (c) the stalls referenced in subsection (b) are signed or marked as being available for the **development**; and
- (d) all **parcels** forming part of the **development** are indicated on the same **development permit**.

Parking Stall Exemptions

- 18P2018 **124.1 (1)** For the following existing approved **uses**, interior alterations that increase the **public area** but do not increase the **gross floor area** of the approved **use** are not required to provide additional **motor vehicle parking stalls** as a result of the interior alterations:
- (a) **Restaurant: Food Service Only – Large;**
- (b) **Restaurant: Food Service Only – Medium;**
- (c) **Restaurant: Food Service Only – Small;**

suites or **Live Work Units** has a maximum horizontal dimension of 44.0 metres where they are located in the Transition Area as illustrated on Map 11.

- (2) In all other cases each floor of a **building** located partially or wholly above 36.0 metres above **grade** and containing **Assisted Living, Dwelling Units, Hotel** suites or **Live Work Units** has a maximum **floor plate area** of 930.0 square metres.

Ground Floor Height

- 1315** The minimum height of the ground floor of a **building** is 4.5 metres as measured vertically from the floor to the ceiling.

Use Area

- 1316** (1) Unless otherwise referenced in this section, the maximum **use area** for **uses** on the ground floor of a **building** is 1200.0 square metres.
- (2) For a **Retail and Consumer Service, Supermarket**, or a **Supermarket** combined with any other **use**, the maximum **use area** on the ground floor of a **building** is 3000.0 square metres.
- (3) The following **uses** do not have a maximum **use area**:
- (a) **Cinema**;
 - (b) **Conference and Event Facility**;
 - (c) **Dinner Theatre**;
 - (d) **Hotel**;
 - (e) **Library**;
 - (f) **Museum**;
 - (g) **Parking Lot - Structure**;
 - (h) **Performing Arts Centre**;
 - (i) **Protective and Emergency Service**; and
 - (j) **Utility Building**.
- (4) Where **parcels** are located in the Transition Area as illustrated on Map 11, the maximum **use area** of a:
- (a) **Night Club** is 300.0 square metres; and

- (b) **Financial Institution** where located on the ground floor of a **building** is 465.0 square metres.

Office Gross Floor Area and Location

- 1317 (1)** Where a **building** is located on one or more **parcels** where the cumulative **parcel** area is greater than 1812.0 square metres, the cumulative **gross floor area** of **Office uses** on the ground floor of a **building** must not exceed the greater of:
- (a) 50.0 per cent of the of the **gross floor area** of the ground floor; or
 - (b) 550.0 square metres.
- (2)** Where a **parcel** shares a **property line** with the following **streets**, an **Office** may only be located on the ground floor of a **building** where another **use** is located between the **Office** and the shared **property line**:
- (a) Centre Street S between 3 Avenue S and 8 Avenue S;
 - (b) 3 Street SW (Barclay Mall) between 3 Avenue SW and 8 Avenue SW;
 - (c) 7 Avenue SW between Centre Street S and 4 Street SW; and
 - (d) Stephen Avenue Mall Retail Area as identified on Map 11.

Location of Uses within Buildings

- 1318 (1)** The following **uses** must not be located on the ground floor of a **building**:
- (a) **Counselling Service**;
 - (b) **Custodial Care**;
 - (c) **Dwelling Unit**; and
 - (d) **Health Services Laboratory – Without Clients**.
- (2)** **Financial Institution** and **Office** may only be located on the ground floor of a **building** where located in the Stephen Avenue Mall Retail Area as illustrated on Map 12 where:
- (a) a bank or office was approved prior to the effective date of this bylaw; and
 - (b) the **building** is listed on the **City** inventory of evaluated historic resources or is designated as a Municipal Historic Resource pursuant to the *Historical Resources Act*.
- (3)** The following **uses** must not be located on the second floor where the **building** is connected to the **+15 Skywalk System** and where there is no other **use** located between these uses and the **+15 Skywalk System**: