

# 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	37P2017	August 2, 2017

**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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- (ii) one (1) vehicle access point, only where located on a **laneless parcel**;
  - (b) **units** and **commercial multi-residential uses** located at **grade** with an exterior wall facing a **street** that provide the following:
    - (i) an individual exterior access within 4.5 metres of a **property line** shared with a **street**; and
    - (ii) sidewalks that provide direct exterior access to the **unit** or **commercial multi-residential use**;
  - (c) a public sidewalk located along the entire length of each **property line** shared with a **street**; and
  - (d) the facade of **commercial multi-residential uses** located on the floor closest to **grade**, and facing a **street**, provides windows with unobscured glass that:
    - (i) allows views of the indoor space or product display areas; and
    - (ii) occupies a minimum of 65.0 per cent of the facade between a height of 0.6 metres and 2.4 metres.
- (135.1) “**Subdivision Authority**” means a person or body appointed as a Subdivision Authority in accordance with the *Municipal Government Act*. 37P2017
- (136) “**targeted grazing**” means the temporary use of livestock for managing land to alter plant communities and lands for specific invasive plant species and landscape management goals, and may include: 37P2017
- (a) Temporary fencing;
  - (b) Herding dogs and working horses;
  - (c) Shepherds to manage livestock, herding dogs and working horses; and
  - (d) Temporary portable overnight accommodation for shepherds, herding dogs and working horses.
- (136.1) “**top of bank**” means the natural transition line or upper natural topographical break at the top of a valley, or at the top of a channel that contains a watercourse, between a slope where the **grade** exceeds 15.0 per cent and the adjacent upper level area where the **grade** is less than 15.0 per cent, and where area that is less than 15.0 per cent in slope is at least 15.0 metres wide. 26P2010

38P2013

(136.2) “**total Wind Energy Conversion System height**” means:

- (a) the height measured from the highest vertical extension of a **Wind Energy Conversion System - Type 1** to its base at **grade** or to the height equivalent to its mount on a building; and
- (b) the height measured from the highest vertical extension of a **Wind Energy Conversion System - Type 2** to its base at **grade**.

33P2013

(136.3) “**transferring parcel**” means a **parcel**, comprising the area of the Municipal Historic Resource, that will transfer unused **motor vehicle parking stalls** to a receiving **parcel**.

(137) “**unit**” means a **Dwelling Unit** or a **Live Work Unit**.

(138) “**use**” means a **permitted** or **discretionary use**.

(139) “**use area**”:

- (a) means the entire floor area of a **building** that is separated from other portions of the **building** and is accessible by the same entrance or entrances and is occupied by a specific **use**;
- (b) for greater certainty, (a) must be interpreted to mean that whenever a person inside of a **building** must exit the **building** or enter a common internal corridor to access a different portion of the **building**, those two portions of the **building** are separate; and
- (c) the measurement of **use area** includes the floor area of:
  - (i) all mezzanines and **storeys** capable of being accessed by the same entrance without leaving the **building** or using a common internal corridor;
  - (ii) all mechanical rooms, offices and other spaces that support the use and can be accessed without leaving the **building** or using a common internal corridor; and
  - (iii) all spaces within a **building** capable of being accessed by the same entrance without leaving the **building** or using a common internal corridor regardless of whether the space is open to the public including washroom facilities, storage rooms, employee-only areas, and similar spaces.
- (d) does not apply to **Dwelling Units**.

(140) “**visitor parking stall**” means a **motor vehicle parking stall** intended only for the use of visitors to **Dwelling Units** and **Live Work Units**.

- (141) “**walkout basement**” means a **basement** in a **building** which has a door that exits directly from the **basement** to the exterior at **grade** that is substantially at the same level as the **basement** floor.

## Methods

- 14 (1) Unless otherwise specified in this Bylaw, proper mathematical rounding to the nearest significant digit is required for any rule in this Bylaw where a mathematical calculation is performed.
- (2) For the purpose of calculating the following:
- (a) where **density** is calculated in **units** per hectare, it is always to be rounded down to the next lower whole number;
  - (b) trees in a **setback area** or a **landscaped area** are always rounded up to the next higher whole number; 47P2008
  - (c) shrubs in a **setback area** or a **landscaped area** are always rounded up to the next higher whole number; 47P2008
  - (d) the **landscaped area** and tree and shrub requirements of a **setback area** that borders two or more of:
    - (i) an **expressway**;
    - (ii) **lane**;
    - (iii) **LRT corridor**;
    - (iv) **major street**;
    - (v) **street**;
    - (vi) Headworks Canal operated by the Western Irrigation District; or
    - (vii) any land use district;

are determined by the longest distance of **property line** bordering the **setback area**; and
  - (e) where determining the **contextual building setback** and the number arrived at is less than zero metres, the **contextual building setback** is zero metres.





## Division 2: Land Use Amendment and Direct Control Districts

### Application for Land Use Amendment

- 16 (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** to have the land use designation of the *parcel* changed through an amendment to this Bylaw.
- (2) The **City** may initiate amendments to this Bylaw to change the land use designation of any *parcel*.
- (3) An application for a change in land use designation must be made on an application form approved by the **General Manager**.
- (4) An applicant for a change in land use designation must provide all information as required by the **General Manager**.
- (5) The **General Manager** may refuse to accept an application for a change in land use designation where:
- (a) the information required by subsection (4) is not provided; or
  - (b) the quality of the information provided is inadequate to properly evaluate the application.

### The Application Review Process

- 17 (1) Upon receipt of an application for a change in land use designation in accordance with the requirements of section 16, the **General Manager** must process the application and make a recommendation to the Calgary Planning Commission.
- (2) Calgary Planning Commission must communicate its decision to the applicant, who must decide whether to pursue his application to a public hearing before **Council**.
- (3) Should the applicant decide not to pursue the application to **Council**, the application is abandoned and the advertising component of the fees will be refunded.
- (4) Should the applicant decide to proceed, the **General Manager** must give notice of the public hearing for the proposed amendment in accordance with the requirements of the *Municipal Government Act*.
- (5) When the **City** initiates a change in land use designation for land which it does not own, the **City** must, in accordance with the requirements of the *Municipal Government Act*, give notice to the owners of the land that is the subject of the proposed amendment.

### Public Hearing

- 18** **Council** must hold a public hearing in respect of a proposed amendment in accordance with the requirements of the *Municipal Government Act*.

### Reapplication

- 19** When an application for a change in land use designation has been refused by **Council** or withdrawn by the applicant after advertisement of the proposed amending Bylaw, the **General Manager** must refuse to accept another application for the same or a similar change in land use designation, which determination is to be in his sole discretion, on the same **parcel** until six months has passed from the date of the refusal or withdrawal of the application.

### Direct Control Districts

- 20** (1) Direct Control Districts must only be used for the purpose of providing for **developments** that, due to their unique characteristics, innovative ideas or unusual site constraints, require specific regulation unavailable in other land use districts.
- (2) Direct Control Districts must not be used:
- (a) in substitution of any other land use district in this Bylaw that could be used to achieve the same result either with or without relaxations of this Bylaw; or
  - (b) to regulate matters that are regulated by subdivision or **development permit** approval conditions.
- (3) An applicant for a Direct Control District must provide a written statement indicating why, in the applicant's opinion, a Direct Control District is necessary and why the same results can not be achieved through the use of a land use district in this Bylaw.
- (4) The **General Manager** must review each application for a Direct Control District and advise **Council** as to whether or not the same result could be achieved through the use of a land use district in this Bylaw.

### Uses in Direct Control District

- 37P2017 **21** (1) The following **uses** and **developments** are deemed to be **permitted uses** on all areas designated with a Direct Control District, whether so designated before or after the effective date of this Bylaw, unless the contrary is stated in the Bylaw designating the area as Direct Control:
- 41P2009 (a) **Home Based Child Care – Class 1** where the listed **uses** include a **Dwelling Unit**;
- 41P2009 (a.1) **Home Occupation – Class 1**, where the listed **uses** include a **Dwelling Unit**;
- 35P2011 (b) **Sign – Class A** and **Sign – Class B**;

- (c) **Special Function – Class 1;** 4P2012, 37P2017
- (d) **Utilities;** and 37P2017
- (e) **targeted grazing** on **City** owned lands carried on by, or on behalf of, the **City**. 37P2017
- (2) The following **uses** are deemed to be **discretionary uses** on all areas designated with a Direct Control District, whether so designated before or after the effective date of this Bylaw, unless the contrary is stated in the Bylaw designating the areas as Direct Control:
- (a) **Community Entrance Feature;**
- (a.1) **Home Based Child Care – Class 2** where the listed **uses** include **Single Detached Dwelling;** 41P2009
- (b) **Home Occupation – Class 2,** where the listed **uses** include a **Dwelling Unit;**
- (c) **Sign – Class C, Sign – Class D and Sign – Class E;** 35P2011
- (d) **Special Function – Class 2** where restaurant, drinking establishment or night club **uses** are allowed; and 4P2012
- (e) **Utility Building.**
- (3) The following **uses** must only be listed as a **use** on a **parcel** that has been designated Direct Control:
- (a) **Adult Mini-Theatre;**
- (b) **Campground;**
- (c) **Emergency Shelter;**
- (d) **Fertilizer Plant;**
- (e) **Firing Range;**
- (f) **Gaming Establishment – Casino;**
- (g) **Hide Processing Plant;**
- (h) **Intensive Agriculture;**
- (i) **Inter-City Bus Terminal;**
- (j) **Jail;**
- (k) **Motorized Recreation;**
- (l) **Natural Resource Extraction;**
- (m) **Pits and Quarries;**
- (n) **Power Generation Facility – Large;**

- 5P2013
- (o) **Race Track;**
  - (p) **Refinery;**
  - (q) **Salvage Processing – Heat and Chemicals;**
  - (r) **Sawmill;**
  - (r.1) **Sewage Treatment Plant** when not operated by, or on behalf of, the **City**;
  - (s) **Slaughter House;**
  - (t) **Stock Yards;**
  - (u) **Tire Recycling;**
- 32P2009
- (u.1) **Waste Disposal and Treatment Facility** when not operated by, or on behalf of, the **City**; and
  - (v) **Zoo.**
- (4) The **uses** listed in subsection (3) may be either **permitted** or **discretionary** in accordance with the **use** lists of the Direct Control Bylaw.
- (5) Where an activity is proposed and it does not fall within any of the definitions of **uses** or any combination of **uses** defined in Part 4, the **General Manager** must recommend to **Council** that the activity be considered only through a Direct Control Bylaw or that this Bylaw be amended to include such **use**.

#### Reference to Other Bylaws in Direct Control Bylaws

- 15P2014
- 22 (1)** Where a **parcel** is designated with a Direct Control District:
- (a) pursuant to this Bylaw, a reference to a section of Part 10 of this Bylaw within the Direct Control Bylaw is deemed to be a reference to the section on June 8, 2014, unless the Direct Control District referred to Part 10 of this Bylaw as of the effective date of the Direct Control District Bylaw;
  - (b) pursuant to this Bylaw, a reference to a section of any Part other than Part 10 of this Bylaw within the Direct Control Bylaw is deemed to be a reference to the section as amended from time to time, unless a contrary intent is stated in the Direct Control Bylaw; and
  - (c) pursuant to a previous land use bylaw and such designation is continued pursuant to this Bylaw, the Direct Control Bylaw, as approved by **Council** at the time such designation was made, will continue to apply, unless a contrary intent is set out in the Bylaw designating the **parcel** Direct Control.

(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.
- (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.