

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	11P2014	June 9, 2014
1P2009	January 26, 2009	21P2011	June 20, 2011	13P2014	June 9, 2014
10P2009	April 21, 2009	24P2011	June 27, 2011	15P2014	June 9, 2014
17P2009	June 1, 2009	27P2011	July 1, 2011		
28P2009	July 13, 2009	30P2011	July 25, 2011		
31P2009	September 14, 2009	31P2011	September 12, 2011		
41P2009	October 13, 2009	33P2011	September 19, 2011		

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.

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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.

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.

46P2007, 30P2011

Notice Posting Requirement

- 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) | Drinking Establishment – Large in the CC-EIR or the CC-ET districts | 26P2010 |
| (a.1) | Drinking Establishment – Medium in the C-C1, C-COR1, C-COR2, CC-X or CC-COR districts; | 51P2008 |
| (b) | Drinking Establishment – Small in the M-H2, M-H3, C-N1, C-N2, C-C1, C-COR1, C-COR2, I-E, CC-X or CC-COR districts; | 51P2008 |
| (c) | Drive Through in the C-N2, C-C1 or C-COR2 districts; | |
| (c.1) | Home Based Child Care – Class 2 ; | 17P2009 |
| (d) | Home Occupation – Class 2 ; | |
| (e) | Liquor Store in the C-N1, C-N2, C-C1, C-COR1, C-COR2, I-E, CC-X or CC-COR districts; | 51P2008 |
| (e.1) | Medical Marihuana Production Facility ; | 7P2014 |
| (f) | Multi-Residential Development in the Developed Area ; | |
| (f.1) | Night Club in the CC-EIR District or CR20-C20/R20 District in the area indicated in Map 11; | 26P2010, 33P2013 |
| (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 Districts or CR20-C20/R20 District in the area indicated in Map 11; | 51P2008, 33P2013 |
| (h) | Place of Worship – Large ; | 14P2010 |
| (h.1) | Recyclable Construction Material Collection Depot (temporary) ; | 14P2010 |
| (i) | Secondary Suite – Detached Garage ; | 12P2010, 14P2010 |
| (i.1) | Secondary Suite – Detached Garden ; | 12P2010, 9P2012 |
| (j) | Social Organization in the C-N1, C-N2, C-C1, C-COR1, C-COR2, S-CI or CC-COR districts; and | 51P2008, 14P2010, 38P2013 |
| (k) | Waste Disposal and Treatment Facility . | 14P2010, 38P2013 |
| (l) | Wind Energy Conversion System - Type 1 ; and | 38P2013 |
| (m) | Wind Energy Conversion System - Type 2 . | 38P2013 |
- (2.1) The following **uses** must be notice posted when **adjacent** to a **parcel** containing a **Dwelling Unit**:

4P2013

- (a) **Digital Third Party Advertising Sign;** and
 - (b) **Digital Message Sign.**
- (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**; and
- (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;

51P2008, 26P2010, 9P2012,
33P2013

30P2011

- (6) The **Development Authority** must not notice post any **development permit** applications not set out in subsections (2), (2.1), (3), (4) or (5).

Division 3: Floodway, Flood Fringe and Overland Flow

Floodway, Flood Fringe and Overland Flow

55 For *parcels* located in the *floodway*, *flood fringe* or *overland flow area*, the requirements of this Division apply and prevail when there is any conflict between the requirements of this Division and any other requirements of this Bylaw.

33P2013

Floodway Regulations

- 56** (1) For *parcels* located in the *floodway* on which a *building* existed and the use of that *parcel* was approved as of September 9, 1985, the use may continue as a *permitted* or *discretionary use* provided that the *use* is listed in the land use district that the *parcel* is designated.
- (2) Subject to subsection (1), in the *floodway* only those *permitted* and *discretionary uses* which are listed below, and which are also listed in the land use district for which the *parcel* is designated, may be allowed as *permitted* and *discretionary uses*:
- (a) **Extensive Agriculture;**
 - (b) **Natural Area;**
 - (c) **Outdoor Recreation Area;**
 - (d) **Park; and**
 - (e) **Utilities.**

New Buildings and Alterations

- 57** (1) No new *buildings* or other new structures are allowed in the *floodway*, except for the replacement of existing **Accessory Residential Buildings, Duplex Dwellings, Secondary Suites, Secondary Suites – Detached Garage, Secondary Suites – Detached Garden, Semi-detached Dwellings and Single Detached Dwellings** on the same building footprint.
- (2) An addition to a *building* in the *floodway* may only occur if it does not increase the *building* footprint or increase the obstruction to floodwaters.
- (3) In the *floodway*, nothing must be stored outside of a *building*.

32P2012, 11P2014

Alterations to the Floodway and Riverbanks

11P2014

58 On those areas of land within the *floodway* that are subject to municipal jurisdiction, no alterations shall be made to a *floodway* and no structures including, but not limited to, berms, *decks*, docks, *fences*, gates, *patios*, rip-rap or walls shall be constructed on, in or under a *floodway* unless those structures are being constructed by, or on behalf of, the *City* for the purpose of erosion control, where the primary purpose is to protect public infrastructure.

32P2012, 11P2014

Flood Fringe and Overland Flow Area Regulations

- 59** (1) Only those goods that are easily moveable may be stored on a *parcel* in the ***flood fringe*** or the ***overland flow area***.
- (2) Unless stated in subsection (3), all ***buildings*** must be set back 6.0 metres from the edge of the ***floodway***.
- (3) Where a *parcel* was vacant on 1985, July 22, all ***buildings*** must be set back the greater of the following distances:
- (a) 60.0 metres from the edge of the Bow River;
 - (b) 30.0 metres from the edge of the Elbow River, Nose Creek, West Nose Creek; or
 - (c) 6.0 metres from the edge of the ***floodway***.

13P2008, 32P2012,
11P2014**Building Design in the Flood Fringe**

- 60** (1) All ***buildings*** in the ***flood fringe*** must be designed in the following manner:
- (a) to prevent structural damage by floodwaters;
 - (b) the first floor of all ***buildings*** must be constructed at or above the ***designated flood level***; and
 - (c) all electrical and mechanical equipment within a ***building*** must be located at or above the ***designated flood level***; and
 - (d) have a sewer back-up valve must be installed in the building.
- (2) The rules regarding ***building*** design referenced in subsection (1) do not apply to:
- (a) an addition that does not increase the ***gross floor area*** of the ***building*** by more than 10.0 per cent of the ***gross floor area*** legally existing as of June 09, 2014; and
 - (b) a ***fence***, gate, ***deck***, ***landing***, ***patio***, air conditioning unit, satellite dish, hot tub, above ground private swimming pool, and an ***Accessory Residential Building***.
- (3) Notwithstanding subsection (1) and (2), in addition to the conditions listed in section 38, additions to ***buildings*** that increase the ***gross floor area*** of the ***building*** by more than 10.0 per cent but less than 75.0 per cent of the ***gross floor area*** legally existing as of June 09, 2014 must:
- (a) provide electrical isolation for the entire ***building*** through the placement of the master switch above the ***designated flood level***; and,
 - (b) install a sewer back-up valve in the building.

- (4) Notwithstanding subsection (1), (2), and 3, in addition to the conditions listed in section 38, additions to **buildings** that increase the **gross floor area** of the **building** by at least 75.0 per cent of the **gross floor area** legally existing as of June 09, 2014 must:
- (a) fully mitigate as per subsection (1).

Building Design in the Overland Flow Area

32P2012, 11P2014

- 61 (1) All **buildings** in the **overland flow area** must be designed in the following manner:
- (a) to prevent structural damage by floodwaters;
- (b) the first floor of all **buildings** must be constructed at a minimum of 0.3 metres above the highest **grade** existing on the **street** abutting the **parcel** that contains the **building**; and
- (c) all electrical and mechanical equipment within a **building** must be located at or above the first floor of the **building** referenced in subsection (b); and
- (d) a sewer back-up valve must be installed in the building.
- (2) The rules regarding **building** design referenced in subsection (1) do not apply to:
- (a) an addition that does not increase the **gross floor area** of the **building** by more than 10.0 per cent of the **gross floor area** legally existing as of June 09, 2014;
- (b) a **fence**, gate, **deck**, **landing**, **patio**, air conditioning unit, satellite dish, hot tub, above ground private swimming pool, and an **Accessory Residential Building**.
- (3) Notwithstanding subsection (1) and (2), additions that increase the **gross floor area** of the **building** by more than 10.0 per cent but less than 75.0 per cent of the **gross floor area** legally existing as of June 09, 2014 must:
- (a) provide electrical isolation for the entire **building** through the placement of the master switch a minimum of 0.3 metres above the highest **grade** existing on the **adjacent street**; and,
- (b) install a sewer back-up valve in the building.
- (4) Notwithstanding subsection (1), (2), and (3), additions that increase the **gross floor area** of the **building** by at least 75.0 per cent of the **gross floor area** legally existing as of June 09, 2014 must:
- (a) fully mitigate as per subsection (1)

