

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		
53P2008	June 1, 2008	12P2010	June 7, 2010		
54P2008	May 12, 2008	19P2010	June 7, 2010		
57P2008	June 9, 2008	23P2010	June 7, 2010		
67P2008	October 1, 2008	32P2010	July 26, 2010		
68P2008	October 6, 2008	34P2010	August 19, 2010		
71P2008	December 22, 2008	39P2010	November 22, 2010		
51P2008	January 4, 2009	7P2011	January 10, 2011		
75P2008	January 4, 2009	13P2011	February 7, 2011		
1P2009	January 26, 2009	21P2011	June 20, 2011		
10P2009	April 21, 2009	24P2011	June 27, 2011		
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.

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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- (15) **Motor vehicle parking stalls** for a **Contextual Semi-detached Dwelling, Contextual Single Detached Dwelling, Duplex Dwelling, Semi-detached Dwelling** and **Single Detached Dwelling** must be:

13P2008,
27P2011,
9P2012

- (a) hard surfaced; and
- (b) located wholly on the subject **parcel**.

Loading Stalls

39P2010,
12P2012

- 123 (1) A **loading stall** must be located so that all motor vehicles using the stall can be parked and maneuvered entirely within the boundary of the site before moving onto a **street** or a **lane**.
- (2) A **loading stall** must have:
- (a) a minimum width of 3.1 metres;
 - (b) a minimum depth of 9.2 metres; and
 - (c) a minimum height of 4.3 metres.
- (3) Minimum **loading stall** dimensions must be clear of all obstructions, other than wheel stops.
- (4) Wheel stops must not exceed 0.10 metres in height above the **loading stall** surface and must be placed perpendicular to the **loading stall** depth a minimum of 0.60 metres from the front of the **loading stall**.
- (5) In **commercial, industrial** and **special purpose districts** the minimum requirement for **loading stalls** is:
- (a) 1.0 **loading stalls** per 9300.0 square metres of **gross floor area** where the cumulative **gross floor area** of all **buildings** on a **parcel** is greater than 930.0 square metres; and
 - (b) 0.0 **loading stalls** where the cumulative **gross floor area** of all **buildings** on a **parcel** is less than or equal to 930.0 square metres.
- (6) Unless otherwise referenced in subsection (7), the following **uses** are not included in the calculation of required **loading stalls**:
- (a) **Auto Service – Minor**;
 - (b) **Bulk Fuel Sales Depot**;
 - (c) **Car Wash – Multi Vehicle**;
 - (d) **Car Wash – Single Vehicle**;
 - (e) **Cemetery**;
 - (f) **Columbarium**;
 - (g) **Custodial Quarters**;

- (h) **Dwelling Unit;**
 - (i) **Extensive Agriculture;**
 - (j) **Financial Institution;**
 - (k) **Funeral Home;**
 - (l) **Gaming Establishment – Bingo;**
 - (m) **Gas Bar;**
 - (n) **Large Vehicle Wash;**
 - (o) **Live Work Unit;**
 - (p) **Military Base;**
 - (q) **Natural Area;**
 - (r) **Outdoor Recreation Area;**
 - (s) **Park;**
 - (t) **Park Maintenance Facility – Large;**
 - (u) **Park Maintenance Facility – Small;**
 - (v) **Parking Lot – Structure;**
 - (w) **Place of Worship – Medium;**
 - (x) **Place of Worship – Small;**
 - (y) **Power Generation Facility – Medium;**
 - (z) **Power Generation Facility – Small;**
 - (aa) **Protective and Emergency Service;**
 - (bb) **Self Storage Facility;**
 - (cc) **Sewage Treatment Plant;**
 - (dd) **Special Function – Class 1;**
 - (ee) **Special Function – Class 2;**
 - (ff) **Temporary Shelter;**
 - (gg) **Utilities;**
 - (hh) **Utility Building;**
 - (ii) **Vehicle Rental – Major;**
 - (jj) **Vehicle Rental – Minor;**
 - (kk) **Waste Disposal and Treatment Facility; and**
 - (ll) **Water Treatment Plant.**
- (7) Where a **building** contains 20 or more **units** with shared entrance facilities, a minimum of 1.0 **loading stalls** is required.

- (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 potential heritage sites, 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:
- (a) satisfaction of the test for a relaxation referenced in section 31;
 - (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:
- (a) the test for a relaxation referenced in section 31 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**.

Bicycle Parking Stalls

- 125 (1) **Bicycle parking stalls – class 1** must be located on hard surfaced areas.
- (2) **Bicycle parking stalls – class 2** may only be located in hard surfaced areas and in **hard surfaced landscaped areas**.
- (3) **Bicycle parking stalls** must not interfere with a pedestrian walkway.
- (4) **Bicycle parking stalls** must be separated from **motor vehicle parking stalls**, **visitor parking stalls** or **loading stalls** by 2.0 metres or a physical barrier.
- (5) A **bicycle parking stall** that is not an individual locker must be at least 2.0 metres in height.
- (6) A **bicycle parking stall** that is not an individual locker and is attached to the ground must be located at least 0.6 metres from any physical barrier.
- (7) Rows of bicycle parking devices, when affixed on the floor or **grade**, must be separated by at least 2.0 metres.
- (8) Bicycle parking devices, when affixed on the floor or **grade**, must be separated by at least 0.6 metres.
- (9) Required **bicycle parking stalls – class 2** should be located within 15.0 metres of the **public entrance** of a **building** containing the **uses** for which they are required.

- (10) Directional signage indicating the location of minimum required **bicycle parking stalls – class 2** must be provided when the stalls are not obviously visible near the entrance to a **building**.
- (11) The area where **bicycle parking stalls** are located must be illuminated.

Motor Vehicle Pick-Up and Drop-Off Stalls

- 126 (1) All minimum required **pick-up and drop-off stalls** must be located:
- (a) on the same **parcel** as the **development** requiring them; or
 - (b) within a **street**, if approved by the **Development Authority** and the General Manager of Transportation or his delegate.
- (2) The minimum dimensions of a **pick-up and drop-off stall** are the same as those for **motor vehicle parking stalls** provided in Table 2, except that a **pick-up and drop-off stall** that is parallel to a **street**, driveway or curb has a minimum width of 2.6 metres and a minimum depth of 6.7 metres.

Cash-in-lieu: Kensington 10th Street NW Commercial Parking Area

127 *deleted*

13P2008

Cash-in-lieu: 17th Avenue S. Commercial Parking Area

128 *deleted*

13P2008

Cash-in-lieu: 4th Street SW Commercial Parking Area

129 *deleted*

13P2008

PART 4: USES AND USE RULES

Division 1: General Provisions

Interpretation

32P2009

- 130 (1) Unless otherwise referenced in subsection (7), every definition relating to a **use** is the exclusive definition of that **use**.
- (2) Every **use** is classified as belonging to a group of **uses** as set out in Schedule A to this Bylaw, which is referenced only to compare and contrast related **uses**.
- (3) All subsections and clauses that precede the subsection indicating within which group of **uses** a **use** belongs in Schedule A are part of the definition of that **use** and must not be relaxed in accordance with section 40. All subsections and clauses that follow the **use** classification are rules and may be relaxed at the discretion of the **Development Authority**, in accordance with section 31 or 36, unless this Bylaw specifically provides that it is a rule that must not be relaxed.
- (4) Unless otherwise referenced in subsection (7), the **use** definitions must not be interpreted to include a **development** that clearly falls within another defined **use**.
- (5) Where a **development** is capable of being more than one **use**, the **use** under which the **development** more clearly fits must govern.
- (6) Every definition of a **use** must be read to allow for all things necessary or customary for the **use** and includes ancillary functions, such as, but not limited to, reception and administration areas, storage areas, toilet facilities, staff rooms, loading and unloading facilities and the storage of fleet vehicles. 14P2010
- (7) Where this Part contains a definition or rules for a **use** that expressly includes another **use** or allows for another **use** to be combined with it, the other **use** must be read to be part of the defined **use**.
- (8) Where a **use** definition references examples to aid in the interpretation of the **use** they are not intended to be exclusive or restrictive unless otherwise stated in the **use** definition.

Identification of Proposed Uses within a Development Permit Application

- 131 (1) When a proposed **development** is not a listed **use** within the applicable land use district the **development permit** application must be refused. 67P2008
- (2) When a proposed **development** includes multiple **uses**, subject to any restrictions on **use** combinations contained within this Bylaw, the **Development Authority** must issue a single **development permit** listing each approved **use**.

- 13P2008 (3) The **Development Authority** must consider a proposed **development** as a **discretionary use** in accordance with the requirements of Part 2, Division 5 if the **development permit** application is for:
- 71P2008 (a) multiple **uses** including at least one **discretionary use** that is not a **sign**; or
- (b) a **permitted use** which shares a **use area** with a **discretionary use**.

Commencement of Development for a Development Permit Authorizing Multiple Uses

132 Where a **development permit** application for multiple **uses** is approved, the provisions respecting commencement of **development** referenced in section 44 apply to all **uses** approved by the **development permit**.

Rules for All Uses

- 133** (1) In addition to all of the **setback area** rules required by this Bylaw, the **Development Authority** must ensure that all the setback requirements contained within the *Subdivision and Development Regulation* are satisfied.
- (2) Unless otherwise specified in a District, the minimum number of required **motor vehicle parking stalls**, **visitor parking stalls**, **bicycle parking stalls – class 1** and **bicycle parking stalls – class 2** is the requirement specified in each **use** definition in this Part.
- (3) A change of **use** must satisfy the minimum **motor vehicle parking stall** requirement in effect for that **use** as of the date of the change of **use**.
- 12P2012 (4) A change of **use** is not required to provide any **bicycle parking stalls** or **loading stalls** where it occurs in a **building** that was legally constructed or approved.
- (5) A **building** may be constructed using **modular construction** methods but a **Manufactured Home** does not qualify as **modular construction**.

Uses Not Listed But Allowed in All Districts

- 134** (1) The following **uses** are **permitted uses** in all Districts, regardless of whether they are listed in the District:
- (a) **Motion Picture Filming Location**;
- 1P2009 (b) **Public Transit System**;
- 4P2012 (b.1) **Special Function – Class 1**; and
- 1P2009 (c) **Utilities – Linear**.