

THE CITY OF CALGARY LAND USE BYLAW 1P2007 OFFICE CONSOLIDATION

BYLAWS AMENDING THE TEXT OF BYLAW 1P2007

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47P2008	June 1, 2008
48P2008	June 1, 2008
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10P2009	April 21, 2009
17P2009	June 1, 2009
28P2009	July 13, 2009
31P2009	September 14, 2009

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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Land Use Districts and Land Use District Maps

- 4 (1) The **City** is divided into land use districts, the boundaries of which are shown on the Land Use District Maps.
- (2) The portion of the Land Use District Maps that are:
- (a) shaded, including any area denoted with a Direct Control District Bylaw number, will be governed only by sections 1 through 4 inclusive of Part 1, sections 21(1), (2), 22 and 44(8), (9) of Part 2, Part 10 and the rules and **uses** contained in the applicable Direct Control District Bylaw; and 31P2009
 - (b) unshaded, including any area denoted with a Direct Control District Bylaw number, will be governed only by Parts 1 through 9 inclusive, Part 11, and the rules and **uses** contained in the applicable Direct Control District Bylaw. 51P2008
- (3) For ease of reference, the shaded and unshaded portions of the Land Use District Maps are generally illustrated on Map 1 titled “Application of Land Use Bylaw 1P2007”.
- (4) Where there is a conflict between Map 1 and the Land Use District Maps, the Land Use District Maps must prevail.
- (5) The Land Use District Maps, as may be amended by Bylaw from time to time, will be deposited with the City Clerk.
- (6) In this Bylaw, a land use district may be referred to by its full name or abbreviation as referenced in the title of each District.
- (7) Where this Bylaw refers to a rule or requirement relating to a **parcel** that is designated a particular land use district, it must be read to include a **parcel** that is designated Direct Control based on that land use district unless the Direct Control Bylaw indicates a contrary intent.

Interpreting the Land Use District Maps

- 5 (1) Despite the land use district shown on the Land Use District Maps, for the purpose of this Bylaw roads must only be used for:
- (a) the passage of motorized and non-motorized vehicles;
 - (b) the passage of pedestrians;
 - (c) the placement of public and private utilities authorized by the **City**; and
 - (d) activities pursuant to the Calgary Traffic Bylaw.

- (2) Concurrent with the closure of a road, **Council** must consider a corresponding land use redesignation.
- (3) Despite the land use district shown on the Land Use District Maps, water bodies under the jurisdiction of the Crown in right of the Province of Alberta or Canada are not regulated by this Bylaw.

Requirements of Other Legislation

- 6 Compliance with this Bylaw does not exempt any person from the requirements of any Federal, Provincial or Municipal legislation, approval process, licensing or permitting regime, or other Bylaw.

Referenced Legislation

- 7 (1) Where the following enactments and Bylaws are referred to in this Bylaw, the reference is to the enactment or Bylaw as may be amended from time to time, or to any enactment or Bylaw passed in substitution therefore.
- (2) “Building Permit Bylaw” means the *Calgary Building Permit Bylaw*, 64M94.
- (3) “Calgary International Airport Vicinity Protection Area Regulation” means the *Calgary International Airport Vicinity Protection Area Regulation*, A/R 318/79.
- (4) “Calgary International Airport Zoning Regulations” means the *Regulations Respecting Calgary International Airport*, pursuant to the RSC, *Aeronautics Act*, 1985, c.A-2.
- (5) “Calgary Traffic Bylaw” means *The Calgary Traffic Bylaw*, 26M96.
- (6) “Controlled Streets Bylaw” means *The Controlled Streets Bylaw*, 12M80.
- (7) “Licence Bylaw” means *The Business Licence Bylaw*, 32M98.
- (8) “*Municipal Government Act*” means the *Municipal Government Act*, R.S.A. 2000, c.M-26.
- (9) “Municipal Planning Commission Bylaw” means *The Calgary Planning Commission Bylaw*, 28P95.
- (10) “*Post-secondary Learning Act*” means the *Post-secondary Learning Act*, S.A. 2003, c.P-19.5.
- (11) “*Provincial Offences Procedure Act*” means the *Provincial Offences Procedure Act*, R.S.A. 2000, c.P-34.
- (12) “*Safety Codes Act*” means the *Safety Codes Act*, R.S.A. 2000, c.S-1.

Division 6: General Provisions Relating to Development Permits

Applications the Development Authority Must Refuse

- 40** The **Development Authority** must refuse a **development permit** application when the proposed **development**:
- (a) is for a **use** that is not listed as either a **permitted** or **discretionary use** in the governing land use district;
 - (b) is for a **use** containing a restriction in its definition that is not met by the proposed **use**;
 - (c) exceeds any of the following requirements where they are specified on a Land Use District Map:
 - (i) maximum **building height**;
 - (ii) maximum **floor area ratio**; and
 - (iii) maximum **units** per hectare;
 - (d) does not meet the minimum area requirement to accommodate **commercial multi-residential uses** in the M-X1 and M-X2 Districts; and
 - (e) is for either a **Contextual Single Detached Dwelling** or a **Multi-Residential Development – Minor**, and does not comply with all of the requirements and rules of this Bylaw.

Applications That May Only Be Considered in a Direct Control District

- 41** Where this Bylaw provides that a **use** may only be a listed **use** in a Direct Control District, the **Development Authority** must refuse a **development permit** if it proposes the **use** in a District other than a Direct Control District which lists the **use**.

Administrative Cancellation of an Application

31P2009

- 41.1** (1) In the case of an inactive or non-responsive application, the **General Manager** may, in his or her sole and unfettered discretion, cancel a **development permit** application subsequent to acceptance, where he determines that the information provided is not adequate for the **Development Authority** to properly evaluate the application.
- (2) The **General Manager** must provide written notice of the cancellation of the **development permit** application including reasons for the decision to the applicant.
- (3) The fees associated with a **development permit** application cancelled by the **General Manager** may be refunded.

Term of a Development Permit

42 A *development permit* remains in effect until:

- (a) the date of its expiry if the *development permit* was issued for a limited time;
- (b) it is suspended or cancelled; or
- (c) it lapses upon the failure of the applicant to commence *development* as required under this Division.

Suspension or Cancellation of a Development Permit

71P2008

43 (1) The *Development Authority* may suspend or cancel a *development permit* following its approval or issuance if:

- (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 or conditions of the *development permit* have not been complied with; or
- (e) the applicant requests, by way of written notice to the *Development Authority*, the cancellation of the *development permit*, provided that commencement of the *use, development* or construction has not occurred.

(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*.

31P2009

(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:

51P2008

- (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 and CC-COR Districts;

- (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**.
- (6) *deleted* 31P2009
- (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
 - (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 development to proceed pursuant to an approved **development permit**.
- (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: 31P2009
- (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 one year;
 - (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
- (9) When **development** has not commenced in accordance with this section the **development permit** lapses. 31P2009

Commencement of Construction

- 45 The approval of a **development permit** application and the release of a **development permit** does not authorize construction to either commence or continue except in conjunction with all other required permits.

Reapplication for a Development Permit

- 46 When an application for a **development permit** has been refused, the **Development Authority** must not accept another application for the same or a similar **development** on the same **parcel** until six months has passed from the date of the refusal.

Development Completion Permit

- 47 (1) When a **development permit** is required, a **development completion permit** must be issued before the **development** can be occupied or a **use** commenced.
- (2) The **General Manager** must determine which **developments** and **uses** do not require a **Development Completion Permit**, which may be amended from time to time.
- (3) The **Development Authority** must advise an applicant for a **development permit** if the proposed **development** or **use** requires a **Development Completion Permit**.
- (4) An application for a **Development Completion Permit** must be made on a form approved by the **General Manager** and must be accompanied by two copies of a surveyor's certificate.
- (5) An applicant for a **Development Completion Permit** must ensure the **development** or **use** is available for inspection by a Development Inspector during the Inspector's normal work day to confirm the **development** is completed in accordance with the **development permit**, and, upon request by the Development Inspector, the applicant must attend the inspection, produce any documents the Development Inspector feels are necessary for the inspection, and must not hinder the inspection in any way.
- (6) Where a **Development Authority** is satisfied that the **development** has been completed in accordance with all of the requirements of the **development permit**, the **Development Authority** may issue a **Development Completion Permit** for the **development**.
- (7) Where a **Development Authority** is not satisfied that a **development** has been completed in accordance with all of the requirements of the **development permit**, the **Development Authority** may:

13P2008

- (a) issue a **Development Completion Permit** upon receipt of a letter of credit or other security in an amount and form acceptable to the **Development Authority**, in order to ensure fulfilment of the outstanding requirements of the **development permit**; or
 - (b) refuse to issue a **Development Completion Permit**.
- (8) The **Development Completion Permit** must be retained on the premises in a legible condition for a period of one year from the date of issuance.

Appeals of Decisions on Development Permits

- 48 (1) Appeals in respect of decisions on **development permit** applications are governed by the *Municipal Government Act*.
- (2) The Subdivision and Development Appeal Board Administration must ensure that notice of a hearing of an appeal to the Subdivision and Development Appeal Board is published in a local newspaper at least five days prior to the date of the hearing.
- (3) If the decision of the **Development Authority** to refuse a **development permit** is reversed by the Subdivision and Development Appeal Board, the **Development Authority** must endorse the **development permit** in accordance with the decision of the Subdivision and Development Appeal Board.
- (4) If the decision of the **Development Authority** to approve a **development permit** application is reversed by the Subdivision and Development Appeal Board, the **development permit** is null and void.
- (5) If a decision of the **Development Authority** to approve a **development permit** is upheld by the Subdivision and Development Appeal Board, the **Development Authority** must release the **development permit** upon completion of any outstanding prior to release conditions.
- (6) If any decision of the **Development Authority** is varied by the Subdivision and Development Appeal Board, the **Development Authority** must endorse a **development permit** reflecting the decision of the Subdivision and Development Appeal Board and act in accordance therewith.
