

THE CITY OF CALGARY LAND USE BYLAW 1P2007

OFFICE CONSOLIDATION

BYLAWS AMENDING THE TEXT OF BYLAW 1P2007

11P2008	June 1, 2008	7P2011	January 10, 2011	22P2016	May 2, 2016
13P2008	June 1, 2008	13P2011	February 7, 2011	23P2016	May 24, 2016
15P2008	June 1, 2008	21P2011	June 20, 2011	27P2016	June 13, 2016
47P2008	June 1, 2008	24P2011	June 27, 2011	29P2016	June 13, 2016
48P2008	June 1, 2008	27P2011	July 1, 2011	28P2016	June 14, 2016
49P2008	June 1, 2008	30P2011	July 25, 2011	43P2016	November 21, 2016
50P2008	June 1, 2008	31P2011	September 12, 2011	4P2017	January 23, 2017
53P2008	June 1, 2008	33P2011	September 19, 2011	5P2017	February 13, 2017
54P2008	May 12, 2008	35P2011	December 5, 2011	13P2017	March 27, 2017
57P2008	June 9, 2008	36P2011	December 5, 2011	20P2017	May 1, 2017
67P2008	October 1, 2008	4P2012	January 10, 2012	29P2017	June 26, 2017
68P2008	October 6, 2008	2P2012	February 6, 2012	30P2017	June 26, 2017
71P2008	December 22, 2008	9P2012	April 23, 2012	37P2017	August 2, 2017
51P2008	January 4, 2009	12P2012	May 7, 2012	49P2017	September 12, 2017
75P2008	January 4, 2009	30P2012	November 5, 2012	50P2017	September 25, 2017
1P2009	January 26, 2009	32P2012	December 3, 2012	56P2017	September 25, 2017
10P2009	April 21, 2009	4P2013	March 1, 2013	24P2018	March 13, 2018
17P2009	June 1, 2009	5P2013	March 25, 2013	13P2018	April 2, 2018
28P2009	July 13, 2009	38P2013	September 2, 2013	16P2018	April 2, 2018
31P2009	September 14, 2009	44P2013	December 2, 2013	18P2018	April 2, 2018
41P2009	October 13, 2009	7P2014	April 14, 2014	17P2018	April 10, 2018
32P2009	December 14, 2009	33P2013	June 9, 2014	25P2018	April 24, 2018
46P2009	December 14, 2009	13P2014	June 9, 2014	39P2018	June 11, 2018
38P2009	December 15, 2009	15P2014	June 9, 2014	40P2018	June 25, 2018
3P2010	March 1, 2010	11P2014	June 19, 2014	26P2018	July 30, 2018
11P2010	April 19, 2010	24P2014	October 27, 2014	51P2018	August 6, 2018
14P2010	May 17, 2010	37P2014	December 22, 2014	52P2018	August 7, 2018
26P2010	May 17, 2010	5P2015	March 9, 2015	67P2018	September 25, 2018
12P2010	June 7, 2010	13P2015	May 13, 2015	61P2018	October 9, 2018
19P2010	June 7, 2010	26P2015	September 1, 2015	62P2018	October 9, 2018
23P2010	June 7, 2010	40P2015	November 9, 2015	83P2018	December 10, 2018
32P2010	July 26, 2010	43P2015	November 9, 2015		
34P2010	August 19, 2010	45P2015	December 8, 2015		
39P2010	November 22, 2010	15P2016	April 22, 2016		

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.

TITLE: THE CALGARY LAND USE BYLAW 1P2007

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PLANNING IMPLEMENTATION

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Test for a Relaxation

- 31** The **Development Authority** may approve a **development permit** application for a **permitted use** where the proposed **development** does not comply with all of the applicable requirements and rules of this Bylaw if, in the opinion of the **Development Authority**:
- (a) the proposed **development** would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties; and
 - (b) the proposed **development** conforms with a **use** prescribed by this Bylaw for that land or **building**.

Use Area Relaxation

- 32** Where the **Development Authority** is considering an application for a relaxation of a **use area** restriction, the **Development Authority** must consider the test in section 31 of this Part and:
- (a) the purpose of the District;
 - (b) whether granting the relaxation would make the proposed **development** incompatible with existing **developments** or **uses**;
 - (c) proximity of the proposed **development** to **residential districts**; and
 - (d) sound planning principles.

Conditions

- 33** The **Development Authority** may, as a condition of approving a **development permit** for a **permitted use** that does not comply with all of the applicable requirements and rules of this Bylaw:
- (a) impose the conditions referenced in section 28 of this part; and
 - (b) require the applicant to conform to a higher standard than required by the applicable rules if, in the opinion of the **Development Authority**, conformance to a higher standard will off-set any impact of granting the relaxation.

5P2013

Notification of Decision

- 34** (1) After approving a **development permit** application for a **permitted use** that does not comply with all of the applicable requirements and rules of this Bylaw, the **Development Authority** must:
- (a) publish a notice stating the location and **use** of the **parcel** for which the application has been approved; and
 - (b) endorse the **development permit** as of the date of the decision, but must not release the permit to the applicant:

83P2018

54P2008, 16P2018

- (i) before the 21 day appeal period referred to in the *Municipal Government Act* has expired; or
 - (ii) in the case of an appeal to the Subdivision and Development Appeal Board, until such time as the appeal has been fully dealt with by the Subdivision and Development Appeal Board, or the Alberta Court of Appeal in the case of an appeal or leave to appeal of a decision of the Subdivision and Development Appeal Board, or the appeal has been withdrawn or abandoned.
- (2) After refusing a **development permit** application for a **permitted use** that does not comply with all of the applicable requirements and rules of this Bylaw, the **Development Authority** must provide written notification of the decision and the reasons for it to the applicant.

- (iii) both (i) and (ii).
 - (c) to install or pay for installation of public utilities, other than telecommunications systems or works, that are necessary to serve the **development**;
 - (d) to construct or pay for the construction of:
 - (i) off-street or other parking facilities; and
 - (ii) loading and unloading facilities.
 - (e) to pay an off-site levy or redevelopment levy; and
 - (f) to give security to ensure that the terms of the agreement under this section are carried out.
- (3) The **Development Authority** may, as a condition of issuing of a **development permit** for a **discretionary use** on a **parcel adjacent to a freight rail corridor**. 51P2018
- (a) require additional information as necessary to mitigate the impact of a potential train derailment and noise impact associated with freight rail operations; and
 - (b) require the mitigation identified in subsection (a) to be incorporated into the **development** for the life of the **development**.

Notification of Decision for Discretionary Use Application

- 39 (1) After approving a **development permit** application for a **discretionary use**, the **Development Authority** must:
- (a) publish a notice stating the location and **use** of the **parcel** for which the application has been approved; and 83P2018
 - (b) endorse the **development permit** as of the date of the decision, but must not release the permit to the applicant:
 - (i) before the 21 day appeal period referred to in the *Municipal Government Act* has expired; or 16P2018
 - (ii) in the case of an appeal to the Subdivision and Development Appeal Board, until such time as the appeal has been fully dealt with by the Subdivision and Development Appeal Board, or the Alberta Court of Appeal in the case of an appeal or leave to appeal of a decision of the Subdivision and Development Appeal Board, or the appeal has been withdrawn or abandoned.
- (2) After refusing an application for a **development permit** application for a **discretionary use**, whether or not it complies with all of the rules of this Bylaw, the **Development Authority** must provide written notification of the decision and the reasons for it to the applicant.

- (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 the **development** to proceed pursuant to an approved **development permit**. 41P2009
- (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
29P2017
- (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 up to two years;
- (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 Where a **development permit application** has been refused, the **Development Authority** must not accept an application for the same or similar **development** within six months of the date of decision except where the proposed **development** is for a **permitted use** that conforms to all of the applicable requirements and rules of this Bylaw. 5P2013

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:
- (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) *deleted*

16P2018

Appeals of Decisions on Development Permits

- 48 (1) Appeals in respect of decisions on **development permit** applications are governed by the *Municipal Government Act*.
- 83P2018 (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 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.