

# THE CITY OF CALGARY LAND USE BYLAW 1P2007

## OFFICE CONSOLIDATION

### BYLAWS AMENDING THE TEXT OF BYLAW 1P2007

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

#### 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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**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.

**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 ensure a notice is posted in a conspicuous place 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 wishes to submit comments in respect to the proposed **development** on the **parcel** may deliver to the **Development Authority** a written statement of their comments regarding the **development**;
- (d) the date by which the comments must be delivered to the **Development Authority** to be considered by the **Development Authority**; and
- (e) that the submission must include:
- (i) their full name and address; and
- (ii) the reasons for their position.
- (2) The following **uses** must always be notice posted:
- (a) **Backyard Suite**;
- (a.1) **Drinking Establishment – Large** in the CC-EIR or the CC-ET districts;
- (a.2) **Drinking Establishment – Medium** in the C-C1, C-COR1, C-COR2, CC-X, CC-COR, CC-EMU, CC-ET, or CC-EIR Districts and in all **mixed use districts**;
- (b) **Drinking Establishment – Small** in the M-H2, M-H3, C-N1, C-N2, C-C1, C-COR1, C-COR2, I-E, CC-X, CC-COR, CC-EMU, CC-ET, CC-EPR, or CC-EIR Districts and in all **mixed use districts**;
- (c) **Drive Through** in the C-N2, C-C1 or C-COR2 districts;

46P2007, 30P2011

17P2018

17P2018

17P2018

17P2018

26P2010, 24P2014

51P2008, 24P2014

24P2014, 13P2017,  
20P201751P2008, 13P2017,  
20P2017

- 17P2009 (c.1) **Home Based Child Care – Class 2;**
- (d) **Home Occupation – Class 2;**
- 51P2008, 13P2017, 20P2017 (e) **Liquor Store** in the C-N1, C-N2, C-C1, C-COR1, C-COR2, I-E, CC-X, CC-COR, CC-ET, CC-EIR, CC-EMU, or CC-EPR Districts and in all *mixed use districts*;
- 7P2014 (e.1) **Medical Marihuana Production Facility;**
- (f) **Multi-Residential Development** in the *Developed Area*;
- 26P2010, 33P2013 (f.1) **Night Club** in the CC-EIR District or CR20-C20/R20 District in the area indicated in Map 11;
- 51P2008, 33P2013, 13P2017, 20P2017 (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, CC-ET, CC-EIR, CC-EMU, CC-EPR, CC-ERR, or CC-ER Districts or; CR20-C20/R20 District in the area indicated in Map 11 and in all *mixed use districts*;
- 43P2015 (g.1) **Pawn Shop;**
- 43P2015 (g.2) **Payday Loan;**
- 14P2010 (h) **Place of Worship – Large;**
- 14P2010 (h.1) **Recyclable Construction Material Collection Depot (temporary);**
- 12P2010, 14P2010, 24P2014 (i) *deleted*
- 12P2010, 9P2012, 24P2014 (i.1) *deleted*
- 24P2018 (i.2) **Secondary Suite** in the R-C1L, R-C1 and R-1 Districts;
- 51P2008, 14P2010, 38P2013, 13P2017, 20P2017 (j) **Social Organization** in the C-N1, C-N2, C-C1, C-COR1, C-COR2, S-CI, CC-COR, CC-ET, CC-EMU, CC-EIR, CC-EPR, or CC-ERR Districts and in all *mixed use districts*;
- 14P2010, 38P2013 (k) **Waste Disposal and Treatment Facility.**
- 38P2013 (l) **Wind Energy Conversion System - Type 1;** and
- 38P2013 (m) **Wind Energy Conversion System - Type 2.**
- 30P2011 (2.1) The following *uses* must be notice posted when *adjacent* to a *parcel* containing a **Dwelling Unit**:
- (a) **Digital Third Party Advertising Sign;** and
- (b) **Digital Message Sign.**
- 4P2013 (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*; 22P2016
  - (d.1) **Rowhouse Building** when listed as a *discretionary use* in the *Developed Area*; and 22P2016
  - (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 and in all *mixed use districts*; 51P2008, 26P2010, 9P2012, 33P2013, 20P2017
- (6) The *Development Authority* must not notice post any *development permit* applications not set out in subsections (2), (2.1), (3), (4) or (5).w 30P2011
- (7) The posted notices referenced in this section must conform to the standards approved by the *General Manager*. 17P2018

50P2017

### **Exemption for Acquisition of Land by The City**

- 27.1 (1)** Except as otherwise referenced in subsection (2), where a portion of a **parcel** is, or has been, acquired on or after January 1, 2017 by the **City** for a municipal purpose, the **development** or **use** legally existing or approved on that **parcel** on the date that the land is, or was, acquired by the **City** is deemed to conform with the requirements of this Bylaw and to comply with the approved **development permit**.
- (2)** Subsection (1) does not deem a **non-conforming use** to conform with the uses listed in the governing land use district or restrictions in the definition of the **use**.

- (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 or 36;
- (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.

5P2013

(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 either section 31 or 36 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

13P2018

- (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**.
- 5P2013 (6) The **Development Authority** may consider a relaxation of Section 116 where:
- (a) the test for a relaxation referenced in either Section 31 or 36 is satisfied;
- (b) the **development permit** identifies the locations of the minimum required stalls, including the mechanisms used to maintain the stalls for the duration of the **development**;
- (c) the stalls referenced in subsection (b) are signed or marked as being available for the **development**; and
- (d) all **parcels** forming part of the **development** are indicated on the same **development permit**.

### Parking Stall Exemptions

- 18P2018 124.1 (1) For the following existing approved **uses**, interior alterations that increase the **public area** but do not increase the **gross floor area** of the approved **use** are not required to provide additional **motor vehicle parking stalls** as a result of the interior alterations:
- (a) **Restaurant: Food Service Only – Large;**
- (b) **Restaurant: Food Service Only – Medium;**
- (c) **Restaurant: Food Service Only – Small;**

- (d) **Restaurant: Licensed – Large;**
- (e) **Restaurant: Licensed – Medium;**
- (f) **Restaurant: Licensed – Small; and**
- (g) **Restaurant: Neighbourhood**

### **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**

13P2008

**127** *deleted*

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

13P2008

**128** *deleted*

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

13P2008

**129** *deleted*



- (d) must not have outdoor speakers;
- (e) must not be combined with a **Drinking Establishment – Small** when located in the M-H2 or M-H3 districts;
- (f) has a maximum area of 25.0 square metres in the C-N1, C-N2, C-C1, C-C2, C-COR1, C-COR2, C-O, C-R1, I-B, CC-MHX, CC-X, CC-COR, CC-ER, CC-ERR, CC-EMU, CC-EIR, CC-EPR, CC-ET, MU-1, MU-2, M-H1, M-H2, M-H3, M-X1 and M-X2 districts; 20P2017
- (g) must be located more than 25.0 metres from a **parcel** designated M-CG, M-C1, M-C2, M-G, M-1, M-2, or any **low density residential district**; unless the **use** is completely separated from these districts by a **building** or by an intervening **street**;
- (h) does not require **motor vehicle parking stalls**; and 18P2018
- (i) does not require **bicycle parking stalls – class 1 or class 2**.

#### 248 “Outdoor Recreation Area”

- (a) means a **use**:
  - (i) where people participate in sports and athletic activities outdoors;
  - (ii) where the sport or athletic activity is not **Motorized Recreation or Firing Range**;
  - (iii) that may include a **building** containing change rooms, washrooms or showers and rooms for the administrative functions required to operate the **use**; and
  - (iv) that may provide a temporary seating area for the viewing of the sport or athletic activity associated with the **use**;
- (b) is a **use** within the Culture and Leisure Group in Schedule A to this Bylaw;
- (c) requires a minimum number of **motor vehicle parking stalls** based on a parking study required at the time of **development permit** application when it is listed as a **discretionary use** in a District; and
- (d) does not require **bicycle parking stalls – class 1 or class 2**.

