

THE CITY OF CALGARY LAND USE BYLAW 1P2007

OFFICE CONSOLIDATION

BYLAWS AMENDING THE TEXT OF BYLAW 1P2007

11P2008	June 1, 2008	24P2011	June 27, 2011	4P2017	January 23, 2017
13P2008	June 1, 2008	27P2011	July 1, 2011	5P2017	February 13, 2017
15P2008	June 1, 2008	30P2011	July 25, 2011	13P2017	March 27, 2017
47P2008	June 1, 2008	31P2011	September 12, 2011	20P2017	May 1, 2017
48P2008	June 1, 2008	33P2011	September 19, 2011	29P2017	June 26, 2017
49P2008	June 1, 2008	35P2011	December 5, 2011	30P2017	June 26, 2017
50P2008	June 1, 2008	36P2011	December 5, 2011	37P2017	August 2, 2017
53P2008	June 1, 2008	4P2012	January 10, 2012	49P2017	September 12, 2017
54P2008	May 12, 2008	2P2012	February 6, 2012	50P2017	September 25, 2017
57P2008	June 9, 2008	9P2012	April 23, 2012	56P2017	September 25, 2017
67P2008	October 1, 2008	12P2012	May 7, 2012	24P2018	March 13, 2018
68P2008	October 6, 2008	30P2012	November 5, 2012		January 29, 2019
71P2008	December 22, 2008	32P2012	December 3, 2012	13P2018	April 2, 2018
51P2008	January 4, 2009	4P2013	March 1, 2013	16P2018	April 2, 2018
75P2008	January 4, 2009	5P2013	March 25, 2013	18P2018	April 2, 2018
1P2009	January 26, 2009	38P2013	September 2, 2013	17P2018	April 10, 2018
10P2009	April 21, 2009	44P2013	December 2, 2013	25P2018	April 24, 2018
17P2009	June 1, 2009	7P2014	April 14, 2014	39P2018	June 11, 2018
28P2009	July 13, 2009	33P2013	June 9, 2014	40P2018	June 25, 2018
31P2009	September 14, 2009	13P2014	June 9, 2014	26P2018	July 30, 2018
41P2009	October 13, 2009	15P2014	June 9, 2014	51P2018	August 6, 2018
32P2009	December 14, 2009	11P2014	June 19, 2014	52P2018	August 7, 2018
46P2009	December 14, 2009	24P2014	October 27, 2014	67P2018	September 25, 2018
38P2009	December 15, 2009	37P2014	December 22, 2014	61P2018	October 9, 2018
3P2010	March 1, 2010	5P2015	March 9, 2015	62P2018	October 9, 2018
11P2010	April 19, 2010	13P2015	May 13, 2015	83P2018	December 10, 2018
14P2010	May 17, 2010	26P2015	September 1, 2015	10P2019	January 29, 2019
26P2010	May 17, 2010	40P2015	November 9, 2015	32P2019	April 29, 2019
12P2010	June 7, 2010	43P2015	November 9, 2015	33P2019	April 29, 2019
19P2010	June 7, 2010	45P2015	December 8, 2015	35P2019	April 29, 2019
23P2010	June 7, 2010	15P2016	April 22, 2016	42P2019	June 10, 2019
32P2010	July 26, 2010	22P2016	May 2, 2016	46P2019	July 1, 2019
34P2010	August 19, 2010	23P2016	May 24, 2016	76P2019	November 18, 2019
39P2010	November 22, 2010	27P2016	June 13, 2016	77P2019	November 18, 2019
7P2011	January 10, 2011	29P2016	June 13, 2016	32P2020	July 27, 2020
13P2011	February 7, 2011	28P2016	June 14, 2016	48P2020	November 3, 2020
21P2011	June 20, 2011	43P2016	November 21, 2016	6P2021	January 18, 2021

BYLAWS AMENDING THE TEXT OF BYLAW 1P2007

27P2021	June 21, 2021 July 5, 2021
28P2021	December 21, 2021
46P2021	July 28, 2021
20P2022	March 29, 2022
44P2022	July 26, 2022
34P2022	August 15, 2022
66P2022	December 20, 2022
56P2022	January 2, 2023
28P2023	May 16, 2023
34P2023	June 20, 2023
2H2023	June 20, 2023

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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- (28.2) “**Central Business District Improvement Fund**” means a civic fund into which financial contributions made towards additional **floor area ratio** in accordance with the incentive provisions in Part 13, Division 3 are collected. 15P2016
- (29) “**City Manager**” means the Chief Administrative Officer of The City or the employee of The City who has been delegated the authority to exercise the powers, duties, and functions of the Chief Administrative Officer under this Bylaw. 20P2022
- (30) “**City**” means The City of Calgary, a municipal corporation in the Province of Alberta, or the area within the corporate limits of The City of Calgary, as the context requires.
- (30.1) “**climate adaptation**” means actions, programs and tools intended to reduce negative impacts of **climate change** on built and natural infrastructure, the economy and people. 2H2022
- (30.2) “**climate change**” means a long-term change in the average weather patterns that have come to define Earth’s local, regional and global climates due to the increase in atmospheric **greenhouse gases** caused by human activities. 2H2022
- (30.3) “**climate mitigation**” means actions, programs and tools that limit or prevent **greenhouse gas** emissions from going into the atmosphere, or activities that remove **greenhouse gases** from the atmosphere through natural or technological means. 2H2022
- (31) “**commercial district**” means any one or more of the land use districts described in Part 7 and the CC-X and CC-COR districts contained in Part 11. 51P2008
- (32) “**commercial multi-residential uses**” means any one or more of the following **uses**, when referenced in a **multi-residential district**: 39P2010, 7P2011, 5P2015
- (a) **Artist’s Studio**; 42P2019
 - (a.1) **Child Care Service**; 27P2021
 - (a.2) **Convenience Food Store**; 27P2021
 - (b) *deleted* 27P2021
 - (c) **Drinking Establishment – Small**;
 - (c.1) **Health Care Service**; 27P2021

- 27P2021 (d) **Information and Service Provider;**
- 27P2021 (e) **Office;**
- 27P2021 (f) **Outdoor Café;**
- (g) **Print Centre;**
- (h) **Restaurant: Food Service Only;**
- (i) **Restaurant: Licensed;**
- (j) *deleted*
- (k) **Retail and Consumer Service;**
- (l) **Service Organization**
- (m) **Specialty Food Store;** and
- (n) **Take Out Food Service.**
- (33) “**common amenity space**” means a space designed for active or passive recreational use that is provided for the use of all of the occupants of a **development**.
- (34) “**common amenity space – indoors**” means **common amenity space** that is located in a **building**.
- (35) “**common amenity space – outdoors**” means **common amenity space** that is not located in a **building**.
- 44P2013 (36) “**contextual adjacent buildings**” means the two closest **buildings** to a **parcel**:
- (a) located on the same block face not separated by a **street**;
- (b) in the case of **low density residential district** where the **building** is on a **parcel** designated as a **residential district**; and
- (c) where the **building** is not an **Accessory Residential Building**.
- 3P2010 (37) “**contextual building depth average**” means:
- (a) where there are at least two other **buildings** on the same block face, the average **building depth** of the **contextual adjacent buildings** plus 4.6 metres;
- (b) where there is only one other **building** on the same block face, the **building depth** of such **building** plus 4.6 metres; and
- (c) where there is no other **building** on the same block face, 65.0 per cent of **parcel depth**.
- 3P2010 (38) *deleted*

- (69) “**grade**” means the elevation of the finished ground surface, not including any artificial embankment, the elevation of an entrance to underground parking, stairways or window wells.
- (69.1) “**greenhouse gas**” means any gas in the atmosphere that absorbs infrared radiation, thereby trapping heat in the atmosphere. 2H2022
- (70) “**gross floor area**” means the sum of the areas of all above **grade** floors of a **building** measured to the glassline, or where there is no glassline, to the outside surface of the exterior walls, or where **buildings** are separated by firewalls, to the centre line of the common firewalls, and includes all mechanical equipment areas and all open areas inside a **building** that do not contain a floor including atriums, elevator shafts, stairwells and similar areas.
- (71) “**gross usable floor area**” means, for the purpose of calculating **motor vehicle parking stalls, bicycle parking stalls** and **loading stalls**, the total horizontal area of every enclosed floor and mezzanine used exclusively by a single **use area** in a **building**, and is measured from the exterior face of the exterior wall and the centreline of an interior partition wall that separates at least two **uses**, but does not include:
- (a) elevator shafts;
 - (b) stairwells;
 - (c) crawl spaces;
 - (d) mechanical or electrical rooms;
 - (e) indoor garbage or recycling storage;
 - (f) areas used for parking and loading;
 - (g) areas below **grade** used for storage and not accessible to the public; and
 - (h) common corridors and halls available to more than one **use**.
- (72) “**gross vehicle weight**” means the value specified by the vehicle manufacturer as the maximum loaded weight of a vehicle. 41P2009
- (73) “**hard surfaced landscaped area**” means an area with a surface consisting of materials that:
- (a) are not living or derived from living organisms; or
 - (b) were once living but are now formed into a structure;
 - (c) may include, but are not limited to, brick, concrete, stone and wood; and
 - (d) must not include asphalt.
- (73.1) “**hazardous waste**” means waste that has one or more specific properties considered to be hazardous under the *Alberta Waste Control Regulation*. 44P2022

- 66P2022 (73.2) “**heritage guideline area**” means those lands within an area indicated on the Heritage Guideline Areas Maps.
- (74) “**industrial district**” means any one or more of the land use districts described in Part 8.
- 9P2012 (74.1) “**irregular parcel**” means a **parcel** that is inconsistent in shape with other **parcels** in the neighbourhood, where the **property line** opposite to and farthest from the **front property line**:
- (a) cannot be identified; or
- (b) results in a **parcel** that has less than two **side property lines**.
- (75) “**kitchen**” means facilities used or designed to be used for the cooking or preparation of food.
- 32P2009 (75.1) “**laboratory**” means a facility where scientific research, experiments and measurement are performed for the purposes of providing information or as part of **research and development**.
- (76) “**landing**” means an uncovered platform extending horizontally from a **building**, abutting an entry door and providing direct access to **grade** or stairs.
- (77) “**landscaped area**” means that portion of a **parcel** that is required to be a **hard surfaced landscaped area** or **soft surfaced landscaped area**.
- (78) “**lane**” means a roadway that is primarily intended to give access to the rear of **buildings** and **parcels**.
- (79) “**laned parcel**” means a **parcel** which is bounded at least in part by a **lane**.
- (80) “**laneless parcel**” means a **parcel** which is not bounded wholly or partially by a **lane**.
- 5P2013 (81) “**large vehicle**” means a vehicle, other than a **recreational vehicle**:
- (a) with a **gross vehicle weight** stated by the manufacturer, vehicle signage, or vehicle registration, to be in excess of 4536 kilograms;
- (b) with one or more of the following characteristics:
- (i) tandem axles;
- (ii) a passenger capacity in excess of 15 persons; or
- (iii) dual wheels where the vehicle includes a flat deck or other form of utility deck; or
- (c) that can be generally described as a:
- (i) bus;
- (ii) cube van;
- (iii) dump truck;

- (iv) flatbed truck; or
 - (v) tractor, trailer, or tractor trailer combination.
- (82) “**light fixture**” means a lighting module that has one or more luminaires and luminaire holders.
- (83) “**loading stall**” means an area to accommodate a vehicle while being loaded or unloaded.
- (83.1) “**local food sales**” means the temporary sale of locally grown and made food that does not include permanent structures. 33P2019
- (84) “**low density residential district**” means any one or more of the land use districts described in Part 5.
- (85) “**low water irrigation system**” means an automated underground irrigation system which includes:
- (a) a rain sensor or a soil moisture sensor;
 - (b) a flow sensor for leak detection; and
 - (c) a master valve to secure the system if a leak is detected.
- (86) “**LRT corridor**” means a **street**, **parcel** or railroad right-of-way used for a light rail transit system.
- (87) “**LRT platform**” means a platform used for embarking and disembarking light rail transit passengers.
- (88) “**LRT station**” means a light rail transit station.
- (89) “**main residential building**” means a **building** containing one or more **Dwelling Units** but does not include a **Backyard Suite**. 12P2010, 24P2014
- (90) “**major street**” means a **street** identified as a Street in the Transportation Bylaw. 9P2012
- (90.1) *deleted* 7P2014, 25P2018
- (90.2) “**mixed use district**” means any one or more of the land use districts described in Part 14. 20P2017
- (90.3) “**mobility storage locker**” means a secure **building**, or portion of a **building**, that: 56P2022
- (a) has a door with a minimum width of 0.9 metres that has direct access to **grade**;
 - (b) has a minimum length of 2.8 metres;
 - (c) has a minimum width of 1.2 metres; and
 - (d) has a minimum height of 1.8 metres.
- (91) “**modular construction**” means a method of constructing whereby most of the parts of a **building** have been constructed in an off-site manufacturing facility and transported to a **parcel** where the parts are assembled and anchored to a permanent foundation.

- 51P2008
- (92) “**motor vehicle parking stall**” means an area for the parking of a single motor vehicle.
- (93) “**mounting height**” means the vertical distance between the lowest part of the **light fixture** and the **grade** directly below the **light fixture**.
- (94) “**multi-residential district**” means any one or more of the land use districts described in Part 6 and the CC-MH and CC-MHX districts contained in Part 11.
- (95) “**non-conforming building**” means a **building**:
- (a) that is lawfully constructed or lawfully under construction at the date a land use bylaw affecting the **building** or the land on which the **building** is situated becomes effective; and
 - (b) that, on the date the land use bylaw becomes effective, does not, or when constructed will not, comply with the land use bylaw.
- (96) “**non-conforming use**” means a lawful specific use:
- (a) being made of land or a **building** or intended to be made of a **building** lawfully under construction, at the date a land use bylaw affecting the land or **building** becomes effective; and
 - (b) that on the date the land use bylaw becomes effective does not, or in the case of a **building** under construction will not, comply with the land use bylaw.
- 9P2012
- (96.1) “**Officer**” means a Bylaw Enforcement Officer or a Peace Officer.
- (97) “**open balcony**” means a **balcony** that is unenclosed on three sides, other than by a railing, balustrade or **privacy wall**.
- (98) “**overland flow area**” means those lands abutting the **floodway** or the **flood fringe**, the boundaries of which are indicated on the Floodway/ Flood Fringe Maps that would be inundated by shallow overland floodwater in the event of a flood of a magnitude likely to occur once in one hundred years.
- 32P2009
- (99) “**parcel**” means:
- (a) the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office; and
 - (b) in the R-C1L, R-C1Ls, R-C1, R-C1s, R-C1N, R-C2, R-1, R-1s, R-1N, R-2, R-G and R-Gm districts, includes a **bare land unit** created under a condominium plan;
- 24P2014, 15P2016,
4P2017
- 47P2008, 5P2013
- (100) “**parcel coverage**” means the cumulative **building coverage** of all **buildings** on a **parcel** excluding, **Accessory Residential Buildings** which in aggregate are less than 10.0 square metres.
- (101) “**parcel depth**” means the length of a line joining the mid-points of the **front property line** and the **rear property line**.

Map 2.4 “Sunalta Change of Use Exemption Area”

deleted

44P2022

39P2018, 6P2021,
2H2023**Exemption for Insulation Retrofit**

- 25.4 (1)** **Development** with the sole purpose of adding exterior insulation and associated cladding to an existing **building** does not require a **development permit**.
- (2)** The additional exterior insulation and associated cladding referenced in subsection (1) may:
- (a) project a maximum of 0.3 metres into any required **setback area**;
 - (b) exceed the maximum **parcel coverage** in low density **residential districts**; and
 - (c) be exempt from the minimum **landscaped area** calculations in **multi-residential districts**.
- (3)** **Buildings** listed on the **City's** inventory of evaluated historic resources are not exempt from the requirement for a **development permit** referenced in subsection (1).

46P2007, 30P2011

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

17P2018

- 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:

17P2018

- (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**;

17P2018

- (d) the date by which the comments must be delivered to the **Development Authority** to be considered by the **Development Authority**; and

17P2018

- (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; | 26P2010, 24P2014 |
| (a.1) Cannabis Facility; | 51P2008, 24P2014,
25P2018 |
| (a.2) Cannabis Store; | 24P2014, 13P2017,
20P2017, 25P2018 |
| (a.3) Drinking Establishment – Large in the CC-EIR or the CC-ET districts; | |
| (a.4) 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 ; | 51P2008, 13P2017,
20P2017 |
| (c) Drive Through in the C-N2, C-C1 or C-COR2 districts; | |
| (c.1) <i>deleted</i> | 17P2009
28P2021 |
| (c.2) Hazardous Waste Management Facility; | 44P2022 |
| (d) Home Occupation – Class 2; | |
| (d.1) Landfill; | 44P2022 |
| (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 ; | 51P2008, 13P2017,
20P2017 |
| (e.1) <i>deleted</i> | 7P2014, 25P2018 |
| (f) Multi-Residential Development in the <i>Developed Area</i>; | |
| (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, 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 ; | 51P2008, 33P2013,
13P2017, 20P2017 |
| (g.1) Pawn Shop; | 43P2015 |
| (g.2) Payday Loan; | 43P2015 |
| (h) Place of Worship – Large; | 14P2010 |
| (h.1) Recyclable Construction Material Collection Depot (temporary); | 14P2010 |
| (i) <i>deleted</i> | 12P2010, 14P2010, 24P2014 |

- 12P2010, 9P2012, 24P2014
- 24P2018
- 51P2008, 14P2010,
38P2013, 13P2017,
20P2017
- 14P2010, 38P2013,
44P2022
- 44P2022
- 38P2013
- 38P2013
- 30P2011
- 4P2013
- (i.1) *deleted*
 - (i.2) **Secondary Suite** in the R-C1L, R-C1 and R-1 Districts;
 - (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***;
 - (k) *deleted*
 - (k.1) **Waste Storage Site**;
 - (l) **Wind Energy Conversion System - Type 1**; and
 - (m) **Wind Energy Conversion System - Type 2**.
- (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**.
- (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**; 22P2016, 56P2022
- (d.2) **Townhouse** when listed as a *discretionary use* in a *residential district* in the **Developed Area**; and 22P2016, 56P2022
- (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

Exemption for Acquisition of Land by The City

50P2017

- 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**.

Division 5: Discretionary Use Development Permit

Discretionary Use Development Permit Application

35 When making a decision on a *development permit* for a *discretionary use* the *Development Authority* must take into account:

- (a) any plans and policies affecting the *parcel*;
- (a.1) *climate mitigation* and *climate adaptation*; 2H2023
- (b) the purpose statements in the applicable land use district;
- (c) the appropriateness of the location and *parcel* for the proposed *development*;
- (d) the compatibility and impact of the proposed *development* with respect to *adjacent development* and the neighbourhood;
- (e) the merits of the proposed *development*;
- (f) the servicing requirements;
- (g) access, parking and transportation requirements; 48P2020
- (h) vehicle and pedestrian circulation within the *parcel*;
- (i) the impact on the public transit system; and
- (j) sound planning principles.

Discretionary Use That Does Not Comply

25P2018

- 36** (1) The *Development Authority* may approve a *development permit* application for a *discretionary 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*.
- (2) The provisions of 36(1) apply to any reduction in the required distance of 100 metres from a **Cannabis Store** to a boundary of a *parcel* of land that does not contain a school *building* and is designated as school reserve or municipal and school reserve under the *Municipal Government Act*, in accordance with 105(5) of the Gaming, Liquor And Cannabis Regulation.

Development Authority's Decision

- 37** (1) The **Development Authority** may approve, either permanently or for a limited period of time, a **development permit** application for a **discretionary use**, and may impose the conditions enumerated in section 38 of this Part.
- (2) The **Development Authority** may refuse a **development permit** application for a **discretionary use** even though it meets the requirements and rules of this Bylaw.

Conditions on Discretionary Use Development Permits

- 38** (1) The **Development Authority** may, as a condition of issuing a **development permit** for a **discretionary use**, impose conditions in respect of the following matters:
- (a) actions to be performed or carried out prior to the release of the **development permit**;
 - 2H2023 (a.1) **climate mitigation** and **climate adaptation**;
 - (b) the construction or maintenance of the proposed **development** in accordance with the approved plans;
 - (c) the appropriate performance of a **use**;
 - (d) an environmental site assessment;
 - (e) the time or times a **use** may be carried out;
 - (f) phasing of the **development**;
 - (g) limits imposed on the **development**;
 - 48P2020 (g.1) The number of **motor vehicle parking stalls** provided for a **development**, regardless of whether the **use** or District identifies a minimum number of required **motor vehicle parking stalls**.
 - 9P2012 (h) bonusing requirements;
 - (i) the construction of or payment for public utilities, other than telecommunications systems or works, and vehicular and pedestrian access that are necessary to serve the **development**; and
 - (j) the furtherance of sound planning principles.
- (2) The **Development Authority** may, as a condition of issuing a **development permit** for a **discretionary use**, require the applicant to enter into an agreement with the **City** to do any or all of the following:
- (a) to construct or pay for the construction of a public thoroughfare required to give access to the **development**;
 - (b) to construct or pay for the construction of:

- (i) a pedestrian walkway system to serve the **development**; or
 - (ii) pedestrian walkways to connect the pedestrian walkway system serving the **development** with a pedestrian walkway system that serves or is proposed to serve an **adjacent development**; or
 - (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 online for the public stating the location and **use** of the **parcel** for which the application has been approved; and 83P2018,
46P2019
 - (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 **Appeal Body**, until such time as the appeal has been fully dealt with by the **Appeal Body**, or the Alberta Court of Appeal in the case of an appeal or leave to appeal of a decision of the **Appeal Body**, 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.