

Solar related excerpts taken from:

The City of Calgary Land Use Bylaw 1P2007 (as of March 21st, 2011)

As an excerpted copy of the Land Use Bylaw, the reader should always consult the official, full version to ensure compliance. This document is for reference use only.

For full version go to www.calgary.ca/landusebylaw

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.*

BYLAW 1P2007 A BYLAW TO REGULATE THE DEVELOPMENT AND USE OF LAND IN THE CITY OF CALGARY

WHEREAS the *Municipal Government Act* requires every municipality to pass a land use bylaw which may prohibit, regulate and control the use and development of land and buildings in a municipality;
AND WHEREAS Council has held a public hearing in accordance with the requirements of the *Municipal Government Act*,

NOW THEREFORE THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

PART 1: INTERPRETATION OF THIS BYLAW

Division 1: General Interpretation

Short Title

1 This Bylaw may be cited as “the Land Use Bylaw”.

Repeal of Bylaw 2P80 and Coming into Force of Bylaw 1P2007

2 (1) *The City of Calgary Land Use Bylaw, 2P80, as amended, is hereby repealed and will cease to have effect on the day this Bylaw comes into force.*

(2) This Bylaw comes into force on the 1st day of June, 2008.

(3) Notwithstanding (2) above, the Municipal District of Rocky View No. 44 Land Use Bylaw, Bylaw C-4841-97, will apply to applications for a **development permit** received prior to June 1, 2008 and which are located in the lands annexed from the Municipal District of Rocky View No. 44 to the City of Calgary as described in Appendix A of Order in Council 333/2007.

Content

3 This Bylaw includes the:

- (a) Schedules appended hereto;
- (b) Land Use District Maps deposited with the City Clerk;
- (c) Floodway/Flood Fringe Maps deposited with the City Clerk;
- (d) Floodway/Floodplain Maps deposited with the City Clerk;
- (e) Developed Area and Developing Area Maps deposited with the City Clerk;
- (f) Parking Areas Map deposited with the City Clerk; and
- (g) Bonus Area Boundaries Map deposited with the City Clerk.

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.
- (6.1) "*Historical Resources Act*", means the *Historical Resources Act*, R.S.A. 2000
- (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.
- (13) "*School Act*" means the *School Act*, R.S.A. 2000, c.S-3.
- (14) "Subdivision and Development Appeal Board Bylaw" means *The Subdivision and Development Appeal Board Bylaw*, 25P95.
- (15) "Subdivision and Development Regulation" means the *Subdivision and Development Regulation*, A/R 43/2002.
- (16) "*Surveys Act*" means the *Surveys Act*, R.S.A. 2000, c.S-26.
- (17) "Transportation Bylaw" means *The City of Calgary Transportation System Bylaw*, 41M95.
- (18) "Waste Bylaw" means the *Waste Bylaw*, 20M2001.

Forms of Words

- 8 In this Bylaw:
- (a) words in the singular include the plural, and words in the plural include the singular;
- (b) words using masculine gender include feminine gender, and words using feminine gender include masculine gender;
- (c) words in either gender include corporations;
- (d) a word or expression, other parts of speech and grammatical forms of the same word or expression have corresponding meanings;
- (e) "may" is to be construed as permissive and empowering;
- (f) "must" is to be construed as a compulsory obligation;
- (g) "required" is to be construed as a compulsory obligation;
- (h) a "person" includes an individual, partnership, association, body corporation, trustee, executor, administrator and legal representative of a person; and
- (i) an "individual" does not include a corporation or other types of persons who are not human beings.

Division 2: Definitions and Methods

General Definitions

- 13 (1) In this Bylaw, the following terms have the following meanings.
- (3) “**actual front setback area**” means the area of a **parcel** defined by the **front property line**, the **side property lines** that intersect with the **front property line**, and a line parallel to the **front property line** measured at the farthest **building setback** from the **front property line**.
- (4) “**actual side setback area**” means the area of a **parcel** defined by a **side property line** and a line parallel to that **side property line** measured at the farthest **building setback** from the **side property line** and terminating where that area meets the **actual front setback area**, the **rear setback area** or another **actual side setback area**.
- (5) “**adjacent**” means contiguous or contiguous if not for a **street, lane**, river or stream.
- (6) “**amenity space**” means a space designed for active or passive recreational use.
- (7) “**ancillary structure**” means, with reference to **building height**, an essential component, other than a **sign** or flag pole, that protrudes above the roof of a **building** and which is necessary for the functioning of a **building** including, but not limited to:
- (a) an elevator housing;
 - (b) a mechanical penthouse;
 - (c) a chimney;
 - (d) **solar collectors**;
 - (e) portions of a **building** or a structure used to provide **screening** of mechanical systems or equipment located outside of a **building**; or
 - (f) an architectural feature commonly associated with a **Place of Worship**.
- (10) “**average building reference points**” means the points:
- (a) determined by calculating the average of the corresponding **building reference points**; and
 - (b) expressed as geodetic elevations.
- (11) “**average contextual high point**” means:
- (a) where there are at least two other **buildings** on the same block face, the average of the greatest geodetic elevation of the **contextual adjacent buildings**, excluding **ancillary structures**;
 - (b) where there is only one other **building** on the same block face, the greatest geodetic elevation of such **building**, excluding **ancillary structures**; and
 - (c) where there is no other **building** on the same block face, a point 8.6 metres above the greatest geodetic elevation at **grade** on the subject **parcel**.
- (12) “**average grade**” means, when determining the maximum area of a horizontal cross section through a **building** in the M-CG, M-C1 and M-C2 Districts, the average of the four geodetic elevation points of finished **grade** immediately adjacent to the primary four corners of a **building**.
- (13) “**balcony**” means a horizontal platform that is attached to a **building** above the first **storey** floor level and is intended for use as an outdoor **amenity space**.
- (14) “**bare land unit**” means land described as a unit in a condominium plan by reference to boundaries governed by monuments placed pursuant to the provision of the *Surveys Act* respecting subdivision.
- (15) “**basement**” means that portion of a **building** which is located below the first floor and is either partially or wholly below **grade**.
- (20) “**building**” includes anything constructed or placed on, in, over or under land but does not include a highway or public roadway or a bridge forming part of a highway or public roadway.
- (22) “**building coverage**” means that portion of a **parcel** upon which a covered **building** is located, as measured from a point at **grade** directly below the outside surface of the

exterior walls of the **building** at the first **storey** floor level, including any projections less than 2.4 metres above **grade**.

- (23) “**building depth**” means the distance from the **front property line** to the farthest portion of a **main residential building** excluding **decks**, **landings** and **patios**, determined by:
- (a) establishing a line connecting the midpoint of the **front property line** and the midpoint of the **rear property line**; then
 - (b) extending a line from the portion of the **main residential building** farthest from the **front property line** to a point where it intersects the line connecting the midpoint of the **front property line** and the midpoint of the **rear property line** at a right angle; and
 - (c) measuring the distance from the point where the two lines intersect to the midpoint of the **front property line**.
- (24) “**building height**” means the height of a **building**, excluding **ancillary structures**, determined:
- (a) by applying the provisions of sections 360 and 361 for a **parcel** containing a **Contextual Single Detached Dwelling**, **Duplex Dwelling**, **Semi-detached Dwelling** or **Single Detached Dwelling**;
 - (b) **deleted**
 - (c) by measuring from **grade** in a **multi-residential district** where the **use** is not a **Duplex Dwelling**, **Semi-detached Dwelling** or **Single Detached Dwelling**;
 - (d) by measuring from **grade** in the S-CI District where provision 1057 (1) through (4) applies; and
 - (e) in all other cases by measuring from **grade** at any point adjacent to a **building**.
- (26) “**building reference points**” means the geodetic elevation of four points:
- (a) located at the intersection of the **front property line** and each **side property line**;
 - (b) located at the intersection of the **rear property line** and each **side property line**; and
 - (c) where each pair of points must be considered as corresponding.
- (27) “**building setback**” means the distance from a **property line** to the point on a **parcel** where a **building** is located measured at a right angle from the **property line** to which it relates.
- (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.
- (52) “**development**” means:
- (a) an excavation or stockpile and the creation of either of them;
 - (b) a **building** or an addition to or replacement or repair of a **building**, and the construction or placing of any of them on, in, over or under land;
 - (c) a change of **use** of land or a **building** or an act done in relation to land or a **building** that results in or is likely to result in a change in the **use** of the land or **building**; or
 - (d) a change in the intensity of **use** of land or a **building** or an act done in relation to land or a **building** that results in or is likely to result in a change in the intensity of **use** of the land or **building**.
- (53) “**Development Authority**” means a person or body appointed as a **Development Authority** as contemplated by and in accordance with the *Municipal Government Act*.
- (54) “**development completion permit**” means a permit issued by a **Development Authority** confirming that the requirements of a **development permit** have been satisfactorily completed.
- (55) “**development permit**” means a document authorizing a **development**, issued by a **Development Authority** pursuant to this Bylaw or any previous Bylaw governing land use within the **City**, and includes the plans and conditions of approval.
- (131.1) “**solar collector**” means any device used to collect sunlight that is part of a system used to convert radiant energy from the sun into thermal or electrical energy.

PART 2: ADMINISTRATION

DIVISION 3: DEVELOPMENT PERMITS

Requirement for a Development Permit

23 A **development permit** is required for every **development** unless it is otherwise exempted in this division.

Conditions for Development Permit Exemptions

24 A **development** listed in section 25 will only be exempt from the requirement to obtain a **development permit** if it:

- (a) complies with the rules of this Bylaw;
- (b) is not subject to the Calgary International Airport Vicinity Protection Area Regulation;
- (c) is not located in the **floodway, flood fringe** or **overland flow area**; and
- (d) is not subject to any restrictions imposed by the Subdivision and Development Regulation; or
- (e) in the case of **development** described in section 25(bb) of this Bylaw, complies with the rules of The City of Calgary Land Use Bylaw 2P80; or
- (f) in the case of **development** described in section 25(cc) of this Bylaw, complies with the rules of the Municipal District of Rocky View No. 44 Land Use Bylaw, Bylaw C-4841-97; or
- (g) in the case of **development** described in section 25(hh) of this Bylaw, complies with the rules of Part 10.

Exempt Developments

25 The following **developments** do not require a **development permit** if the conditions of section 24 are met:

- (ff) **Solar collectors**, if the **building** they are on is not listed on the **City** inventory of potential heritage sites, and:
 - (i) the total power generation capacity of all **solar collectors** on the **parcel** is 10 kilowatts or less; or
 - (ii) the **solar collectors** are used for thermal energy;

PART 4: USES AND USE RULES

DIVISION 2: DEFINED USES

265 “Power Generation Facility – Medium”

- (a) means a **use**:
 - (i) where electrical power is generated; and
 - (ii) where the total power generation capacity is between 1.0 and 12.4 megawatts;
- (b) is a **use** within the Infrastructure Group in Schedule A to this Bylaw;
- (c) must not be located within 50.0 metres of a **residential district**, measured from the **building** containing the **use** to the nearest **property line** of a **parcel** designated as a **residential district**;
- (d) must be located within a **building**, with the exception of **solar collectors**;
- (e) must be shielded and insulated so as to limit noise generation as much as possible;
- (f) must not:
 - (i) exceed the height of the District it is located in, excluding **ancillary structures**; and
 - (ii) be located in a required **setback area**, excluding **solar collectors**;
- (g) must be **screened**, with the exception of **solar collectors**;
- (h) does not require **motor vehicle parking stalls**; and
- (i) does not require **bicycle parking stalls – class 1** or **class 2**.

266 “Power Generation Facility – Small”

- (a) means a *use*:
 - (i) where electrical power is generated; and
 - (ii) where the total power generation capacity is between 10 watts and 1.0 megawatts;
- (b) is a *use* within the Infrastructure Group in Schedule A to this Bylaw;
- (c) must not:
 - (i) exceed the height of the District it is located in, excluding *ancillary structures*; and
 - (ii) be located in a required *setback area*, excluding *solar collectors*;
- (d) must be *screened*, with the exception of *solar collectors*;
- (e) does not require *motor vehicle parking stalls*; and
- (f) does not require *bicycle parking stalls – class 1 or class 2*.

PART 5: LOW DENSITY RESIDENTIAL DISTRICTS

DIVISION 1: GENERAL RULES

Solar Collectors

- 343.1 (1) A *solar collector* may only be located on the wall or roof of a *building*.
- (2) A *solar collector* mounted on a roof with a pitch of less than 4:12, may project:
 - (a) a maximum of 0.5 metres from the surface of a roof, when the solar collector is located 5.0 metres or less from a side property line, measured directly due south from any point along the *side property line*; and
 - (b) in all other cases, maximum of 1.3 metres from the surface of a roof.
- (3) A *solar collector* mounted on a roof with a pitch of 4:12 or greater, may project a maximum of 1.3 metres from the surface of a roof.
- (4) A *solar collector* mounted on a roof must not extend beyond the outermost edge of the roof.
- (5) A *solar collector* that is mounted on a wall:
 - (a) must be located a minimum of 2.4 metres above *grade*; and
 - (b) may project a maximum of:
 - (i) 1.5 metres from the surface of that wall, when the wall is facing a *rear property line*; and
 - (ii) in all other cases, 0.6 metres from the surface of that wall.

PART 6: MULTI-RESIDENTIAL DISTRICTS

DIVISION 1: GENERAL RULES

Solar Collectors

- 571.1 (1) A *solar collector* may only be located on the wall or roof of a *building*.
- (2) A *solar collector* mounted on a roof with a pitch of less than 4:12:
 - (a) may project a maximum of 2.0 metres from the surface of the roof; and
 - (b) must be located at least 1.0 metres from the edge of the roof.
- (3) A *solar collector* mounted on a roof with a pitch of 4:12 or greater:
 - (a) may project a maximum of 1.3 metres from the surface of the roof; and
 - (b) must not extend beyond the outermost edge of the roof.
- (4) A *solar collector* that is mounted on a wall:
 - (a) must be located a minimum of 2.4 metres above *grade*; and
 - (b) may project a maximum of 0.6 metres from the surface of that wall.

PART 7: COMMERCIAL DISTRICTS

DIVISION 1: GENERAL RULES

Solar Collectors

- 699.1 (1) A **solar collector** may only be located on the wall or roof of a **building**.
- (2) A **solar collector** mounted on a roof with a pitch of less than 4:12 may project a maximum of 2.0 metres from the surface of the roof.
- (3) A **solar collector** mounted on a roof with a pitch of 4:12 or greater:
- (a) may project a maximum of 1.3 metres from the surface of the roof; and
 - (b) must not extend beyond the outermost edge of the roof.
- (4) A **solar collector** that is mounted on a wall:
- (a) must be located a minimum of 2.4 metres above **grade**; and
 - (b) may project a maximum of 0.6 metres from the surface of that wall.

PART 8: INDUSTRIAL DISTRICTS

DIVISION 1: GENERAL RULES

Solar Collectors

- 904.1 (1) A **solar collector** may only be located on the wall or roof of a **building**.
- (2) A **solar collector** mounted on a roof with a pitch of less than 4:12 may project a maximum of 2.0 metres from the surface of the roof.
- (3) A **solar collector** mounted on a roof with a pitch of 4:12 or greater pitch:
- (a) may project a maximum of 1.3 metres from the surface of the roof; and
 - (b) must not extend beyond the outermost edge of the roof.
- (4) A **solar collector** that is mounted on a wall:
- (a) must be located a minimum of 2.4 metres above **grade**; and
 - (b) may project a maximum of 0.6 metres from the surface of that wall.

PART 9: SPECIAL PURPOSE DISTRICTS

DIVISION 1: GENERAL RULES

Solar Collectors

- 1019.1 (1) A **solar collector** may only be located on the wall or roof of a **building**.
- (2) A **solar collector** mounted on a roof with a pitch of less than a 4:12, may project a maximum of 2.0 metres from the surface of the roof.
- (3) A **solar collector** mounted on a roof with a pitch of 4:12 or greater:
- (a) may project a maximum of 1.3 metres from the surface of the roof; and
 - (b) must not extend beyond the outermost edge of the roof.
- (4) A **solar collector** that is mounted on a wall:
- (a) must be located a minimum of 2.4 metres above **grade**; and
 - (b) may project a maximum of 0.6 metres from the surface of that wall.