

# REPORT TO THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

<b>DATE:</b> <del>March 11, 2021</del> ; October 28, 2021	<b>APPEAL NO.:</b> SDAB2021-0014 <b>FILE NO.:</b> DP2020-7190
<b>APPEAL BY:</b> Janeth Chorney Reid	
<b>FROM A DECISION OF THE DEVELOPMENT AUTHORITY where a</b>  <b>New: Secondary Suite (existing - basement of Semi-detached Dwelling) - avpa &amp; parking stall</b>  <b>was refused at 917 17 Street NE</b>	<b>LAND USE DESIGNATION: R-C2</b>  <b>Permitted with a Relaxation</b>
<b>COMMUNITY:</b> Mayland Heights	<b>DATE OF DECISION:</b> January 25, 2021
<b>APPLICANT(S):</b> Janeth Chorney Reid	<b>OWNER(S):</b> Janeth Chorney Reid

The hearing commenced on March 11, 2021 with consideration of procedural and jurisdictional issues. The Board adjourned the hearing to the Call of the Chair. At the request of the appellant, the Board further adjourned the hearing to October 28, 2021.

**Notes:**

- Notice has been given of the hearing pursuant to the *Municipal Government Act* and Land Use Bylaw, including notices to parties who may be affected by the appeal. The final determination of whether a party is an “affected person” will be made by the Board if required.
- 
- This Report is provided as a courtesy only. The Board’s record may include additional materials, including notifications to affected parties and correspondence of a procedural or administrative nature.

ISC: Unrestricted  
Updated 2018 November



# NOTICE OF APPEAL

## SUBDIVISION AND DEVELOPMENT APPEAL BOARD

CC 821 (R2014-01)

In accordance with Sections 678 and 686 of the Municipal Government Act and The City of Calgary Bylaw 25P95, as amended, an appeal to the Subdivision and Development Appeal Board must be filed within the legislated time frame and each Notice of Appeal must be accompanied by the legislated fee. For filing instructions and fee payment options, see the reverse side of this form.

ISC: Unrestricted

Online Store Information			
Confirmation Number 10366373	Order Number 34005542	Online Form Processed 2021-02-16 5:32:18 PM	
Site Information			
Municipal Address of Site Under Appeal 917 17TH STREET NE, CALGARY, AB, T2E 4T8		Development Permit/Subdivision Application/File Number DP2020-7190	
Appellant Information			
Name of Appellant JANETH CHORNEY		Agent Name (if applicable)	
Street Address (for notification purposes) 108 CITADEL HILLS GREEN NW, CALGARY, AB, T3G 3T6			
City CALGARY	Province ALBERTA	Postal Code T3G 3T6	Residential Phone # 587-223-9313
Business Phone # 403-219-6025 Ext 6280	Email Address jtreid1968@gmail.com		

### APPEAL AGAINST

Development Permit	Subdivision Application	Notice of Order
<input type="checkbox"/> Approval	<input type="checkbox"/> Approval	<input type="checkbox"/> Notice of Order
<input type="checkbox"/> Conditions of Approval	<input type="checkbox"/> Conditions of Approval	
<input checked="" type="checkbox"/> Refusal	<input type="checkbox"/> Refusal	

**REASONS FOR APPEAL** Sections 678 and 686 of the Municipal Government Act require that the written Notice of Appeal must contain specific reasons for the appeal.

#### I do hereby appeal the decision of the Subdivision/Development Authority for the following reasons:

The reason I was given as to why my development permit was rejected was due to Section 54 of the land use bylaw (AVPA). I understand that the City of Calgary has filed another amendment of Section 54 land use bylaw (AVPA) in September 2020 specifically to address the bylaw impacting the community my property is in and the City is just waiting for the Minister of Municipal Affairs to either approve or reject the proposed AVPA amendment. As I understand it, my secondary suite meets all the City of Calgary's required safety codes for existing secondary suites and but for the AVPA land use bylaw, my development permit would have been approved. I am also appealing the decision since I just refinanced the property in June 2020 for another 5 year term based on the information given to me by City last year, advising the AVPA amendment was passed relaxing the AVPA bylaw impacting my property and that I was good to proceed with bringing the property up to code which is what I did after I refinanced the property. Once I completed the code requirements, I initiated the development permit in July 2020 and the property was inspected in Nov 2020. I am appealing this decision and ask that City to please grant me an extension on my development permit at least until the ruling on the AVPA amendment proposed by the City is either approved or rejected so that I can make a fact based decision on whether to sell the property now and suffer the very large mortgage penalty that would come with selling the property since I just refinanced it in June 2020.

#### In order to assist the Board in scheduling, please answer the following questions to the best of your ability:

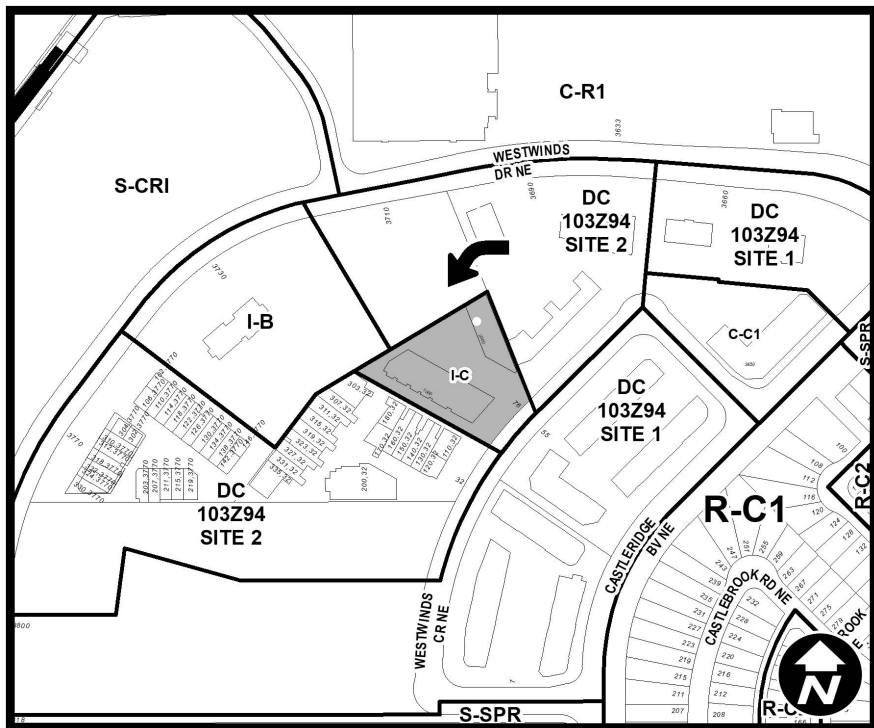
Estimated presentation time (minutes/hours) 2 HOURS	Will you be using an agent/legal counsel? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown
Do you anticipate any preliminary issues with your appeal? (i.e. jurisdiction, parties status as affected persons, adjournment, etc.) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	
If yes, what are the issues? WAITING FOR THE MINISTER OF MUNICIPAL AFFAIRS TO ASSESS AND RULE ON THE CITY OF CALGARY'S LATEST AVPA PROPOSED	
Do you anticipate bringing any witnesses/experts to your hearing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown	If yes, how many will you be bringing?

This personal information is collected under the authority of the Freedom of Information and Protection of Privacy Act, Section 33(c) and the Municipal Government Act, Sections 678 and 686. NOTE: THIS INFORMATION WILL FORM PART OF A FILE AVAILABLE TO THE PUBLIC. If you have any questions regarding the collection of this information, contact the City Appeal Boards at 403-268-5312 or PO Box 2100 Stn. "M", #8110, Calgary, AB, T2P 2M5.

FOR OFFICE USE ONLY					
Final Date of Appeal YYYY MM DD	SDAB Appeal Number	Fee Paid <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Hearing Date YYYY MM DD	Date Received	
2021 02 16	SDAB2021-0014	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2021 03 11	February 16, 2021	

SDAB2021-0014





**SDAB2021-0014**



**From:** Loewen, Maurie  
**Sent:** Monday, January 25, 2021 4:01 PM  
**To:** [REDACTED]  
**Cc:** Nielsen, Jeff A.  
**Subject:** Notification of Decision for DPDP2020-7190 at 917 17 ST NE  
**Attachments:** Reasons for Refusal DP2020-7190.pdf



Good Day,

This is your notification of the decision by the Development Authority to refuse the above noted Development Permit application on January 25, 2021. Attached are the Reasons for Refusal. You have **21 days after the date of decision** to file an appeal with the Subdivision and Development Appeal Board (SDAB). More information on the Subdivision and Development Appeal Board can be found at [www.calgarysdab.ca](http://www.calgarysdab.ca).

An appeal along with reasons must be submitted, together with payment of a \$200.00 fee, to the Subdivision and Development Appeal Board within 21 days of the decision date. The appeal can be filed online at [www.calgarysdab.ca](http://www.calgarysdab.ca) or by drop off or mail. In addition to the website, for information on the appeal process or appeal submission options, please call the Appeal Board at (403)268-5312.

All affected parties also have **21 days after the Public Notice advertisement date** to file an appeal.

For more information about the Development Permit process please visit [www.calgary.ca/dpprocess](http://www.calgary.ca/dpprocess).

Please contact me if you have any questions or concerns about your Development Permit.

Thank You,

**Maurie Loewen**

Senior Planning Technician  
 Technical Planning | Community Planning  
 Planning & Development  
**T. 403.333.5348 | E. [maurie.loewen@calgary.ca](mailto:maurie.loewen@calgary.ca)**



**ISC: PROTECTED**

Check out [www.calgary.ca/pdmap](http://www.calgary.ca/pdmap) to learn more about the development activity in your community.



**The City of Calgary**  
**Planning and Development**  
**Technical Planning and Bylaw Review**

## Reasons for Refusal for DP2020-7190

The Reasons for Refusal document is intended to provide a short summary of the development permit review and analysis. Attached to this document is supporting information about the application process; concerns raised by neighbours, other affected parties and the Community Association; the requested relaxations of the Land Use Bylaw; and other information in support of the decision.

### Proposed Use

This application seeks approval for a Secondary Suite (basement) at 917 17 ST NE in the community of Mayland Heights. The Secondary Suite is proposed in the basement of unit #A of the building. The parcel is designated R-C2; Residential – Contextual One/Two Dwelling District under The City of Calgary Land Use Bylaw 1P2007. Secondary Suite is listed as a permitted use in this district.

### Planning Review and Analysis

During the review, the Development Authority considered the Policy to Guide Discretion for Secondary Suites and Backyard Suites (the Policy), the Land Use Bylaw, The Calgary International Airport Vicinity Protection Area (AVPA), the Subdivision and Development Regulation, and the compatibility and impact of the proposed development with respect to adjacent properties and the neighbourhood.

Section 54 of the Land Use Bylaw requires that the Development Authority complies with the requirements of the AVPA. The Secondary Suites are prohibited by the AVPA. It is worth noting that Secondary Suites in Single Detached Dwellings are exempted whereas Secondary Suites in Semi-Detached Dwellings are not.

It is also noted that the development provides only one motor vehicle parking stall where two are required. The One Site Inspection indicates that there is an area which appears to be large enough to accommodate parking, and therefore, the Development Authority is satisfied that parking can be provided if the AVPA issue were to be addressed.

Given that the proposed use is permitted, but requires a relaxation, the Development Authority applied the test for relaxation found in Section 31 of the Land Use Bylaw. Regardless of the test, Development Authority does not have jurisdiction to relax provisions relating to the AVPA, therefore it cannot be approved. The development is therefore refused.

### Decision

For the above noted reasons, this application is refused.

Maurie Loewen, Development Authority

2021/01/25  
 Date



## Attachments for DP2020-7190

### Site and Context

The parcel is shown to be 286.25 square metres in area. The subject site contains one half of a Semi-Detached Dwelling. The Semi-Detached Dwelling was constructed in 1961, the plan of subdivision was registered in 2005. The site plan shows the parking area is accessed from the lane. Based on the year of subdivision (2005), and tax information indicating the basement was developed in 2007; the Development Authority does not believe the Secondary Suite to be non-conforming.

In September of 2020, Council passed a resolution (PUD2020-0968) which directs City administration to submit a joint amendment application with the Calgary Airport Authority to the Minister of Municipal Affairs requesting the maps within the AVPA be amended. Information about this process is available at <https://www.calgary.ca/pda/pd/calgary-land-use-bylaw-1p2007/airport-vicinity-protection-area.html>. The timing of such a change is unknown however the Development Authority notes that, should the AVPA adopt the proposed Amendments, the proposed use on the subject parcel may no longer be prohibited under the AVPA Regulation and a future opportunity may exist to seek compliance for the Secondary Suite.

At this time, under the current legislation, the Secondary Suite is existing without benefit of development and building permit approvals which results in an occupied residence without a Safety Codes review and inspection to ensure compliance with building safety requirements.

### Process

**Notice Posting:** Not required

**Circulation:** Calgary Airport Authority, NAV Canada, Transport Canada, Crossroads Community Association, and the Ward 10 Councillor.

**Objections:** None

**Support:** None

### Relevant City Policies

#### Calgary International Airport Vicinity Protection Area (AVPA) Regulation

##### Subdivision Approval and Development Permits Relating to Land in Protection Area

3(3) Subject to section 4, no subdivision approval may be given and no development permit may be issued by a municipality relating to land in the Protection Area if the proposed use of that land is a prohibited use, with the exception of a development permit for a secondary suite in an existing single family development.

##### Prohibited Uses

4(1) A land use shown in Column 1 of the following table is prohibited on land that is located in a NEF Area shown in Column 2, 3, 4, or 5 of the table if the expression "PR" appears in that column opposite that land use.



**The City of Calgary**  
**Planning and Development**  
**Technical Planning and Bylaw Review**

TABLE

Column 1	Col. 2	Col. 3	Col. 4	Col. 5
	NEF	NEF	NEF	NEF
Land Uses	40+ Area	35-40 Area	30-35 Area	25-30 Area
Residences	PR	PR	PR	-
Schools	PR	PR	PR	-
Day cares	PR	PR	-	-
Clinics	PR	-	-	-
Medical care facilities	PR	PR	PR	-
Halls and auditoriums	PR	PR	-	-
Places of worship	PR	PR	-	-
Outdoor eating establishments	PR	-	-	-



## Key Land Use Bylaw Provisions

### Permitted Uses That Do Not Meet All Requirements

- 30** Where a **development permit** application is for a **permitted use** in a **building** or on a **parcel** and the proposed **development** does not conform to all of the applicable requirements and rules of this Bylaw, the **Development Authority** may:
- (a) refuse to approve the **development permit** application; or
  - (b) approve the **development permit** application and grant a relaxation of the requirement or rule to which the proposed **use** does not conform.

### Airport Vicinity Regulations

- 54** When making a decision on a **development permit** the **Development Authority** must comply with the requirements of:
- (a) The Calgary International Airport Vicinity Protection Area Regulation; and
  - (b) The Calgary International Airport Zoning Regulations.



**APPLICATION FOR A DEVELOPMENT PERMIT  
LAND USE BYLAW NO 1P2007**

276844829-001

Taken By:

Application Date **Nov 9, 2020**

**APPLICATION NO DP2020-7190**

I/We hereby make application for a Development Permit under the provisions of the Land Use Bylaw in accordance with these plans and supporting information submitted herewith and which form part of this application.

**Total Fees: \$0.00****Cart #:**

Applicant: **REID, JANETH T**Address: **108 CITADEL HILLS GREEN NW**City: **CALGARY, AB, T3G 3T6**

Phone:

Parcel Address: **917 17 ST NE**Legal: **0510842;21;16**Building Address: **917 17 ST NE**

Legal:

Parcel Owner: **JANETH T REID****108 CITADEL HILLS GREEN NW****CALGARY AB CANADA T3G 3T6**

e-mail:

L.U.D.: **R-C2**Community: **MAYLAND HEIGHTS**Sec. Number: **24C** Ward: **10**Description: **New: Secondary Suite (existing - basement) - parking stall**Dwelling Units: **1**Proposed Development is: **Permitted**Proposed Use: **Secondary Suite**

I agree to receive correspondence via electronic message related to this application.

By signing below, I confirm that the contact information provided above is accurate and further, acknowledge the ability of the General Manager - Planning Development & Assessment to inactivate and cancel incomplete applications.

Applicant / Agent Signature: \_\_\_\_\_

Date: \_\_\_\_\_

The personal information on this form is being collected under the authority of The Municipal Government Act, Section 640, and The City of Calgary Land Use Bylaw 1P2007 (Part 2) and amendments thereto. It will be used for the permit review and inspection processes. It may also be used to conduct ongoing evaluations of services received from Planning, Development & Assessment. The name of the applicant and the nature of the permit will be available to the public. Please send inquiries by mail to the FOIP Program Administrator, Planning, Development & Assessment, PO Box 2100, Station M, Calgary, AB T2P 2M5 or contact us by phone at 311.

Track your application on-line with **VISTA** Go to: [www.calgary.ca/vista](http://www.calgary.ca/vista) and enter your JOB ACCESS CODE (JAC) **DP2020-7190-44829** or call our Planning Support Centre at (403)268-5311.

**SDAB2021-0014**

FILE: DP2020-7190

DATE RECEIVED: November 9, 2020

APPLICATION ADDRESS: 917 17 Street NE

Bylaw Discrepancies											
Regulation		Standard		Provided							
295 Secondary Suite		(c) requires a minimum of 1.0 motor vehicle parking stall.		Plans do not indicate a designated motor vehicle parking stall for the Secondary Suite (-1).							
Notes											
Parcel Width:7.64m AVPA: 35-40 NEF Floodway / Floodfringe: N/A											
Relaxation Considerations for Parking											
a. The Development Authority may consider a parking relaxation for a Secondary Suite or Backyard Suite based on the proximity of the suite to the Centre City and to frequent transit service. The Development Authority may consider relaxing the minimum parking requirements for a Secondary Suite or Backyard Suite where the suite is located:	i. in Area 1 of the Parking Areas Map		Not applicable.								
	ii. in Area 2 of the Parking Areas Map and within:	A. 600 metres of a capital funded Light Rail Transit platform;	N/A								
		B. 400 metres of a Bus Rapid Transit stop; or	N/A								
		C. 400 metres of a bus service which generally has frequency of at least one bus every 20 minutes on weekdays from 6:30 AM to 6:00 PM and a frequency of at least one bus every 30 minutes on weekday evenings from 6:00 PM to the end of service and on weekends during times of service.	#	Route Name	AM Peak	Mid Day	PM Peak	Evening	Sat. Day	Sat. Eve.	Sun.
			19	16 Avenue North	30	30	30	27	45/30	45	45/30/45
b. The Development Authority should consider natural and human-made barriers (e.g. waterbodies, landforms, skeletal and arterial roads) to accessing frequent transit service when considering a parking a relaxation for a Secondary Suite or Backyard Suite.			FM to review.								



## Onsite Suite Review – Semi-Detached

PL 1289 (R2020-01)

Property Address 917 17 ST NE	Job Number NP2020-02269	Date 2020-11-08
Inspector's Name Benoit Monette	Phone Number 403-540-1354	Email Benoit.monette@calgary.ca

### General Observations

<input checked="" type="checkbox"/> Semi-detached	Land Use District: <input checked="" type="checkbox"/> R-2/R-C2 <input type="checkbox"/> R-G/R-CG <input type="checkbox"/> Other/M-_____	
Components of Main & Upper Levels <input checked="" type="checkbox"/> 1 dwelling (subdivided semi) <input type="checkbox"/> 2 dwellings (un-subdivided) Number of Suites: <u>1</u>	Main level: <input checked="" type="checkbox"/> Kitchen (as defined in LUB) <input checked="" type="checkbox"/> Living Facilities <input checked="" type="checkbox"/> Sanitary Facilities	Upper level: <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Kitchen (as defined in LUB) <input type="checkbox"/> Living Facilities <input type="checkbox"/> Sanitary Facilities
Other Comments: Existing entrance and existing suite non conforming. Site inspected with: Owner Main dwelling occupied : yes		

### Basement (or Lower Level)

<input checked="" type="checkbox"/> Suite is self-contained	Year of Suite construction if known _____	Year of construction of Building 2005
Components of Secondary Suite	<input checked="" type="checkbox"/> Wholly contained in basement <input checked="" type="checkbox"/> Kitchen (as defined in LUB) <input checked="" type="checkbox"/> Living Facilities <input checked="" type="checkbox"/> Sanitary Facilities <input checked="" type="checkbox"/> Furnace/Utility Room	<input checked="" type="checkbox"/> Only one suite per unit # of bedrooms? <u>2</u>
Other Comments: Amenity space 3 metres by 3 metres available in the rear yard Suite Occupied: Yes / No		

### Site Observations

Parking	<b><i>Inspector to draw and dimension stalls on the site plan</i></b> <u>Stall Sizes:</u> -Minimum 2.5m x 5.9m where both sides are free of a physical barrier or property line -Minimum 2.85m x 5.9m where one side of the stall abuts a physical barrier (PL or garage wall) -Minimum 3.0m x 5.9m where both sides of the stall abuts a physical barrier (Fenced area or single car garage) <i>Please note: Total dimensions of parking stall must be wholly located within the parcel. When proposed for front driveway, ensure stall does not encroach beyond front property line. Stalls must also be labeled 'Proposed Suite Stall' or 'Existing Suite Stall'.</i>
Parcel Width	-R-2/R-C2 Minimum parcel width of 13m for semi-detached, no less than 6.0 metres per side, -N/A in all other cases
Amenity Space	<b><i>Inspector to draw and dimension on site plan (example: 2m x 4m)</i></b> Minimum 7.5m <sup>2</sup> with no dimensions less than 1.5m
Other Comments: Parking is provided by a 2.85 meter wide by 6 meter deep rear parking pad. Relaxation applied for second parking stall. Parking stall number required:2	

ISC: Unrestricted



December 16, 2020

REID, JANETH T  
108 CITADEL HILLS GREEN NW  
CALGARY, AB  
T3G 3T6, CANADA

Dear Sir/Madam:

**RE: Detailed Review (DR)**

**Development Permit Number: DP2020-7190**

Based on the plans received, your application has been reviewed in order to determine compliance with the Land Use Bylaw and applicable City policies. Any variance from the Land Use Bylaw or City policies may require further discussion or revision prior to a decision being rendered.

A written response to the Prior to Decision issues in this DR is required from the Applicant by the end of the thirty (30) calendar day response due date. In the event that the response due date expires, the application may be inactivated subject to a fifteen (15) calendar day reactivation timeline. In the case of a non-responsive or incomplete application, the General Manager – Planning, Development and Assessment may cancel the application as per Section 41.1 of Land Use Bylaw 1P2007.

Should you have any questions or concerns, please contact me at (403) 268-2729 or by email at [Jeff.Nielsen@calgary.ca](mailto:Jeff.Nielsen@calgary.ca).

Sincerely,

**JEFF NIELSEN**

Senior Planning Technician, Planning & Development

P.O. Box 2100, Postal Station M  
Calgary, Alberta, Canada, T2P 2M5, (403) 268-5311

**SDAB2021-0014**





## Detailed Review 1 – Development Permit

**Application Number:** DP2020-7190  
**Application Description:** New: Secondary Suite (existing - basement of Semi-detached Dwelling) - parking stall  
**Land Use District:** Residential - Contextual One/Two Dwelling  
**Use Type:** Permitted  
**Site Address:** 917 17 ST NE  
**Community:** MAYLAND HEIGHTS  
**Applicant:** REID, JANETH T  
**Date DR Sent:** December 16, 2020  
**Response Due Date:** August 13, 2020  
**Senior Planning Technician:** JEFF NIELSEN - (403) 268-2729 - Jeff.Nielsen@calgary.ca

### General Comments

The Development Authority is unable to support your application for Secondary Suites in the 35-40 NEF area of the AVPA. The use is prohibited in this area.

Please indicate whether you would like to cancel the application or have the application refused. If the application is refused, it will be possible to appeal the decision. Please let me know if you have any questions.

In September of 2020, Council passed a resolution (PUD2020-0968) which directs City administration to submit a joint amendment application with the Calgary Airport Authority to the Minister of Municipal Affairs requesting the maps within the AVPA be amended. Information about this process is available at <https://www.calgary.ca/pda/pd/calgary-land-use-bylaw-1p2007/airport-vicinity-protection-area.html>. The timing of such a change is unknown however the Development Authority notes that, should the AVPA adopt the proposed Amendments, the proposed use on the subject parcel may no longer be prohibited under the AVPA Regulation and a future opportunity may exist to seek compliance for the Secondary Suite.

At this time, under the current legislation, the Secondary Suite is existing without benefit of development and building permit approvals which results in an occupied residence without a Safety Codes review and inspection to ensure compliance with building safety requirements.

### Bylaw Variances

Regulation	Standard	Provided
54 Airport Vicinity Regulations	When making a decision on a development permit the Development Authority must comply with the requirements of a) the Calgary International Airport Vicinity Protection Area Regulation, and b) the Calgary International Airport Zoning Regulations	The use is prohibited by the Calgary International Airport Vicinity Protection Area (AVPA) Regulation and therefore cannot be supported by the Development Authority.

Track your application on-line with VISTA. Go to: [www.calgary.ca/vista](http://www.calgary.ca/vista) and enter your JOB ACCESS CODE (JAC) from the application form or call Planning Services Counter at (403) 268-5311.

295 Secondary Suite	(c) requires a minimum of 1.0 motor vehicle parking stall.	Plans do not indicate a designated motor vehicle parking stall for the Secondary Suite (-1).
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## Calgary International Airport Vicinity Protection Area (AVPA)

### Subdivision Approval and Development Permits Relating to Land in Protection Area

3(3) Subject to section 4, no subdivision approval may be given and no development permit may be issued by a municipality relating to land in the Protection Area if the proposed use of that land is a prohibited use, with the exception of a development permit for a secondary suite in an existing single family development.

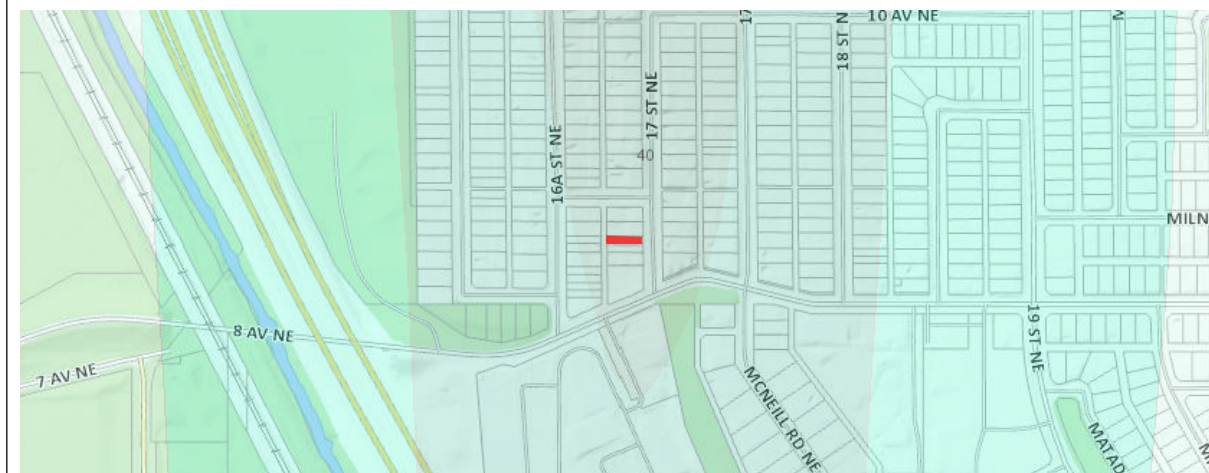
The use is prohibited. Note that Secondary Suites in in single detached dwellings are exempted whereas Secondary Suites in semi-detached dwellings are not.

### Prohibited Uses

4(1) A land use shown in Column 1 of the following table is prohibited on land that is located in a NEF Area shown in Column 2, 3, 4, or 5 of the table if the expression "PR" appears in that column opposite that land use.

TABLE

Column 1	Col. 2	Col. 3	Col. 4	Col. 5
	NEF	NEF	NEF	NEF
	40+	35-40	30-35	25-30
Land Uses	Area	Area	Area	Area
Residences	PR	PR	PR	-
Schools	PR	PR	PR	-
Day cares	PR	PR	-	-
Clinics	PR	-	-	-
Medical care facilities	PR	PR	PR	-
Halls and auditoriums	PR	PR	-	-
Places of worship	PR	PR	-	-
Outdoor eating establishments	PR	-	-	-



Track your application on-line with VISTA. Go to: [www.calgary.ca/vista](http://www.calgary.ca/vista) and enter your JOB ACCESS CODE (JAC) from the application form or call Planning Services Counter at (403) 268-5311.

## Prior to Decision Requirements

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The following issues must be addressed by the Applicant through a written submission prior to a decision by the Approving Authority:

1. The development, as proposed, is not supported for the following reasons:
  - Prohibited use in the Calgary International Airport Vicinity Protection Area Regulation.Please indicate, in writing, the manner in which the application will proceed:
  - (A) Request **cancellation** of the application. Any applicable fee refund will be determined at the time of cancellation.
  - (B) **Pursue** the application, as proposed, with a decision of refusal by the Development Authority. The refusal will be based on the comments listed above.



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# Development Authority Response to Notice of Appeal

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**Appeal number:** SDAB2021-0014

**Development Permit number:** DP2020-7190

**Address:** 917 17 ST NE

**Description:** New: Secondary Suite (existing – basement of Semi-detached Dwelling) – AVPA & parking stall

**Land Use:** Residential – Contextual One/Two Dwelling

**Community:** Mayland Heights

**Jurisdiction Criteria:**

- Subject to National Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board, Alberta Utilities Commission or Minister of Environmental and Parks license, permit, approval, or other authorization:  
No
- Contains or is adjacent to highway, body of water, historical site, sewage treatment facility, or waste management facility:  
No

**DA Attendance:** Yes

**Use:** Permitted with Relaxation

**Notice Posted:** No

**Objections:** No

**Support:** No

**Bylaw relaxations:**

- Additional residential uses are prohibited in this area by the Airport Vicinity Protection Act.

**Applicable ARP, ASP or Design Brief (in addition to the MDP):**

- Policy to Guide Discretion for Secondary Suites ad Backyard Suites

**Additional factors, considerations and rationale for the decision:**

1. Please see the Reasons for Refusal.



DEVELOPMENT  
PERMIT  
DECISION  
RENDERED  
ON THIS PLAN

**A -Existing Dwelling Parking –  
2.85 m wide x 6 m deep**

**C – Amenity Space –  
3.0 m x 3.0 m**

**D – Suite entrance**

**917 17 ST NE**

**LEGAL 0510842;21;16**

SDAB2021-0014

**From:** Janeth Reid <jtreid1968@gmail.com>  
**Sent:** Friday, September 24, 2021 10:34 AM  
**To:** Calgary SDAB Info; Chorney Biz  
**Subject:** \*CR\* DP2020-7190 APPEAL - SDAB2021-0014

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello,

Back in March 2021 I requested an adjournment of my appeal under SDAB2021-0014 which was granted.

As I understand it, the AVPA amendment proposed by the City back in September 2020 has now been approved by the province so I would like to request that my case be brought forward.

Please let me know if you need any further information from me to move forward with this matter.

Thank you,  
Janeth Chorney  
587-223-9313

**Riley, Coeur A.**

---

**From:** Janeth Reid <jtreid1968@gmail.com>  
**Sent:** Friday, October 22, 2021 9:44 AM  
**To:** Loewen, Maurie; Calgary SDAB Info  
**Subject:** [EXT] SDAB2021-0014 (DP2020-7190, 917 17 Street NE) Evidence Submission  
**Attachments:** Reasons for Refusal DP2020-7190.pdf; Mayland Parking Pic 1.jpg; Mayland Parking Pic 2.jpg

Dear Sir or Madam;

**Re: SDAB2021-0014 (DP2020-7190, 917 – 17 Street NE) Evidence Submission**

As instructed, attached are the supporting documents for my upcoming appeal which includes the document titled Reason For Refusal and two photos of the parking site for the above noted property.

You will note the Reason For Refusal documentation states that the only reason provided for denial of my development permit was due to the Development Authority's lack of jurisdiction to override the provisions relating to the AVPA found under the Planning and Review Section paragraph 4.

It also notes under the Planning Review and Analysis Section paragraph 3 the following:

*"The One Site Inspection indicates that there is an area which appears to be large enough to accommodate parking, and therefore, the Development Authority is satisfied that parking can be provided if the AVPA issue were to be addressed."*

Based on the Development Authority's analysis, parking is not an issue at the property located at 917-17 Street NE and the only issue preventing the Development Authority from originally approving my Development Permit was due solely to the provisions of the AVPA which I understand has now been addressed. The attached 2 photos also show that there is ample parking at the property.

Given that the AVPA issue has now been addressed, I respectfully request that my development permit be approved based on these factors.

Thanking you all in advance for your time and consideration of this matter.

Kind Regards,

Janeth Chorney  
 587-223-9313





**The City of Calgary**  
**Planning and Development**  
**Technical Planning and Bylaw Review**

## Reasons for Refusal for DP2020-7190

The Reasons for Refusal document is intended to provide a short summary of the development permit review and analysis. Attached to this document is supporting information about the application process; concerns raised by neighbours, other affected parties and the Community Association; the requested relaxations of the Land Use Bylaw; and other information in support of the decision.

### Proposed Use

This application seeks approval for a Secondary Suite (basement) at 917 17 ST NE in the community of Mayland Heights. The Secondary Suite is proposed in the basement of unit #A of the building. The parcel is designated R-C2; Residential – Contextual One/Two Dwelling District under The City of Calgary Land Use Bylaw 1P2007. Secondary Suite is listed as a permitted use in this district.

### Planning Review and Analysis

During the review, the Development Authority considered the Policy to Guide Discretion for Secondary Suites and Backyard Suites (the Policy), the Land Use Bylaw, The Calgary International Airport Vicinity Protection Area (AVPA), the Subdivision and Development Regulation, and the compatibility and impact of the proposed development with respect to adjacent properties and the neighbourhood.

Section 54 of the Land Use Bylaw requires that the Development Authority complies with the requirements of the AVPA. The Secondary Suites are prohibited by the AVPA. It is worth noting that Secondary Suites in Single Detached Dwellings are exempted whereas Secondary Suites in Semi-Detached Dwellings are not.

It is also noted that the development provides only one motor vehicle parking stall where two are required. The One Site Inspection indicates that there is an area which appears to be large enough to accommodate parking, and therefore, the Development Authority is satisfied that parking can be provided if the AVPA issue were to be addressed.

Given that the proposed use is permitted, but requires a relaxation, the Development Authority applied the test for relaxation found in Section 31 of the Land Use Bylaw. Regardless of the test, Development Authority does not have jurisdiction to relax provisions relating to the AVPA, therefore it cannot be approved. The development is therefore refused.

### Decision

For the above noted reasons, this application is refused.

Maurie Loewen, Development Authority

2021/01/25  
 Date



## Attachments for DP2020-7190

### Site and Context

The parcel is shown to be 286.25 square metres in area. The subject site contains one half of a Semi-Detached Dwelling. The Semi-Detached Dwelling was constructed in 1961, the plan of subdivision was registered in 2005. The site plan shows the parking area is accessed from the lane. Based on the year of subdivision (2005), and tax information indicating the basement was developed in 2007; the Development Authority does not believe the Secondary Suite to be non-conforming.

In September of 2020, Council passed a resolution (PUD2020-0968) which directs City administration to submit a joint amendment application with the Calgary Airport Authority to the Minister of Municipal Affairs requesting the maps within the AVPA be amended. Information about this process is available at <https://www.calgary.ca/pda/pd/calgary-land-use-bylaw-1p2007/airport-vicinity-protection-area.html>. The timing of such a change is unknown however the Development Authority notes that, should the AVPA adopt the proposed Amendments, the proposed use on the subject parcel may no longer be prohibited under the AVPA Regulation and a future opportunity may exist to seek compliance for the Secondary Suite.

At this time, under the current legislation, the Secondary Suite is existing without benefit of development and building permit approvals which results in an occupied residence without a Safety Codes review and inspection to ensure compliance with building safety requirements.

### Process

**Notice Posting:** Not required

**Circulation:** Calgary Airport Authority, NAV Canada, Transport Canada, Crossroads Community Association, and the Ward 10 Councillor.

**Objections:** None

**Support:** None

### Relevant City Policies

#### Calgary International Airport Vicinity Protection Area (AVPA) Regulation

##### Subdivision Approval and Development Permits Relating to Land in Protection Area

3(3) Subject to section 4, no subdivision approval may be given and no development permit may be issued by a municipality relating to land in the Protection Area if the proposed use of that land is a prohibited use, with the exception of a development permit for a secondary suite in an existing single family development.

##### Prohibited Uses

4(1) A land use shown in Column 1 of the following table is prohibited on land that is located in a NEF Area shown in Column 2, 3, 4, or 5 of the table if the expression "PR" appears in that column opposite that land use.



**The City of Calgary**  
**Planning and Development**  
**Technical Planning and Bylaw Review**

TABLE

Column 1	Col. 2	Col. 3	Col. 4	Col. 5
	NEF	NEF	NEF	NEF
Land Uses	40+ Area	35-40 Area	30-35 Area	25-30 Area
Residences	PR	PR	PR	-
Schools	PR	PR	PR	-
Day cares	PR	PR	-	-
Clinics	PR	-	-	-
Medical care facilities	PR	PR	PR	-
Halls and auditoriums	PR	PR	-	-
Places of worship	PR	PR	-	-
Outdoor eating establishments	PR	-	-	-



## Key Land Use Bylaw Provisions

### Permitted Uses That Do Not Meet All Requirements

- 30** Where a **development permit** application is for a **permitted use** in a **building** or on a **parcel** and the proposed **development** does not conform to all of the applicable requirements and rules of this Bylaw, the **Development Authority** may:
- (a) refuse to approve the **development permit** application; or
  - (b) approve the **development permit** application and grant a relaxation of the requirement or rule to which the proposed **use** does not conform.

### Airport Vicinity Regulations

- 54** When making a decision on a **development permit** the **Development Authority** must comply with the requirements of:
- (a) The Calgary International Airport Vicinity Protection Area Regulation; and
  - (b) The Calgary International Airport Zoning Regulations.













SDAB2021-0014 / DP2020-7190

Appeal of:

New: Secondary Suite (existing – basement of Semi-detached Dwelling) – AVPA and parking stall

Permitted (with a relaxation)

# Surrounding Land Use

2

## LEGEND

- Residential Low Density
- Residential Medium Density
- Residential High Density
- Commercial
- Heavy Industrial
- Light Industrial
- Parks and Openspace
- Public Service
- Service Station
- Vacant
- Transportation, Communication, and Utility
- Rivers, Lakes
- Land Use Site Boundary



## Decision Summary

### **Secondary Suite: Permitted Use in R-C2**

#### **Reasons for Refusal PG 6-8 (January 2021):**

- AVPA compliance (AVPA Amended Sept 2021)

#### ***Reasons for Refusal now resolved or addressed***

#### **Supported Relaxation (January 2021):**

- Parking



## Onsite Suite Review (PG 11)

Onsite Suite Review – Semi-Detached  
PL 1289 (R2020-01)

Property Address 917 17 ST NE	Job Number NP2020-02269	Date 2020-11-08
Inspector's Name Benoit Monette	Phone Number 403-540-1354	Email Benoit.monette@calgary.ca

## General Observations

<input checked="" type="checkbox"/> Semi-detached	Land Use District: <input checked="" type="checkbox"/> R-2/R-C2 <input type="checkbox"/> R-G/R-CG <input type="checkbox"/> Other/M-_____	
Components of Main & Upper Levels <input checked="" type="checkbox"/> 1 dwelling (subdivided semi) <input type="checkbox"/> 2 dwellings (un-subdivided) Number of Suites: <u>1</u>	Main level: <input checked="" type="checkbox"/> Kitchen (as defined in LUB) <input checked="" type="checkbox"/> Living Facilities <input checked="" type="checkbox"/> Sanitary Facilities	Upper level: <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Kitchen (as defined in LUB) <input type="checkbox"/> Living Facilities <input type="checkbox"/> Sanitary Facilities
Other Comments: Existing entrance and existing suite non conforming. Site inspected with: Owner Main dwelling occupied : yes		

## Basement (or Lower Level)

<input checked="" type="checkbox"/> Suite is self-contained	Year of Suite construction if known _____	Year of construction of Building 2005
Components of Secondary Suite	<input checked="" type="checkbox"/> Wholly contained in basement <input checked="" type="checkbox"/> Kitchen (as defined in LUB) <input checked="" type="checkbox"/> Living Facilities <input checked="" type="checkbox"/> Sanitary Facilities <input checked="" type="checkbox"/> Furnace/Utility Room	<input checked="" type="checkbox"/> Only one suite per unit # of bedrooms? <u>2</u>
Other Comments: Amenity space 3 metres by 3 metres available in the rear yard Suite Occupied: Yes / No		

## Site Observations

Parking	<b>Inspector to draw and dimension stalls on the site plan</b> Stall Sizes: -Minimum 2.5m x 5.9m where both sides are free of a physical barrier or property line -Minimum 2.85m x 5.9m where one side of the stall abuts a physical barrier (PL or garage wall) -Minimum 3.0m x 5.9m where both sides of the stall abuts a physical barrier (Fenced area or single car garage) <i>Please note: Total dimensions of parking stall must be wholly located within the parcel. When proposed for front driveway, ensure stall does not encroach beyond front property line. Stalls must also be labeled 'Proposed Suite Stall' or 'Existing Suite Stall'.</i>
Parcel Width	-R-2/R-C2 Minimum parcel width of 13m for semi-detached, no less than 6.0 metres per side, -N/A in all other cases
Amenity Space	<b>Inspector to draw and dimension on site plan (example: 2m x 4m)</b> Minimum 7.5m <sup>2</sup> with no dimensions less than 1.5m
Other Comments: Parking is provided by a 2.85 meter wide by 6 meter deep rear parking pad. Relaxation applied for second parking stall. Parking stall number required: 2	

ISC: Unrestricted

## Site Plan PG 18

5



DEVELOPMENT  
PERMIT  
DECISION  
RENDERED  
ON THIS PLAN

**917 17 ST NE**

**LEGAL 0510842;21;16**

**A - Existing Dwelling Parking -  
2.85 m wide x 6 m deep**

**C - Amenity Space -  
3.0 m x 3.0 m**

**D - Suite entrance**

Air Photo (2021/9/14)

6



## Bylaw Check PG 10

Relaxation Considerations for Parking											
a. The Development Authority may consider a parking relaxation for a Secondary Suite or Backyard Suite based on the proximity of the suite to the Centre City and to frequent transit service. The Development Authority may consider relaxing the minimum parking requirements for a Secondary Suite or Backyard Suite where the suite is located:	i. in Area 1 of the Parking Areas Map		Not applicable.								
	ii. in Area 2 of the Parking Areas Map and within:	A. 600 metres of a capital funded Light Rail Transit platform;	N/A								
		B. 400 metres of a Bus Rapid Transit stop; or	N/A								
		C. 400 metres of a bus service which generally has frequency of at least one bus every 20 minutes on weekdays from 6:30 AM to 6:00 PM and a frequency of at least one bus every 30 minutes on weekday evenings from 6:00 PM to the end of service and on weekends during times of service.	#	Route Name	AM Peak	Mid Day	PM Peak	Evening	Sat. Day	Sat. Eve.	Sun.
			19	16 Avenue North	30	30	30	27	45/30	45	45/30/45

Bylaw Discrepancies		
Regulation	Standard	Provided
295 Secondary Suite	(c) requires a minimum of 1.0 motor vehicle parking stall.	Plans do not indicate a designated motor vehicle parking stall for the Secondary Suite (-1).

## 8

8

- 8

8

- 8

8

8





# Calgary International Airport Vicinity Protection Area Regulation AR 177/2009, Amended under Ministerial Order No. MSD:0721/21

Schedule 3 CALGARY INTERNATIONAL AIRPORT VICINITY  
PROTECTION AREA REGULATION AR 177/2009

## Schedule 3

### Land Use in Relation to Noise Exposure Forecast Areas

**Residential subdivision and development a permitted use –  
Mayland Heights and Vista Heights**

**2.2(1)** This section applies to the following land within the NEF  
30-35 Area:

<u>Plan</u>	<u>Block</u>	<u>Lot</u>
Mayland Heights		
510842	21	16, 17

***Only one suite per unit, complies  
with Schedule 3 S. 2.2 (e)***

- *Subsection 3 and 4 aren't applicable*

**(2)** Despite any other provision of this Regulation, the following types of subdivision and development for residential use are permitted with respect to the land described in subsection (1), subject to compliance with any applicable statutory plan and land use bylaw and the acoustical requirements set out in the Alberta Building Code:

- (e) subject to subsections (3) and (4), the development of an attached suite;
- (f) subject to subsections (3) and (4), the development of a detached suite.

**(3)** The development of both an attached suite and a detached suite is not permitted

- (a) on the same parcel,
- (b) in respect of the same single detached dwelling, or
- (c) in respect of the same dwelling unit of a semi-detached dwelling referred to in subsection (2)(d)(ii).

**(4)** The development of either an attached suite or a detached suite is not permitted on a parcel resulting from the subdivision of a corner lot parcel under subsection (2)(b) where there is a semi-detached dwelling with 3 or more dwelling units.

### Secondary Suite: Permitted Use in R-C2

- AVPA Amended, use now permitted, no relaxation required
- Parking relaxation before the Board, use remains permitted with relaxation

Note:

Provision of second on site parking stall would resolve parking issue; however, a permitted use DP would still be required because parcel is within boundary of AVPA. Section 24 of the Land Use Bylaw does not exempt developments within the Boundary of the AVPA from a DP




ALBERTA  
MUNICIPAL AFFAIRS  
*Office of the Minister*  
*MLA, Calgary-Hays*

MINISTERIAL ORDER NO. MSD:072/21

I, Ric McIver, Minister of Municipal Affairs, pursuant to Section 693 of the *Municipal Government Act*, make the Calgary International Airport Vicinity Protection Area Amendment Regulation as set out in the attached Appendix.

Dated at Edmonton, Alberta, this 27 day of August, 2021.

  
\_\_\_\_\_  
Ric McIver  
Minister of Municipal Affairs

FILED UNDER  
THE REGULATIONS ACT  
as ALBERTA REGULATION 163/2021  
ON September 10 2021  
  
\_\_\_\_\_  
REGISTRAR OF REGULATIONS



## APPENDIX

### Municipal Government Act

#### CALGARY INTERNATIONAL AIRPORT VICINITY PROTECTION AREA AMENDMENT REGULATION

**1** The *Calgary International Airport Vicinity Protection Area Regulation* (AR 177/2009) is amended by this Regulation.

**2** Section 1 is amended

(a) In clause (c)

(i) by repealing subclause (iii);

(ii) In subclause (iv) by striking out “subclauses (i) to (iii)” and substituting “subclause (i) or (ii)”;

(b) by repealing clause (d)(iii).

**3** Section 6 is repealed and the following is substituted:

#### Duty of municipality

**6(1)** A municipality must refer a copy of any application it receives for a subdivision of land or a development permit relating to land in the Protection Area in a NEF Area of 30 or more, where the use of the land will change as a result of the application being approved, to the Airport Operator.

**(2)** Before adopting a statutory plan or land use bylaw, or an amendment of either, that relates to land in the Protection Area, a municipality must refer the statutory plan or land use bylaw, or the amendment, to the Airport Operator.

**4** The following is added after section 8:

#### Expiry

**8.1** For the purposes of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on June 30, 2026.

- 2 -

**5 Schedule 1 is repealed and the following is substituted:****Schedule 1****Calgary International Airport Vicinity  
Protection Area**

The Calgary International Airport Vicinity Protection Area consists of the lands described in this Schedule, but does not include the airport lands.

In township 24, range 29, west of the 4th meridian:

Northeast quarter of section 4;  
Sections 9, 16 and 21;  
West half of section 22;  
West half of section 27;  
Sections 28 and 33;  
Southwest quarter and north half of section 34.

In township 25, range 29, west of the 4th meridian:

Southwest quarter of section 2;  
Sections 3, 4, 9, 10, 15, 16, 21, 22, 27, 28 and 33;  
Southeast quarter and west half of section 34.

In township 26, range 29, west of the 4th meridian:

West half of section 3;  
Sections 4 and 9;  
Southwest quarter and east half of section 16;  
Southeast quarter of section 21.

In township 23, range 1, west of the 5th meridian:

Northwest quarter of section 36.

In township 24, range 1, west of the 5th meridian:

West half of section 1;  
East half of section 2;  
East half of section 11;  
Northeast quarter and west half of section 12;  
Section 13;  
East half of section 14;  
East half of section 23;  
Sections 24 and 25;  
Southeast quarter and north half of section 26;  
Northeast quarter of section 34;  
Sections 35 and 36.

In township 25, range 1, west of the 5th meridian:

Sections 1 and 2;  
Northeast quarter of section 10;  
Sections 11, 12, 13, 14 and 15;  
Southeast quarter of section 22;  
Sections 23, 24 and 25;  
East half of section 26;  
East half of section 35;  
Section 36.

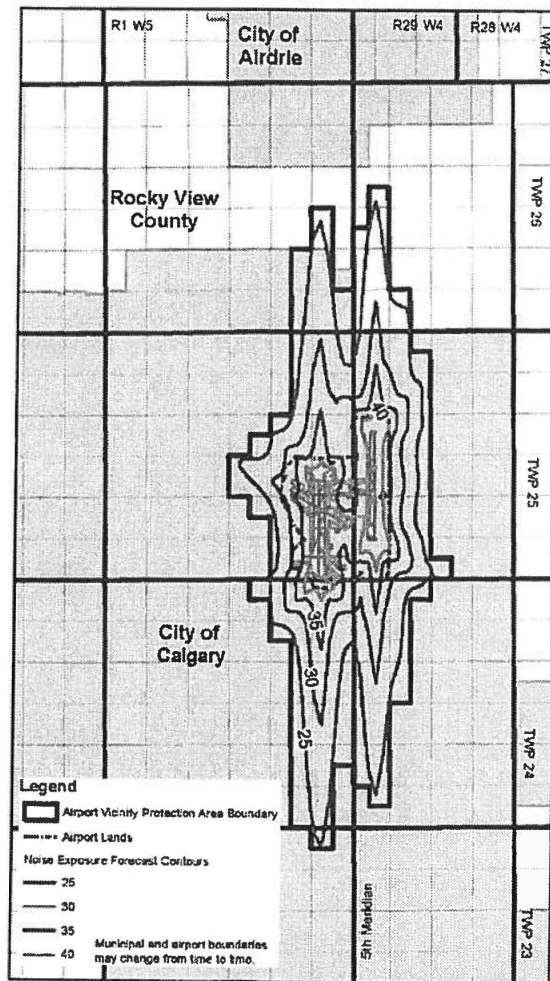
- 3 -

In township 26, range 1, west of the 5th meridian:

Section 1;  
East half of sections 2 and 11;  
West half of sections 12 and 13.


6 Schedule 2 is repealed and the following is substituted:

#### Schedule 2



7 Schedule 3 is amended

- (a) by repealing sections 2 and 2.1;
- (b) by repealing section 2.2(1) and substituting the following:

 3F/210621/A2/17742

- 4 -

**Residential subdivision and development a permitted use —  
Mayland Heights and Vista Heights**

**2.2(1)** This section applies to the following land within the NEF  
30-35 Area:

<u>Plan</u>	<u>Block</u>	<u>Lot</u>
<b>Mayland Heights</b>		
350JK	31	15, 16, 17, 18, 19
4430AC	11	2, 3, 6, 7, 10, 11
4430AC	12	2, 3, 6, 7, 10, 11, 14, 15, 18, 19
4430AC	13	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 18, 19
4430AC	14	2, 3, 6, 7, 10, 11, 15, 18, 19
4430AC	19	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15-18, 19, 20, 21, 22, 23, 24
4430AC	20	1, 2, 3, 4, 5, 6, 7, 8, 9
4430AC	21	1, 2, 3, 4, 7, 8, 9, 10, 11, 12
4430AC	22	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24
4430AC	26	19
4430AC	27	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
4430AC	29	1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15-17, 18, 19, 20, 21, 22, 23, 24
4430AC	30	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
4430AC	31	1, 4, 5, 8, 9, 12, 13
4430AC	32	1, 4, 5, 8, 9, 12, 13, 16, 17, 20, 21, 24
4430AC	33	1, 4, 9, 12, 13, 16, 17, 20
4430AC	34	4, 5, 8, 9, 12, 13, 16, 17, 20
6852HL	12	22
6852HL	19	25, 26
6852HL	23	21
6852HL	29	25, 27, 28
6852HL	32	25
6852HL	33	5, 8, 21
6852HL	34	21
6852HL	35	D
6852HL	45	1-5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16
6852HL	46	1, 2, 3, 4, 5, 6, 7, 8
6852HL	47	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
8431HJ	41	1, 2, 3, 4, 5, 6, 14, 15, 21, 22

- 5 -

412801	21	14, 15
510842	21	16, 17
511056	29	29, 30
712237	29	25, 26
915030	26	20, 21, 22, 23, 24, 25, 27
1011337	34	22
1013591	21	18, 19
9311044	21	13A
9811800	45	17, 18
9911922	45	17
<b>Vista Heights</b>		
713348	4	98, 99
1065JK	3	1, 2-17, 18
1065JK	4	29, 30-33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46-57, 58, 59-68, 69, 70, 71, 72, 73, 74, 75, 76, 77-86, 87, 88-93, 95, 96
1065JK	5	1, 2, 3, 4, 5-10, 11, 12-15, 16, 17, 18-20, 21, 22, 23, 24, 25
1065JK	7	1, 2, 3, 4, 5-19, 20
4347JK	11	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16-21, 22, 23, 28-35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56
4347JK	13	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17
4347JK	14	1, 2, 3, 4, 5, 6, 7-9, 10, 11, 12, 13, 14, 15, 16, 17-19, 20

(c) by adding the following after section 2.3:

**Other permitted uses****2.4(1)** This section applies to the following land within the NEF 30-35 Area:

<u>Plan</u>	<u>Block</u>	<u>Lot</u>
0410759	5	2
CONDOMINIUM PLAN 0611343	N/A	UNIT 1, UNIT 3-UNIT 7, UNIT 9-UNIT 11, UNIT 13, UNIT 14, UNIT 16, UNIT 17, UNIT 19-UNIT 30
CONDOMINIUM PLAN 0611843	N/A	UNIT 1-UNIT 3
CONDOMINIUM PLAN 0812921	N/A	UNIT 8-UNIT 11, UNIT 14-UNIT 18
DESCRIPTIVE PLAN 1111286	10	5
7410187	5	6, 7

- 6 -

7410187	6	5, 7, 9
7410187	9	1, 2, 3
7410187	10	
CONDOMINIUM PLAN 7810395	N/A	UNIT 1-UNIT 6, UNIT 8, UNIT 10
7810796	5	7
8210278	29	44, 46-53
9612335	4	5PUL

(2) Despite any other provision of this Regulation, subdivision and development for the following uses are permitted within the NEF 30-35 Area with respect to the land described in subsection (1), subject to compliance with any applicable statutory plan and land use bylaw and the acoustical requirements set out in the Alberta Building Code:

- (a) residences;
- (b) schools;
- (c) medical care facilities.

**Other permitted uses**

**2.5(1)** This section applies to the following land within the NEF 35-40 Area:

<u>Plan</u>	<u>Block</u>	<u>Lot</u>
154LK	2	4
5060AK	58	
0110618	N/A	11
0210486	1	13
CONDOMINIUM PLAN 0414236	N/A	UNIT 1-UNIT 3, UNIT 5, UNIT 8-UNIT 12
0514233	2	7
731502	4	7
1510259	2	5
1811550	6	8
7410187	4	2, 13, 14

(2) Despite any other provision of this Regulation, subdivision and development for the following uses are permitted within the NEF 35-40 Area with respect to the land described in subsection (1), subject to compliance with any applicable statutory plan and land use bylaw and the acoustical requirements set out in the Alberta Building Code:

- (a) day cares;
- (b) halls and auditoriums;
- (c) places of worship;
- (d) outdoor exhibitions and fairgrounds;
- (e) outdoor spectator entertainment/sports facilities.
- (d) by repealing section 3;
- (e) in section 4



- 7 -

- (i) by repealing subsection (1) and substituting the following:

**Prohibited uses**

4(1) A land use shown in Column 1 of the following table is prohibited on land that is located in a NEF Area shown in Column 2, 3, 4 or 5 of the table if the expression "PR" appears in that column opposite that land use:

**TABLE**

Column 1	Col. 2	Col. 3	Col. 4	Col. 5
	NEF	NEF	NEF	NEF
	40+	35-40	30-35	25-30
Land Uses	Area	Area	Area	Area
Residences	PR	PR	PR	-
Schools	PR	PR	PR	-
Day cares	PR	PR	-	-
Clinics	PR	-	-	-
Medical care facilities	PR	PR	PR	-
Halls and auditoriums	PR	-	-	-
Places of worship	PR	-	-	-
Outdoor eating establishments	PR	-	-	-
Outdoor exhibition and fairgrounds	PR	PR	-	-
Outdoor spectator entertainment/sports facilities	PR	PR	-	-
Campgrounds	PR	PR	PR	PR

- (ii) by adding the following after subsection (3):

(4) Subject to subsection (2), a land use that is not identified as prohibited in subsection (1) is permitted in any NEF area.

- (f) by repealing section 5 and substituting the following:

**Use of land where parcel located in more than one NEF Area**

5(1) Where a parcel of land that is equal to or less than 0.2 hectares is located in more than one NEF Area, the noise exposure forecast contour line that runs through the parcel must be adjusted to follow the next appropriate natural or man-made boundary that is farther away from the airport lands.

**(2) Where**

- (a) a noise exposure forecast contour line divides a parcel of land that is greater than 0.2 hectares into more than one NEF area, and
- (b) in one area a proposed use is a prohibited use and in the other area the proposed use is not a prohibited use,

the proposed use of the parcel may be carried out only in the area in which the proposed use is not a prohibited use.



Province of Alberta

MUNICIPAL GOVERNMENT ACT

**CALGARY INTERNATIONAL  
AIRPORT VICINITY PROTECTION  
AREA REGULATION**

**Alberta Regulation 177/2009**

With amendments up to and including Alberta Regulation 163/2021

Current as of September 10, 2021

Office Consolidation

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\*The year of first publication of the legal materials is to be completed.

**Note**

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

(Consolidated up to 163/2021)

**ALBERTA REGULATION 177/2009**

**Municipal Government Act**

**CALGARY INTERNATIONAL AIRPORT VICINITY  
PROTECTION AREA REGULATION**

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Schedules

**Definitions**

**1** In this Regulation,

- (a) “airport lands” means lands owned by the Crown in right of Canada and managed and operated as an airport by the Airport Operator pursuant to the *Regional Airports Authorities Act*;
- (b) “Airport Operator” means The Calgary Airport Authority established as a corporation under the *Regional Airports Authorities Act*, or a successor to that corporation;
- (c) “development permit” means an authorization to develop land under one of the following:
  - (i) where the land is in The City of Calgary, The City of Calgary Land Use Bylaw No. 1P2007, as amended from time to time;
  - (ii) where land is in Rocky View County, Rocky View County Land Use Bylaw No. C-4841-97, as amended from time to time;

- (iii) repealed AR 163/2021 s2;
- (iv) where a building permit authorizes the construction or placing of a building on land in any of the municipalities referred to in subclause (i) or (ii), or an addition to or replacement or repair of that improvement, a building permit;
- (d) “municipality” means any of the following:
  - (i) The City of Calgary;
  - (ii) Rocky View County;
  - (iii) repealed AR 163/2021 s2;
- (e) “NEF Area” or “noise exposure forecast area” means the area of land that
  - (i) is enclosed by NEF contour 40, excluding the airport lands,
  - (ii) lies between NEF contours 35 and 40, excluding the airport lands,
  - (iii) lies between NEF contours 30 and 35, excluding the airport lands,
  - (iv) lies between NEF contours 25 and 30, or
  - (v) lies between NEF contour 25 and the boundary of the Protection Area as shown on the map in Schedule 2;
- (f) “NEF contour” or “noise exposure forecast contour” means a numbered line shown on the map in Schedule 2 that indicates a boundary of a NEF Area;
- (g) “noise exposure forecast” means a system comprised of a standardized format for forecasted aircraft movement inputs, a computer model and associated land use compatibility tables, which together have been approved by Transport Canada to provide an airport operator means to generate NEF contours that can be used by land use planning authorities to develop compatible land use decisions around an airport;
- (h) “prohibited use” means a use of land that is prohibited under Schedule 3;

- (i) “Protection Area” means the Calgary International Airport Vicinity Protection Area established under section 2.
- (j) “secondary suite” means a self-contained dwelling basement suite that is part of an existing building, meets the building code requirements of a secondary suite and has separate living, cooking, sleeping and bathroom facilities.

AR 177/2009 s1;71/2014;186/2017;163/2021

#### **Protection Area established**

**2(1)** The lands described in Schedule 1 and shown on the map in Schedule 2 are hereby established as the Calgary International Airport Vicinity Protection Area.

**(2)** If any discrepancy exists between the description of the lands in Schedule 1 and the location of the lands on the map in Schedule 2, the description in Schedule 1 prevails.

**(3)** The Protection Area does not include the airport lands.

#### **Subdivision approval and development permits relating to land in Protection Area**

**3(1)** No subdivision or development of any kind may be undertaken on land in the Protection Area unless subdivision approval is given or a development permit is issued, as the case may be, by the municipality in which the land is located.

**(2)** A municipality that receives

- (a) an application for the subdivision of land in the Protection Area, or
- (b) an application for a development permit relating to land in the Protection Area

must, in addition to complying with Part 17 of the *Municipal Government Act*, comply with this Regulation.

**(3)** Subject to section 4, no subdivision approval may be given and no development permit may be issued by a municipality relating to land in the Protection Area if the proposed use of that land is a prohibited use, with the exception of a development permit for a secondary suite in an existing single family development.

**(4)** This section does not apply to a minor development of land in the Protection Area

- (a) that will not result in a change in the use of the land, or

- (b) that is exempt under any one of the authorities listed in section 1(c) from the requirement to obtain a development permit.

AR 177/2009 s3;186/2017

#### **Continuation of validity of pre-existing approvals**

**4(1)** If, before the coming into force of this Regulation, a municipality approved a subdivision or issued a development permit relating to land in the Protection Area and the use approved for the land or an improvement to the land immediately before the coming into force of this Regulation was a permitted or prohibited use, the approval of the subdivision or the development permit, as the case may be, continues to be valid after the coming into force of this Regulation.

**(2)** No extension, addition or enlargement may be made to an improvement that is prohibited under this Regulation except in accordance with subsection (3).

**(3)** An improvement used for a residence or school may be extended, added to or enlarged if the portion of the improvement so extended, added to or enlarged

- (a) is located in a NEF Area described in section 1(e)(i), (ii) or (iii),
- (b) complies with the acoustical requirements set out in the Alberta Building Code, and
- (c) is entirely located on a parcel of land that existed immediately before the coming into force of this Regulation.

**(4)** Where the use of an improvement continues to be valid after the coming into force of this Regulation under subsection (1) and the improvement is destroyed or demolished, the improvement may be replaced and may continue to be used for the prohibited use if the portion so replaced complies with the acoustical requirements set out in the Alberta Building Code.

**(5)** The replacement of a residential improvement under subsection (4)

- (a) is limited to the number of residential units destroyed or demolished, and
- (b) must be built on a lot in a subdivision plan registered under the *Land Titles Act* before the coming into force of this Regulation.

**Acoustical requirements**

**5(1)** All buildings constructed on land in the Protection Area after this Regulation comes into force must comply with the acoustical requirements set out in the Alberta Building Code that are in force at the time the development permit relating to the building is issued.

**(2)** For the purpose of establishing the acoustic insulation factor under the Alberta Building Code, the NEF contour for a building is

- (a) the highest numbered NEF contour for the NEF Area in which the building is located, or
- (b) if the building is located in 2 NEF Areas, the highest numbered NEF contour for the higher numbered NEF Area.

**Duty of municipality**

**6(1)** A municipality must refer a copy of any application it receives for a subdivision of land or a development permit relating to land in the Protection Area in a NEF Area of 30 or more, where the use of the land will change as a result of the application being approved, to the Airport Operator.

**(2)** Before adopting a statutory plan or land use bylaw, or an amendment of either, that relates to land in the Protection Area, a municipality must refer the statutory plan or land use bylaw, or the amendment, to the Airport Operator.

AR 177/2009 s6;163/2021

**Amendment to Regulation**

**7(1)** Where a municipality applies to the Minister for an amendment to this Regulation, the application must include a resolution of the council that the council supports the proposed amendment.

**(2)** An application under subsection (1) must not be considered by the Minister unless the Minister is satisfied that reasonable consultation in respect of the proposed amendment has taken place with any affected municipality and landowners, the Airport Operator and the general public.

AR 177/2009 s7;186/2017

**Repeal**

**8** The *Calgary International Airport Vicinity Protection Area Regulation* (AR 318/79) is repealed.

**Expiry**

**8.1** For the purposes of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on June 30, 2026.

AR 163/2021 s4

**9** Repealed AR 186/2017 s5.

**Schedule 1****Calgary International Airport Vicinity  
Protection Area**

The Calgary International Airport Vicinity Protection Area consists of the lands described in this Schedule, but does not include the airport lands.

In township 24, range 29, west of the 4th meridian:

Northeast quarter of section 4;  
Sections 9, 16 and 21;  
West half of section 22;  
West half of section 27;  
Sections 28 and 33;  
Southwest quarter and north half of section 34.

In township 25, range 29, west of the 4th meridian:

Southwest quarter of section 2;  
Sections 3, 4, 9, 10, 15, 16, 21, 22, 27, 28 and 33;  
Southeast quarter and west half of section 34.

In township 26, range 29, west of the 4th meridian:

West half of section 3;  
Sections 4 and 9;  
Southwest quarter and east half of section 16;  
Southeast quarter of section 21.

In township 23, range 1, west of the 5th meridian:

Northwest quarter of section 36.

In township 24, range 1, west of the 5th meridian:

West half of section 1;  
East half of section 2;  
East half of section 11;

Northeast quarter and west half of section 12;  
Section 13;  
East half of section 14;  
East half of section 23;  
Sections 24 and 25;  
Southeast quarter and north half of section 26;  
Northeast quarter of section 34;  
Sections 35 and 36.

In township 25, range 1, west of the 5th meridian:

Sections 1 and 2;  
Northeast quarter of section 10;  
Sections 11, 12, 13, 14 and 15;  
Southeast quarter of section 22;  
Sections 23, 24 and 25;  
East half of section 26;  
East half of section 35;  
Section 36.

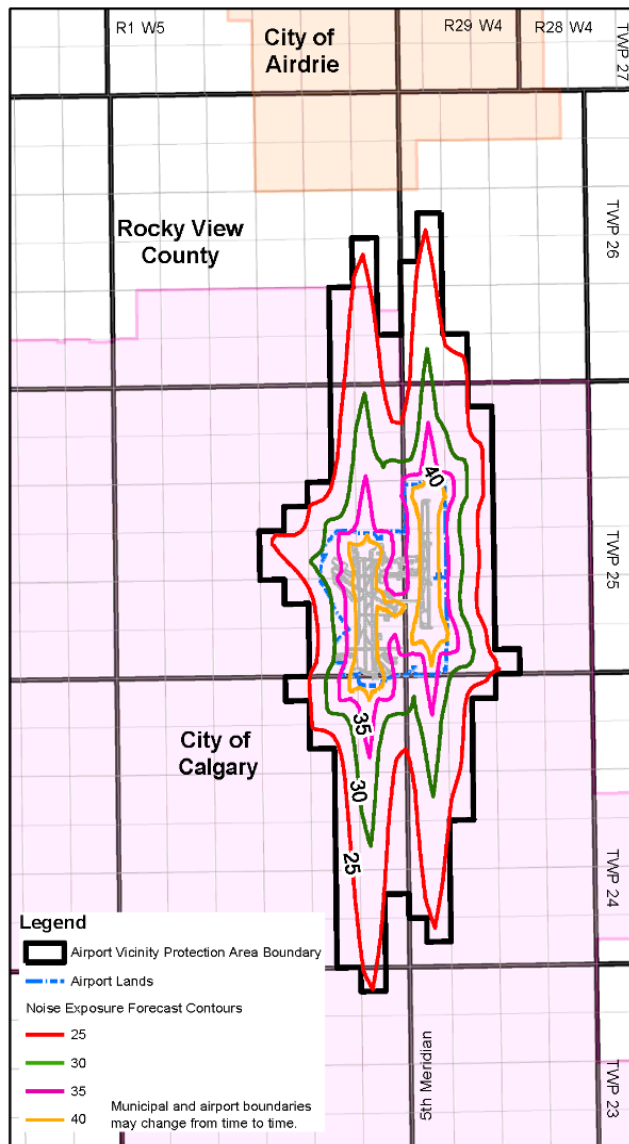
In township 26, range 1, west of the 5th meridian:

Section 1;  
East half of sections 2 and 11;  
West half of sections 12 and 13.

AR 177/2009 Sched 1;163/2021



## Schedule 2



AR 177/2009 Sched. 2;71/2014;186/2017;163/2021

**Schedule 3****Land Use in Relation to Noise  
Exposure Forecast Areas****Definitions**

**1** In this Schedule,

- (a) “attached suite” means a self-contained dwelling unit that meets the building code requirements of a secondary suite, with its own living, cooking, sleeping and bathroom facilities, that is located in an existing dwelling, and includes a secondary suite;
- (a.1) “campground” means a facility where spaces are provided for temporary accommodation for recreational vehicles or tents;
- (b) “clinic” means a facility for the provision of physical services or mental health services, or both, to individuals on an outpatient basis;
- (c) “day care” means a facility for the provision of care and supervision of 7 or more children, under the age of 13 years, for periods not exceeding 24 consecutive hours, but does not include an on-site child care program that is provided by an employer or organization and is ancillary to the primary use of the site;
- (c.1) “dBA” means a measure of sound level in decibels using a reference sound pressure of 20 micropascals when measured on the A-weighting network of a sound level meter;
- (c.2) “detached suite” means a self-contained dwelling unit that meets the relevant building code requirements, with its own living, cooking, sleeping and bathroom facilities, that is
  - (i) part of or attached to an accessory building on the same parcel of land as an existing dwelling, or
  - (ii) located in a detached building on the same parcel of land as an existing dwelling;
- (d) “hall and auditorium” means a facility that is primarily used for social or cultural activities, but does not include a museum or conference centre;
- (e) “land” means land located in the Protection Area;

- (f) “medical care facility” means a facility that is used or intended to provide health services, medical treatment or nursing, rehabilitative or preventive care to individuals and that includes overnight stays;
- (g) “outdoor eating establishment” means a facility where food or beverages are served or offered for sale or consumption where all, or a majority, of the seating is not located within a fully enclosed building;
- (h) “outdoor exhibition and fairground” means a facility that provides for the display of commodities, where all or a majority of the activities are not located in a fully enclosed building, and includes, but is not limited to, such uses as agricultural fairs, amusement rides and outdoor rodeos;
- (i) “outdoor spectator entertainment/sports facility” means a place or structure that is primarily used or intended for outdoor spectator uses or events, but does not include a race facility for motorized vehicles;
- (j) “place of worship” means a place or building that is primarily used or intended as a place where people regularly assemble for religious worship and associated activities;
- (k) “PR”, where it appears in the table opposite a particular land use, means that the land use is prohibited in that NEF Area;
- (l) “residence” means a building that includes kitchen, sleeping and sanitary facilities and is used primarily as a home;
- (m) “school” means a place or building that is used or primarily intended for the education of students at a preschool, elementary, junior high or high school age;
- (n) “semi-detached dwelling” means a building that contains no more than 4 dwelling units located side by side and separated by a common wall extending from foundation to roof.

**2, 2.1** Repealed AR 163/2021 s7.

**Residential subdivision and development a permitted use –  
Mayland Heights and Vista Heights**

**2.2(1)** This section applies to the following land within the NEF 30-35 Area:

<u>Plan</u>	<u>Block</u>	<u>Lot</u>
<b>Mayland Heights</b>		
350JK	31	15, 16, 17, 18, 19
4430AC	11	2, 3, 6, 7, 10, 11
4430AC	12	2, 3, 6, 7, 10, 11, 14, 15, 18, 19
4430AC	13	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 18, 19
4430AC	14	2, 3, 6, 7, 10, 11, 15, 18, 19
4430AC	19	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15-18, 19, 20, 21, 22, 23, 24
4430AC	20	1, 2, 3, 4, 5, 6, 7, 8, 9
4430AC	21	1, 2, 3, 4, 7, 8, 9, 10, 11, 12
4430AC	22	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24
4430AC	26	19
4430AC	27	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
4430AC	29	1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15-17, 18, 19, 20, 21, 22, 23, 24
4430AC	30	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
4430AC	31	1, 4, 5, 8, 9, 12, 13
4430AC	32	1, 4, 5, 8, 9, 12, 13, 16, 17, 20, 21, 24
4430AC	33	1, 4, 9, 12, 13, 16, 17, 20
4430AC	34	4, 5, 8, 9, 12, 13, 16, 17, 20
6852HL	12	22
6852HL	19	25, 26
6852HL	23	21
6852HL	29	25, 27, 28
6852HL	32	25
6852HL	33	5, 8, 21
6852HL	34	21

6852HL	35	D
6852HL	45	1-5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16
6852HL	46	1, 2, 3, 4, 5, 6, 7, 8
6852HL	47	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
8431HJ	41	1, 2, 3, 4, 5, 6, 14, 15, 21, 22
412801	21	14, 15
510842	21	16, 17
511056	29	29, 30
712237	29	25, 26
915030	26	20, 21, 22, 23, 24, 25, 27
1011337	34	22
1013591	21	18, 19
9311044	21	13A
9811800	45	17, 18
9911922	45	17
<b>Vista Heights</b>		
713348	4	98, 99
1065JK	3	1, 2-17, 18
1065JK	4	29, 30-33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46-57, 58, 59-68, 69, 70, 71, 72, 73, 74, 75, 76, 77-86, 87, 88- 93, 95, 96
1065JK	5	1, 2, 3, 4, 5-10, 11, 12-15, 16, 17, 18-20, 21, 22, 23, 24, 25
1065JK	7	1, 2, 3, 4, 5-19, 20
4347JK	11	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16-21, 22, 23, 28-35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56
4347JK	13	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17
4347JK	14	1, 2, 3, 4, 5, 6, 7-9, 10, 11, 12, 13, 14, 15, 16, 17-19, 20

(2) Despite any other provision of this Regulation, the following types of subdivision and development for residential use are permitted with respect to the land described in subsection (1), subject to compliance with any applicable statutory plan and land use bylaw and the acoustical requirements set out in the Alberta Building Code:

- (a) the subdivision of a single parcel into 2 parcels, with no further subdivision permitted;
- (b) the subdivision of a corner lot parcel into 4 or fewer parcels, with no further subdivision permitted;
- (c) the development of a single detached dwelling;
- (d) the development of semi-detached dwellings
  - (i) with no more than 4 dwelling units on a corner lot parcel, or
  - (ii) with no more than 2 dwelling units on a parcel that is not a corner lot parcel;
- (e) subject to subsections (3) and (4), the development of an attached suite;
- (f) subject to subsections (3) and (4), the development of a detached suite.

(3) The development of both an attached suite and a detached suite is not permitted

- (a) on the same parcel,
- (b) in respect of the same single detached dwelling, or
- (c) in respect of the same dwelling unit of a semi-detached dwelling referred to in subsection (2)(d)(ii).

(4) The development of either an attached suite or a detached suite is not permitted on a parcel resulting from the subdivision of a corner lot parcel under subsection (2)(b) where there is a semi-detached dwelling with 3 or more dwelling units.

#### **Residential affordable housing a permitted use**

**2.3** Despite any other provision of this Regulation, conversion of an existing hotel for residential affordable housing is permitted with respect to the following land, subject to compliance with the acoustical requirements set out in the Alberta Building Code:

Plan

Block

Lot

0010926      1                      20

#### Other permitted uses

**2.4(1)** This section applies to the following land within the NEF 30 35 Area:

<u>Plan</u>	<u>Block</u>	<u>Lot</u>
0410759	5	2
CONDOMINIUM PLAN 0611343	N/A	UNIT 1, UNIT 3-UNIT 7, UNIT 9-UNIT 11, UNIT 13, UNIT 14, UNIT 16, UNIT 17, UNIT 19-UNIT 30
CONDOMINIUM PLAN 0611843	N/A	UNIT 1-UNIT 3
CONDOMINIUM PLAN 0812921	N/A	UNIT 8-UNIT 11, UNIT 14-UNIT 18
DESCRIPTIVE PLAN 1111286	10	5
7410187	5	6, 7
7410187	6	5, 7, 9
7410187	9	1, 2, 3
7410187	10	
CONDOMINIUM PLAN 7810395	N/A	UNIT 1-UNIT 6, UNIT 8, UNIT 10
7810796	5	7
8210278	29	44, 46-53
9612335	4	5PUL

**(2)** Despite any other provision of this Regulation, subdivision and development for the following uses are permitted within the NEF 30-35 Area with respect to the land described in subsection (1), subject to compliance with any applicable statutory plan and land use bylaw and the acoustical requirements set out in the Alberta Building Code:

- (a) residences;
- (b) schools;
- (c) medical care facilities.

#### Other permitted uses

**2.5(1)** This section applies to the following land within the NEF 35-40 Area:

<u>Plan</u>	<u>Block</u>	<u>Lot</u>
154LK	2	4
5060AK	58	
0110618	N/A	11
0210486	1	13
CONDOMINIUM	N/A	UNIT 1-UNIT 3, UNIT 5,

PLAN 0414236		UNIT 8-UNIT 12
0514233	2	7
731502	4	7
1510259	2	5
1811550	6	8
7410187	4	2, 13, 14

(2) Despite any other provision of this Regulation, subdivision and development for the following uses are permitted within the NEF 35-40 Area with respect to the land described in subsection (1), subject to compliance with any applicable statutory plan and land use bylaw and the acoustical requirements set out in the Alberta Building Code:

- (a) day cares;
- (b) halls and auditoriums;
- (c) places of worship;
- (d) outdoor exhibitions and fairgrounds;
- (e) outdoor spectator entertainment/sports facilities.

**3** Repealed AR 163/2021 s7.

#### **Cultural hall a permitted use**

**3.1** Despite any other provision of this Regulation, development for a cultural hall is permitted within the NEF 35-40 and NEF 40+ Areas on Lot 6, Block 2, Plan 7911468 (subject to compliance with the exterior acoustic insulation requirements of the Alberta Building Code).

#### **Schools and a place of worship are permitted uses**

**3.2(1)** Despite any other provision of this Regulation,

- (a) development for a school and place of worship is permitted within the NEF 35-40 and NEF 40+ Areas on Lot 2, Block 7, Plan 0511592, and
- (b) development of an existing building for use as a school is permitted within the NEF 30-35 Area on Lot 16, Block 2, Plan 0510999,

subject to compliance with the requirements in subsection (2).

(2) The following requirements must be met by the owner in respect of the building in which the school and place of worship referred to in subsection (1)(a) is located and by the owner in



respect of the building in which the school referred to in subsection (1)(b) is located:

- (a) the design criteria for the building must be approved by a professional engineer specializing in acoustics to ensure that exterior noise in any occupied room in the building during the operating hours of the school and place of worship or the school, as the case may be, does not exceed
    - (i) a maximum sound level of 50 dBA, and
    - (ii) a maximum hourly equivalent continuous sound level of 35 dBA;
  - (b) after construction of the building referred to in subsection (1)(a) or development of the existing building referred to in subsection (1)(b) is complete, but before the building is occupied, a professional engineer specializing in acoustics must confirm that the building meets the sound level requirements referred to in clause (a);
  - (c) after the building is occupied, the owner of the building must ensure the building is monitored at least once in each quarter of a calendar year by a professional engineer specializing in acoustics to confirm that the building continues to meet the sound level requirements referred to in clause (a);
  - (d) the owner of the building must submit to the City of Calgary in each quarter of a calendar year a report containing the monitoring data for that quarter obtained under clause (c);
  - (e) if the building fails to meet the sound level requirements referred to in clause (a), the City of Calgary must by written order require the owner of the building to remedy the failure.
- (3) An order under subsection (2)(e) may
- (a) direct the owner of the building to stop doing something, or to change the way in which the owner is doing it,
  - (b) direct the owner of the building to take any action or measure necessary to remedy the failure to meet the sound level requirements in subsection (2)(a), and if necessary, to prevent a reoccurrence of that failure,
  - (c) state a time within which the owner of the building must comply with the directions, and

- (d) state that if the owner of the building does not comply with the directions within a specified time, the City of Calgary will take the action or measure at the expense of the owner.

(4) An order under subsection (2)(e) is considered to be an order under section 545 of the Act.

#### Prohibited uses

4(1) A land use shown in Column 1 of the following table is prohibited on land that is located in a NEF Area shown in Column 2, 3, 4 or 5 of the table if the expression “PR” appears in that column opposite that land use:

**TABLE**

Column 1	Col. 2	Col. 3	Col. 4	Col. 5
	NEF	NEF	NEF	NEF
	40+	35-40	30-35	25-30
Land Uses	Area	Area	Area	Area
Residences	PR	PR	PR	-
Schools	PR	PR	PR	-
Day cares	PR	PR	-	-
Clinics	PR	-	-	-
Medical care facilities	PR	PR	PR	-
Halls and auditoriums	PR	-	-	-
Places of worship	PR	-	-	-
Outdoor eating establishments	PR	-	-	-
Outdoor exhibition and fairgrounds	PR	PR	-	-
Outdoor spectator entertainment/sports facilities	PR	PR	-	-
Campgrounds	PR	PR	PR	PR

(2) A land use that is not shown in Column 1 of the table but is similar to a land use shown in Column 1 of the table, in the opinion of the affected subdivision authority or development authority, is prohibited in accordance with subsection (1).

(3) In the table,

- (a) “NEF 40+ Area” means the NEF Area described in section 1(e)(i) of this Regulation;
- (b) “NEF 35-40 Area” means the NEF Area described in section 1(e)(ii) of this Regulation;
- (c) “NEF 30-35 Area” means the NEF Area described in section 1(e)(iii) of this Regulation;

(d) “NEF 25-30 Area” means the NEF Area described in section 1(e)(iv) of this Regulation.

(4) Subject to subsection (2), a land use that is not identified as prohibited in subsection (1) is permitted in any NEF area.

**Use of land where parcel located in  
more than one NEF Area**

**5(1)** Where a parcel of land that is equal to or less than 0.2 hectares is located in more than one NEF Area, the noise exposure forecast contour line that runs through the parcel must be adjusted to follow the next appropriate natural or man-made boundary that is farther away from the airport lands.

(2) Where

- (a) a noise exposure forecast contour line divides a parcel of land that is greater than 0.2 hectares into more than one NEF area, and
- (b) in one area a proposed use is a prohibited use and in the other area the proposed use is not a prohibited use,

the proposed use of the parcel may be carried out only in the area in which the proposed use is not a prohibited use.

AR 177/2009 Sched. 3;192/2010;177/2018;124/2019;158/2020;  
34/2021;163/2021