



## CITY OF FORT SASKATCHEWAN

### A BYLAW OF THE CITY OF FORT SASKATCHEWAN IN THE PROVINCE OF ALBERTA TO AMEND BYLAW C10-13, LAND USE BYLAW

#### BYLAW C19-15

**WHEREAS** the *Municipal Government Act, R.S.A. 2000, c.M-26* as amended or repealed and replaced from time to time, provides that a municipality has the power to amend the Land Use Bylaw;

**NOW THEREFORE**, the Council of the City of Fort Saskatchewan, in the Province of Alberta, duly assembled, enacts as follows:

1. This Bylaw is cited as the Amendment to Bylaw C10-13 Land Use Bylaw as amended or repealed and replaced from time to time.
2. That Schedule “A” of Bylaw C10-13 be amended as follows:
  - A) Delete the following under Part 1 – Title, Purpose and Jurisdiction:
    - 1.4 Compliance Certificate
      - 1.4.1 An application for a Compliance Certificate from the Development Authority shall be completed in accordance with the City of Fort Saskatchewan Letter Respecting Compliance Procedure.
    - 1.5 Compliance with Other Legislation
      - 1.5.1 A person applying for, or in possession of a valid Development Permit shall be responsible to ascertain and comply with or carry out development in accordance with:
        - (a) The requirements of any Statutory Plan;
        - (b) The requirements of the Alberta *Safety Codes Act*;
        - (c) The requirements of any other applicable federal, provincial or municipal legislation;
        - (d) The conditions of any caveat, covenant, condominium bylaw, easement, instrument, building scheme or agreement affecting a building or land; and
        - (e) The requirements of other applicable bylaws, policies and procedures as adopted by the City from time to time.

- 1.5.2 Where a proposed development or use of a building or land is not in compliance with any applicable federal, provincial or municipal legislation or with the conditions of any caveat, covenant, easement, instrument, building scheme or agreement affecting the land or building, the Development Authority may refuse to approve a Development Permit for the development or use.

B) Add the following Part 1 – Title, Purpose and Jurisdiction:

1.5 Compliance with Other Legislation

- 1.5.1 A person applying for, or in possession of, a valid development permit is not relieved from full responsibility for ascertaining and complying with, or carrying out and shall ascertain, comply or carry out development in accordance with:

- (a) the requirements of the *Safety Codes Act*, and regulations including the Alberta Building Code and Alberta Fire Code, *Environmental Protection and Enhancement Act*, and *Natural Resources Conservation Board Act*;
- (b) the requirements of any other federal, provincial or municipal enactment or any other law; and
- (c) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.

The Development Authority is not responsible for nor does the Development Authority have any obligation whatsoever to determine what other legislation may apply to a development, nor to monitor or enforce compliance with such legislation.

C) Add the following under Part 2 – Administration, Procedures and Enforcement:

2.18 Compliance Certificates

- 2.18.1 The registered owner, or a person with a legal or equitable interest in a site, may apply to the Development Authority for a Compliance Certificate.
- 2.18.2 The applicant for a Compliance Certificate shall submit no less than two original Real Property Reports, stamped and signed by a registered Alberta Land Surveyor, for the site.
- 2.18.3 The Development Authority may issue a Compliance Certificate when, in the opinion of the Development Authority, the buildings as shown on the Real Property Report provided by the applicant are located on the site in

accordance with the regulations of this Bylaw or the yard or building setbacks specified in any development permit which may have been issued; and the Development Authority is satisfied the use of the land is in accordance with the Land Use Bylaw.

2.18.4 The Compliance Certificate shall only cover those buildings, or parts thereof, shown on the Real Property Report as provided by the applicant.

2.18.5 The Development Authority may refuse to issue a Compliance Certificate when, in the opinion of the Development Authority, there is insufficient information from the applicant to determine if buildings as shown are located in accordance with the yard and building setback regulations of this Bylaw or the yard or building setbacks specified in any development permit which may have been issued for the site.

2.18.6 A Compliance Certificate is not a development permit.

2.18.7 The Development Authority may refuse to process an application for a Compliance Certificate if, in the opinion of the Development Authority, processing the Compliance Certificate application may negatively affect the interests of the City. Should the Development Authority not process an application for Compliance Certificate, all fees shall be returned to the applicant.

D) Replace the following under Part 2 – Administration, Procedures and Enforcement:

2.1 Development Authority

2.1.2 The Development Authority may include one or more of the following:

- (a) Designated Officer as designated by the Chief Administrative Officer;
- (b) Variance Review Committee; and/or
- (c) Chief Administrative Officer.

2.5 Establishment of Overlays

2.5.3 An Overlay may be used to alter development regulations pertaining to permitted or discretionary uses.

- E) Delete the following under Part 3 – Development Application and Process:

3.3 Variance to Regulations

- 3.3.2 In particular, the Development Authority, subject to Subsection 3.3.1 above, may approve:
- 3.3.3 In granting a variance, the Development Authority may deem that an adjacent landowner notification is required where it is believed that the variance being applied for may unduly interfere with the amenities of the neighbourhood or materially affect the use, enjoyment or value of a neighbouring property. The notification area shall be at the discretion of the Development Authority.
- 3.3.5 The Development Authority may grant a variance of up to 5% of the particular Bylaw requirement for a Development Permit application. If a variance is requested for between 6% and 15%, the requested variance shall be brought before the Variance Review Committee.
- 3.3.6 If a variance over 10% of a Bylaw requirement is granted by the Development Authority or the Variance Review Committee, the Development Authority shall send notice of the decision by regular mail to all affected adjacent land owners as determined by the Development Authority.
- 3.3.7 Variances in excess of 15% of the particular Bylaw requirement shall not be approved by the Development Authority.

3.9 Decision on a Development Permit

- 3.9.6 Pursuant to Section 640(6) of the MGA, the Development Authority may approve an application for a Development Permit even though the proposed use does not comply with this Bylaw or is proposed to be located in a non-conforming building, if, in the opinion of the Development Authority:
- (a) The proposal would not:
- i. Unduly interfere with the amenities of the neighbourhood; or
  - ii. Materially interfere with or affect the use, enjoyment or value of neighbouring properties; and

The proposed development conforms to the use prescribed for that land or building in this Bylaw.

3.9.7 In particular, the Development Authority, subject to Subsection 3.9.6 above, may approve:

- (a) A development on a site that does not meet the provisions of this Bylaw in terms of width, depth or site area, provided that the site was legally registered and existing at the time of adoption of this Bylaw and that the development meets all other requirements of this Bylaw;
- (b) A development that does not comply with the provisions of this Bylaw in terms of yard setbacks or site coverage, provided that:
  - i. The development does not encroach on any easement, unless an encroachment agreement has been granted in respect of it, and the development meets all other requirements of this Bylaw; and
  - ii. The development does not encroach on any property line nor create any drainage problem.
- (c) The site has irregular lot lines creating an odd shape or a site size that may create difficulties in locating a building or structure within the required setbacks, in which case the Development Authority may permit the development and vary the setbacks; and/or
- (d) An error has occurred in the siting of the building or structure and rectifying the error would create unnecessary hardship to the property owner.

3.9.9 Only one Development Permit shall be issued for the same use or development on a site at any one time.

### 3.10 Conditions of a Development Permit

3.10.1 (d) To ensure the orderly and economic development of land within the City; and

### 3.11 Notice of Decision

3.11.3 When an application for a Development Permit is approved for a discretionary use, for a variance, or for a development in a Direct Control District, a Notice containing the

information specified in Section 3.5.2 shall be mailed within seven days to all assessed owners of properties within 60.0m (196.9ft) or to such greater distance as is determined by the Development Authority, as well as to those assessed property owners who, in the opinion of the Development Authority, may be affected except where, in the opinion of the Development Authority, the Development Permit issued will not have any adverse impact on adjacent property owners.

### 3.16 Development Appeals

3.16.2 The person applying for a Development Permit or affected by a Stop Order, or any person affected by any decision or Order of the Development Authority may appeal the decision to the Subdivision and Development Appeal Board when the Development Authority:

- (a) Refuses or fails to issue a Development Permit for an application;
- (b) Issues a Development Permit with conditions;
- (c) Issues a Development Permit where the provisions of this Bylaw were varied; or
- (d) Issues a Stop Order under Section 645 of the MGA.

3.16.3 An appeal shall be filed to the Subdivision and Development Appeal Board within 14 consecutive days from the date on which the person is notified of an Order or of the decision on or issuance of a Development Permit.

3.16.5 The appeal shall be considered, and the public hearing shall be held by the Subdivision and Development Appeal Board in the manner prescribed in the Subdivision and Development Appeal Board Bylaw, and pursuant to the requirements of the MGA.

3.16.6 In determining an appeal, the Subdivision and Development Appeal Board shall comply with Sections 683, 684, 686 and 687 of the MGA.

F) Add the following under Part 3 – Development Applications and Process:

### 3.2 Development Permit Not Required

#### 3.2.1 Table 1

Commercial and Industrial Renovations - Where the intensity of the use does not change

### 3.3 Variance to Regulations

3.3.1 (c) In consideration of the above, the Development Authority shall consider the specific merits of the application; practical difficulties peculiar to the Use, character, or situation of land or a building, which are not generally common to other land in the same district; and

(d) The Development Authority may consider if an error occurred in the situating of the building or structure and rectifying the error would create unnecessary hardship to the property owner.

3.3.5 Subject to 3.3.1 and 3.3.2, the Development Authority may grant a variance of no more than 5% of a particular Bylaw regulation for a Development Permit Application. If a variance is requested for greater than 5% but no more than 15%, the variance shall be presented to the Variance Review Committee to decide upon the variance.

3.3.7 The Development Authority shall not refuse a Development on a site that does not meet the provisions of this Bylaw in terms of width, depth, or site area, provided that the site was legally registered at the time of adoption of this Bylaw and that the development meets all other requirements of this Bylaw.

### 3.9 Decision on a Development Permit

3.9.10 Where a specific use does not conform to the wording of any Use Class definition or generally conforms to the wording of two or more Use Class definitions, the Development Authority may exercise discretion to deem that the use conforms to and is included in that Use Class which he considers to be the most appropriate in character and purpose. In such a case, the use shall be considered a Discretionary Use, whether or not the Use Class is listed as Permitted or Discretionary within the applicable District.

3.9.11 Subject to Section 3.3 of this Bylaw, the Development Authority may approve an application for a Development Permit even though the proposed use does not comply with this Bylaw.

### 3.11 Notice of Decision

3.11.4 Notification of the issuance of a permit for a discretionary use, or for a development permit for a permitted or discretionary use involving a variance, by the Development Authority shall describe the Development and state the

decision of the Development Authority, and the right of appeal therefrom.

3.11.5 When an application for a Development Permit is approved for a discretionary use, for a variance, or for a development in a Direct Control District, a Notice containing the information specified in Section 3.11.3, shall be mailed within seven days to all assessed owners of properties within 60.0m (196.9ft) of the subject site.

3.11.6 Notwithstanding Section 3.11.4, Notices may be mailed within seven days to assessed property owners as determined by the Development Authority and in accordance with following:

- (a) for discretionary uses where, in the opinion of the Development Authority, the use may have the potential to affect property owners beyond the 60 m (196.9ft) radius, Notices shall be sent to additional property owners as determined by the Development Authority;
- (b) for variances to low density residential developments, Notices shall be sent to, as a minimum, assessed property owners that are adjacent to the subject site.

### 3.13 Suspension and Cancellation of a Development Permit

3.13.6 Notice of the Development Authority's decision to cancel the Development Permit, shall be provided in writing by ordinary mail to the property owner and to the applicant of the Development Permit and such notice shall state the reasons for cancellation of the Development Permit.

### 3.16 Development Appeals

3.16.7 An appeal may be launched by filing a notice with the Subdivision and Development Appeal Board that provides the following:

- (a) The legal description of the property and/or the municipal address;
- (b) The address of the appellant;
- (c) The reasons for the appeal and the issue, condition in the decision, or Order that is the subject of the appeal; and
- (d) The fees prescribed by the City of Fort Saskatchewan Fees and Charges Bylaw.



- G) Replace the following under Part 3 – Development Applications and Process:

3.1 Development Permits

- 3.1.2 Pursuant to Section 3.10 Conditions of a Development Permit, when a Development Permit is approved with conditions, all conditions, except those of a continuing nature, shall be satisfied prior to a development commencing.

3.2 Development Permit Not Required

3.2.1 Table 1

- Accessory Buildings
- Fences: Shall have a height less than 1.8m (6.0ft) and comply with provisions of Section 4.7, 5.8, 6.4, 7.2 and 8.2
- Hot Tubs: Shall comply with development regulations
- Landscaping: Landscaping other than what is required by this Bylaw or a Development Permit
- Tents: Shall be in place for less than 24 hours

3.3 Variance to Regulations

- 3.3.1 The Development Authority may approve or conditionally approve an application for a development that does not comply with this Bylaw, if in the opinion of the Development Authority:

(a) The proposed development would not:

- i. Unduly interfere with the amenities of the neighbourhood; or
- ii. Materially interfere with or affect the use, enjoyment, safety or value of neighbouring land;

and

(b) The proposed development conforms with the use prescribed for that land or building in this Bylaw

- 3.3.2 Notwithstanding Section 3.3.1, the Development Authority, shall not approve:

- (a) A development that does not comply with the provisions of this Bylaw in terms of yard setbacks or site coverage, if:
  - i. The development encroaches onto or over any easement, unless an encroachment agreement has been granted in respect of it, and the development meets all other requirements of this Bylaw; or
  - ii. If the development encroaches onto or over any property line nor create any drainage problem.
- (b) A variance in excess of 15% of the particular Bylaw requirement.

3.3.7 The Development Authority shall not refuse a Development on a site that does not meet the provisions of this Bylaw in terms of width, depth, or site area, provided that the site was legally registered at the time of adoption of this Bylaw and that the development meets all other requirements of this Bylaw.

#### 3.4 Requirements for a Development Permit Application

- 3.4.2 (r) Copies of a Plan of Survey prepared by an Alberta Land Surveyor showing the following:
  - i. the site to be developed; and
  - ii. Provide all elevations derived from geodetic datum

#### 3.7 Development Permit Review Process

3.7.2 In reviewing a Development Permit application, the Development Authority shall consider any technical study deemed necessary to support the land use planning review of the application and, based on the results of such technical studies, may approve or refuse the application and/or impose such conditions as are considered necessary to mitigate any potential impacts.

#### 3.9 Decision on a Development Permit

- 3.9.2 (a) ii. The design, character and appearance of the proposed development and, in particular, whether it is reasonably compatible with and complementary to the surrounding properties and land use; or

3.9.12 Variances shall be processed and notification to adjacent owners given in accordance with Sections 3.3.3 through 3.3.7 of this Bylaw.

3.10 Conditions of a Development Permit

3.10.1 Where applicable and as considered necessary, the Development Authority may impose such conditions on a Development Permit as are considered necessary:

3.12 Issuance and Validity of a Development Permit

3.12.2 A Development Permit shall be deemed to be valid 22 days after the date of mailing of the Notice of Decision, unless an appeal is made to the Subdivision and Development Appeal Board. If an appeal against the Development Permit is made to the Appeal Authority, the Development Permit shall not come into effect unless and until any conditions of approval have been fulfilled.

3.14 Guaranteed Security

3.14.1 Where required pursuant to Section 3.10.5, prior to the issuance of any Building Permit or start of any construction, the applicant shall:

(c) Deliver to the City an Irrevocable Letter of Security, an Irrevocable Letter of Credit or a certified cheque.

H) Delete the following under Part 4 – General Regulations for All Land Use Districts:

4.6 Environmentally Constrained Land

4.6.3 Where development is proposed adjacent to any bank, a geotechnical analysis determining the location of the top of bank, top of valley, top of slope, and addressing slope stability and any other geotechnical issues to the satisfaction of the Development Authority may be required if:

- (a) The bank is greater than 3.0m (9.8ft) in height;
- (b) The bank is greater than 10% slope; and
- (c) The development is proposed within a setback equal to twice the height of the bank, as measured from the top of bank.

4.35 Secondary Suites

4.35.1 There shall be no more than one secondary suite permitted on a site in addition to a principal dwelling.

4.35.2 There shall be no secondary suites permitted on a site where the principal dwelling contains a bed and breakfast, group home or group home (limited);

4.35.3 Where permitted, secondary suites shall be:

- (a) Considered to be a permitted use only where located within a dwelling unit occupied by a registered owner of the subject property;
- (b) Considered to be a discretionary use where proposed within a dwelling unit not occupied by a registered owner of the property;
- (h) Required to provide one off-street parking stall for each bedroom in the secondary suite in addition to the two off-street parking spaces required for the principal dwelling. A garage may be considered as off-street parking and driveway parking may be considered if it does not restrict the movement of vehicles in the garage; and
- (i) Constructed to comply with all relevant requirements of the *Alberta Building Code* and *Safety Codes Act*.

#### 4.37 Solar Collectors in Residential Districts

4.37.1 Solar collectors shall be permitted in Low Density Residential Land Use Districts provided that the solar collector is located on the roof of a building. Solar collectors proposed to be located in Low Density Residential Land Use Districts on the walls of a building, shall be considered as a discretionary use.

#### 4.40 Vehicle Oriented Uses

4.40.1 Vehicle oriented uses shall include drive through service, service station (limited), service station, Vehicle wash, and other developments that provide drive-in services in which patrons typically remain inside their vehicles while service is provided.

4.40.2 (b) For drive-through interior/exterior car wash services, a minimum of five inbound queuing spaces shall be provided on-site in front of each wash bay and a minimum of four outbound queuing spaces shall be provided prior to the point where a vehicle may exit the site; and

- I) Add the following under Part 4 – General Regulations for All Land Use Districts:

4.6 Environmentally Constrained Land

- 4.6.3 Where development is proposed adjacent to any top of bank, top of slope, slope stability and the bank is greater than 3.0 m in height, a minimum setback of 50 m is required. The setback may be increased or decreased based on a geotechnical analysis provided in accordance with section 3.4.2(k) of the Bylaw.

4.20 Removal and Demolition of Buildings and Structure

- 4.20.4 A Development Permit application in respect of the demolition of a portion of building shall be considered to be a change in intensity of the use and/or redevelopment of the existing building. The resultant building and use shall be subject to the provisions of this Bylaw.

4.29 Garbage and Recycling Enclosures

- 4.29.1 (e) For sites with lane access, garbage and recycling storage shall not be located within a front or flanking front yard.
- (f) For commercial and industrial districted sites without lane access, the Development Authority may require garbage and recycling storage to be located within the front yard taking into consideration the merits of the application and site characteristics.

4.35 Secondary Suites

- 4.35.1 (a) Be subordinate, incidental to, and exclusively devoted to a principal dwelling unit;
- (b) Not be approved if a Development Permit has been issued and is still valid for a Bed and Breakfast, Group Home, Group Home (limited), and Boarding Facility
- (h) Have a separate entry from the principal dwelling unit, either from a common indoor landing or from the exterior. If the entry to the Secondary Suite is direct from the exterior, such entry shall not be from the front or flanking front of the principal dwelling unit;

- (i) Have a maximum of two bedrooms; and
- (j) Provide parking in accordance with Section 11. Tandem parking may be allowed provided that parking stalls on the driveway lead to a garage that accommodates two side-by-side legal stalls.

4.35.2 The applicant/owner in possession of a valid development permit is not relieved from full responsibility for ascertaining and complying with or carrying out development in accordance with relevant requirements of the Alberta Building Code and *Safety Codes Act*.

#### 4.37 Solar Collectors in Residential Districts

4.37.1 Solar collectors are considered accessory to the principal use.

4.37.2 Notwithstanding 4.37.1 a solar collector shall be considered a discretionary use if not located on the roof of the building in which it is proposed;

#### 4.40 Vehicle Oriented Uses

4.40.1 Vehicle oriented uses shall include development that allows car attendant services, drive-through services, service station (limited), service station;

or,

development providing rapid cleaning, lubrication, maintenance or repair services to motor vehicles such as automatic or coin operated car washes (including self-service car wash), rapid lubrication shops, or specialty repair establishments.

4.40.2 (b) For drive-through Vehicle Wash services, a minimum of five inbound queuing spaces shall be provided on-site in front of each wash bay or, in the case of a single entrance multi-bay self-serve car wash, in front of the vehicular entrance and a minimum of one outbound queuing spaces shall be provided prior to the point where a vehicle may exit the site; and

#### 4.45 Boarding Facilities

4.45.1 Where allowed as a Permitted or Discretionary use within a residential land use district, Boarding Facilities shall only be located:

- (a) on corner lots;
- (b) on sites abutting an arterial or service road; or
- (c) where a minimum of one side lot line abuts a site zoned commercial.
- (d) In addition to above, a Boarding Facility shall not be within 150 metres from any other Boarding Facility Use.

4.45.2 The maximum occupancy of a Boarding Facility shall be a maximum of 6 residents;

4.45.3 No Home Business or Secondary Suite shall be permitted as part of a Boarding Facilities development or on the Site of such development;

4.45.4 Boarding Facilities shall be of a size, scale, and outward appearance that is typical of surrounding residential development, as determined by the Development Authority; and

4.45.5 The Development Authority may condition the Development Permit to the extent necessary to achieve specific planning objectives taking into consideration the level of traffic generation, parking demand, and any other potential effects in relation to characteristics common to the Zone in which the Boarding Facility is located and of the area in which the Boarding Facility is proposed.

#### 4.46 Prohibited Uses

4.46.1 Notwithstanding any other provision in this Bylaw, the following uses, unless specifically listed as a permitted or discretionary use in the land use district where the site is located, are prohibited as accessory uses to any other use:

- (a) adult entertainment facility;
- (b) agriculture;
- (c) assisted living facility;
- (d) bed and breakfast;
- (e) boarding facility;
- (f) campground;
- (g) casino;
- (h) commercial school;
- (i) day care facility;
- (j) education (private)
- (k) education (public)
- (l) funeral home;
- (m) garage suite;

- (n) general industrial
- (o) group home;
- (p) group home (limited);
- (q) health service;
- (r) heavy industrial;
- (s) hospital;
- (t) hotel;
- (u) kennel;
- (v) motel;
- (w) pawn shop;
- (x) pet care service;
- (y) research and development facility;
- (z) retail store (drug paraphernalia);
- (aa) retail store (liquor);
- (bb) vehicle repair facility;
- (cc) vehicle repair facility (limited);
- (dd) vehicle wash;
- (ee) veterinarian service.

- J) Replacing the following under Part 4 – General Regulations for All Land Use Districts:

#### 4.6 Environmentally Constrained Land

- 4.6.1 The Development Authority may require a geotechnical analysis, biophysical analysis, environmental risk assessment or environmental impact assessment for any subdivision, Development Permit or Land Use Bylaw amendment application where, in the opinion of the Development Authority, the proposed development may be on or adjacent to environmentally constrained land. Such reports shall review the suitability of the proposed development to the subject site, consider the potential impact of the development on wildlife corridors, water bodies, water courses and/or the stability of slopes and may recommend potential mitigation measures for the site and proposed development.

#### 4.14 General Nuisance, Pollution and Hazard Control

- 4.14.1 No storage or activity may be undertaken which, in the opinion of the Development Authority, constitutes a danger or annoyance to persons on the site, on a public property, or on a site adjacent to it.

#### 4.25 Site Amenities

- 4.25.1 To the extent reasonably feasible, development shall include site amenities to enhance safety and convenience and promote walking or bicycling as an alternative means of transportation. Site amenities may include but are not



limited to bike racks, drinking fountains, canopies and/or benches.

4.27 Energy Efficiency

4.27.1 To the extent reasonably feasible, buildings shall be designed to maximize natural light in order to reduce artificial lighting and energy use for internal heating and cooling through the use of optimized building orientation, massing, shape, design and interior colours and finishes for day lighting.

4.28 Water Efficiency

4.28.1 To the extent reasonably feasible, buildings and sites shall be designed to minimize the use of potable water through the application of innovative site irrigation and cooling systems that implement on-site treatment such as harvesting, processing and recycling of rainwater, stormwater and building grey water.

4.29 Garbage and Recycling Enclosures

4.29.1 Areas on a site used for garbage and recycling storage shall be developed and maintained as follows, to the satisfaction of the Development Authority:

4.32 Home Business

4.32.1 (b) Not to be a cause of inconvenience to adjacent landowners or tenants;

4.33 Home Office

4.33.1 As determined by the Development Authority, home office shall:

4.35 Secondary Suites

4.35.1 Secondary Suites shall:

4.40 Vehicle Oriented Uses

4.40.6 Drive through services shall not disrupt access and circulation functions within the site. Such facilities shall be located in side or rear locations on-site that do not interrupt direct pedestrian access along connection pedestrian frontage. The design and layout of drive-in facilities for restaurants, banks and other uses shall:

4.41 Veterinary Clinic, Kennel and Pet Care Service Uses

4.41.2 Kennels shall not be within 150.0m (492.1ft) of any residential development.

K) Delete the following under Part 5 – Residential Land Use Districts:

5.4 Affordable Housing

5.4.2 Affordable Housing shall be considered a residential use, and shall be permitted in any Residential Land Use District, or where residential uses are permitted.

5.7 Design and Appearance of Dwellings

5.7.1 Residential dwellings shall be designed to promote variety, individuality and visual interest throughout a neighbourhood. Development Permit applications shall demonstrate the required variety through differentiation of exterior treatment, colours, materials, and textures or architecture on all sides of the dwelling visible from a public roadway or public open space. The developer will be assigned the responsibility for assuring that proper architectural controls are in place to achieve a satisfactory end result.

5.7.2 Residential dwelling designs shall only be allowed to repeat after every fourth (4<sup>th</sup>) dwelling as illustrated by the sequence 'A B C D A...' For the purposes of this Section only, semi-detached, duplex, multi-attached and apartment dwellings shall be considered as a single dwelling and each attached dwelling unit may have the same design.

5.7.3 On corner sites, both street frontages shall have a similar level of architectural and design treatment.

5.7.4 Residential dwellings containing one dwelling unit shall be designed so that the primary entrance to the dwelling unit faces and has direct pedestrian access from an abutting public roadway.

5.15 R1 – Large Lot Residential District

Table 5.15.2 (a) Accessory Development

5.15.2\* Subject to Regulations in Section 4.35 Secondary Suites.

5.16 R2 – Medium Lot Resident District

Table 5.16.2 (a) Accessory Development

5.16.2\* Subject to Regulations in Section 4.35 Secondary Suites.

5.17 R3 – Small Lot Residential District

Table 5.17.2 (a) Accessory Development

5.17.2\* Subject to Regulations in Section 4.35 Secondary Suites.

5.18 R4 – Lane Lot Residential District

Table 5.18.2 (a) Accessory Development

5.19 R5 – Semi-Detached and Duplex Residential District

Table 5.19.2 (a) Accessory Development

5.20 RE – Residential Estate Lot District

Table 5.20.2 (a) Accessory Development

5.20.1\* Subject to Regulations in Section 4.35 Secondary Suites.

5.21 RC – Comprehensively Planned Residential Lot

5.21.1 RC Purpose

This District is generally intended to accommodate a range of dwelling forms and flexibility in the design and development of a neighbourhood not exceeding a maximum density of 35 dwelling units per net residential hectare. Development in this District may require a Neighbourhood Design Concept setting out the mix of land uses, lot sizes, housing types, streetscapes, relationships of buildings and architectural form and character.

Table 5.21.2 (a) Accessory Development

5.21.2\* Subject to Regulations in Section 4.35 Secondary Suites.

Table 5.21.6 Site Width

5.5m (18.0ft) minimum for an Internal unit  
7.0m (23.0ft) minimum for an End unit

5.21.9 Site Planning and Design Standards for RC

(a) The Development Authority may require a Neighbourhood Design Concept for the area which sets out the mix of land uses, housing types, streetscapes, relationships of buildings and architectural form and character. Development in this District shall generally follow a Neighbourhood Design Concept; and

- (b) Neighbourhood Design Concepts shall demonstrate compliance with the following principles of urban design, to the satisfaction of the Development Authority:
- i. Design sites and buildings with people as the primary focus and with setbacks that are generally consistent with existing adjacent development;
  - ii. Create animated, active streetscapes with interesting building facades and human-scale building and setbacks, particularly at the street level. Use upper-storey setbacks to minimize the mass and shading of multi-storey buildings and provide additional design features on the first two storeys;
  - iii. Avoid blank facades and provide articulation or additional design features to break up long solid walls;
  - iv. Create appropriate transitions in building scale and height to adjacent areas of lower intensity;
  - v. Locate building entrances to connect directly with the public street network and clearly articulate building entrances through design and landscaping features;
  - vi. Design sites and buildings that allow for convenient, universal access and have clear signage;
  - vii. Promote pedestrian comfort with appropriate landscaping, furniture, weather protection and buffers from vehicular traffic;
  - viii. Design for active and alternative transportation by providing convenient access to buildings from transit stops, and including bicycle parking and mid-block pedestrian connections where appropriate;
  - ix. Design sites and buildings to facilitate social interaction by including patios, courtyards, plazas and sidewalk amenity space to the extent reasonably feasible, to enliven the public or semi-public realm;
  - x. Design sites and buildings for visual interest and maximum use in different seasons and at different times of the day;
  - xi. Locate vehicle parking, access and service areas to minimize their impact on pedestrians, surrounding properties and the public realm by:
    - a. Minimizing the width of driveways and curb cuts across sidewalks;
    - b. Providing underground parking where possible and locating surface parking to the side or rear of buildings;

- c. Locating loading or other service areas to the side or rear of buildings and buffering or screening these areas; and
  - d. Integrating service connections, vents, mechanical rooms and equipment within the architectural treatment of buildings to the maximum extent feasible.
- xii. Ensure that parking areas, service areas and public spaces are well-lit and visible from other locations and clearly signed if they are not visible from the public street.

5.22 RML – Low Density Multiple Residential District

Table 5.22.1 (a) Accessory Development

5.23 RMM – Medium Density Multiple Residential District

Table 5.23.1 (a) Accessory Development

5.24 RMM – High Density Multiple Residential District

Table 5.24.1 (a) Accessory Development

5.25 RHR – High Rise Residential District

Table 5.25.2 (a) Accessory Developments

L) Add the following under Part 5 – Residential Land Use Districts:

5.3 Accessory Uses and Buildings: General

5.3.9 (b) Notwithstanding Section 5.3.9(a)(i), no closer than 1.0m (3.3ft) from the flanking property line provided that

- i. The rear property line of the corner site is 10.1m (32.8ft) or less; and
- ii. the detached garage is facing a rear lane and is contained within 9.0m (29.52ft) of the rear property line.

5.3.19 Notwithstanding Section 5.3.5(b), a hot tub may be located within 1.2 metres of the principal onsite building.

5.7 Design and Appearance of Dwellings

5.7.7 The design, character and appearance of a building including but not limited to all accessory buildings and relocatable buildings, must be

- (a) compatible with other buildings existing on the site and in the vicinity, unless the building, in the opinion of the Development Authority, sets a higher standard of design, character and appearance for the area; and
- (b) consistent with the purpose and regulations of the land use district in which the building is located.

5.7.8 The exterior finish of a building, including but not limited to a single-detached house, must be completed within 2 years of the date the development permit is issued unless otherwise stipulated by the development permit.

## 5.8 Fences, Walls and Hedges in Residential Districts

5.8.5 Notwithstanding anything in this section, no fence is permitted in the front or side yard of a corner lot if, in the opinion of the Development Officer, the fence will block or impede traffic sight lines.

## 5.16 R2 – Medium Lot Residential District

Table 5.16.2 (b) Boarding Facility

## 5.18 R4 – Lane Lot Residential District

Table 5.18.2 (b) Bed & Breakfast

## 5.21 RC – Comprehensively Planned Residential District

### 5.21.1 RC Purpose

The purpose of this District is to accommodate a range and an appropriate distribution of dwelling forms that provides for more efficient utilization of land in new neighbourhoods, while encouraging diversity of built form within a low-density residential setting. A range of housing types consist of low density housing including multi-attached housing under certain conditions.

### Table 5.21.6 Site Width

6.1m (20.0ft) minimum for an Internal unit  
7.3m (24.0ft) minimum for an End unit

### 5.21.9 Additional Subdivision and Development Regulations for Multi-Attached Dwellings

- (a) Groupings of Multi-Attached Developments shall be integrated with lower density dwelling forms to maintain a low-density residential character;

- (b) Multi-Attached Dwellings shall not exceed four (4) units per building; and
- (c) There shall be no more than three (3) Multi-Attached Buildings in succession. For the purposes of this subsection, buildings of Multi-Attached Dwellings shall be considered to be in succession if side property lines are separated by a lane.
- (d) Subsections 5.21.9 (b) and (c) shall not apply if sites on which Multi-Attached Dwellings are proposed abuts a site designated as commercial, medium density, high density, or institutional land use districts.

M) Replace the following under Section 5 – Residential Land Use Districts:

5.3 Accessory Uses and Buildings: General

- 5.3.1 Where an accessory building is attached to the principal building by an open or enclosed roofed structure it is to be considered part of the principal building and is subject to the setbacks required for the principal building.
- 5.3.2 Accessory uses and buildings shall be considered as a permitted use in a Land Use District when the principal use is a permitted use in that same Land Use District and for which a Development Permit has been issued.
- 5.3.3 Accessory uses and buildings shall be considered as a discretionary use in a Land Use District when the principal use is a discretionary use in that same Land Use District and for which a Development Permit has been issued.
- 5.3.4 Where an accessory building is to be located on or attached to another accessory development, the combined structure is to be considered as a single accessory building.
- 5.3.5 Unless otherwise provided in a specific Land Use District, accessory buildings within Residential Land Use Districts shall be located:
- 5.3.6 Unless otherwise provided for in a specific Land Use District, accessory buildings shall:
- 5.3.7 Accessory buildings in Residential Land Use Districts may include, but are not limited to, detached garages, carports, sheds, storage buildings, gazebos and swimming pools and hot tubs not attached to the principal building. Any Accessory building not specifically identified herein shall

meet the minimum height and setback requirements for a residential detached garage.

5.3.12 (a) Not within the required front yard setback area;

## 5.5 Building and Structure Projections in Residential Land Use Districts

5.5.1 Table 2 Chimney, including eave, 1.83m (6.0ft) in width or less

## 5.7 Design and Appearance of Dwellings

5.7.1 Residential dwellings containing more than one dwelling unit shall be designed so that at least one entrance to a dwelling unit faces and has direct pedestrian access from an abutting public roadway.

5.7.2 Other buildings in Residential Land Use Districts, unless part of a larger complex or mixed-use development, shall be designed so that the primary entrance faces and has direct pedestrian access from an abutting public roadway. Non-residential buildings in Residential Land Use Districts shall be designed to complement adjacent residential dwellings.

## 5.8 Fences, Walls and Hedges in Residential Districts

5.8.4 There shall be no electrification of fences nor barbed wire in Residential Land Use Districts.

## 5.15 R1 – Large Lot Residential District

Table 5.15.2 (a) Accessory development to any use listed in subsection 5.15.2(a)

Table 5.15.2 (b) Accessory development to any use listed in subsection 5.15.2(b)

## 5.16 R2 – Medium Lot Residential District

Table 5.16.2 (a) Accessory development to any use listed in subsection 5.16.2(a)

Table 5.16.2 (b) Accessory development to any use listed in subsection 5.16.2(b)

## 5.17 RS – Small Lot Residential District

Table 5.17.2 (a) Accessory development to any use listed in subsection 5.17.2(a)



	Table 5.17.2 (b)	Accessory development to any use listed in subsection 5.17.2(b)
5.18	R4 – Lane Lot Residential District	
	Table 5.18.2 (a)	Accessory development to any use listed in subsection 5.18.2(a)
	Table 5.18.2 (b)	Accessory development to any use listed in subsection 5.18.2(b)
5.19	R5 – Semi-Detached and Duplex Residential District	
	Table 5.19.2 (a)	Accessory development to any use listed in subsection 5.19.2(a)
	Table 5.19.2 (b)	Accessory development to any use listed in subsection 5.19.2(b)
5.20	RE – Residential Estate Lot District	
	Table 5.20.1 (a)	Accessory development to any use listed in subsection 5.20.1(a)
	Table 5.20.1 (b)	Accessory development to any use listed in subsection 5.20.1(b)
5.21	RC – Comprehensively Planned Residential District	
	Table 5.21.1 (a)	Accessory development to any use listed in subsection 5.21.1(a)
	Table 5.21.1 (b)	Accessory development to any use listed in subsection 5.21.1(b)
5.22	RML – Low Density Multiple Residential District	
	Table 5.22.1 (a)	Accessory development to any use listed in subsection 5.22.1(a)
	Table 5.22.1 (b)	Accessory development to any use listed in subsection 5.22.1(b)
5.23	RMM – Medium Density Multiple Residential District	
	Table 5.23.2 (a)	Accessory development to any use listed in subsection 5.23.2(a)
	Table 5.23.2 (b)	Accessory development to any use listed in subsection 5.23.2(b)

5.24 RMH – High Density Multiple Residential District

5.24.1 This District is intended to provide for higher density housing forms with close access to a range of complementary and supporting neighbourhood level commercial and service uses. This District accommodates multi-unit developments including apartments between five and 12 storeys and development is intended to achieve a density target of over 70 dwelling units per net developable hectare.

Table 5.24.2 (a) Accessory development to any use listed in subsection 5.24.2(a)

Table 5.24.2 (b) Accessory development to any use listed in subsection 5.24.2(b)

5.25 RHR – High Rise Residential District

Table 5.25.2 (a) Accessory development to any use listed in subsection 5.24.2(a)

Table 5.25.2 (b) Accessory development to any use listed in subsection 5.24.2(b)

N) Delete the following under Part 6 – Commercial Land Use Districts:

6.6 Landscaping Requirements for Commercial Land Uses

6.6.2 A minimum of 20% of the site area of all commercial sites shall be landscaped, including all areas not occupied by buildings, parking areas or vehicular access areas.

6.6.3 Grade level parking areas accommodating 15 or more parking spaces shall incorporate landscaped areas at a minimum of 2.0m<sup>2</sup> (21.5ft<sup>2</sup>) for each parking space. The landscaping within the parking area shall include one tree for each 15.0m<sup>2</sup> (161.5ft<sup>2</sup>) of required landscaping and one shrub for each 10.0m<sup>2</sup> (107.6ft<sup>2</sup>) of required landscaping;

6.6.4 Parking areas may not contain more than 25 contiguous parking spaces without incorporating landscaped traffic islands.

6.9 C1 – Neighbourhood Retail and Service District

6.9.2 (a) Accessory Development

6.9.2 (b) Those uses which, in the opinion of the Development Authority, are similar to a permitted or

discretionary use, and which conform to the general purpose of the District.

- 6.9.5 (d) Except for off-street parking, loading areas and approved patios, all business activities shall be carried out entirely within completely enclosed buildings or structures; and

6.10 C2 – Vehicle Oriented Retail and Services District

- 6.10.1 This District is generally intended to provide sites for the development of business areas intended to serve vehicular traffic. C2 – Vehicle Oriented Retail and Service District designations shall be reserved for those sites located adjacent to arterial roadways and highways in order to minimize the intrusion of vehicle traffic into residential areas and to promote the orderly flow of vehicular traffic using these sites.

- 6.10.2 (a) Accessory Development

- 6.10.2 (b) Those uses which, in the opinion of the Development Authority, are similar to a permitted or discretionary use, and which conform to the general purpose of the District.

6.11 C3 – Commercial Shopping Centre District

- 6.11.1 This District is intended to provide sites for the collective development of retail and service outlets for shopping centre developments that are intended to serve a community, district or regional trade area. This District will normally be applied in areas served by Major Collector or Arterial public roadways. Adequate buffering and land use regulations will apply to protect all adjacent residential areas.

- 6.11.2 (a) Accessory Development

- 6.11.2 (a) - Drive through service  
- Hotel  
- Motel  
- Retail store (liquor)  
- Service station  
- Service station (limited)  
- Vehicle repair facility (limited)  
- Vehicle sales, leasing and rental facility (limited)  
- Vehicle wash

- 6.11.2 (b) Those uses which, in the opinion of the Development Authority, are similar to a permitted or

discretionary use, and which conform to the general purpose of the District.

6.12 C4 – Central Business District

6.12.2 (a) Accessory Development

6.12.2 (b) Those uses which, in the opinion of the Development Authority, are similar to a permitted or discretionary use, and which conform to the general purpose of the District.

6.13 C5 – Fort Mall Redevelopment District

6.13.2 (a) Accessory Development

Office Service

6.13.2 (b) Those uses which, in the opinion of the Development Authority, are similar to a permitted or discretionary use, and which conform to the general purpose of the District.

O) Add the following under Part 6 – Commercial Land Use Districts:

6.3 Emergency Access to Commercial Buildings

6.3.2 Emergency access routes and fire lanes shall be appropriately signed to prohibit obstruction.

6.6 Landscaping Requirements for Commercial Land Uses

6.6.2 A minimum of 20% of the site area of all commercial sites shall be landscaped, including all areas not occupied by buildings, parking areas or vehicular access areas. One tree for each 35 m<sup>2</sup> and one shrub for each 15 m<sup>2</sup> of landscape area shall be provided.

6.6.8 Parking Lots

In addition to Section 6.6.2, landscaping within parking areas must be planted in accordance with the following standards:

(a) Grade level parking areas accommodating 15 or more parking spaces shall incorporate landscaped areas at a minimum of 2.0m<sup>2</sup> (21.5ft<sup>2</sup>) for each parking space. Landscape areas within parking areas includes landscape islands or other areas within the parking area but shall not include landscaping within setbacks or landscape buffers.

- (b) Landscaping within the parking area shall include one tree for each 15.0m<sup>2</sup> (161.5ft<sup>2</sup>) of required landscaping and one shrub for each 10.0m<sup>2</sup> (107.6ft<sup>2</sup>) of required landscaping;
- (c) Landscape islands shall be provided at the beginning and end of each row of parking stalls;
- (d) Landscape islands shall be provided with no more than 20 parking stalls between islands; and
- (e) Landscape islands shall be a minimum length of at least 2.5m for single row parking, and a minimum length of 5.0m (2.5m measured from the centre of the parking island) for double row parking.

6.9 C1 – Neighbourhood Retail and Service District

Table 6.9.2 (a) Accessory development to any use listed in subsection 6.9.2(a)

Table 6.9.2 (b) Veterinarian Clinic

Table 6.9.2 (b) Accessory development to any use listed in subsection 6.9.2(b)

6.10 C2 – Vehicle Oriented Retail and Service District

6.10.1 This District is intended to provide for vehicular orientated commercial development adjacent to arterial roadways and highways in order to promote convenient access and orderly flow of vehicular traffic.

Table 6.10.2 (a) Accessory development to any use listed in subsection 6.10.2(a)

Table 6.10.2 (b) Accessory development to any use listed in subsection 6.10.2(b)

6.10.5 (g) Any business premises or multiple occupancy building having with a floor area of greater than 3000 m<sup>2</sup> or a single wall length greater than 25.0 m visible from a public road shall comply with the following:

- i. the roof line and the building façade shall include design elements that reduce the perceived mass of the building; and

- ii. Landscaping adjacent to exterior walls shall be used to reduce the perceived mass of the building and provide visual interest.

#### 6.11 C3 – Commercial Shopping Centre District

- 6.11.1 This District is intended to provide for shopping centre developments, where the main focus is retail and service uses, serving a community, district, or regional trade area. This District will normally be applied in areas served by Major Collector or Arterial public roadways. Adequate buffering and land use regulations will apply to protect all adjacent residential areas.

Table 6.11.2 (b)	<ul style="list-style-type: none"><li>- Drive through service</li><li>- Hotel</li><li>- Motel</li><li>- Retail Store (liquor)</li><li>- Service Station</li><li>- Service Station (limited)</li><li>- Vehicle repair facility (limited)</li><li>- Vehicle Wash</li></ul>
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Table 6.11.2 (a)	Accessory development to any use listed in subsection 6.11.2(a)
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Table 6.11.2 (b)	Accessory development to any use listed in subsection 6.11.2(b)
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#### 6.12 C4 – Central Business District

Table 6.12.2 (a)	Accessory development to any use listed in subsection 6.12.2(a)
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Table 6.12.2 (b)	Accessory development to any use listed in subsection 6.12.2(b)
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#### 6.13 C5 – Fort Mall Redevelopment District

Table 6.13.2 (a)	Accessory development to any use listed in subsection 6.13.2(a)
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Table 6.13.2 (b)	Accessory development to any use listed in subsection 6.13.2(b)
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- P) Replace the following under Part 6 – Commercial Land Use Districts:

#### 6.1 Accessory Developments in Commercial Districts

- 6.1.1 Where an accessory building is attached to the principal building by an open or enclosed roofed structure it shall be considered part of the principal building and be subject to the setback requirements for the principal building.
- 6.1.2 Accessory buildings within the C1 – Neighbourhood Retail and Service District and the C4 – Central Business District shall be located:
- 6.1.3 Accessory buildings within the C1 – Neighbourhood Retail and Service District and the C4 – Central Business District shall:
  - 6.1.3 (d) Have hard surfaced access from the street to the accessory building when intended for vehicular use.
- 6.1.4 The height and setback of commercial accessory buildings within the C2 – Vehicle Oriented Retail and Service District and the C3 – Commercial Shopping Centre District shall be at the discretion of the Development Authority, subject to the Alberta Building Code.
- 6.1.5 Notwithstanding the above, accessory buildings and uses shall not be located in front of the principal building.

### 6.3 Emergency Access to Commercial Buildings

- 6.3.1 A lane or lanes for the purpose of permitting the access of fire-fighting equipment to all major access points of multi-tenant developments, such as shopping centre buildings, and to all fire risk utilities on the site shall be provided and no permanent structure or vehicular parking shall be provided thereon.

Q) Delete the following under Part 7 – Industrial Land Use Districts:

### 7.4 Landscaping Requirements for Industrial Land Uses

- 7.4.1 Landscaping for industrial sites shall include a minimum of one tree for each 3.0m (9.4ft) of lot width planted adjacent to the public roadway frontage.
- 7.4.2 In addition to the requirements of Section 4.8 General Landscaping Requirements, all yards of industrial sites shall be landscaped with a variety of trees, shrubs, and planted ground cover in accordance with a landscaping plan approved by the Development Authority. The entire site shall be maintained in a neat, tidy manner including trimming and upkeep of landscaped areas and the removal of debris and unsightly objects.

- 7.4.3 Landscaped buffers between parking, loading or other hard surfaced areas and adjacent public roadways shall be a minimum of 3.0m (9.8ft) in width. Landscaped areas between parking, loading or other hard surfaced areas and adjacent residential sites shall be a minimum of 6.0m (19.7ft) in width and include shrubs or hedges, fencing and/or berms in order to interfere with vehicle headlights shining across property lines, to the satisfaction of the Development Authority.

7.8 IL – Light Industrial District

Table 7.8.2 (a) Accessory Development

Table 7.8.2 (b) Indoor Recreation Facility

Table 7.8.2 (b) Those uses which in the opinion of the Development Authority are similar to a permitted or discretionary use, and which conform to the general purpose and intent of this District.

7.9 IM – Medium Industrial District

Table 7.9.2 (a) Accessory Development

Table 7.9.2 (b) Those uses which in the opinion of the Development Authority are similar to a permitted or discretionary use, and which conform to the general purpose and intent of this District.

7.10 IH – Heavy Industrial District

Table 7.10.2 (a) Accessory Development

Table 7.10.2 (b) Those uses which in the opinion of the Development Authority are similar to a permitted or discretionary use, and which conform to the general purpose and intent of this District.

7.11 IR – Industrial Reserve District

Table 7.11.2 (a) Accessory Development

Table 7.11.2 (b) Those uses which in the opinion of the Development Authority are similar to a permitted or discretionary use, and which conform to the general purpose and intent of this District.



7.12 IB – Industrial Buffer District

Table 7.12.2 (a) Accessory Development

Table 7.12.2 (b) Those uses which in the opinion of the Development Authority are similar to a permitted or discretionary use, and which conform to the general purpose and intent of this District.

R) Add the following under Part 7 – Industrial Land Use Districts:

7.4 Landscaping Requirements for Industrial Land Uses

- 7.4.1 To ensure visual aesthetic quality in the area is not diminished, landscaping for industrial sites shall include a minimum of one tree for each 3.0m (9.4ft) of lot width planted adjacent to the public roadway frontage. The Development Authority may, in consideration of meeting the intent, reduce this requirement, or require an alternative arrangement of trees, taking into consideration the merits of the application, site conditions, traffic, and area context.
- 7.4.2 In addition to the requirements of Section 4.8 General Landscaping Requirements, all yards of industrial sites shall be landscaped with a variety of trees, shrubs, and planted ground cover in accordance with a landscaping plan approved by the Development Authority. To create a soft transition between the parking area and the principal building, the Development Authority may require a portion of the required landscaping to be located adjacent to the principal building.
- 7.4.3 Landscaped buffers between parking, loading or other hard surfaced areas and adjacent public roadways shall be a minimum of 3.0m (9.8ft) in width. Landscape areas adjacent to principal buildings, if required under section 7.4.2, shall be a minimum of 2.5 (8.2ft) in width. Landscaped areas between parking, loading or other hard surfaced areas and adjacent residential sites shall be a minimum of 6.0m (19.7ft) in width and include shrubs or hedges, fencing and/or berms in order to interfere with vehicle headlights shining across property lines, to the satisfaction of the Development Authority.
- 7.4.4 The entire site shall be maintained in a neat, tidy manner including trimming and upkeep of landscaped areas and the removal of debris and unsightly objects.

## 7.8 IL – Light Industrial District

Table 7.8.2 (a) Accessory development to any use listed in subsection 7.8.2(a)

Table 7.8.2 (b) Indoor Recreation Facility (unrestricted)

Table 7.8.2 (b) Accessory development to any use listed in subsection 7.8.2(b)

## 7.9 IM – Medium Industrial District

Table 7.9.2 (a) Accessory development to any use listed in subsection 7.9.2(a)

Table 7.9.2 (b) Accessory development to any use listed in subsection 7.9.2(b)

Table 7.9.2

(c) IM Discretionary Uses within Highway 15 Vicinity Overlay*	
<p>In addition to those uses identified in 7.9.2 (a) and 7.9.2 (b), the Development Authority may consider the following uses as Discretionary within the Highway 15 Vicinity Overlay:</p> <ul style="list-style-type: none"> <li>- Business Support Service</li> <li>- Emergency Response Service</li> <li>- Kennel</li> <li>- Pet Care Service</li> </ul>	<ul style="list-style-type: none"> <li>- Vehicle Repair Facility</li> <li>- Vehicle Repair Facility (Limited)</li> <li>- Vehicle Sales, Leasing or Rental Facility</li> <li>- Vehicle Sales, Leasing or Rental Facility (Limited)</li> <li>- Vehicle Wash</li> <li>- Veterinary Clinic</li> <li>- Accessory development to any use listed in subsection 7.9.2(c)</li> </ul>

\* Where a use is listed in both 7.9.2(a), Permitted Uses, and 7.9.2(c), IM Discretionary Uses within Highway 15 Overlay, Section 7.9.2(c) shall prevail provided that the Overlay applies.

## 7.10 IH – Heavy Industrial District

Table 7.10.2 (a) Accessory development to any use listed in subsection 7.10.2(a)

Table 7.10.2 (b) Accessory development to any use listed in subsection 7.10.2(b)

7.11 IR – Industrial Reserve District

Table 7.11.2 (b) Accessory development to any use listed in subsection 7.11.2 (a) and (b)

Table 7.11.2 (b) Communication Tower

7.12 IB – Industrial Buffer District

Table 7.12.2 (b) Accessory development to any use listed in subsection 7.12.2 (a) and (b)

S) Replace the following under Part 7 – Industrial Land Use Districts:

7.1 Accessory Developments in Industrial Districts

7.1.1 Where an accessory building is attached to the principal building by an open or enclosed roofed structure it shall be considered a part of the principal building and subject to the setbacks required for the principal building.

7.1.2 Where a Land Use District does not specify a height or setback, the height and setbacks for industrial accessory buildings shall be at the discretion of the Development Authority, and subject to the Alberta Building Code.

7.1.3 Notwithstanding Subsection 7.1.2 above, accessory buildings in Industrial Land Use Districts shall not be located in front of the principal building.

7.1.5 Shipping containers shall be considered an accessory building in Industrial Land Use Districts.

T) Delete the following under Part 8 – Institutional Land Use Districts:

8.5 EP – Environment Protection District

Table 8.5.2 (b) Those uses which, in the opinion of the Development Authority, are similar to a permitted or discretionary use and which conform to the general purpose and intent of this District.

8.6 PS – Public Service District

Table 8.6.2 (a) Accessory Development

Table 8.6.2 (b) Those uses which, in the opinion of the Development Authority, are similar to a permitted or discretionary use and which

conform to the general purpose and intent of this District.

8.7 PR – Parks and Recreation District

Table 8.7.2 (a) Accessory Development

Table 8.7.2 (b) Those uses which, in the opinion of the Development Authority, are similar to a permitted or discretionary use and which conform to the general purpose and intent of this District.

8.8 PU – Public Utility District

Table 8.8.2 (a) Accessory Development

Table 8.8.2 (b) Those uses which, in the opinion of the Development Authority, are similar to a permitted or discretionary use and which conform to the general purpose and intent of this District.

8.9 UR – Urban Reserve District

Table 8.9.2 (a) Accessory Development

Table 8.9.2 (b) Those uses which, in the opinion of the Development Authority, are similar to a permitted or discretionary use and which conform to the general purpose and intent of this District.

8.10 SH – Seniors Housing (Site Specific Zoning for Dr. Turner Lodge Property)

Table 8.10.3 (a) Accessory Development

U) Add the following under Part 8 – Institutional Land Use Districts:

8.5 EP – Environmental Protection District

Table 8.5.2 (b) Accessory development to any use listed in subsection 8.5.2(a) and (b)

8.6 Table 8.6.2 (a) Accessory development to any use listed in subsection 8.6.2(a)

Table 8.6.2 (b) Accessory development to any use listed in subsection 8.6.2(b)

8.7 PR – Parks and Recreation District

Table 8.7.2 (a) Accessory development to any use listed in subsection 8.7.2(a)

Table 8.7.2 (b) Accessory development to any use listed in subsection 8.7.2(b)

8.8 PU – Public Utility District

Table 8.8.2 (a) Accessory development to any use listed in subsection 8.8.2(a)

Table 8.8.2 (b) Accessory development to any use listed in subsection 8.8.2(b)

8.9 UR – Urban Reserve District

Table 8.9.2 (a) Accessory development to any use listed in subsection 8.9.2(a)

8.10 SH – Seniors Housing (Site Specific Zoning for Turner Lodge Property)

Table 8.10.3. (a) Accessory development to any use listed in subsection 8.10.2(a)

Table 8.10.3 (b) Accessory development to any use listed in subsection 8.10.2(b)

8.10.8 SH Parking

(b) 10 Visitor parking spaces for the site shall be provided off-street.

V) Replace the following under Part 8 – Institutional Land Use Districts:

8.1 Accessory Developments in Institutional Land Use Districts

8.1.1 Where an accessory building is attached to the principal building by an open or enclosed roofed structure it shall be considered part of the principal building and be subject to the setback requirements for the principal building.

8.1.2 The height and setback of institutional accessory buildings shall be at the discretion of the Development Authority, subject to the Alberta Building Code.

8.1.3 Notwithstanding the above, accessory buildings and uses shall not be located in front of the principal building.

- W) Delete the following under Part 9 – District Control Land Use Districts:
- 9.6 DC(C)-01 – Direct Control – Commercial (Westpark North Site)
    - 9.6.3 DC(C)-01 Uses: - Accessory development
  - 9.9 DC(A)-04 – Direct Control – 100 Avenue Industrial
    - 9.9.3 DC(A)-04 Uses: - Accessory development
  - 9.10 DC(A)-05 – Direct Control – Multi-Attached Residential (Sienna)
    - 9.10.3 DC(A)-05 Uses: - Accessory development
  - 9.11 DC(A)-06 – Direct Control – Residential (SouthPointe Stage 7)
    - 9.11.3 DC(A)-06 Uses: - Accessory development
- X) Update the following under Part 9 – District Control Land Use Districts:
- 9.6 DC(C)-01 – Direct Control – Commercial (Westpark North Site)
    - 9.6.3 Accessory development to any use listed in subsection 9.6.3
  - 9.9 DC(A)-04 – Direction Control – 100 Avenue Industrial
    - 9.9.3 Accessory development to any use listed in subsection 9.9.3
  - 9.10 DC(A)-05 – Direct Control – Multi-Attached Residential (Sienna)
    - 9.10.3 Accessory development to any use listed in subsection 9.10.3
  - 9.11 DC(A)-06 – Direct Control – Residential (SouthPointe Stage 7)
    - 9.11.3 Accessory development to any use listed in subsection 9.11.3
- Y) Delete the following under Part 10 – Overlays:
- 10.3 Highway 15 Vicinity Overlay
    - 10.3.3 a) In addition to those uses identified in the underlying Land Use District, the Development Authority may consider the following uses as discretionary within the Highway 15 Vicinity Overlay:
      - Accessory development
      - Business support service

- Commercial school
- Emergency response service
- Kennel
- Pet care service
- Professional, financial and office service
- Vehicle repair facility
- Vehicle repair facility (limited)
- Vehicles sales, leasing or rental facility
- Vehicle sales, leasing or rental facility (limited)
- Vehicle wash
- Veterinary clinic

Z) Replace the following under Part 10 - Overlays

10.3 Highway 15 Vicinity Overlay

10.3.2 This Overlay shall apply to lands districted as IM – Medium Industrial and within the areas identified on the Land Use Map (Appendix A: Land Use Map).

10.3.3 (a) Highway 15 Vicinity Overlay Regulations

\* Any vehicle oriented use that may result in overnight stays or accommodation and drive through services will not be permitted within the Hwy 15 Vicinity Overlay area.

- (b) All proposed developments within this Overlay may be subject to a Risk Assessment ensuring that they are compatible with adjacent uses. Such assessments shall be carried out in accordance with Major Industrial Accidents Council of Canada (MIACC);
- (c) At the discretion of the Development Authority or based on the recommendations of a Risk Assessment, additional safety measures may be required by the Development Authority in order to consider a proposed development;
- (d) All site and building designs, except for renovations or additions of less than 10% of the existing gross floor area, shall be designed for ease of evacuation, access by emergency services, and mechanical systems to provide protection to occupants in the case of a significant industrial accident; and
- (e) All sites and buildings shall be designed in accordance with the principles of Shelter-in-Place.

AA) Delete the following under Part 11 – Parking and Loading:

11.2 Minimum Parking Requirements

11.2 Table 3 Minimum Number of Parking Spaces for Secondary Suite: 1 per suite, plus 2 for the principal dwelling (no tandem parking)

11.2 Table 4 Minimum Number of Parking Spaces for Retail Store: 1 per employee on shift plus a minimum of 5 for customers.

11.4 Parking and Loading Requirements for Residential Land Uses

11.4.3 Garages and carports shall have the following minimum dimensions, as measured from the exterior of the walls (or posts, in the case of a carport):

- (a) 3.4m (11.2ft) in width by 6.3m (20.7ft) in depth for a single garage or carport; and
- (b) 6.1m (20.0ft) in width by 6.3m (20.7ft) in depth for a double garage or carport.

BB) Add the following under Part 11 – Parking and Loading

11.2 Minimum Parking Requirements

11.2 Table 3 Secondary Suite:

In addition to the parking requirements for the principal dwelling unit:

- i. 1 stall per bachelor suite or one bedroom.
- ii. 2 stalls per two bedroom suite.

11.2 Table 3 Boarding Facility: Minimum of 4 parking stalls

11.2 Table 6 Funeral Home (below Place of Worship)

11.4 Parking and Loading Requirements for Residential Land Uses

11.4.3 Parking stalls provided inside a garage or carport shall have the following minimum dimensions:

- (a) 3.1m (10.2 ft) in width by 6.0 m (19.7 ft) in depth for a single garage or carport; and
- (b) 2.9 m (9.5 ft) in width by 6.0 m (19.7 ft) in depth for each stall within a double garage or carport.

11.4.5 For single detached and semi-detached dwellings, parking stall dimensions for stalls not inside a garage or carport and not on a parking pad intended to accommodate a



future garage shall be 2.75 m (5.8 ft) in width by 5.8 m (19 ft) in depth.

CC) Delete the following under Part 12 – Signs:

12.6 Developer Signs

12.6.1 All developer-related signs shall require an approved Development Permit prior to installation and shall be located in designated areas of the City as illustrated on (Appendix C: Developer Sign Location Map) and subject to the following regulations:

12.6.1 (b) Arterial Road Intersection Locations:

- i. The maximum height shall not exceed 3.7m (12.0ft) above finished grade;
- ii. The maximum sign face area shall not exceed 5.9m<sup>2</sup> (64.0ft<sup>2</sup>);
- iii. Shall be set back a minimum of 5.0m (16.4ft) from the nearest intersection of at a suitable distance as determined by the Development Authority;
- iv. Shall be set back a minimum of 4.0m (13.1ft) from the edge of the pavement;
- v. Shall be removed within 10 years from the date of Development Permit approval for the sign or at 90% build-out of the neighbourhood being advertised, whichever comes first; and
- vi. There shall be no more than one sign per advertised neighborhood per location.

12.6.2 Notwithstanding 12.6.1 above, a maximum of two freestanding signs may be placed at each entrance to a subdivision or neighbourhood, and no Development Permit shall be required for these signs provided that:

- (a) The signs shall not exceed a height of 1.8m (6.0ft) and shall not exceed an area of 4.0m<sup>2</sup> (43.1ft<sup>2</sup>);
- (b) The copy on such signs shall be restricted to the marketing name of the subdivision and the official municipal name of the neighbourhood. The marketing name of the subdivision and the official municipal name of the neighbourhood shall be of equal prominence on the sign. The marketing name shall not be the same as an official neighbourhood name already assigned to another neighbourhood in the City;
- (c) The signs shall be located entirely upon private property within the subdivision to which they refer;
- (d) The signs shall not be illuminated; and

- (e) The signs shall be located only in a subdivision or development that is subject to an existing Development Agreement.

## 12.9 Freestanding Signs

- 12.9.2 (a) 7.6m (25.0ft) for signs with a total copy area of  $23.2\text{m}^2$  ( $250.0\text{ft}^2$ ) or less;
- (b) 9.1m (30.0ft) for signs with a total copy area greater than  $23.2\text{m}^2$  ( $250.0\text{ft}^2$ ) and not more than  $27.9\text{m}^2$  ( $300.0\text{ft}^2$ );
- (c) 10.7m (35.0ft) for signs with a total copy area greater than  $27.9\text{m}^2$  ( $300.0\text{ft}^2$ ) and not more than  $32.5\text{m}^2$  ( $350.0\text{ft}^2$ ); and
- (d) 12.2m (40.0ft) for signs with a total copy area greater than  $32.5\text{m}^2$  ( $350.0\text{ft}^2$ ) and not more than  $46.5\text{m}^2$  ( $500.0\text{ft}^2$ ).

12.9.3 For signs adjacent to Highways 15 or 21, the total copy area of a freestanding sign shall be no greater than  $65.0\text{m}^2$  ( $700.0\text{ft}^2$ ) and the maximum height shall be 12.2m (40.0ft).

12.9.4 For sites within 30.5m (100.1ft) of a residential land use, the total copy area of a freestanding sign shall be no greater than  $9.3\text{m}^2$  ( $100.0\text{ft}^2$ ) and the maximum height shall be 7.6m (25.0ft).

DD) Add the following under Part 12 – Signs:

## 12.6 Developer Signs

12.6.1 Developer Signs shall be in accordance with Appendix C: Developer Sign Location Map and, where applicable, with the following regulations:

12.6.3 Notwithstanding 12.6.1 above and subject to an approved Development Permit, Developer Signs may be allowed in addition to 12.6.1 provided that:

- (a) The Development Permit is valid for a period of not longer than one year;
- (b) Signage shall be located on private property;
- (c) Signage shall not block or impede traffic sightlines, views, or aesthetic character;
- (d) Signage shall not be illuminated in any way;
- (e) Signage shall accurately display the neighbourhood outline plan and/or districting or allowed/intended uses;
- (f) No more than one sign located on the site;
- (g) The primary purpose of the sign shall be informative and explanatory and may provide a secondary purpose of advertising and marketing; and

- (h) The above is subject to the discretion and satisfaction of the Development Authority taking into consideration neighbourhood character, sign size and massing, number of Developer Signage existing in the area, sign design, accuracy of information displayed, and quantity of vacant lots within the neighbourhood.

## 12.9 Freestanding Signs

- 12.9.2 (a) the maximum Height of a Freestanding Sign is 7.9 m (26 ft). The Development Authority may allow a Freestanding Sign up to 10.0 m (32.8 ft) in height if a Residential District is not within 60.0 m from the Sign location;
- (b) the maximum allowable copy area for a Freestanding Sign shall not exceed 32.5 m<sup>2</sup> (350 ft<sup>2</sup>).

12.9.3 For Freestanding signs adjacent to Highways 15 or 21, the Development Authority may approve a maximum total copy area of 65.0m<sup>2</sup> (700.0ft<sup>2</sup>) and a maximum height of 12.2m (40.0ft) provided that the Freestanding Sign provides multi-tenant panels and is complementary with the site's development theme.

12.9.4 For signs adjacent to Highways 15 or 21, Freestanding signs within 30.5m (100.1ft) of a residential land use district, the total copy area of a freestanding sign shall be no greater than 9.3m<sup>2</sup> (100.0ft<sup>2</sup>) and the maximum height shall be 7.9 m (26.0ft).

EE) Delete the following under Part 13 – Definitions:

**BOARDING FACILITY** means a development consisting of a dwelling unit where the owner lives and supplies lodging and sleeping accommodation, with or without meals, for remuneration to a maximum of six persons. A boarding facility does not include a group home.

**CAMPGROUND** means development of land which has been planned and improved for seasonal short term use of tents or recreational vehicles, and is not used as year round storage or accommodation for residential use.

**CASINO** means a facility licensed by the Province of Alberta for patrons to participate in gaming opportunities as the principal use.

**COMMERCIAL SCHOOL** means development used for training and instruction in a specific trade, skill or service for the financial gain of the individual or company owning the school. Typical uses include secretarial, business, hairdressing, beauty, culture and dance or music schools.

**DWELLING, MULTI-ATTACHED** means a residential building containing three or more dwelling units separated by common walls and located either on a single site or with each unit on an individual site, each dwelling unit having at least one separate entrance. Typical uses include townhouse, row houses, triplexes and fourplexes.

**DWELLING, SECONDARY SUITE** means development consisting of a dwelling located within, and accessory to, a structure in which the principal use is a single detached dwelling or a semi-detached dwelling, unless otherwise specified in a district. A secondary suite has cooking facilities, sleeping facilities and sanitary facilities which are separate from those of the principal dwelling within the structure. For the purpose of this clause, "cooking facilities" includes any stove, hotplate, oven, microwave oven, toaster oven or electric griddle, as well as any wiring or piping containing the energy or power source for such facilities. A secondary suite also has an entrance separate from the entrance to the principal dwelling, either from a common indoor landing or directly from the exterior of the structure. This use includes the development or conversion of basement space or above grade space to a separate dwelling, or the addition of new floor space for a secondary suite to an existing single detached dwelling. This use does not include: duplex dwellings; semi-detached dwellings; multi-attached dwellings; apartment dwellings; garage suites; Garden suites; or boarding facility.

**HOTEL** means a development use for the provision of rooms or suites for temporary sleeping accommodation where the rooms have access from a common interior corridor and may be equipped with individual kitchen facilities, and may include accessory eating and drinking establishments, meeting rooms, personal services and retail stores.

**VEHICLE WASH** means a development providing automated/drive through or individually coin/time operated wand wash facilities. Vehicle wash facilities may be either free standing or located in conjunction with a service station or service station (limited).

**YARD, FRONT** means the portion of a site abutting the front lot line extending across the full width of the site, situated between the front lot line and the nearest wall of the principal building.

**YARD, FRONT FLANKING** means that portion of a site on a corner site abutting the front flanking lot line extending from the front yard to the rear yard. The front flanking yard is situated between the front flanking lot line and the nearest wall of the principal building.

FF) Add the following under Part 13 – Definitions:

**BOARDING FACILITY** means a development, within a standalone building, used for shared living and containing individual units on a fee-for-service arrangement. This Use Class does not include Assisted Living, Assisted Living (limited), Bed and Breakfast, Group Home, Group Home (limited), Hotel, or Motel. For the purposes of this definition, shared living means four or more persons occupying individual units within a congregate living setting and within a building where the occupants share access to facilities such as cooking, dining, laundry, or sanitary facilities.

**CAMPGROUND** means an area which has been planned and improved to be used and maintained for a seasonal short-term period for campers locating tents, tent trailers, holiday trailers, campers, motor homes, and similar recreation vehicles within a defined area. Related facilities that are accessory to and support the campground such as an administrative office, laundromat, picnic grounds, playgrounds and boating facilities may be included on-site.

**CASINO** means a development used for the playing of games of chance, but does not include an Indoor Entertainment Facility, or a drinking establishment in which fewer than 11 video lottery terminals are located.

**COMMERCIAL SCHOOL** means a development used for indoor training and instruction in a specific trade, skill, artistic endeavour, or service for the financial gain of the individual or company owning the school. Typical uses include secretarial, business, hairdressing, beauty, culture, art, and dance or music schools.

**DWELLING, MULTI-ATTACHED** means a residential building containing three or more dwelling units separated by common walls and located either on a single lot or with each unit on an individual lot, each dwelling unit having at least one separate entrance. Typical uses include townhouse, row houses, triplexes and fourplexes

**DWELLING, SECONDARY SUITE** means development consisting of a dwelling unit located within and accessory to a principal residential use. A Secondary Suite is only permitted within a Single Detached Dwelling and shall not be permitted within any other use class. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the principal Dwelling, either from a common indoor landing or directly from the side or rear of the structure. This Use Class includes the Development or Conversion of Basement space or above-grade space to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Single Detached Dwelling. A Secondary Suite does not include Semi-detached, Apartment Dwelling, Garage Suites, Garden Suites, or Boarding Facilities.

**HOTEL** means a development used for the provision of rooms or suites for temporary or short-term accommodation where the rooms have access from a common interior corridor and may be equipped with individual kitchen facilities, and may include accessory eating and drinking establishments, meeting rooms, personal services and retail stores.

**INDUSTRIAL USE, GENERAL (e)** the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to General Retail Stores or other sales Use Classes defined in this Bylaw for resale to individual customers; or

**INDUSTRIAL USE, HEAVY (c)** Notwithstanding the above, Heavy industrial uses may include any indoor display, office, or technical or administrative support areas accessory to the Heavy Industrial Use.

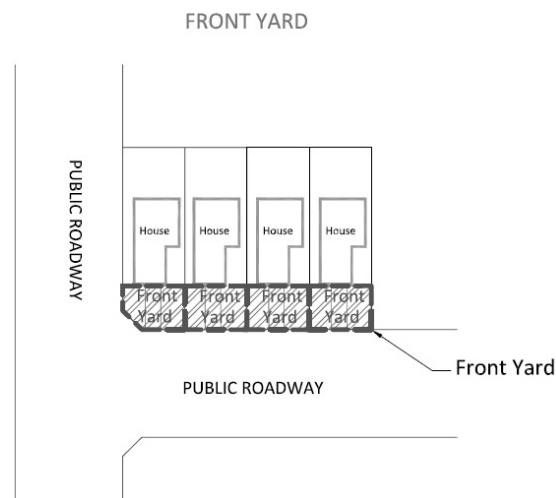
**RECREATION FACILITY, INDOOR (unrestricted)** means a development providing facilities that are available to the public for sports and recreational activities conducted indoors. Typical uses include indoor swimming pools, hockey rinks, gymnasiums, indoor tennis courts, and indoor athletic fields.

**SIGN, DEVELOPER** means a temporary sign promoting vacant lots or show homes within a subdivision and does include signage identified in Appendix C as part of the Developer Sign Program.

**VEHICLE WASH** means development providing cleaning services to motor vehicles where the customer remains within his vehicle or waits on the premises, unless the facility includes self-service wand wash. Typical uses include automatic/drive through or coin/time operated car washes.

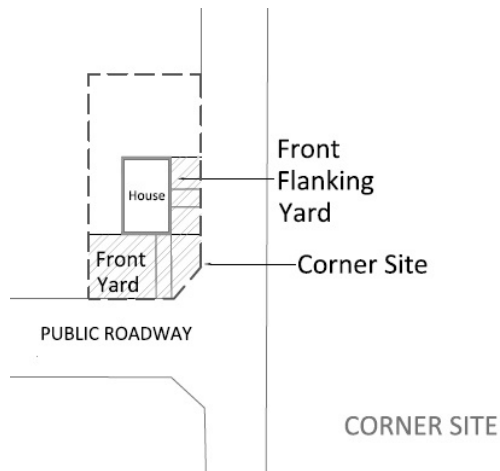
**YARD, FRONT** means:

- (a) In low-density residential districts, the portion of a site abutting the front lot line extending across the full width of the site, situated between the front lot line and the nearest wall of the principal building.



- (b) in all other cases, a lot adjoining 2 or more public roadways other than a lane is considered to have a front yard adjoining each public roadway requiring compliance with the yard requirements of the land use district in which the lot is located, notwithstanding that the lot is separated from the public roadway by a public utility lot;

**YARD, FRONT FLANKING** means in low-density residential districts, that portion of a site on a corner site abutting the front flanking lot line extending from the front yard to the rear yard. The front flanking yard is situated between the front flanking lot line and the nearest wall of the principal building.



3. That Appendix A – Land Use Map of Land Use Bylaw C10-13 be amended as shown on attached Schedule “A”.
4. That Appendix B – Billboard Sign Location Map of Land Use Bylaw C10-13 be amended as shown on attached Schedule “A”.
5. That Appendix C – Developer Sign Location Map of Land Use Bylaw C10-13 be amended as shown on attached Schedule “A”.
6. If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the Bylaw is deemed valid.
7. This Bylaw becomes effective upon third and final reading.

READ a first time this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2015

READ a second time this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2015

READ a third time and passed this                      day of                      A.D., 2015

MAYOR

DIRECTOR, LEGISLATIVE SERVICES

DATE SIGNED: \_\_\_\_\_