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<sup>1</sup> 3357/Y-2014

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## **<sup>1</sup>8.20.12 Direct Control District No. 32 DC (32) Westlake Restricted Development District**

**DC (32)**

### **A. Area of Application**

The following bylaw provisions being “Direct Control District 32 (DC32) – Westlake Restricted Development” shall apply to the area as shown in Figure 1 of this Bylaw.

### **B. Direct Control District 32 (DC32) – Westlake Restricted Development District**

#### **1. Purpose**

- (a) To identify and mitigate the significant environmental hazards or risks affecting the Westlake lands, formerly known as Riverview Park. Various Reports have been completed for Westlake and the adjacent Red Deer River escarpment or slopes (e.g. the 2003, 2012, 2014, and 2017 studies by ParklandGeo) and have identified the following relevant and significant hazards or risks:
  - (i) river erosion of the toe-of-slope or escarpment;
  - (ii) planes of weakness in the subsoil or bedrock;
  - (iii) slope erosion, landslides and slumping;
  - (iv) the lower slope of the escarpment is considered “marginally stable”;
  - (v) the upper slope of the escarpment is considered “unstable” and subject to natural regression – the present slope will regress even with the stabilized toe-of-slope;
  - (vi) destabilizing and variable natural springs below the Crest of the escarpment;
  - (vii) various other natural and man – made risks associated with soil instability and slope destabilization (e.g. environmental changes, variable river flow and flooding, swimming pools, removal of vegetation, over watering, overloading, excavation, vegetation changes, variable ground water conditions, etc.); and
  - (viii) that complex subsurface and surface conditions, affect Westlake, and can sometimes not be fully understood even using commonly accepted practices for professional technical assessment.
- (b) To establish a Restricted Development Area as identified in Figure 1 and to restrict Development to areas of relatively lower expected risk, pursuant to the recommendations of the March 2014 “Geotechnical Investigation, Riverview

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<sup>1</sup> 3357/O-2014, 3357/F-2018

Park Development Setback” and the subsequent February 2017 “Geotechnical Assessment – 2017 Riverview Park Slope Review” (prepared by ParklandGeo).

- (c) To provide special land use criteria and supporting regulation reflective of existing Reports and directed to minimizing the risk of damage or loss to natural and private property and/or persons as well as public lands and infrastructure.

## 2. Definitions

In this District:

**“Crest”** means the break between the slope face and the generally flat area located above the escarpment. A technical assessment may be required to determine the location of the crest of an active slope.

**“Report”** means a professional technical assessment and can include, but is not limited, a professional geotechnical assessment;

**“Restricted Development Area” or “RDA”** means the area shown as hatched on the attached Figure 1 and the Land Use Constraints maps. The Restricted Development Area as shown is an approximation only. The site-specific position of the Restricted Development Area relative to the Crest of the escarpment will be identified upon application of subdivision or Development Permit as required by the Subdivision or Development Authority.

**“Subdivision or Development Authority”** means the Municipal Planning Commission in its capacity as either the Subdivision or Development Authority, or the Development Officer as provided for in section 6 of this district; and

**“Water Retaining Structure”** means a swimming pool, hot tub, pond or other structure designed to retain liquid above or below the ground surface.

## 3. Fundamental Land Use Criteria

The following fundamental land use criteria shall apply to all lands, uses and Developments within this District, except as expressly stated to be otherwise within Section 5 of this District:

- (a) development (including but not limited to, buildings, structures, construction, major renovations, excavation, placement of fill, ground disturbance, tree or shrub removal, stripping and grading) is prohibited within the Restricted Development Area;
- (b) where a site-specific professional geotechnical assessment or other Report acceptable to the Subdivision or Development Authority has recommended a greater Development setback than the Restricted Development Area, the greater Development setback shall apply;
- (c) Deleted (Bylaw 3357/F-2018);

- (d) the Subdivision or Development Authority shall not approve any subdivision or Development unless, having considered all relevant Reports, in their opinion:
  - (i) approval will not detrimentally impact the overall groundwater regime or slope geometry;
  - (ii) public and private property will be reasonable safe from the hazards of slope and soil instability as identified through a Report, and
  - (iii) the lands at issue are suitable for the proposal considering:
    - (A) all relevant Reports;
    - (B) the full range of uses and Developments existing or contemplated respecting the subdivision or Development permit application and the adjacent lands;
    - (C) cumulative impacts to soil and slope stability; and
    - (D) emergency access and planning.
- (e) the following developments shall not be commenced without, and shall be carried out in accordance with, a site-specific professional geotechnical assessment acceptable to the Subdivision or Development Authority:
  - (i) excavation related to the construction, repair, or alteration of a building structure or Water Retaining Structure, other than the installation, connection, repair maintenance or replacement of a public utility;
  - (ii) the construction or material alteration of a detached dwelling unit or garage; and
  - (iii) the construction or material alteration of an accessory building or structure with a floor area of 10.0m<sup>2</sup> or more and a height of 2.4m or more.

#### **4. Application of the Fundamental Land Use Criteria**

The Subdivision or Development Authority must adhere to, and has no discretion to vary, the fundamental land use criteria set out in Section 3 of this District, which criteria are:

- (a) subject to exception only as expressly set out in Section 5 of this District; and not subject to variance or exception pursuant to Sections 654(2), 680(2), or 687(3)(d) of the Municipal Government Act.

#### **5. Exceptions to the Fundamental Land Use Criteria**

- (a) Notwithstanding the fundamental use criteria set out in Section 3(a) of this District, the following Developments may be considered for approval by the Subdivision or Development Authority within the Restricted Development Area

and shall be carried out pursuant to the terms and conditions of a subdivision approval or Development permit:

- (i) The erection of warning signs respecting escarpment risk or safety;
- (ii) The installation, connection, repair, maintenance or replacement of a public utility;
- (iii) The material repair or minor alteration of the following, if constructed prior to September 15, 2014:
  - (A) a detached dwelling unit (which is connected to all City utility services) or associated retaining wall; and
  - (B) a Water Retaining Structure, if located at least 50m from the Crest of the escarpment and subject to installation of an acceptable leak detection system and provided that there is no discharge toward the escarpment, slope or adjacent park or reserve areas.
- (iv) the stripping and/or grading, placement of fill, material alteration of vegetation, or existing or natural surface drainage patterns related to the demolition and/or relocation of a detached dwelling unit or Water Retaining Structure constructed prior to September 15, 2014 and pursuant to plans prepared by a Professional Engineer.
- (b) The Subdivision or Development Authority may consider lot line adjustment or consolidation of title for the purpose of enlarging the potential building area while not increasing the number of registered lots.

These exceptions remain subject to all other provisions of this District.

## **6. DC 32 Discretionary Uses**

### **(a) Discretionary Uses**

The Development Officer is the Development Authority for the following uses:

- (i) Detached Dwelling Unit (which is connected to all City utility services) located at least 10.0 m from the RDA;
- (ii) Home Music Instructor/Instruction (six students) subject to section 4.7(10);
- (iii) Home Occupation which will generate additional traffic subject to section 4.7(8);
- (iv) Accessory Building located at least 10.0m from the RDA;

- (v) all signs, including warning signs respecting escarpment risks or safety;
- (vi) Temporary Building, and;

The Municipal Planning Commission is the Development Authority for the following uses:

- (vii) Detached Dwelling Unit (which is connected to all City utility services) located less than 10.0m from the RDA;
  - (viii) Accessory Building located less than 10.0m from the RDA;
  - (ix) installation, connection, repair, maintenance or replacement of a public utility, pursuant to plans prepared by a Professional Engineer;
  - (x) Water Retaining Structure located beyond the Restricted Development Area and at least 50m from the Crest of the escarpment;
  - (xi) water line or underground sprinkler or irrigation system located beyond the Restricted Development Area and at least 50m from the Crest of the escarpment, constructed in accordance with a design prepared by a Professional Engineer and installed under the supervision of a Professional Engineer;
  - (xii) parking or storage of not more than one commercial vehicle or recreational vehicle or trailer of gross vehicle or trailer any of which may not have a weight rating exceeding 4,500kg;
  - (xiii) stripping and/or grading, placement of fill, material alteration of vegetation or existing surface drainage patterns, pursuant to plans prepared by a Professional Engineer.
- (b) **Prohibited Uses** - without limiting the foregoing, the following uses are prohibited:
- (i) wetting or watering of the ground surface or subsurface or vegetation (including but not limited to, lawn) that may be detrimental or destabilizing to the lands, neighbouring lands, the escarpment or slopes, or adjacent park or reserve areas; and
  - (ii) tree removal from the ground surface or subsurface (including but not limited to, deadfall removal) that may be detrimental or destabilizing to the lands, neighbouring lands, the escarpment or slopes, or adjacent park or reserve areas.

## 7. Development Regulations

Respecting this District and lands therein:

- (a) the provisions of this District shall govern in the event of a conflict or inconsistency between this District and any other provisions of this Land Use Bylaw;
- (b) the Subdivision or Development Authority shall not be bound by the regulations set out in Parts 2 and 3 of the Land Use Bylaw;
- (c) Part 4 of the Land Use Bylaw does not apply to this District, except for provisions 4.7(8) (Home Occupations), 4.7(4) (Objects Prohibited) and 4(10) (Home Music Instructor/Instruction);
- (d) any site grading shall be designed to drain surface water away from the escarpment;
- (e) any Water Retaining Structures, water lines, underground sprinklers or irrigation systems shall be installed with an acceptable leak detection system and monitored and maintained by the landowner to ensure proper operation and no unauthorized leakage, and shall be directed away from the escarpment, slope, or adjacent park or reserve areas;
- (f) all discharge from roof leaders and weeping tile systems shall be directed away from the escarpment or to professionally engineering drainage pathways (e.g. asphalt or half culvert drop structures);
- (g) new vegetation should be selected from native types with deep root systems that can grow with a minimum of watering;
- (h) upon connection to City utility services, private services (e.g. septic system, groundwater well, associated water lines) shall be removed, abandoned, closed-in and reclaimed, as applicable, pursuant to the City's Utility Bylaw;
- (i) where existing residence are relocated, former basements located within the Restricted Development Area shall be filled pursuant to the design and supervision of a Professional Engineer;
- (j) Lot depth minimum of 40.0m;
- (k) Frontage minimum of 22.0m; and
- (l) in considering a Subdivision or Development Permit application, the Subdivision or Development Authority shall have discretion (subject to the land use constraints set out in Sections 3, 5 and 6 of this District), to determine the Site Plan, parking requirements, architectural treatment of buildings, and the relationship between buildings, structures and open space. Without limiting the foregoing, the following regulations shall apply to the location of Buildings unless varied by the Subdivision or Development Authority:

Site coverage maximum of 40% (including Garage and Accessory Buildings);

Front Yard setback minimum of 6.0m;

Side Yard setback minimum of 1.5m; and

Rear Yard minimum setback of 7.5m (except as required by the land use constraints of this District – e.g. subject to site specific geotechnical, the Restricted Development Area).

## **8. Approving Authority**

Respecting this District and all lands therein, all applications for subdivision approval or Development permit shall be evaluated on their merits by the Subdivision or Development Authority.

Without limiting the foregoing, but subject to the land use constraints set out in Sections 3, 5 and 6 of this District, the Subdivision or Development Authority may, as regards any application for subdivision approval or Development permit, impose conditions of approval or requirements:

- (a) that the Subdivision or Development Authority determines are reasonable, having considered:
  - (i) the purposes and other provisions of this District;
  - (ii) the uniqueness of the lands (e.g. the relevant environmental or man-made hazards or risks, and existing Developments); and
  - (iii) that the suitable scale of residential Development should be reviewed on a case-by-case basis and considering site-specific geotechnical recommendations.
- (b) including, but not limited to the following conditions:
  - (i) the provision of a real property report during preliminary construction indicating that the structure is located beyond the Restricted Development Area, and/or more than 50m from the Crest and/or in accordance with any accepted Report and/or Site Plan;
  - (ii) that the applicant meet or exceed the recommendations of any applicable Report and the requirements of any restrictive covenant registered against the lands respecting maintenance of slope stability;
  - (iii) the provision of emergency access;
  - (iv) the provision of ongoing monitoring programs and related access to the land for such monitoring (for example, slope monitoring and/or subsurface exploration data derived from appropriate geotechnical drilling);
  - (v) increased site-specific setbacks for fire protection and mitigation due to elevated risks of fire;

- (vi) a post construction certificate from a relevant professional (e.g. Professional Engineer, Registered Architect, or an Alberta Land Surveyor) as determined by the Subdivision or Development Authority, confirming any or all of the following:
  - (A) that the Development has been located beyond the Restricted Development Area and/or located and constructed in accordance with any Site Plan and/or Report accepted by the Subdivision or Development Authority;
  - (B) compliance with an accepted professional lot grading plan; and
  - (C) that proposed and existing grades have been professionally certified.
- (vii) the connection of roof leaders (downspouts) and house weeping tiles (foundation service) into storm systems, if available;
- (viii) no direction of stormwater or overland drainage onto neighbouring properties (including but not limited to adjacent park, reserve land, escarpment, or slopes);
- (ix) the provision of erosion and sediment control measures during construction;
- (x) that buildings or structures have non-combustible exterior finishes or acceptable fire retardant material treatment;
- (xi) conditions to minimize erosion and to stabilize soil conditions;
- (xii) that any Development shall be designed and constructed using materials, processes, and/or techniques intended to minimize slope risks or instability;
- (xiii) that the applicant and any current or future user or owner of the lands shall enter into an Indemnity Agreement with the City respecting environmental risks including, but not limited, slope instability; and
- (xiv) that the applicant enter into and comply with an agreement with the City respecting those matters set out in Sections 650, 655 and 651 of the Municipal Government Act and/or described in Section 2.10 of the Land Use Bylaw (a Development agreement).

## **9. Development Permits**

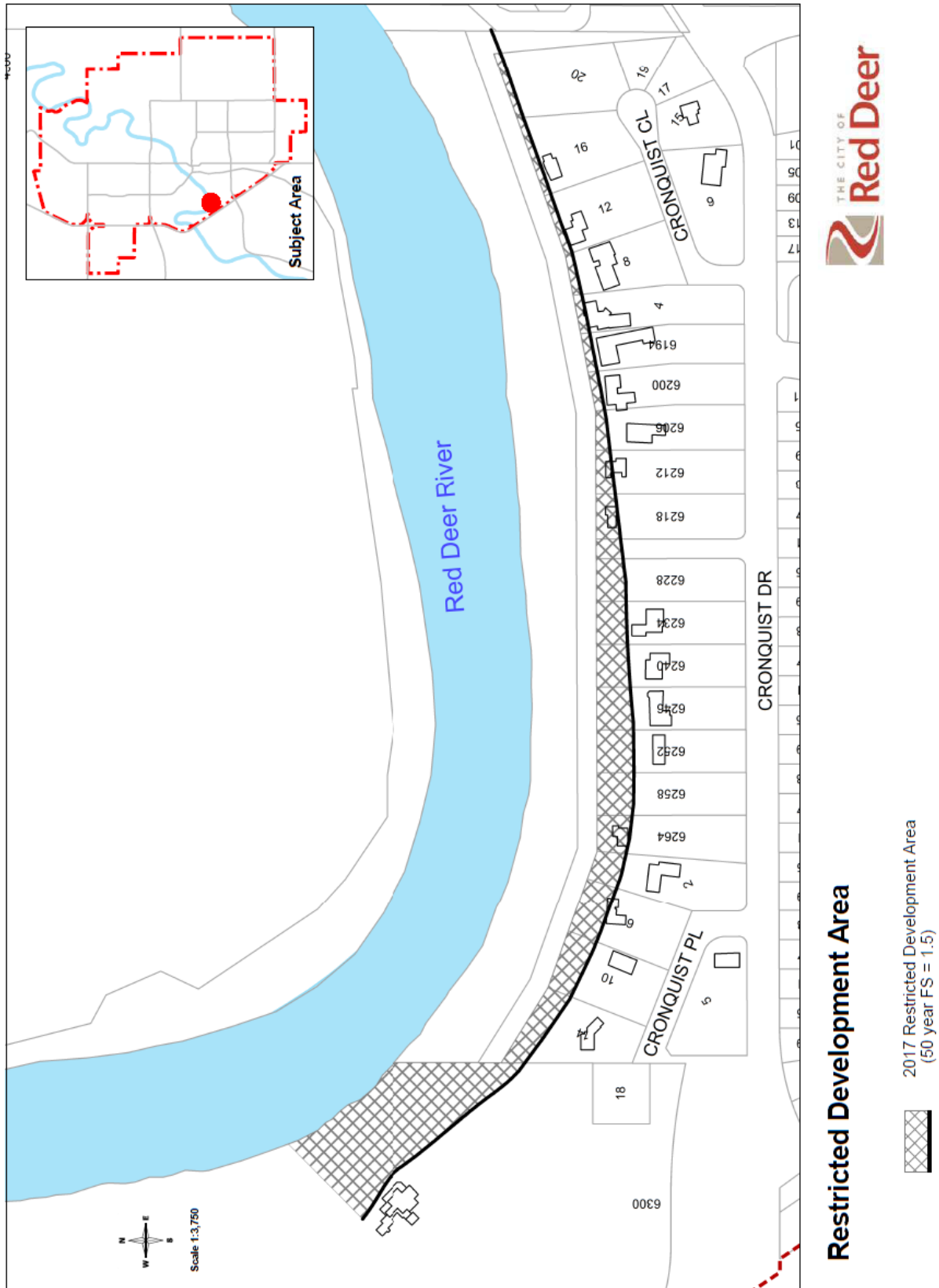
Except as expressly stated otherwise within this District, a Development permit is required for any and all Development within this District.

Notwithstanding the foregoing, and provided that the Development otherwise complies with the provisions of this District, no Development permit is required for the following Development:



- (a) those Developments set out in “Application of the Land Use Bylaw” Section 1.2(2), (e), (f), (g), and (j); and
- (b) up to 5 flow collectors (rain barrels) attached to authorized roof leaders, each collector having storage capacity of less than 420 litres.

Figure 1: Restricted Development Area



## **8.21 Direct Control Districts General Regulations**

- (1) The general purpose of this District is to provide for innovative developments, which in the opinion of Council, require specific regulations unavailable in other land use districts. This District is not intended to be used in substitution of any other land use district in this bylaw that could be used to achieve the same result.
- (2) All land use applications in the District shall be evaluated on their merits by Council.
- (3) Council will establish the appropriate development standards or may delegate this responsibility to the Municipal Planning Commission.

## **8.22 Exceptions Respecting Land Use**

### **1. Areas Specifically Designated for a Particular Use**

- (a) In addition to the list of discretionary uses set out in the applicable land use district, those sites shall have the following additional discretionary uses and the Commission shall determine the floor area, yard requirements, building height, parking and loading requirements:
- (i) 40 Avenue and Ross Street (south side only) motor vehicle service and repair (no sales), car wash and drive-in,
  - (ii) Lot 33, Block 1, Plan 772 2593 food establishment,
  - (iii) 41 Avenue and Ross Street (southeast corner only) motor vehicle service and repair (no sales), car wash and drive-in,

Notwithstanding the foregoing, no outside storage of vehicles may be permitted for longer than one week and sales of vehicles from the above sites is not permitted.

- (b) On those sites listed below, medical offices and related facilities and related commercial services are discretionary uses provided that such offices shall not be located on any floor of the building which contains a dwelling unit. Parking lots are also a discretionary use for Block 4, Plan 6564 E.T.:
- (i) Block 4, Plan 6564 E.T. (5101 – 5129 39 Street & 5102-5130 38 Street)
  - (ii) Lot 1, Block J, Plan 3999 R.S. (3939-50A Avenue),
  - (iii) Lot 2, Block J, Plan 3999 R.S. (3947-50A Avenue),
  - (iv) 5102-5130 38 Street and 5101 – 5129 39 Street.
- (c) On Lot 58, Block 14, Plan 792-0555 (88 Howarth Street), the development of C2B uses, except lounges, bars and amusement arcades may be allowed as discretionary uses, provided that landscaped buffers of 10 m and 3 m be developed along Howarth Street and the lane respectively, and be subject to all other provisions of the C2B Districts.
- (d) On those sites, or portions thereof herein listed, the following uses may be allowed as permitted uses:
- (i) One basement dwelling in a detached dwelling in addition to the uses listed in the R1 Use Table on:
    - (1) Lot 3C, Block E, Plan 792-3164 (5853-71 Street).
  - (ii) Alberta Amateur Hockey Association Training Program and distribution of materials on:

- (1) Bays #1 - 4, Lot 4, Block 4, Plan 792-3149 (#1, 7875 - 48 Avenue).
- (iii) Use by Youth and Volunteer Centre on:
- (1) W 1/2 of Lot 39, Lot 40, Block B, Plan K8 (4633-49 Street),
- (2) Lots 41-42, Block B, Plan K8 (4637-49 Street).
- (iv) Basement dwelling suite on:
- (1) Lot 1, Block 4, Plan 4194 M.C. (414 Terrace Park).
- (v) Office by Canadian Paraplegic Association on:
- (1) Lots 3-4, Block 5, Plan 762-0870 (#4, 7803-50th Avenue).
- (vi) Tea house, lodging and boarding house, and gift store in association with a bed and breakfast operation on:
- (1) Lots 38-40, Block A, Plan K8 (4631-50 Street).
- (vii) Dry waste disposal site on:
- (1) The portion of the N.E. 1/4 of Section 33-38-27-4 which lies west of Railway Plan No. 1813 M.C. and the portion of Lot R5, Block 4, Plan 772-0064 which lies in the S.E. 1/4 of Section 33-38-27-4.
- (viii) Maximum 20 bed community residential centre (halfway house) by the John Howard Society on:
- (1) Lots 10-14 and west 10 feet of Lot 15, Block 17, Plan H (4920– 50<sup>th</sup> Street).
- (ix) <sup>1</sup>A Ronald McDonald House facility, allowed as a permitted use on:
- (1) Lots 2 and 2A, Plan 625 NY(3902 and 3906-50<sup>th</sup> Avenue); and
- (2) Lot 3, Plan 3839 HW (3908-50<sup>th</sup> Avenue); and
- (3) The north/south portion of lane immediately north of 39<sup>th</sup> Street right of way and east of 50A Avenue contained within plans 3839 HW and 625 NY.

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<sup>1</sup> 3357/S-2009

- (4) Subject to all development regulations being determined by the Development Authority. The regulations in the R2 District shall not be applicable to this use.
- (x) <sup>1</sup>One unmanned (volunteer) fire station to store and house fire trucks, fire fighting apparatus and related ancillary equipment in:
- (1) Units 17 & 18, Condominium Plan 092 3280 (B7 & B8, 37 Burnt Basin Street).
- (xi) <sup>2</sup>Drinking Establishment not to exceed 100 m<sup>2</sup> in area, with an occupancy load of not more than 60 persons, secondary to a brewery manufacturing facility, at Block 5, Lot 1, Plan 0125593 (6610 – 71 Street), and no outdoor extensions at the above location shall be permitted in addition to or as an accessory to the above use
- (xii) <sup>3</sup>A maximum of 47 one bedroom multiple family residential units converted from existing hotel units on Lot 6, Block 14, Plan 4436TR (2807 50<sup>th</sup> Ave).
- (xiii) <sup>4</sup>Existing tele-theatre racetrack betting facility on Lot 7, Block 5 Plan 012 1322 [3731-50 (Gaetz) Avenue].
- (e) On those sites, or portions thereof herein listed, the following uses may be allowed as discretionary uses:
- (i) Apartments on:
- (1) Condominium Plan 822 2661 (Lot 19, Block G, Plan 802 3230) (5144 – 45 Avenue) and Condominium Plan 942 0656 (Lot 18, Block 6, Plan 802 3230) (4515–53 Street), and
- (2) Lots 18 and 19, Block G, Plan 3184 I (5301-46 Avenue), and
- (3) Lot 11A, Block G, Plan 1500 R.S. (4511-55 Street).
- <sup>5</sup>(4) Lot 8, Block 1, Plan 24 HW (6755-59 Avenue)
- (ii) Upholstery business on:

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<sup>1</sup> 3357/Y-2009

<sup>2</sup> 3357/P-2012

<sup>3</sup> 3357/X-2013, Correction #31

<sup>4</sup> 3357/Y-2014

<sup>5</sup> 3357/D-2008

(1) Lots 21 and 22, Block 25, Plan 7604 S (5824 and 5826-51 Avenue).

(iii) Semi-detached dwelling on:

(1) Lots 22 and 23, Block 2, Plan 982 0058 (6007 and 6009 - 63 A Street) subject to the front elevation of each unit (half) being significantly different from each other thereby resembling a single family dwelling.

(iv) <sup>1</sup>DELETED

(v) <sup>2</sup>Three-unit multi-attached building on:

(1) Lots 9-11, Block 24, Plan 5555AF (3818 44 Street)

(vi) <sup>3</sup>Multiple Family Building, Assisted Living Facility, Day Care Facility, and Day Care Adult on Lot 9, Block 1, Plan 042 2888 (6791 65<sup>th</sup> Ave) subject to a ,maximum height of six storeys as discretionary uses and that each building shall contain commercial uses, as a minimum, on the ground floor. The commercial component shall not exceed three storeys. A residential noise impact statement is required outlining the measures to be taken to mitigate noise impacts from the adjacent industrial area.

(vii) <sup>4</sup>Security Suite on Lot UNT 29, Clock CDE, Plan 762 1172 (7429 49 Ave) subject to the following:

(1) The security suite:

- (a) shall be located within the principal building on the site;
- (b) shall not be occupied by more than one (1) person dwelling in the suite;
- (c) shall be occupied by the owner or an employee whose primary responsibility is to provide surveillance, maintenance and/or security for the site; and
- (d) shall not contain more than one sleeping area

(2) In addition to the number of parking stalls required for the principal user under Part 3 and 4 of this Bylaw, no

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<sup>1</sup> 3357/T-2016

<sup>2</sup> 3357/E-2012

<sup>3</sup> 3357/F-2013

<sup>4</sup> 3357/EE-2013

additional parking space shall be designated for the security suite.

**(3)** Development permits issued for security suites cease to be valid if the principal use on the site ceases or is removed.

<sup>1</sup>**(viii)** Temporary parking lot for a 9 year period commencing the date of development permit issuance at Lots 44-46, Block A, Plan K8 (4643 50 Street) and Lots 41-43, Block A, Plan K8 (4637 50 Street) for parking provisions for Jackpot Casino Ltd. Lot 15, Block 38, Plan 3479 MC, subject to parking regulations established in sections 3.2, 3.2.1 and 3.2.2 of this bylaw. Additional landscaping and/or design enhancements may be required at the discretion of City Council as the approving authority.

**(ix)** when listed as a use, the following uses may be incorporated into a Live-Work Unit:

1. artist's studio;
2. beauty and body service;

<sup>2</sup>**(x)** Parking accessory to an approved principle use on the same site provided each bare land condominium unit that is created for parking meets the requirements of Section 3.2 to the satisfaction of the Development and Subdivision Authorities on:

**(1)** Lots 77 and 78, Block 7, Plan 132 3870 (155 Vanier Drive)

**(xi)** Microbrewery on:

**(1)** Lot 3, Block 5, Plan 902 0499

**(f)** On those sites, or portions thereof herein listed, the following uses may be allowed as permitted uses in the existing structure only:

**(i)** <sup>3</sup>DELETED

**(ii)** <sup>4</sup>Photographic studio on:

**(1)** DELETED – See 8.22(1)(g)(ii)

**(iii)** Hair salon on:

**(1)** Lot 9, Block 43, Plan 157 HW (4407-48 Avenue).

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<sup>1</sup> 3357/H-2015

<sup>2</sup> 3357/Y-2017

<sup>3</sup> 3357/N-2017

<sup>4</sup> 3357/T-2010



(iv) Detached dwelling with 2 basement units on:

(1) Lot 21, Block F, Plan K9 (5311-44 Avenue).

(v) Contractor's business on:

(1) Lot 10C, Block 5, Plan 792-1541 (#3, 7887-50 Avenue).

(vi) <sup>1</sup>One basement dwelling suite on:

(1) Lot 13, Block 36, Plan 5187 KS (5702 West Park Crescent)

(2) Lots 25-26, Block 3, Plan 4516AC (4018 50 Street)

(vii) <sup>2</sup>DELETED

(viii) <sup>3</sup>Law office subject to the low impact commercial use provisions of section 5.7 (6) on:

(1) Lots 45-46, Block B, Plan K8 (4641 – 49<sup>th</sup> Street)

(ix) <sup>4</sup>A Commercial Service Facility, Health and Medical Services, or Office and related signage on Lot 1, Block 3, Plan 6159ET (3702 – 50 Ave.) but not including the following:

(1) fitness centre;

(2) cleaning and repair of personal effects such as shoe repair, dry cleaning or laundering outlet;

(3) care of small animals such as a small animal veterinary;

(4) commercial school

(5) day care

When considering the above uses, the Development Authority shall consider the need to impose such conditions as it deems necessary or appropriate, including conditions to:

(6) prohibit uses that would result in associated noises, and/or odors extending beyond the interior of the building;

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<sup>1</sup> 3156/B-1998

<sup>2</sup> 3357/I-2013

<sup>3</sup> 3357/A-2007

<sup>4</sup> 3357/N-2013

(7) prohibit outdoor storage or display of materials associated with business.

(g) On those sites, or portions thereof herein listed, the following uses may be allowed as discretionary uses in the existing structure only:

(i) Office for a utility locating service on:

(1) Lot 4, Block 42, Plan K5 (4507-48 Avenue).

(ii) <sup>1</sup>A photography studio, Commercial Service Facility and related signage on Lot 7, Block E, Plan K9 (4419 – 55 Street) but not including the following:

(1) cleaning and repair of personal effects such as shoe repair, dry cleaning or laundering outlet;

(2) kennelling of animals;

When considering the above uses, the Development Authority shall consider the need to impose such conditions as it deems necessary or appropriate, including conditions to:

(3) prohibit uses that would result in associated noises, and/or odours extending beyond the interior of the building;

(4) prohibit outdoor storage or display of materials associated with the business;

(5) prohibit uses that operate outside the hours of 7:00 a.m. to 10:00 p.m.;

(6) avoid the need for customers to park on 45<sup>th</sup> Avenue.

The Development Authority shall refer all applications for proposed new uses on this site to landowners within 100 metres of this site and to applicable community associations, for comment

(iii) <sup>2</sup>Canadian Cancer Society and Fanta Homes on Lot 8 Block1 Plan 6784KS.

(iv) <sup>3</sup>A Medical Marihuana Facility on Lot 14, Block 1, Plan 052-4232 (94 Burnt Park Drive) with Council as the designated Development

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<sup>1</sup> 3357/T-2010

<sup>2</sup> 3357/U-2010

<sup>3</sup> 3357/L-2016

Authority, and subject to the following development standards:

- (1) no other use shall be allowed on the Site;
  - (2) the licensed processes and functions of the use shall be fully enclosed within the Building;
  - (3) no Outdoor Storage shall be allowed on the Site;
  - (4) all loading facilities shall be fully enclosed within the Building;
  - (5) all garbage containers and waste material shall be fully enclosed within the Building;
  - (6) the Site shall be fully enclosed by a fence;
  - (7) the use shall not emit any odour or other substance which is harmful or injurious to health or physical well-being;
  - (8) the use shall not emit nuisances including, but not limited to, odour, noise and light, that may have a negative impact to adjacent Sites or the surrounding area; and
  - (9) the Site Plan, the Site access, the relationship between Buildings and open space, the architectural treatment of Buildings, landscaping, the minimum required loading spaces and parking spaces and the parking layout and surfacing shall be at the discretion of the Development Authority.
- (h) <sup>1</sup>DELETED
- (i) <sup>2</sup>DELETED
- (j) <sup>3</sup>DELETED
- (k) A low impact commercial use which complies with the provisions of section 5.7(6) may be allowed as a discretionary use on any lot along the north side of 49 Street between 46 Avenue and 47 Avenue, along both sides of Ross/50 Street between 46 Avenue and 47 Avenue and the lots adjacent to the east side of 47 Avenue between Ross/50 Street and 55 Street.
- (l) Notwithstanding anything in this Bylaw, on the sites listed below, a semi-detached dwelling unit shall be added to the list of permitted uses set out

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<sup>1</sup> 3357/U-2009

<sup>2</sup> 3357/U-2009

<sup>3</sup> 3357/U-2009

in the applicable land use district, but such semi-detached dwelling units must comply with the regulations applicable to the R1A district.

- (i) Lot 47 (4635 – 48 Street) and Lot 48 (4631 – 48 Street) Block C Plan 992 6203.
- (ii) Lot 22 and Lot 23 Block C Plan K8 (4602B and 4602A – 47 Street).
- (iii) Lot 33 and Lot 34 Block D Plan K10 (4621A and 4621B – 47 Street).
- (iv) Lot 19A Block F Plan 3591 P (4612 – 44 Street).
- (v) Lots 11A and 12A, Block F, Plan 022 0547 (4623A and 4623B – 45 Street).
- (vi) Lot 19A (4309 – 46 Avenue) and Lot 20A (4310 – 45A Avenue) Block A Plan 2354 AE.
- (vii) Lot 1 (4505 – 46 Avenue) and Lot 2 (4503 – 46 Avenue) Block K Plan 4900 R.
- (viii) The most southerly sixty two and one half (62 ½) feet of Lots 1, 2, 3 and 4 and all of Lot 5, Block J Plan 4900 R (4601 – 46 Avenue).
- (ix) Lots 45 and 46 Block J Plan 922 1244 (4519A and 4519B – 47 Street).
- (x) Lot 1A, Block I, Plan 4900 R (4536 – 47 Street).
- (xi) Lots 4 and 5, Block I, Plan 4900 R (4532A and 4532B – 47 Street).
- (xii) Lots 10 and 11, Block I, Plan 4900 R (4520 – 47 Street).
- (xiii) Lots 49 and 50, Block B, Plan 042 1756 (4644 – 48 Street and 4801 – 47 Avenue).
- (xiv) Proposed Lots 5A and 6A Block F Plan 042 6407 (4642 – 44 Street).

(m) Notwithstanding anything in this Bylaw, on the sites listed below, the uses shown below shall be added to the list of permitted uses set out in the applicable land use district, but the developments must comply with the regulations applicable to the R2 district and to the density and height restrictions specified below.

- (i) Lot 19A Block C Plan 2648 TR – a four unit multi-attached building (4606 – 47 Street).
- (ii) Lots 6 and 7 Block I Plan 4900 R – a four unit multi-attached building (4526 – 47 Street).
- (iii) The south 100' (one hundred feet) of Lots 1 to 4, Block F, Plan 3591 P – a six unit multi-attached building with a maximum height of two storeys (4405 – 47 Avenue).
- (iv) Lot Z, Block E, Plan 3591 P (4624 – 45 Street) – a seventeen-unit apartment building at a maximum density of D95 and maximum height of three storeys.
- (v) Lot 23, Block F, Plan 792 3231 (4616 – 44 Street) – an eight-unit apartment building at a maximum density of D87 and maximum height of two storeys.

(n) On those sites or portions thereof listed, the following uses may be

allowed as permitted uses:

- (i) Notwithstanding section 6.3(1) of this Land Use Bylaw, one new two storey building for the uses of paint supply, mixing paint, sale and distribution of automotive related finishes and parts may be built on Block N, Plan 3051HW (5825 Kerry Wood Drive) and may be expanded to include Lot 1, Block N, Plan 1861KS, if Lot 1, Block N, Plan 1861KS is consolidated by Plan of Survey with Block N, Plan 3051HW. This permitted use is subject to review of the building design by the Riverside Meadows Community Association and Municipal Planning Commission. The building is to be designed with a commercial appearance; outside storage will be allowed provided it is adequately screened. All other standards are contained in sections 6.3(2) and 6.3(3). This land use exception will expire on July 15, 2010.
- (o) On those sites or portions thereof listed, the following uses may be allowed as permitted uses:

  - (i) Notwithstanding section 6.3(1) of this Land Use Bylaw, warehouse and storage in a building in existence as of July 15, 2003 may be allowed as a permitted use on Lot 22 and 29, Block 17, Plan 7604S (5904-54 Avenue).
  - (p) Notwithstanding section 6.3(1), structural alterations, exterior renovations, expansions or additions are permitted uses for existing buildings located on the sites listed in section 6.3(1)(a)(xi), provided that they comply with the general purpose of the I1A/BSR District set out in section 6.3 and subject to Municipal Planning Commission approval of the site development.
  - (q) Signs, as listed within the C3 Commercial (Neighbourhood Convenience) District and which comply with the provisions of section 3.3 of this Bylaw, may be allowed as a discretionary use on Lot 1, Block 23, Plan 892 1574.
  - (r) <sup>1</sup>DELETED
  - (s) <sup>2</sup>DELETED
  - (t) <sup>3</sup>Notwithstanding Section 5.6 of this Land Use Bylaw, on Lot 5, Block 1, Plan 972-4056 a combined commercial restaurant and maximum 230 unit assisted living facility shall be a permitted use. This mixed use development requires approval by the Development Authority and is subject to the following development regulations/standards:

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<sup>1</sup> 3357/Z-2007, 3357/I-2013

<sup>2</sup> 3357/Z-2007, 3357/I-2013

<sup>3</sup> 3357/G-2008

- (i) Floor areas minimum within the assisted living facility for a one bedroom unit shall be 46.5 square metres, and for a unit of more than one bedroom 65.0 square metres;
- (ii) Landscaping area minimum: 30% of site;
- (iii) Building height maximum: 4 storeys;
- (iv) Front Yard Minimum: 15.0 m;
- (v) Side Yard Minimum: 4.5 m;
- (vi) Rear Yard Minimum: 3.0 m;
- (vii) Parking: Subject to Section 3.1 and 3.2;
- (viii) Loading Spaces: One opposite each loading door with a minimum of one:
- (ix) Site Area Minimum: Existing parcel
- (x) Site Frontage Minimum: 30.0 m
- (xi) Any development standard not specifically referred to above including building elevations, shall be subject to approval by the Municipal Planning Commission;
- (xii) The site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision and architecture of landscaped open space, and the parking layout, shall be subject to approval by the Municipal Planning Commission.

(u) <sup>1</sup>To allow for compatible redevelopment on sites listed below multi-family and multi-attached residential buildings shall be added to the list of discretionary uses in the applicable land use district to allow redevelopment of the property to less than or equivalent gross floor area as the existing structure and to a maximum height of 2 storeys or 10 metres measured from the average of the lot grade. The Riverside Meadows Overlay District, section 7.11, shall continue to apply:

<b>Lot</b>	<b>Block</b>	<b>Plan</b>	<b>Street Address</b>
29	1	7621574	5963 60A Street
1-2	15	7604S	5514 60 Street
15-17	1	297BH	5904 60 Avenue
18	D	1846TR	5841 60 Avenue
19	D	1846TR	5837 60 Avenue
20	D	1846TR	5833 60 Avenue
22	D	1846TR	5829 60 Avenue
1A	2	1030NY	5713 60 Avenue
28-30	A	4359AH	5922 59 Avenue
9	4	4963TR	6042 58A Street
8	4	4963TR	6038 58A Street
7	4	4963TR	6034 58A Street
6	4	4963TR	6030 58A Street
5	4	4963TR	6026 58A Street
4	4	4963TR	6022 58A Street
3	4	4963TR	6018 58A Street

<sup>1</sup> 3357/U-2009

2	4	4963TR	6014 58A Street
1	4	4963TR	6010 58A Street
1-3	3	934AJ	5804 58 Avenue
9-10	5	7604S	5921 58 Avenue
14	C	5534HW	5920 58 Avenue
21	3	9720243	5816 58 Avenue
26	4	8022765	5811 58 Avenue
19A	2	7621867	5804 58 Avenue
19B	2	7621867	5802 58 Avenue
Z	5	7604S	5918 57 Avenue
13-14	5	7604S	5910 57 Avenue
15-16	5	7604S	5906 57 Avenue
9	9	5692KS	5819 57 Avenue
7-8	9	7604S	5815 57 Avenue
25	4	8020600	5812 57 Avenue
27	3	7923071	5714 57 Avenue
25-26	3	7604S	5704 57 Avenue
1-3	1	3331AJ	5639 56 Street
9-11	1	3331AJ	5621 56 Street
25-26	7	7604S	6010 56 Avenue
3-4	15	7604S	6005 56 Avenue
1-2	15	7604S	6001 56 Avenue
18-19	9	7604S	5816 56 Avenue
20-21	9	7604S	5812 56 Avenue
1-2	13	2800AJ	5805 56 Avenue
10-11	12	5296HW	5721 56 Avenue
8A	12	7921790	5715 56 Avenue
25-30	1	3331AJ	5608 55 Street
Z	23	7604S	5914 52 Avenue

(v) <sup>1</sup>On the sites listed below, semi-detached housing with a common rear wall (back to back duplex) shall be added to the list of discretionary uses set out in the applicable land use district:

Lot	Block	Plan	Street Address
1-2	2	934AJ	5831 58A Street
6-8	2	934AJ	5821 58A Street
21, 22	2	8721703	5826 & 5827 58A Street (if they both developed concurrently)
9-10	2	934AJ	5817 58A Street
23	2	0727482	5813 58A Street
24	2	0727482	5811 58A Street

<sup>1</sup> 3357/U-2009

<sup>1</sup>(w) In order to accommodate diverse forms of advertising within the C1 and C4 Districts for sites that have no less than 100 metre frontage on Gaetz Avenue and offer conference and convention space, *Dynamic Signs* which comply with section 3.4(14) of this bylaw may be allowed as a discretionary use on the following sites:

- (i) LOT E, Plan 5009KS (3310- 50 Avenue),
- (ii) LOT 5, BLOCK 15, Plan 4436TR (2929 - 50 Avenue),
- (iii) LOT 1A, BLOCK 44, PLAN 8121177 (4311- 49 Avenue)

<sup>2</sup>(x) On the site listed below, the relocation of a Dynamic Sign, lawfully in existence on September 30, 2010 to another location on the same site, is a discretionary use provided that the dynamic portion of the sign is not altered and provided that the sign complies with the applicable provisions of sections 3.3 and 3.4.

- (i) LOT 1-3 BLOCK 5, Plan H (4802 51 Avenue)

<sup>3</sup>(y) To allow for the compatible redevelopment on sites listed below, multi-family and multi-attached residential buildings shall be added to the list of discretionary uses in the applicable land use district to allow redevelopment of the property to less than or equivalent gross floor area as the existing structure and to a maximum height of 2 storeys or 10 metres or to the maximum height of the existing building Section 7.11 shall continue to apply.

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<sup>1</sup> 3357/F-2013, 3357/R-2010

<sup>2</sup> 3357/Y-2010, Clerical Correction re: numbering

<sup>3</sup> 3357/H-2013



<b>Lot</b>	<b>Block</b>	<b>Plan</b>	<b>Civic Address</b>
10-11	E	K11	5601 42 St
2	A	3019KS	5506 41 St
1	1	223AI	3930 55 Av
5	2	4618KS	3926 56 Av
Z	1	223AI	3905 56 Av
1	7	1429HW	3815 54 Av
14-16	9	6269AF	5409 38 St
5	19	970KS	5501 37 St
1	25	970KS	5553 36 St
54	31	7520383	2 Watson St
53	31	7520383	4 Watson St
52	31	7520383	6 Watson St
51	31	7520383	8 Watson St
50	31	7520383	10 Watson St
49	31	7520383	12 Watson St
48	31	7520383	14 Watson St
47	31	7520383	16 Watson St
46	31	7520383	18 Watson St
45A	31	7520383	20 Watson St

<sup>1</sup>(z) Subject to the approval of the Municipal Planning Commission, on the site listed below, two Dynamic Signs may be placed within the existing Canopy Sign on the existing building, provided that the overall Sign, including the Dynamic Signs, otherwise complies with sections 3.3 and 3.4:

(i) Lot 6A, Block 18, Plan H (Civic Number 4922 – 49 Street)

<sup>2</sup>(aa) The location highlighted below, south of Timberlands Drive and abutting the road right-of-way, shall be restricted to a mixed use building as described herein. A portion of the said building must abut Timberlands Drive. The building shall be comprised of at-grade (main floor) commercial use and 3-storeys of multi-family residential. The building shall have an active commercial street face built close to or abutting Timberlands Drive. For further clarity, the restrictions of this Section 8.22(aa) shall be considered fundamental land use restrictions applicable to this location highlighted below; and, the restrictions of this Section 8.22 (aa) shall ‘overlay’ or restrict and limit the listed permitted and discretionary uses of any general Land Use District (e.g. C5 District) that may otherwise apply to the location highlighted below.



<sup>3</sup>(bb) Notwithstanding Section 3.1(1), on Lot 1A, Block 44, Plan 812 1177 (4311 49 Avenue) parking will be subject to the regulations in Section 3.1 and Section 3.2.

<sup>1</sup> 3357/L-2014

<sup>2</sup> 3357/D-2015

<sup>3</sup> 3357/F-2015

**1(cc)** Notwithstanding Section 6.2 of I2 Industrial (Heavy Industrial) District of this Land Use Bylaw the following exceptions apply to the lands currently owned by EVRAZ INC. NA CANADA, located at 27251 Township Road 391 (short legal: NW ¼ Sec 3-39-27-W4, Linc 0018975856): any expansion of the use or development shall require the submission of a detailed noise impact study by the proponent, prepared by a qualified consultant, to determine what on-site mitigation measures are required to avoid excess sound emissions to the satisfaction of the Development Officer.

**<sup>2</sup>(dd)** Notwithstanding Section 5.6 of this Land Use Bylaw, on Lot 1, Block 2, Plan 932 1800 (2506 19 Street) development requires approval by the Development Authority and is subject to the following development regulations/standards:

(i) Regulations:

- (1) Site Coverage: Maximum of 25%
- (2) Building Height: Maximum of 2 storeys (maximum 9.0m)
- (3) Landscaped Area Minimum: 20% of site area
- (4) Parking Spaces: Subject to sections 3.1 & 3.2
- (5) Design Criteria: Subject to section 8.22(1)(dd)(iii)

(ii) Approving Authority

- (1) The Development Authority is the Approving Authority for all uses and development on this property. In exercising its approval powers, the Development Authority shall ensure that development, in addition to the above Regulations, also complies with any Design Criteria. Variances to the Regulations or Design Criteria will not be considered.
- (2) All development standards, site plan, site access, the relationship between buildings, structures and open space, the architectural treatment of any building, the provision and architecture of landscaped areas, and the parking layout shall be subject to approval by the Approving Authority.

(iii) Design Criteria

- (1) The Design Criteria within this site exception shall prevail over the C5 District Design Criteria
- (2) The physical relationship of building with the street is critical in establishing the overall character of the area. The Building shall have a strong presence along its public street fronting property line and an inviting interface with the public realm's sidewalk and street

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<sup>1</sup> 3357/U-2015

<sup>2</sup> 3357/HH-2016

- (3) Developments shall create variety, character, comfortable scale and visual interest by incorporating a variety of building styles.
- (4) The Principles of Crime Prevention through Environmental Design (CPTED) shall be applied to all development.
- (5) High quality hard and soft landscaping elements shall be provided including trees and shrubs that add value throughout all seasons.
- (6) Developments shall be designed with green technologies and materials that reduce energy, waste and conserve water (i.e. green roofs, solar energy systems, district energy).
- (7) Building fronting collector streets shall have minimal front yard setbacks unless additional space is required for such things as an eating patio, major private art display, water feature or other amenity.
- (8) The rear yard setbacks shall be flexible and as required to allow for site access, on-site parking, loading and servicing. The west yard setback to building to be a minimum of 23.0m, with the exception of the southwest corner of the site permitting a minimum setback of 7.0m to building face.
- (9) Developers shall create opportunities for pedestrian linkages to the east and south only.
- (10) Street elevations of buildings located on corner properties shall have equal sidewalk interface and architectural corner features and high quality elevation treatments along each side.
- (11) Building walls facing a public street shall be articulated at approximately 6-8 metre intervals containing varied design elements such as entrances, windows, vertical accents, setbacks, canopies and signage, projections, and roof lines.
- (12) All businesses or stores shall have their own clearly identifiable street level entry.
- (13) All commercial ground floor elevations facing a street shall contain un-tinted glass windows.
- (14) Underground parking is highly encouraged. All surface parking shall be paved and located behind the building(s) in carefully designed, landscaped lots with defined, integrated pedestrian connections to public sidewalks and trails. No surface parking shall be allowed between a street and a building.

- (15) To assist in establishing a sustainable urban environment, internal private laneways are encouraged as part of the design to allow servicing, access to parking, as well as key pedestrian linkages.
- (16) Signage shall comply with the signage requirements of the Land Use Bylaw for the C1 District.
- (17) Illuminated signage mounted on buildings shall not be permitted, with the exception of a fuel sales site. Signage may be accentuated by lighting fixtures projecting light either back at the building or down towards the ground.
- (18) A 2.4m high solid opaque fence is required along the entire west property line.
- (19) Garbage collections shall be underground waste disposal system or equal. Garbage collection bins and waste disposal that is 100% above ground shall not be permitted.
- (20) The majority of the tree buffer along the northwest boundary be retained.
- (21) The location of fuel sales and accessory car wash are located adjacent to the arterial and collector roadways away from the single family residential to the west.

<sup>1</sup>(ee) On those sites listed below, a Supervised Consumption Services may be considered as a Discretionary Use with City Council as the designated Development Authority:

- (i) Lot 1, Block 7, Plan 8621676 (3942 50A Avenue)

<sup>2</sup>(ff) At 6300 Cronquist Drive (Heritage Ranch, within the SW ¼ Sec 18; 38-27-W4), any legally existing use prior to January 8, 2017 shall be considered a discretionary use thereafter.

## 2. Areas Specifically Exempted from a Particular Use

- (a) No new or used car lot or trailer sales establishment shall be permitted on any site situated on any of the following areas.

<u>Abutting</u>	<u>Between</u>	<u>And</u>
Ross Street	48 Avenue	51 Avenue
Gaetz Avenue	47 Street	53 Street
49 Avenue	Lane south of: 49 Street	Lane north of: 51 Street

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<sup>1</sup> 3357/II-2017

<sup>2</sup> 3357/F-2018

**(b)** On those sites in the Heritage Business Park, or portions thereof herein listed, the following uses will not be allowed:

(i) a gaming or drinking establishment:

- (1) Lot 3, Block 13, Plan 832-2275 (6290-67A Street)
- (2) Lot 6, Block 13, Plan 912-1753 (6284-67A Street)
- (3) Lot 8, Block 13, Plan 952-4412 (6264-67A Street)
- (4) Lot 7, Block 13, Plan 952-4124 (6104-67A Street)

**(c)** <sup>1</sup>On Lot 174, Block 2, Plan 142 1595 (42 Timberstone Way) no uses of the R2 Residential (Medium Density) District shall be allowed except for “assisted living facilities” and “‘big house’ styled multiple family building up to three storeys”, both of which shall be discretionary uses on this parcel.

**(d)** <sup>2</sup>On Lot 1, Block 7, Plan 952 0967 (2827-30 Avenue) the following uses shall not be allowed as either permitted or discretionary uses:

- (i) Liquor Store
- (ii) Sale of Fuel

**(e)** <sup>3</sup>On Lot 1, Block 2, Plan 932 1800 (2506 19 Street) the following uses shall not be allowed as either permitted or discretionary:

- (i) Dwelling units above the ground floor
- (ii) Home music instructor/instruction
- (iii) Home occupations which, in the opinion of the Development Office, will not generate traffic
- (iv) Live work unit
- (v) Multiple family building with a minimum density of 35 dwelling units/hectare
- (vi) Multi-attached building with a minimum density of 35 dwelling units/hectare
- (vii) Show Home or Raffle Home
- (viii) Accessory building or use
- (ix) Assisted living facility
- (x) Commercial entertainment facility
- (xi) Drinking establishment (adult entertainment prohibited)
- (xii) Parking lot / parking structure
- (xiii) Place of worship or assembly
- (xiv) Public and quasi-public buildings
- (xv) Outdoor display or sale of goods
- (xvi) Restaurant with drive through

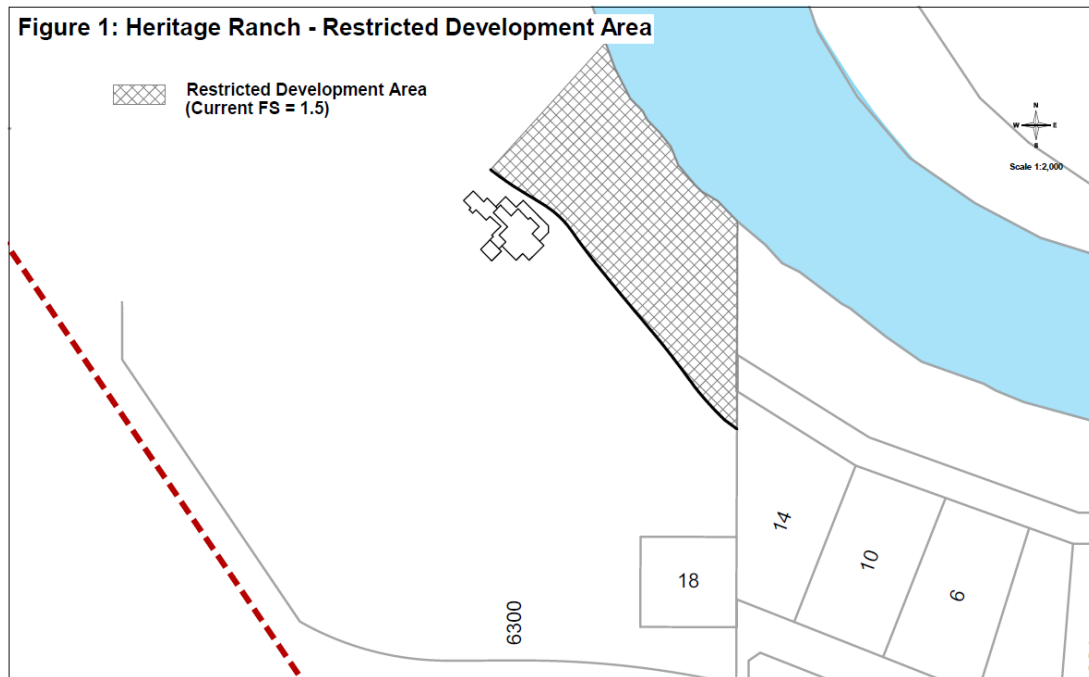
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<sup>1</sup> 3357/V-2014

<sup>2</sup> 3357/T-2016

<sup>3</sup> 3357/HH-2016

- (f) <sup>1</sup>On 4718-19 Street the following uses shall not be allowed as either permitted or discretionary uses:
  - (i) Motor Vehicle Sales
  
- (g) <sup>2</sup>At 6300 Cronquist Drive (Heritage Ranch, within the SW ¼ Sec 18; 38-27-W4), no uses or development will be permitted within the Restricted Development Area as shown on Figure 1 below and “Land Use Constraints Map I14”. All other uses and development is subject to the provisions of subsections 2 through 5, and subsections 7 through 10 of Section 8.20.12 Direct Control District No. 32 DC (32) Westlake Restricted Development District.



<sup>1</sup> 3357/X-2017

<sup>2</sup> 3357/F-2018