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¹ 3357/J-2020

17.18 59th Avenue Overlay District

1. General Purpose

The purpose of this District is to establish the maximum number of dwelling units that can be developed on the land subject to this District.

2. Application

- a) The regulations in this District apply to the lands legally and municipally described in Table 1- 59th Avenue Overlay – Dwelling Unit Maximums.
- b) The maximum number of dwelling units that may be permitted for the lots subject to this District is set out in Table 1.

TABLE 1 – 59th Avenue Overlay – Dwelling Unit Maximums

Lot(s)	Block	Plan	Civic Address	Maximum # of Units
10B	1	3176TR	6771 59 Ave	2 units
10A	1	3176TR	6767 59 Ave	2 units
UNT 1 -9	CDE	0823544	6759 59 Ave	9 Units
8	1	24HW	6755 59 Ave	12 Units
7B	1	4142TR	6749 59 Ave	2 units
7A	1	4142TR	6743 59 Ave	2 units
6A	1	4142TR	6739 59 Ave	2 units
6	1	24HW	6735 59 Ave	2 units
13, 14	1	1822845	6733 59 Ave	2 units
11, 12	1	1822845	6731 59 Ave	2 units
4	1	24HW	6727 59 Ave	12 Units
3A	1	3182TR	6721 59 Ave 6719 59 Ave	4 units
2B	1	3182TR	6715 59 Ave	4 units
2A	1	3182TR	6711 59 Ave	4 units

¹ 3357/J-2020

- c) The Development Authority may not approve any form of multi-unit residential development on the lands subject to this District if the proposed development would exceed the maximum number of dwelling units specified in Table 1.
- d) In the event that two or more of the lots subject to this District are consolidated into one lot, or combined as a site for the purposes of redevelopment, the maximum number of dwelling units for the consolidated lot, or combined site, shall be the sum of the number of dwelling units allowed on the lots prior to the consolidation or the combination of the lots as a site.
- e) The regulations in this District are in addition to any other applicable regulations under this Bylaw. Permitted and discretionary uses for the lands subject to this District are as prescribed in the underlying R1A or R2 Districts. Where the regulations in the underlying District contradict or will not serve to achieve the general purpose of this District, the regulations of this District shall prevail. Where the underlying District is a Direct Control District, the regulations of that underlying Direct Control District shall prevail.

(xiii) ¹Existing 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).

²(4) DELETED

(ii) Upholstery business on:

(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) ³DELETED

(v) ⁴Three-unit multi-attached building on:

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

(vi) ⁵Multiple Family Building, Assisted Living Facility, Day Care Facility, and Day Care Adult on Lot 9, Block 1, Plan 042 2888 (6791 65th Ave) subject to a ,maximum height of six storeys as

¹ 3357/Y-2014

² 3357/D-2008, 3357/J-2020

³ 3357/T-2016

⁴ 3357/E-2012

⁵ 3357/F-2013

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) ¹Security 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 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.

²(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;

¹ 3357/EE-2013

² 3357/H-2015

- ¹(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
 - (2) ²Lot 5, Block C, Plan 002 2241 (Bay 1-2, 7023 Johnstone Drive)
- (xii) ³DELETED
- (xiii) ⁴Financial Services and Office not exceeding 4000 ft² on:
- (1) Lot 8, Plan 922 2540 (#8 4608 62 Street)
- (xiv) ⁵In addition to the permitted and discretionary uses allowed in the R1A district, a three unit Multi-attached Building as a discretionary use on Lots A, 1 and 2, Block B, Plan 7068W (5835-60A Street)
- (1) The Development Authority is the development authority.
 - (2) The R1A district regulations apply.
- (xv) ⁶In addition to the permitted and discretionary uses allowed in the R1 district, an Office, including but not limited to an insurance broker business as a discretionary use on Lot 76, Block 7, Plan 9823705.
- (1) The C3 regulations in Section 5.5.2 apply to the development of an Office including but not limited to an insurance broker business.
 - (2) A use which serves residents beyond the adjoining neighbourhood may be allowed provided the use:
 - (1) will not result in excess traffic or parking demand that cannot be accommodated on-site; and
 - (2) will not operate business between 10:00pm and 7:00am; and

¹ 3357/Y-2017

² 3357/V-2018

³ 3357/W-2018, 3357/J-2020

⁴ 3357/V-2019

⁵ 3357/DD-2019

⁶ 3357/A-2020

- (3) will not, in the opinion of the Development Authority, result in excessive noise or otherwise unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.
- (3) The Development Authority is the development authority.
- (f) On those sites, or portions thereof herein listed, the following uses may be allowed as permitted uses in the existing structure only:
- (i) ¹Deleted
 - (ii) ²Photographic 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).
 - (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) ³One 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) ⁴Deleted
 - (viii) ⁵Deleted
 - (ix) ⁶A Commercial Service Facility, Health and Medical Services, or Office along with a Building Sign or a Freestanding Sign in accordance with the maximum Sign Height and Sign Area prescribed in Section 11.13 for Residential Districts in Table 1, on

¹ 3357/N-2017

² 3357/T-2010

³ 3156/B-1998

⁴ 3357/I-2013

⁵ 3357/A-2007, 3357/S-2019.

⁶ 3357/N-2013, 3357/B-2018

Lot 1, Block 3, Plan 6759ET (3702 50 Avenue), 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; and
- (5) Day Care Facility

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;
- (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) ¹Restaurant at 4501-48 Avenue (Lot 18, Block 42, Plan 182 2251). The Development Authority, at its discretion, may apply the C1 district's development standards to the restaurant use.
- (ii) ²A photography studio, Commercial Service Facility along with a Building Sign or a Freestanding Sign in accordance with the maximum Sign Height and Sign Area prescribed in Section 11.13 for Residential Districts in Table 1, on Lot 7, Block E Plan K0 (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.

¹ 3357/L-2019

² 3357/T-2010, 3357/B-2018

- (6) avoid the need for customers to park on 45th 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) ¹Canadian Cancer Society and Fanta Homes on Lot 8 Block1 Plan 6784KS.

- (iv) ²A Cannabis Production Facility (CPF) on Lot 14, Block 1, Plan 052-4232 (94 Burnt Park Drive) with Council as the designated Development 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) ³Deleted

(i) ⁴Deleted

¹ 3357/U-2010

² 3357/L-2016, 3357/S-2019

³ 3357/U-2009

⁴ 3357/U-2009

- (j) ¹Deleted
- (k) ²Deleted
- (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 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

¹ 3357/U-2009

² 3357/S-2019

- 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) ¹Signs, as listed within the C3 Commercial (Neighbourhood Convenience) District, may be allowed as a discretionary use on Lot 1, Block 23, Plan 892 1574 (4820 45 Street).
- (r) ²Deleted
- (s) ¹Deleted

¹ 3357/B-2018

² 3357/Z-2007, 3357/I-2013

(t) ²Notwithstanding 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:

- (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) ³To 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:

Lot	Block	Plan	Street Address
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

¹ 3357/Z-2007 , 3357/I-2013

² 3357/G-2008

³ 3357/U-2009

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
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) ¹On 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

¹ 3357/U-2009

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

¹(w) In order to diverse forms of advertising within the C1 and C4 Districts for Sites that have no less than 100.0m Frontage on Gaetz Avenue and offer conference and convention space, Dynamic Signs which comply with Part Eleven: Sign Development Standards 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 812 1177 (4311 49 Avenue).

²(x) On the site listed below, the relocation of a Dynamic Fascia 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 in Part Eleven: Sign Development Standards.

- (i) Lot 1-3, Block 5, Plan H (4802-51 Avenue)

³(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.

Lot	Block	Plan	Civic Address
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

¹ 3357/F-2013, 3357/R-2010, 3357/B-2018

² 3357/Y-2010, Clerical Correction re: numbering, 3357/B-2018

³ 3357/H-2013

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

¹(z) Subject to the approval of the Municipal Planning Commission, on the Site listed below, 2 Dynamic Fascia Signs on the existing Building, provided that the overall Sign, including the Dynamic Fascia Signs, otherwise complies with Part Eleven: Sign Development Standards:

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

²(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. No Cannabis Retail Sales will be permitted.



³(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.

¹ 3357/L-2014, 3357/B-2018

² 3357/D-2015, 3357/L-2018

³ 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.

²(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

¹ 3357/U-2015

² 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.

¹(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)

²(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

¹ 3357/II-2017

² 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) ¹On 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) ²On 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) ³On 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) ⁴Deleted
- (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) ¹Restaurant with drive-through

¹ 3357/V-2014

² 3357/T-2016

³ 3357/HH-2016, 3357/L-2018

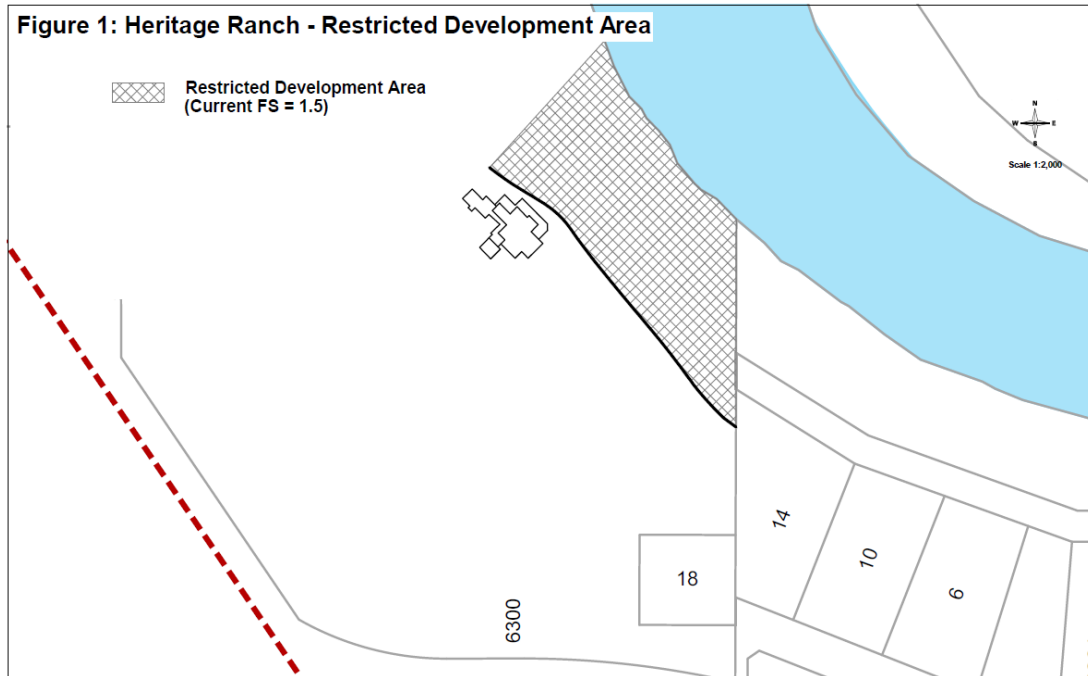
⁴ 3357/S-2019

(xvii) Cannabis Retail Sales

(f) ²On 4718-19 Street the following uses shall not be allowed as either permitted or discretionary uses:

(i) Motor Vehicle Sales

(g) ³At 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.



¹ 3357/G-2018

² 3357/X-2017

³ 3357/F-2018