

Charter Bylaw 19830

A Bylaw to amend Bylaw 12800, as amended,
The Edmonton Zoning Bylaw
Amendment No. 3305

WHEREAS Lots 118A, Block 11, Plan 1282RS and Block OT, Plan 8422477; located at 10371 and 10365 - 112 Street NW, Oliver, Edmonton, Alberta, are specified on the Zoning Map as (DC1) Direct Development Control Provision; and

WHEREAS an application was made to rezone the above described property to (DC2) Site Specific Development Control Provision;

NOW THEREFORE after due compliance with the relevant provisions of the Municipal Government Act RSA 2000, ch. M-26, as amended, and notwithstanding Section 720.3(2) of the Edmonton Zoning Bylaw, the Municipal Council of the City of Edmonton duly assembled enacts as follows:

1. The Zoning Map, being Part III to Bylaw 12800 The Edmonton Zoning Bylaw is hereby amended by rezoning the lands legally described as Lots 118A, Block 11, Plan 1282RS and Block OT, Plan 8422477; located at 10371 and 10365 - 112 Street NW, Oliver, Edmonton, Alberta, which lands are shown on the sketch plan annexed hereto as Schedule "A", from (DC1) Direct Development Control Provision to (DC2) Site Specific Development Control Provision.
2. The uses and regulations of the aforementioned DC2 Provision are annexed hereto as Schedule "B".

3. The sketch plan annexed hereto as Schedule "A" and the uses and regulations of the DC2 Provision shown on Schedule "B" annexed hereto are hereby incorporated into the Zoning Bylaw, being Part IV to Bylaw 12800, The Edmonton Zoning Bylaw.

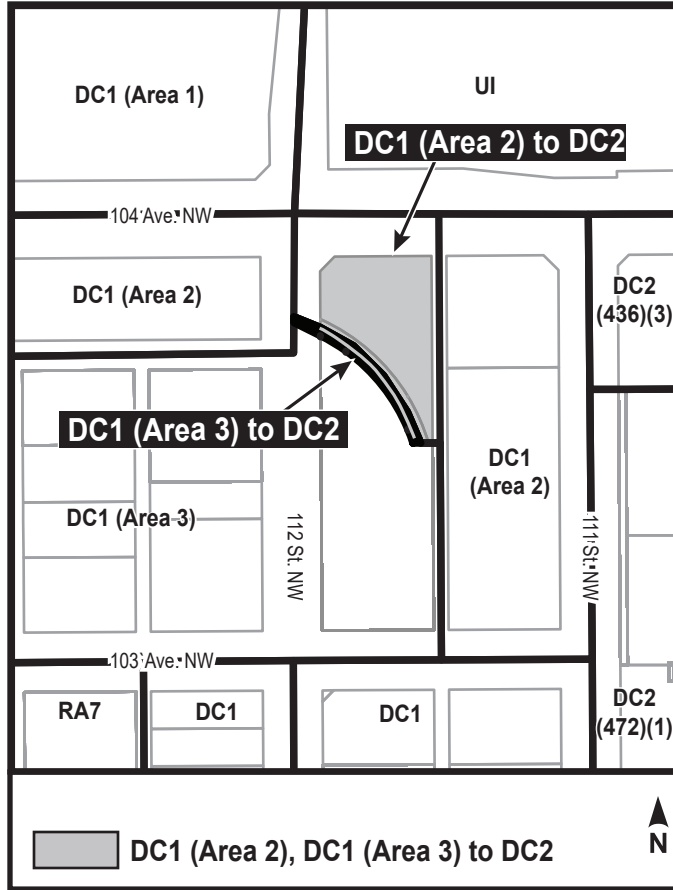
READ a first time this	day of	, A. D. 2021;
READ a second time this	day of	, A. D. 2021;
READ a third time this	day of	, A. D. 2021;
SIGNED and PASSED this	day of	, A. D. 2021.

THE CITY OF EDMONTON

MAYOR

CITY CLERK

CHARTER BYLAW 19830



(DC2) SITE SPECIFIC DEVELOPMENT CONTROL PROVISION**1. General Purpose**

To accommodate a mixed-use development with commercial and residential uses that provides for an active and inviting pedestrian-oriented streetscape fronting onto 104 Avenue NW and 112 Street NW, while creating a sensitive transition to the south.

2. Area of Application

This Provision shall apply to a portion of Lot 118A, Blk. 11, Plan 1282 RS and Block OT, Plan 842 2477; located on the southeast corner of 104 Avenue NW and 112 Street NW, as shown on Schedule "A" of the Charter Bylaw adopting this Provision, Oliver.

3. Uses

1. Apartment Hotels
2. Bars and Neighbourhood Pubs
3. Business Support Services
4. Cannabis Retail Sales
5. Child Care Services
6. Commercial Schools
7. Convenience Retail Stores
8. Creation and Production Establishments
9. General Retail Stores
10. Government Services
11. Health Services
12. Hotels
13. Household Repair Services
14. Indoor Participant Recreation Services
15. Liquor Stores
16. Live Work Unit
17. Major Home Based Business
18. Media Studios
19. Minor Amusement Establishments
20. Minor Home Based Business
21. Minor Impact Utility Service
22. Multi-unit Housing
23. Personal Service Shops
24. Private Clubs

25. Private Education Services
26. Professional, Financial and Office Support Services
27. Public Education Services
28. Public Libraries and Cultural Exhibits
29. Residential Sales Centre
30. Restaurants
31. Secondhand Stores
32. Specialty Food Services
33. Spectator Entertainment Establishments
34. Supportive Housing
35. Vehicle Parking
36. Veterinary Services
37. Fascia On-premises Signs
38. Major Digital Signs
39. Minor Digital Off-premises Signs
40. Minor Digital On-premises Signs
41. Minor Digital On-premises Off-premises Signs
42. Projecting On-premises Signs
43. Temporary On-premises Signs

4. Development Regulations

1. The overall Site development shall be in accordance with the urban design criteria established herein, the 104 Avenue Corridor Area Redevelopment Plan, as amended, to the satisfaction of the Development Officer.
2. The maximum Floor Area Ratio shall be 5.0.
3. The maximum Height shall not exceed 50 m.
4. Building setbacks shall be as follows:
 - a. a minimum 3.0 m and maximum 4.5 m from property lines Abutting a public roadway, other than a Lane.
 - b. a minimum 3.0 m shall be provided from the south property line; except when Abutting a Lane, no Setback shall be required.
 - c. The Development Officer may increase the Setback for the purposes of public realm improvements, to accommodate a particular architecture style or street related activities such as sidewalk cafes and patios, and for separation of public and private spaces for Residential Uses.
5. Notwithstanding Section 4(4) of this Bylaw and the definition of Setback in Zoning Bylaw 12800, the Development Officer, in consultation with Integrated Infrastructure Services, shall have regard to the approved concept plan or the preliminary Engineering Drawings for the West LRT line in determining building setbacks along 104 Avenue, and may calculate a building setback from the LRT easement line to

- accommodate future LRT operations where required. These setbacks shall range from 3.0m to 4.5 m but may be increased for the purposes of public realm improvements.
6. A minimum average Amenity Area of 7.5 m² per Dwelling shall be provided. Amenity areas may include meeting rooms, fitness facilities, outdoor space, and shall be exempt from Floor Area Ratio calculations.
 7. Balconies with a minimum depth of 1.5 m may be used to satisfy required Amenity Area.
 8. Non-residential or mixed-use buildings over 2000 m² shall provide Amenity Area equivalent to a minimum of 3% of the Floor Area of non-residential Uses, to a maximum of 6%. Amenity Area may include interior landscaped open spaces, arcades, atriums, plazas and gardens and shall be exempt from Floor Area Ratio calculations.
 9. A Wind Impact Statement shall be submitted with each Development Permit application for a development having a Height greater than 20.0m. At the discretion of the Development Officer, a detailed Wind Impact Study may be required to be submitted and be based on a computer model simulation analysis. A Wind Impact Statement and Wind Impact Study shall be prepared by a qualified, registered Professional Engineer, to professional standards.
 10. With each Development Permit application for a building over 20 m in Height, a Sun Shadow Study shall be submitted.
 - a. The development shall incorporate design features to minimize adverse microclimatic effects such as wind tunneling, snow drifting, rain sheeting, shadowing, and loss of sunlight, both on and off-Site, consistent with recommendations of appropriate studies to the satisfaction of the Development Officer.
 - b. Prior to the issuance of any Development Permit, a Crime Prevention through Environmental Design Assessment shall be provided to the satisfaction of the Development Officer to ensure that the development provides a safe urban environment in accordance with the guidelines and principles established in the Design Guide for a Safer City (City of Edmonton, 1995).

5. Parking, Loading and Storage

1. Vehicular and Bicycle Parking shall be provided in accordance with Section 54 of the Zoning Bylaw.
2. For non-Residential Uses with a gross Floor Area over 5,000 m², change rooms, showers, and covered, secured bicycle parking areas shall be provided to the satisfaction of the Development Officer. LEED™ standards shall be utilized to calculate the required areas.

3. All residential vehicular parking shall be provided in Above Ground Parkades or Underground Parkades, with the exception of visitor parking which may be located at the rear of buildings.
4. Underground Parkades shall be permitted to be built to the property line.
5. Underground Parkades adjacent to a Public Roadway, other than a Lane, are to be located sufficiently below grade, or a suitable alternative, to provide a minimum of 1.2 m soil depth to contribute to healthy root development.
6. Above Grade Parkades that are part of the building podium shall be screened in a way that does not disrupt the continuity of the Street Wall and shall not exceed 12 m in Height. Screens may include, but are not limited to, public art and street fronting retail Uses.
7. No portion of an Above Ground Parkade shall be allowed for a minimum depth of 8.0 m from any front Façade facing a Public Roadway, other than a lane.
8. Vehicle Parking shall not be permitted as the sole Use within this Provision and shall be part of a development that contains a principal Use other than Signs.
9. Surface Parking Lots are prohibited between the front of a building and the street to limit the impact on the pedestrian environment.
10. Vehicular access to parking structures and Sites shall be from the Abutting Lane to maintain an uninterrupted street Façade and enhance the pedestrian experience.
11. Vehicular and servicing access shall be designed to minimize the visual impact through screening, orientation, and other applicable techniques to the satisfaction of the Development Officer.
12. No parking, loading, storage, waste collection, outdoor service or display area shall be permitted within required Setbacks.
13. Loading, storage and trash collection areas shall be concealed from view from adjacent public roadways and sites. Trash collection and storage areas shall be located within the building. Trash collection areas shall be designed to the satisfaction of the Development Officer in consultation with Waste Management and Transportation Services.

6. Landscaping

1. A Landscape Plan prepared by a registered Landscape Architect shall be submitted prior to the issuance of any Development Permit to the satisfaction of the Development Officer.
2. The Landscape Plan shall include pavement materials, exterior lighting, street furniture elements, pedestrian seating area, sizes and species of new tree plantings, and other detailed Landscaping elements. The Landscape Plan shall include design of the adjacent Street and public realm where applicable.

3. Landscaping within the Setback adjacent to 104 Avenue NW shall be developed to provide an enhanced pedestrian experience and a public realm that seamlessly transitions from public to private property by:
 - a. continuing the public sidewalk paving materials, finish, and pattern to compliment the adjacent streetscape. Soft Landscaping may be required at the discretion of the Development Officer; and
 - b. providing design measures to reduce the environmental impacts of higher levels of vehicular traffic on the pedestrian experience.
4. Landscaping on the Site shall consider the use of plant materials that provide colour throughout the year to enhance the appearance of the development during cold weather months.

7. Signage

1. Signs shall comply with the General Provisions of Section 59 and the regulations found in Schedule 59F of the Zoning Bylaw.
2. A Comprehensive Sign Design Plan in accordance with the Provisions of Section 59.3 shall be required to the satisfaction of the Development Officer.
3. Notwithstanding Section 7(1) of this Provision, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs, shall comply with the regulations found in Schedule 59F.2 and 59F.3.
4. Any application for a Major or Minor Digital Sign Use may require the submission of a Traffic Safety Study prepared by a qualified engineer and shall be to the satisfaction of the Development Officer in consultation with Transportation Services.
5. Major Digital Signs and Minor Digital Signs shall be permitted, only if affixed to a building.

8. Urban Design

Street Interface

1. Buildings shall promote a positive street environment along 104 Avenue and 112 Street that is welcoming to pedestrians and encourages increased pedestrian activity at the sidewalk level by:
 - a. For at-grade commercial frontage, provide and maintain commercial establishments with direct access to the street which contain numerous shop fronts, entrances, variety of textures and building materials to enhance the pedestrian environment.
2. Buildings designed to accommodate Commercial Uses shall strengthen the pedestrian shopping experience by conforming with the following:
 - a. the ground Storey shall have a minimum Height of 3.5 m;

- b. the geodetic elevation of the top of the floor on the level that is directly above Grade shall not exceed the geodetic elevation of the Abutting public sidewalk by more than 0.3 m; and
- c. a minimum of 70% of the linear building frontage of the ground Storey Facades shall be comprised of transparent, non-reflective, non-tinted, unobscured glazing, where fronting onto a Public Roadway, other than a Lane. Linear frontage shall be measured at 1.5 above the finished Grade of the adjacent boulevard.

Massing and Building Articulation

- 3. Any development with a building Height greater than 23.0 m shall
 - a. provide a minimum 3.0 m Stepback from the Street Wall, where the Street Wall fronts onto a public roadway other than a Lane. The Stepback may begin at no less than 6.0 m in Height of the Street Wall but shall be implemented after 23.0 m in building Height.
 - b. provide a minimum 6.0 m Setback of the Floor Area above 23.0 m from the south property line; except when abutting an alley, no Setback is required.
- 4. Notwithstanding Section 8(3)(a) of this Provision, any development with a building Height greater than 40.0 m shall be developed in the form of a podium plus Tower configuration and shall comply with the following criteria:
 - a. a proportional podium shall be required, the minimum and maximum Height of which shall be 6.0 m and 23.0 m respectively;
 - b. a minimum 3.0 m Tower Stepback from the podium wall shall be provided;
 - c. Tower Floor Plates shall not exceed 900 m²;
 - d. for Towers greater than 50.0 m in Height, the Tower Floor Plate above the podium shall not exceed 750 m²;
 - e. the minimum space between Towers shall be 25.0 m. The Development Officer may vary Tower spacing in consideration of the following:
 - i. the visual, sun/shadowing, and other microclimatic impacts on adjacent residential development; and
 - ii. the recommendations, and mitigation measures specified in any required technical studies;
 - f. the Tower shall be differentiated from the podium, but shall reinforce some of the design details, materials, and architectural expression from the podium;
 - g. Towers shall be designed, oriented and constructed to articulate the skyline and maximize views and sunlight penetration in public spaces, plazas, parks and Amenity Areas; and

- h. Towers shall contribute to the 'signature' of the building and the City's skyline through treatment of the upper floors and roofs. The Tower shall provide articulation, visual interest and reduced massing effects by a combination of sculpting of the building, variation of materials/color or other means to the satisfaction of the Development Officer.

Entrances and Corners

5. On corners, Façade treatment shall wrap around the side of the building to provide a consistent profile facing Public Roadways, other than a Lane;
6. In mixed-use buildings, residential entrances shall be designed separately from commercial or institutional entrances and address the street in a prominent manner;
7. Commercial or institutional entrances shall address the street in prominent manners;
8. Buildings at corners shall provide courtyards, major entry ways or distinctive architectural features consistent with the style of the building or influences on the other corners of the intersection to enhance pedestrian circulation and, where applicable, enhance axial views;
9. Buildings shall be designed and oriented to face the front property lines with entrances that are clearly visible, except on Double Fronting Sites where the building shall be designed to front both the street and avenue;
10. At Grade residential developments shall provide separate, individual access at Grade and feature identifiable doorways, landscaped terraces, pedestrian lighting, and patios where appropriate. To ensure adequate privacy, the applicant shall provide screening to indicate separate individual access to each unit;
11. For residential developments, the geodetic elevation of the top of the floor on the level that is directly above Grade shall be greater than the geodetic elevation of the Abutting sidewalk by at least 0.75 m.

Building Façade, Materials, and Exterior Finishing

12. Building materials on the lower Storeys along public roadways, except lanes, shall be used to improve visual quality and permeability of the building to promote a positive pedestrian environment.
13. The lower portion of the Façades of buildings, including bases and podiums must be strongly articulated at regular increments to add variety, rhythm and a human scaled dimension along the street. This may include:
 - a. the provision of awnings, canopies, window openings, reveals, offsets, multiple entrances arcades, columns, pilasters, materials and colour or other architectural features; and
 - b. the provision of quality materials, interesting design, fenestrations, inviting entrances and superior landscaping.

14. All exposed building Facades shall have consistent and harmonious exterior finishing materials.
15. Building materials must be sustainable, timeless, durable, high quality and appropriate for the development within the context of the corridor.
16. Buildings shall emphasize the architectural treatment of the horizontal and vertical elements as well as finer grain elements such as windows, balconies, shadow lines and textures to distinguish residential buildings from office Towers.

Roof Tops

17. All mechanical equipment shall be concealed by screening in a manner compatible with the architectural character of the building or concealed by incorporating it within the building.
18. Wherever podium roofs are visible from existing adjacent developments, the development shall provide enhancements to improve rooftop aesthetics. Enhancements may include patios, gardens, Green Roofs or additional Amenity Area.

Lighting

19. Decorative and security lighting shall be designed and finished in a manner consistent with the architectural theme of the development and will be provided to ensure a safe, well-lit environment for pedestrians, to ensure no negative impact on an adjacent property and to accentuate architectural elements, roof tops and public art.
20. Detailed exterior lighting plans may be required for major developments at the discretion of the Development Officer.

9. Height Incentives

1. Notwithstanding Section 4(3) of this Provision, additional Height up to a maximum of 80.0 m, may be granted subject to the preceding regulations and all of the regulations of this Section 10 being complied with:
 - a. Notwithstanding Section 4(2) of this Provision, Floor Area Ratio may be increased to a maximum of 7.0 to allow the development of additional Height.

Affordable Housing

2. Prior to the issuance of a Development Permit, the Development Officer shall ensure that a signed agreement has been executed between the City and the Owner, requiring the owner to provide the City at the time of development permit approval, the option to purchase 5% of the proposed number of residential dwelling units at 85% of market value or the equivalent value as cash in lieu to the City.

Public Art

3. As a condition of the Development Permit and prior to the issuance of the Occupancy Permit, the owner(s) shall commission public art to the minimum value of \$9.00/m² of gross Floor Area of the Tower portion of the building.
4. A committee with representation from the owner(s) and the Edmonton Arts Council shall oversee this Public Art Program, and, in consultation with the Development Officer shall determine the appropriate locations for artworks to be installed.
5. Public art shall be located on-site and visible from the public realm.
6. If a Development Permit application has not been made within five (5) years of the approval date of the Bylaw adopting this Provision, the Public Art contribution shall be increased from that point forward according to the annual rate of national inflation as determined by Statistics Canada.

Sustainable Building Design

7. The building shall be designed to meet the requirements of the Green Building Rating System LEED TM, Canada NC, 2009, as amended, to achieve a minimum LEED Silver standard or equivalent. The owner is not required to seek LEED certification and may choose which supplementary green sustainable targets will be implemented, and, at his/her discretion, may indicate additional targets in excess of the Silver standard score to provide for flexibility of implementation. Upon submission of a Development Permit application, the applicant must submit a detailed report, endorsed by a registered professional engineer or architect, indicating how the LEED Silver points, or equivalent, will be achieved upon construction competition. This report must be approved by the Development Officer prior to the issuance of the Development Permit.
8. Upon completion of the building, the Owner shall provide a report by a professional Architect or Engineer that demonstrates, to the satisfaction of the Development Officer, that the design and construction of the building meets the target LEED Silver, or equivalent, as described in Section 9(7) of this Provision.