

Charter Bylaw 19127

A Bylaw to amend Bylaw 12800, as amended,  
The Edmonton Zoning Bylaw  
Amendment No. 2951

WHEREAS Lot 7, Block 22, Plan 8322082; Lots 5 and 6, Block 28, Plan 8421891; Lot 6A, Block 22, Plan 8421542; and Lot 4, Block 28, Plan 8222590; located at 8882 - 170 Street NW and 17410 - 87 Avenue NW, Summerlea, Edmonton, Alberta, are specified on the Zoning Map as (DC2) Site Specific Development Control Provision; and

WHEREAS an application was made to rezone the above described properties 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 Lot 7, Block 22, Plan 8322082; Lots 5 and 6, Block 28, Plan 8421891; Lot 6A, Block 22, Plan 8421542; and Lot 4, Block 28, Plan 8222590; located at 8882 - 170 Street NW and 17410 - 87 Avenue NW, Summerlea, Edmonton, Alberta, which lands are shown on the sketch plan annexed hereto as Schedule "A", from (DC2) Site Specific 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. 2022;
READ a second time this	day of	, A. D. 2022;
READ a third time this	day of	, A. D. 2022;
SIGNED and PASSED this	day of	, A. D. 2022.

THE CITY OF EDMONTON

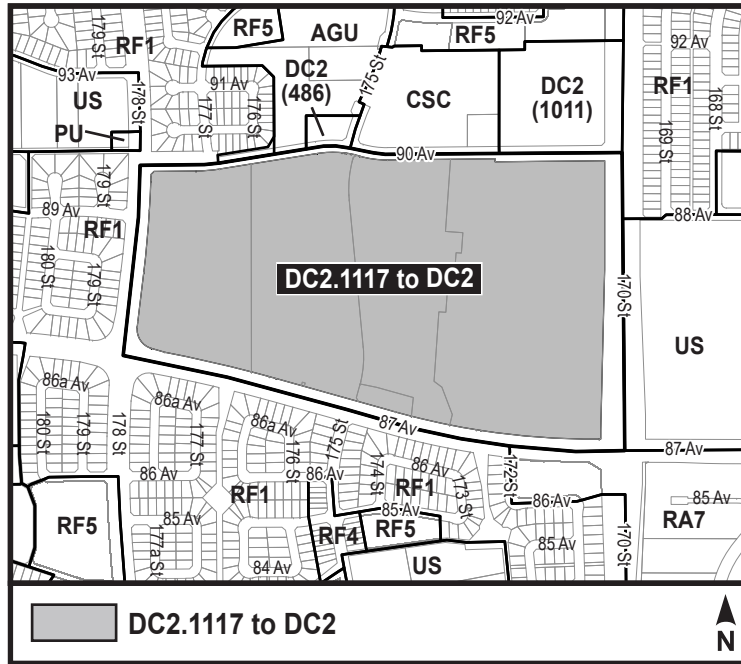
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MAYOR

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CITY CLERK

**CHARTER BYLAW 19127**



**(DC2) SITE SPECIFIC DEVELOPMENT CONTROL PROVISION****Part IV Edmonton Zoning Bylaw****Section DC2.####****DC2.####.1. General Purpose**

To accommodate a variety of uses including commercial, office and professional services, health care services, residential, community, recreational, entertainment and educational uses with specific development criteria that will achieve a compatible relationship between the subject site, currently known as West Edmonton Mall, and surrounding land uses; and establish a high standard of building appearance appropriate to the Site's proximity to residential development.

**DC2.####.2. Area of Application**

The Provision shall apply to Lot 7, Block 22, Plan 8322082; Lots 5 and 6, Block 28, Plan 8421891; Lot 6A, Block 22, Plan 8421542; and Lot 4, Block 28, Plan 8222590; located on the north of 87 Avenue and west of 170 Street, as shown on Schedule "A" of this Bylaw, adopting this Provision, Summerlea.

**DC2.####.3 Uses**

- a. Multi-unit Housing
- b. Automotive and Equipment Repair Shops
- c. Automotive and Minor Recreation Vehicles Sales/Rentals
- d. Bars and Neighbourhood Pubs
- e. Business Support Services
- f. Cannabis Retail Sales
- g. Cannabis Lounge
- h. Casinos and other Gaming Establishments
- i. Child Care Services
- j. Commercial Schools
- k. Convenience Retail Stores
- l. Convenience Vehicle Rentals
- m. Creation and Production Establishments

- n. Gas Bars
- o. General Retail Stores
- p. Government Services
- q. Health Services
- r. Hotels
- s. Household Repair Services
- t. Indoor Participant Recreation Services
- u. Liquor Stores
- v. Major Amusement Establishments
- w. Media Studios
- x. Minor Amusement Establishments
- y. Minor Impact Utility Services
- z. Minor Service Stations
- aa. Nightclubs
- bb. Vehicle Parking
- cc. Outdoor Amusement Establishments
- dd. Outdoor Participant Recreation Services
- ee. Personal Service Shops
- ff. Private Education Services
- gg. Professional, Financial and Office Support Services
- hh. Public Education Services
- ii. Public Libraries and Cultural Exhibits
- jj. Rapid Drive-through Vehicle Services
- kk. Religious Assembly
- ll. Residential Sales Centre
- mm. Restaurants
- nn. Specialty Food Services
- oo. Warehouse Sales
- pp. Veterinary Services
- qq. Fascia Off-premises Signs
- rr. Fascia On-premises Signs

- ss. Freestanding Off-premises Signs
- tt. Freestanding On-premises Signs
- uu. Major Digital Signs
- vv. Minor Digital On-premises Signs
- ww. Minor Digital On-premises Off-premises Signs
- xx. Minor Digital Off-premises Signs
- yy. Projecting Off premises Signs
- zz. Projecting On-premises Signs
- aaa. Roof Off-premises Signs
- bbb. Roof On-premises Signs

**DC2.####.4. Development Regulations**

- a. Notwithstanding section 720.3 (2) of the Zoning Bylaw, a Site Plan is not appended to this provision.
- b. Building Height shall be determined as follows:
  - i. For the purpose of determining Height, the existing main floor of the principal building, currently known as the West Edmonton Mall, is deemed to be Grade.
  - ii. The maximum building Height shall be 49.9 m.
  - iii. The maximum building Height shall not intersect a 45 degree angular plane starting at the intersection of the main floor elevation and the property line sloping inward.



*Graphic for Illustration purposes.*

- c. The maximum Floor Area Ratio shall be 1.8.
- d. The maximum number of Dwelling units shall be 500.
- e. If the outer edge of any existing or future parking structure is within 1.0 m of average Grade then that structure shall be deemed a basement and excluded from Floor Area Ratio calculations.
- f. New ramps and drive aisles that project into Setbacks shall be considered on a case by case basis. Projections into Setbacks may be allowed pending the review and approval of the Development Officer in consultation with City Planning, Urban Planning and Economy.
- g. Any application adjacent to 87 Avenue shall be reviewed by the Development Officer in consultation with Urban Planning and Economy for compatibility with future LRT alignment plans.
- h. Existing Yards which accommodate structures, Parking Garages, retaining walls, and/or access ramps shall be maintained. Yards in all other locations shall be 3.0 m.
- i. Setbacks shall be a minimum of 15 m, excepting existing structures, Parking Garages, retaining walls, and points of access.
- j. A minimum of 9 deciduous trees (a minimum caliper of 8 cm), 15 coniferous trees (a minimum height of 3.0 to 4.0 m) and 20 shrubs shall be required for each 35 m of lineal Yard Frontage.
- k. All Landscaping shall be in accordance with Section 55 of the Zoning Bylaw excepting the following conditions and exclusions:
  - i. Section 55.3.(1)(d) shall not apply;
  - ii. Sections 55.3 (1)(f) to (g) shall not apply;
  - iii. Sections 55.4 (1) and Sec. 55.4 (3) shall not apply;
  - iv. Section 55.5 (1) to (3), (5), and (7) to (12) shall not apply;
  - v. Section 55.10 shall not apply; and
  - vi. Where a tree or shrub is removed to accommodate sign development, it must be replaced or replanted elsewhere on the site.
- l. Detailed Landscaping Plans shall be submitted with all principal Use/building development permit applications to ensure a high standard of appearance from surrounding streets and avenues, and to create a sensitive transition to surrounding residential areas.
- m. Landscaping Plans shall not be required for development permit applications involving minor alterations to existing buildings.

- n. To ensure a high standard of development, Site and building design plans shall be submitted with each development permit application. Such plans shall include details of overall Site layout, exterior building treatment and colour scheme, fencing and screening, parking layout, and signage plans. These plans shall be to the satisfaction of the Development Officer, in order to ensure a high standard of appearance appropriate to its proximity to low density residential development.
- o. Development shall comply with the following architectural guidelines, to the satisfaction of the Development Officer:
  - i. The use of architectural treatments such as variation in building form, variation in Façades, Heights and rooflines, and the articulation of building walls for major buildings and additions to existing buildings to create visual interest and to minimize the perceived mass of buildings as viewed from the surrounding streets, avenues and adjacent residential communities;
  - ii. All building faces shall have consistent and harmonious exterior finishing materials and the treatment of each side of the building shall be consistent;
  - iii. The use of exterior wall finish materials for all development shall be high quality and consisting of glass and glazed curtain wall systems, brick, stone, architectural concrete and pre-cast, coloured stucco and pre-finished metal. The use of muted colours with strong colours, limited to use as an accent, shall be used so as to increase visual interest and reduce perceived massing of the buildings; and
  - iv. All mechanical equipment on the roof of any building shall be concealed by incorporating it within the building roof, or shall be concealed by screening that is consistent with the character and finishing of the building.
- p. Existing access and egress points shall be retained, to the satisfaction of the Development Officer, in consultation with Urban Planning and Economy
- q. Parking shall be as follows:
  - i. A minimum 10,300 active parking stalls shall be provided.
  - ii. For any single development increasing the net area by more than 15,000 m<sup>2</sup>, the applicant shall submit a Parking Impact Assessment for analysis to determine parking requirements.
  - iii. Cumulative structural additions increasing the net area by a total of more than 15,000 m<sup>2</sup> may require the submission of a Parking Impact Assessment, at the discretion of the Development Officer, in consultation with Urban Planning and Economy.



- iv. Notwithstanding 4 (q) (i) above, for any applications for Residential Uses, Cultural Uses, or Professional, Financial and Office Support Uses, parking shall be required in accordance with Section 54 of the Zoning Bylaw.
- v. Parking stalls provided for Residential Uses shall be dedicated to the Use.
- vi. Applications for Professional, Financial and Office Support Uses shall be reviewed by the Development Officer, in conjunction with a Parking Impact Assessment, to determine if dedicated parking stalls are required, to the satisfaction of Urban Planning and Economy.

r. Bicycle Parking shall be provided as follows:

Residential Use Classes	5% of the number of vehicular parking spaces under Section 4.s.iv. to a maximum of 25 bicycle parking spaces and a minimum of 5 bicycle parking spaces.
Any Commercial, Community, Educational, Recreational and Cultural Service Use Class	A minimum of 100 bicycle parking spaces shall be provided. This minimum requirement of 100 bicycle parking spaces shall be considered to represent the bicycle parking requirements for all uses located within this Zone.
Size, Location and Design of Spaces	As per Section 54.3 of the Zoning Bylaw, for new development only.

s. Off-Street Vehicular Loading Facilities shall be as follows:

Any new Residential, Community, Educational, Recreational and Cultural Service Use Class	As per Section 54.4 of the Zoning Bylaw
Size, Location and Design of Space	As per Section 54.4.3 of the Zoning Bylaw

- t. The sequence and timing of implementation of roadway improvements shall be determined by Urban Planning and Economy based on development submissions.
- u. Barbed wire fencing shall not be allowed.

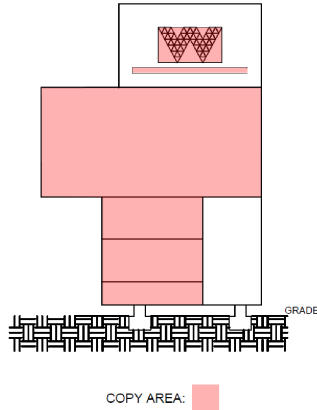
**DC2.####.5. Additional Development Regulations for Specific Uses**

- a. Multi-unit Housing shall be in accordance with Section 320.5 (1) (Shopping Centre Zone) of the Zoning Bylaw and shall provide separate and clearly identifiable accesses and parking stalls to distinguish between the commercial and residential components of the shopping centre.
- b. Veterinary Services and Household Repair Services shall be within a wholly enclosed building.
- c. Child Care Services shall be permitted above the first Storey. Where an outdoor play area is provided, it shall be enclosed by building walls or a screen fence a minimum of 1.8m in Height.
- d. Gas Bars, Minor Service Stations, Automotive and Minor Recreation Vehicles Sales/Rental, and Automotive and Equipment Repair Shops shall be in accordance with the following additional criteria:
  - i. A canopy shall be constructed over the gas pump islands to ensure that illumination is directed downwards and away from direct view by adjacent Residential Uses. Such canopy shall be designed and finished in a manner consistent with the design and finishing of the principal building, and such that the maximum Height of the underside of the canopy above Grade does not exceed 4.3 m and the overall Height of the canopy does not exceed 6m; and
  - ii. Minor Service Stations, Automotive and Minor Recreation Vehicles Sales/Rental, and Automotive and Equipment Repair Shops shall be developed within a wholly enclosed building.
- e. Minor Impact Utility Services shall be limited to a bus/ LRT Terminal.
- f. Outdoor Amusement Establishments and Outdoor Participant Recreation Services shall be allowed at the discretion of the Development Officer, having regard to minimizing impacts on adjacent residential land uses and ensuring a high standard of appearance on the Site. Any building associated with these uses must be set back a minimum of 30.0 m from any public roadway and be of an architectural style similar to the other buildings within this district, to the satisfaction of the Development Officer.
- g. Outdoor Participant Recreation Services shall not include a heliport.
- h. The total maximum Floor Area for Nightclubs shall not exceed 26,178 m<sup>2</sup>.

**DC2.####.6 Development Regulations for Signage**

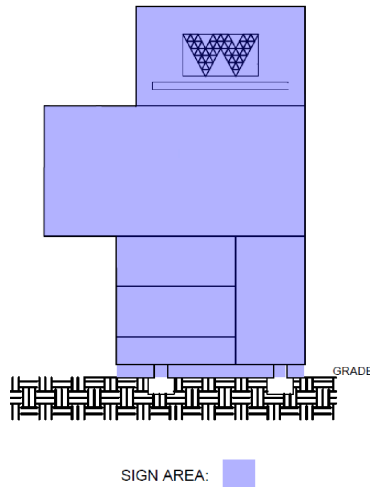
- a. For the purpose of this Site Specific Development Control Provision, the following terms shall be defined as follows:
  - i. "Copy" means the letters, graphics or characters that make up the message and/or advertisement on the sign face.

- ii. “Copy Area” means the total area of one or more geometric shapes, which contain all of the Copy on a Sign. In the case of a double-faced or multi-faced Sign, only half of the area of each face of the Sign used to display advertising Copy shall be used in calculating the total Copy Area.



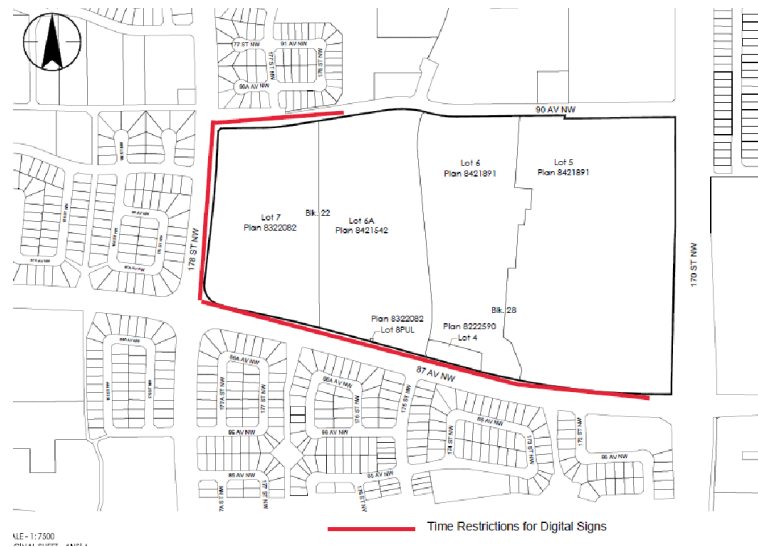
- iii. “Height” means the vertical distance measured from the finished ground surface directly under the Sign to the highest point of the Sign.

- iv. “Sign Area” means the entire area of the Sign measured from the finished ground surface directly under the sign to the highest point of a Sign. In the case of double-faced or multi-faced Sign, only half of the area of each face of the Sign shall be used in calculating the total Sign Area.



b. General Sign regulations

- i. A Comprehensive Sign Design Plan shall be submitted to the Development Officer in support of the concept and design that is integral in establishing the special character of West Edmonton Mall.
- ii. Any new sign not identified in the Comprehensive Sign Design Plan will require an update/amendment to the sign design plan and submission to the Development Officer.
- iii. Signage shall comply with Section 59 and Schedule 59E of the Zoning Bylaw.
- iv. Notwithstanding Section 59 of the Zoning Bylaw, the following regulations shall apply:
  - A. Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs, and Illuminated signs abutting or adjacent to Residential Areas or Extended Medical Treatment Services Use shall be de-energized daily between 12:00 AM - 5:00 AM.
  - B. Major Digital Sign, Minor Digital On-premises Sign, Minor Digital Off-premises Sign, or Minor Digital On-premises Off-premises Sign located as shown in the figure below, shall be subject to the following operational hours:



1. Through the dates of November 1<sup>st</sup> to March 1<sup>st</sup> inclusive, from:
  - a. 12:00 am to 5:00 am the digital signs shall be de-energized;

- b. 5:00 am to 8:00 am the digital signs shall project a static image only;
  - c. 8:00 am to 8:00 pm regular digital content can run; and
  - d. 8:00 pm to 12:00 am the digital signs shall project a static image only.
2. Through the dates of March 2<sup>nd</sup> to October 31<sup>st</sup> inclusive, from:
- a. 12:00 am to 5:00 am digital signs shall be turned de-energized;
  - b. 5:00 am to 7:00 am the digital signs shall project a static image only.
  - c. 7:00 am to 10:00 pm regular digital content can run; and
  - d. 10:00 pm to 12:00 am the digital signs shall project a static image only.
- C. All Signs shall be located so that all portions of the Sign and its support structure are completely located within the property and no part of the Sign may project beyond the property lines unless otherwise specified in the Comprehensive Sign Design Plan and approved under an encroachment agreement.
- v. Notwithstanding Schedule 59E of the Zoning Bylaw, the following regulations shall apply:
- A. Fascia On-premises Signs shall be subject to the following regulations:
    - 1. Any Fascia On-premises Sign shall not extend more than 75 cm above the building roof or parapet wall.
  - B. The following regulations shall apply to the façade of the roller coaster east facing wall:
    - 1. A maximum of 50% of the East facing wall area may be covered with Fascia Signs, of which 50% of this area can be a Major Digital Sign, Minor Digital On-premises Sign, Minor Digital Off-premises Sign, or Minor Digital On-premises Off-premises Sign. This Digital Signage area represents a total of 25% of the East facing wall area.

Digital Signs permitted within 25%





*Graphic for Illustration purposes*

- C. Fascia Signs shall be permitted on the parkade structure and shall be subject to the following regulations:
1. Digital Copy shall not be permitted.
  2. Fascia Signs shall be spaced a minimum of 2.5 m apart.
  3. Fascia Signs shall be a maximum of 5.0 m in width and 1.2 m in Height.
- D. Projecting Signs shall be subject to the following regulations:
1. The top of a Projecting On-premises Sign shall not extend more than 75 cm above the building roof or parapet wall;
  2. Projecting On-premises Signs may be illuminated.
- E. Roof Signs shall be subject to the following regulations
1. the maximum Area of any Roof On-premises Sign or Roof Off-premises Sign shall not exceed 20 m<sup>2</sup>;
  2. Any Roof On-premises Sign or Roof Off-premises Sign shall not include any Digital Copy.
- F. Freestanding Signs and Digital Signs shall be subject to the following regulations:
1. The maximum Height of a Freestanding On-premises Sign or a Major Digital Sign is 11.0 m.
  2. Notwithstanding 6.F.1, the maximum Height of the Digital Copy of a Major Digital Sign is 8.0 m.
  3. Notwithstanding 6.F.1, the Freestanding Signs and/or Major Digital Signs located at each of the four corners of the site, the maximum Height shall be 12.0 m.
  4. The maximum allowable Freestanding On-premises or Off-premises Sign Area shall be 83 m<sup>2</sup>.
    - a. The maximum allowable Freestanding On-premises or Off-premises Copy Area shall be 47 m<sup>2</sup>, of which only a maximum of 32 m<sup>2</sup> shall be a Major Digital Sign, Minor

Digital On-premises Sign, Minor Digital Off-premises Sign, or Minor Digital On-premises Off-premises Sign.

5. A maximum of 22 Freestanding On-premises, Freestanding Off-premises Signs, and/or Major Digital Signs shall be permitted on the Site.
6. Freestanding On-premises and Freestanding Off-premises Signs shall be separated by a minimum distance of 45.0 m.
7. Of the 22 Freestanding Signs and/or Major Digital Signs, a maximum of one (1) shall be permitted on each of the four corners of the site. The Freestanding Signs and/or Major Digital Signs at the corners shall be subject to the following regulations:
  - a. The Freestanding Signs and or Major Digital Signs on the Northeast and Southeast corners of the site are permitted Major Digital Sign, Minor Digital On-premises Signs, and Minor Digital On-premises Off-premises Signs. The following regulations shall also apply:
    - i. Signs shall be oriented 90 degrees to 170 Street.
    - ii. Notwithstanding G.3 and G.4, The maximum Sign Area shall be 75 m<sup>2</sup>; the maximum Copy Area shall be 50 m<sup>2</sup> and the maximum Digital component shall be 32 m<sup>2</sup>.
  - b. The Freestanding Signs and or Major Digital Signs located at the Northwest and Southwest corners of the site are permitted Major Digital Signs and Minor Digital On-premises Off-premises Signs. The following regulations shall apply:
    - i. The maximum Sign Area shall be 75 m<sup>2</sup>; the maximum Copy Area shall be 50 m<sup>2</sup>; and the maximum Digital component shall be 20 m<sup>2</sup>.
8. Freestanding On-Premises Signs may be Mechanical Signs with moving parts.

9. Freestanding On-premises, Freestanding Off-premises Signs, and Major Digital Signs shall have no minimum Setback from the Property Line.
- vi. Sign regulations shall have regard for phasing of development in line with full build-out of the future West LRT along 87 Avenue, through the re-evaluation of sign regulations and resubmission of an amended Comprehensive Sign Design Plan, in consultation with Development Services, Urban Planning and Economy.