

Bylaw 17697

A Bylaw to amend Bylaw 12800, as amended,  
The Edmonton Zoning Bylaw  
Amendment No. 2246

WHEREAS portions of Lots 7 and 8, Block 19, Plan 9524467; Lots B and 1A, Block 19, Plan 9424146; and Lot 2, Block G, Plan 1454AF; located at 5604, 5608, 5610 and 5620 - Whitemud Road NW, Brander Gardens, Edmonton, Alberta, are specified on the Zoning Map as (RF1) Single Detached Residential Zone and (RR) Rural Residential Zone; 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, 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 a portion of portions of Lots 7 and 8, Block 19, Plan 9524467; Lots B and 1A, Block 19, Plan 9424146; and Lot 2, Block G, Plan 1454AF; located at 5604, 5608, 5610 and 5620 - Whitemud Road NW, Brander Gardens, Edmonton, Alberta, which lands are shown on the sketch plan attached as Schedule "A", from (RF1) Single Detached Residential Zone and (RR) Rural Residential Zone to (DC2) Site Specific Development Control Provision.
2. Appendix I North Saskatchewan River Valley and Ravine System Protection Overlay being Section 811 of the Edmonton Zoning Bylaw is hereby amended by adding the lands legally described as a portion of Lot 2, Block G, Plan 1454AF; and a portion of Lot 1A, Block 19, Plan 9424146, located at 5620 - Whitemud Road NW, Brander Gardens, Edmonton, Alberta within the area of application of the North Saskatchewan River Valley and Ravine System Protection Overlay.


3. The uses and regulations of the aforementioned DC2 Provision are attached as Schedule "B".

4. 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.

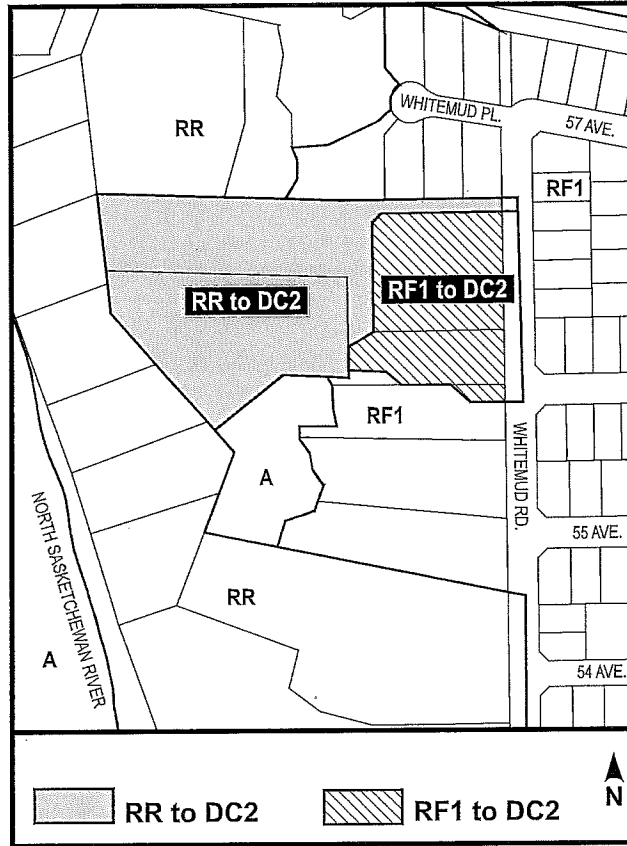
READ a first time this	22nd	day of	August	, A. D. 2016;
READ a second time this	22nd	day of	August	, A. D. 2016;
READ a third time this	22nd	day of	August	, A. D. 2016;
SIGNED and PASSED this	22nd	day of	August	, A. D. 2016.

THE CITY OF EDMONTON

  
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MAYOR

  
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CITY CLERK

BYLAW 17697



**SCHEDULE "B"**

**(DC2) SITE SPECIFIC DEVELOPMENT CONTROL PROVISION**

**1. General Purpose**

This Provision is designed to accommodate a comprehensively planned residential development with a single underground Parking Garage that is compatible with adjacent residential uses and establish a natural area within the North Saskatchewan River Valley Area Redevelopment Plan.

**2. Area of Application**

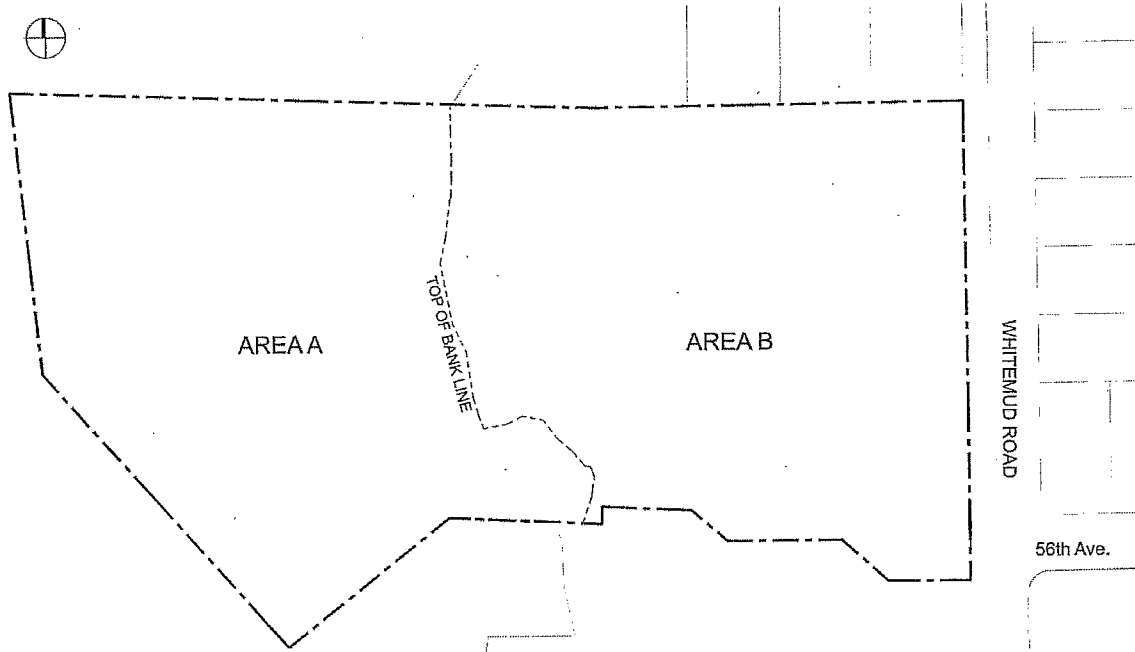
This Provision shall apply to a 3.19 hectare site legally described as a portion of Lot 8, Block 19, Plan 952 4467; Lot B, Block 19, Plan 942 4146; Lot 1A, Block 19, Plan 9424146; Lot 2, Block G, Plan 1454AF; and a portion of Lot 7, Block 19, Plan 9524467 located north of 56 Avenue and west of Whitemud Road, Brander Gardens, as shown on Schedule "A" of the Bylaw, adopting this Provision.

This Provision establishes two sub areas identified in Figure 1 as follows:

Area A – a 1.69 ha preserved Natural Area below the top of bank for passive recreational uses, such as walking trails.

Area B – a 1.5 ha residential development area including housing up to a Height of 16 m serviced by a single underground Parking Garage.

Figure 1: Areas



### 3.0 Uses

#### 3.1 Within Area A

- a. Natural Areas

#### 3.2 Within Area B

- a. Apartment Housing
- b. Minor Home Based Business
- c. Residential Sales Centre
- d. Temporary Freestanding On-premises Signs, limited to project identification, building construction identification and real estate advertising signs of a limited duration

### 4. Development Regulations

- a. The Development shall be in general accordance with Appendices 1- 8.
- b. No development, except Accessory structures, shall be allowed in Area A.
- c. Accessory structures shall be limited to structures accessory to the residential Uses in Area B, such as pergolas, gazebos or maintenance facilities.
- d. Accessory structures are not permitted to be serviced by utility connections.
- e. Any development shall be in accordance with the restrictive covenant in favour of the City of Edmonton as outlined in the requirements of the geotechnical report and the City of Edmonton's Top of Bank Policy that is in effect at the time of the development permit application, to the satisfaction of the Development Officer.
- f. A maximum of two (2) Accessory structures shall be allowed in Area A.
- g. There shall be no Accessory structures permitted in Area B.
- h. The maximum Height for Accessory structures shall not exceed 4.0 m.
- i. The maximum floor area of each new Accessory structure in Area A shall be 16.0 m<sup>2</sup>.
- j. Notwithstanding section 12.2 of the Edmonton Zoning Bylaw, a Development Permit shall be required for all Accessory structures.
- k. The minimum Setback for Accessory structures shall be:
  - i. 20.0 m from the north property line in Area A; and
  - ii. 10 .0 m from the south and west property line in Area A.
- l. Accessory structures shall be located in suitable locations as determined by recommendations in the geotechnical report.
- m. The minimum number of Apartment buildings shall be five (5) and the maximum number of Apartment buildings shall be six (6).
- n. The maximum number of Dwelling units shall be 46, which shall include one caretaker unit.

- o. All Dwelling units, except the caretaker unit, shall be a minimum of 232.25 m<sup>2</sup> per Dwelling.
- p. The maximum first floor footprint of each residential building shall not exceed 1,600 m<sup>2</sup>.
- q. The maximum Height for all residential Uses shall be 16.0 m, including any roof mechanical units. The Development Officer shall determine Height by the pre-construction Grades that are the average of the corners of each of the Apartment buildings.
- r. A maximum of one Dwelling unit shall be permitted above 12.0 m on each building.
- s. The maximum Floor Area Ratio shall be 0.7.
- t. The maximum Site Coverage shall be no more than 19% for the entire site.
- u. The maximum Site Coverage shall be no more than 41% for Area B.
- v. Minimum Setbacks from the property line within Area B shall be in accordance with Appendix 3.
- w. The minimum Setback shall be 10.0 m from the top of bank line and shall be in accordance with the geotechnical study and policies regarding the top of bank in effect at the time of the Development Permit application.
- x. For portions of buildings adjacent to neighbouring properties, the minimum building Stepback above 12.0 m shall be 4.5 m, in accordance with Appendix 4 and Appendix 5, to reduce perceived massing. The Stepback distance shall be measured as an offset parallel to the property line. For portions of buildings adjacent to the neighbouring property on the northwest portion of the north property line, the minimum building Stepback required above 10.0 m shall be 2.5 m, in accordance with Appendix 3. The Stepback distance shall be measured as an offset parallel to the property line.
- y. A minimum Outdoor Amenity Area of 10.0 m<sup>2</sup> per Dwelling shall be provided within Area B. This may be achieved through the use of Platform Structures, or may be provided at-Grade.
- z. Rooftop amenity areas shall not be permitted above 16.0 m.
- aa. Platform structures (terraces and patios) shall be setback or screened along the north property line west of the internal drive aisle to reinforce privacy and minimize visual overlook onto adjacent properties to the satisfaction of the Development Officer.
- bb. A minimum common Amenity Area of 80.0 m<sup>2</sup> shall be provided within Area B. This may be achieved through the use of indoor and / or outdoor spaces to provide amenities, such as communal lounges and fitness areas.
- cc. All mechanical equipment, including roof mechanical units, shall be concealed or incorporated within the building framework in a manner compatible with the architectural character of the Development. Mechanical equipment must not be in Yards abutting adjacent existing residential development, and shall not project into Setbacks.
- dd. Separation Space on the perimeter of the Site from adjacent properties shall be

reduced to the Setbacks provided.

- ee. Separation Space between buildings on the Site shall be in accordance with Section 48 of the Edmonton Zoning Bylaw.
- ff. The development shall be in accordance with applicable building and energy codes in effect at the time of Development Permit having regard for water conservation strategies, low water landscaping, energy efficient lighting, reduced building energy consumption, water and materials.
- gg. Signs shall be in accordance with Schedule 59A of the Edmonton Zoning Bylaw.

## **5. Urban Design and Architectural Treatment of Buildings**

- a. Perceived massing shall be minimized through a combination of the orientation of buildings to prevent parallel Facades on adjacent properties, and the application of architectural elements, such as changes in plane (e.g., recesses and projections) within the Setbacks provided, in general accordance with Appendices 1, 4-6.
- b. Notwithstanding 5(a), building Facades shall be designed with detail and articulation through a combination of change in building materials, and/or physical breaks in building mass to allow for variable landscaping between building volumes to enhance privacy for adjacent buildings and properties, in general accordance with Appendices 4-8.
- c. To prevent overlook into the existing Dwelling to the northwest of Area B as labelled on Appendix 1, legally described as Lot1A, Block 30A, Plan 8621913, the adjacent residential building in the northwest of Area B:
  - i. Shall be oriented a minimum of 10 degrees southwest to direct views away from the existing Dwelling to the northwest of Area B, in general accordance with Appendix 1; and
  - ii. Shall be designed to prevent overlook into the rear yard from windows or Platform Structures (balconies) through a continuous landscaped privacy screen to the satisfaction of the Development Officer.
- d. To prevent overlook into the property legally described as Lot11, Block 30A, Plan 8722378, the residential buildings adjacent to the Setback in Area B shall be designed with features such as Stepbacks, architectural privacy screens and an enhanced continuous landscaped privacy screen to the satisfaction of the Development Officer.
- e. Principal Living Room windows shall be designed and oriented away from the north property line west of the internal drive aisle to ensure privacy of adjacent properties. Privacy features, such as clerestory windows shall be used along the north property line west of the internal drive aisle above 10.0 m, in general accordance with Appendices 6 and 7.
- f. Platform Structures above 10.0 m along the north and south property lines shall use architectural elements, such as screen walls, to preserve privacy of adjacent properties, in general accordance with Appendix 6.
- g. Quality finishing materials for all of the development shall be used, such as stone, masonry, fiber cement siding, cementitious panels, wood panels, metal and glass, in general accordance with Appendices 6 and 7.



- h. The use of vinyl siding or low quality finishing materials shall not be permitted.
- i. All building Facades shall use compatible and harmonious exterior finishing materials.
- j. Decorative and security lighting shall be designed and finished in a manner consistent with the design and finishing of the development and shall ensure well-lit accesses, egresses and landscaped walking paths.
- k. Any exterior lighting of the Site shall be designed so that the lighting is directed away from the adjacent residential development and illumination shall not extend beyond the boundaries of the Site in accordance with Section 51 of the Zoning Bylaw.

## 6. Landscaping

Landscaping shall be in accordance to Section 55 of the Zoning Bylaw, except that:

- a. Landscaping shall be in general accordance with Appendix 2.
- b. In addition to existing trees and shrubs, existing mature coniferous trees shall be relocated and maintained and new trees shall be planted and maintained along the north, south and east property lines to create a continuous landscaped privacy screen, where tree canopies intersect and overlap, in general accordance with Appendices 2 and 8.
- c. Notwithstanding 6(b), the owner or the owner's representative shall consult with the owners of the Existing Dwellings, as labelled on Appendix 1 and legally described as Lot 1A, Block 30A, Plan 8621913 and Lot 7, Block 19, Plan 9524467, regarding the placement, species, size and configuration of trees with the aim of creating a continuous landscaped privacy screen.
- d. A detailed Landscape Plan prepared by a registered Landscape Architect shall be submitted prior to issuance of a Development Permit to the satisfaction of the Development Officer.
- e. The Landscape Plan shall include pavement materials, exterior lighting, outdoor furnishing elements, sizes and species of new plantings and other Landscaping details and elements as applicable.
- f. Existing healthy mature trees in Area B shall be preserved or relocated to provide a continuous landscaped privacy screen along the north, south and east property lines, in general accordance with Appendices 2 and 8. The Landscape Plan shall provide a tree survey, with details and specifications describing the appropriate protection and maintenance of healthy mature trees during construction, to the satisfaction of the Development Officer. In addition, a report prepared by a registered Landscape Architect and certified Arborist, shall be submitted as part of the Development Permit application, detailing the methodology and steps taken to preserve existing and relocated trees on-site, to the satisfaction of the Development Officer.
- g. Notwithstanding section 6(b), the selection of plant materials shall consider plants and shrubs that provide colour throughout the year to enhance the appearance of the Development.
- h. Coniferous trees relocated to the east and south property lines shall be a minimum Height of 6.0 m, to provide a landscaped screen.

- i. Coniferous trees relocated to the north property line west of the internal drive aisle shall be a minimum Height of 16.0 m to provide a landscaped screen, as illustrated on Appendix 8.
- j. 30% of newly planted trees located along the property lines shall be a minimum Height of 2.0 m.
- k. 50% of newly planted deciduous trees shall be a minimum of 50 mm caliper and 50% shall be a minimum of 75 mm caliper.
- l. Newly planted and relocated trees shall be subject to an intensified post-relocation maintenance program for a minimum of 3 growing seasons. Thereafter, the continuous landscaped privacy screen shall be maintained.
- m. A guaranteed Landscaping security shall be required within 18 months of issuance of any Development Permit and otherwise in accordance with Section 55 of the Zoning Bylaw.
- n. In addition to the security under 6(m), within 18 months issuance of any Development Permit, a guaranteed Landscaping security deposit shall be provided, from the property owner, in the form of an irrevocable Letter of Credit in the amount of \$180,000 for the continuous landscaped privacy screen cost. Upon application by the owner or the owner's representative, the security shall be fully released if the continuous landscaped privacy screen has been well maintained and is in a healthy condition after 5 growing seasons from the point an Occupancy Permit has been issued.
- o. Opportunities shall be created for pedestrian circulation throughout the Site for residents of the Development by connecting walkways, amenity areas and surface service or emergency vehicle access areas, in accordance with Section 58 of the Zoning Bylaw.
- p. One pedestrian access from the Site shall be provided to Whitemud Road at 56 Avenue and one pedestrian access shall be provided to Whitemud Road at the northern edge of the site, at the discretion of the Development Officer.
- q. A sidewalk shall be required for pedestrian circulation adjacent to the internal two-directional drive aisle.

#### **7. On Site Vehicular Access, Parking and Waste Collection**

- a. Vehicular access to the Site shall be provided at the south property line, with a minimum 9.0 m to a maximum 11.0 m wide curb cut access, in accordance with City of Edmonton Access Management Guidelines, to the satisfaction of the Development Officer.
- b. Vehicular egress from the Site shall be provided at the north property line, with a minimum 4.0 m width curb cut access.
- c. Vehicular circulation on the surface of the Site shall be provided with a hard surfaced drive aisle, in general accordance with Appendix 1, and as follows:
  - i. A minimum width of 7.0 m along the two-directional section of the drive aisle along the south portion of the Site;
  - ii. Transitioning to a minimum width of 6.0 m where the drive aisle becomes one-directional, heading north; and

- iii. Gradually transitioning to the existing 3.3 m wide driveway which will be preserved as part of the development, along the north edge of the Site.
- d. Prior to the issuance of a Development Permit, a swept path analysis of the drive aisle shall be conducted, to the satisfaction of the Development Officer, in consultation with Transportation Planning and Engineering to ensure suitable drive aisle widths for Waste Management and Fire Rescue fleet vehicles.
  - i. If deemed insufficient to accommodate fleet vehicles, the width of the existing drive aisle may require modifications to the satisfaction of the Development Officer, in consultation with Transportation Planning and Engineering and Waste Management Services.
- e. Resident Parking to serve the development shall be provided in an underground Parking Garage and shall be in accordance with Section 54 of the Edmonton Zoning Bylaw.
- f. Notwithstanding 7(e), a minimum of 2 parking stalls per Dwelling shall be provided in the underground Parking Garage
- g. Vehicular access to an underground Parking Garage shall be from the two-directional drive aisle, in accordance with Appendix 1.
  - i. The Parking Garage access ramp shall be a minimum 10.0 m from the east property line, to the satisfaction of the Development Officer in consultation with Transportation Planning and Engineering.
  - ii. The ramp entrance to the underground Parking Garage shall be a minimum width of 6.0 m.
- h. Visitor parking shall be provided in accordance with Section 54 of the Edmonton Zoning Bylaw, and shall be located directly off of the one-directional drive aisle to provide direct access to adjacent dwellings in general accordance with Appendix 1, to the satisfaction of the Development Officer in consultation with Transportation Planning and Engineering.
  - i. Visitor stalls in excess of minimums specified in Section 54 of the Zoning Bylaw may be located in the underground Parking Garage to minimize vehicle circulation and impermeable surfaces at grade.
- i. Bicycle Parking spaces shall be provided in accordance with Section 54.3 of the Zoning Bylaw.
- j. Bicycle Parking spaces shall be provided for residential units in a weather protected and secure area.
- k. Waste collection area shall be located at Grade and garbage and recyclables will be collected at grade at an angle and location acceptable to the Development Officer in consultation with Waste Management Services and Transportation Planning and Engineering. Waste collection and storage areas shall be designed screened to the satisfaction of the Development Officer in consultation with Waste Management Services and Transportation Planning and Engineering.
- l. All residential buildings constructed on Site shall be accessible by fire apparatus via the internal drive aisle, to the satisfaction of the Development Officer, in consultation with Transportation Planning and Engineering and Fire Rescue

Services.

## 8. Other Regulations

- a. As a condition of any Development Permit for construction of any or all of the principal buildings, the Owner shall enter into an Agreement with the City of Edmonton for Landscaping securities in accordance with section 6(m) and 6(n) of this Provision and improvements necessary to serve the development, such improvements to be constructed at the owner's cost. The Agreement shall include an engineering drawing review and approval process. Improvements to be addressed in the Agreement include, but are not limited to, the following:
  - i. Upgrades to City of Edmonton Standards of water supply and fire protection, to the satisfaction of the Development Officer, in consultation with EPCOR Water and Fire Rescue Services.
  - ii. Meet the City Standards of Drainage Bylaw 16200 regarding discharge rates, servicing conditions, capacity and surface drainage requirements, to the satisfaction of the Development Officer, in consultation with Water and Sewer Servicing Section of Drainage Planning.
- b. Notwithstanding the other development regulations, and the Appendices of this Provision, in the event that the owner/developer does not obtain a Development Permit for and commence construction of the underground Parking Garage and the Apartment buildings in Area B under a valid Development Permit within 10 years of the passage of the Bylaw adopting this Provision, then any further development shall comply with the regulations found in the RF1 zone at the time of passage of this Direct Control.
  - i. The construction of the underground Parking Garage and the principal buildings in Area B shall be substantially complete within 3 years of the start of excavation of the foundation of any principal building in Area B.
  - ii. The remaining development in Area B, including all hard surfacing of drive aisles, driveways and parking areas and Landscaping, shall be substantially complete within 5 years of the start of excavation of the foundation of any principal building in Area B.
- c. Prior to the issuance of a Development Permit, a geotechnical report prepared by a qualified Professional Engineer must be submitted and approved to the satisfaction of the Development Officer, in consultation with a City of Edmonton Geotechnical Engineer, Transportation Planning and Engineering, and City of Edmonton Policy in effect at the time of the Development Permit application.
- d. A restrictive covenant in favour of the City of Edmonton limiting the development of Area A and the Setback within Area B, shall be registered against the title to the Site prior to the issuance of a development permit including excavation, in accordance with both the minimum requirements of the geotechnical report referenced at section 8(c) and the City of Edmonton's top of bank Policy that is in effect at the time of registration of the restrictive covenant.
- e. Prior to issuance of a Development Permit, the Development Officer in consultation with other civic departments and environmental agencies, shall require the applicant to submit any required information such as environmental site assessments and other

technical reports, to the satisfaction of the Development Officer to ensure that Area A and the Setback within Area B that is subject to the development permit application is suitable for the full range of Uses contemplated in the Development Permit application.

- f. Minor Home Based Business shall comply with Section 74 of the Edmonton Zoning Bylaw.
- g. Residential Sales Centres for the sale of units shall comply with Section 82 of the Edmonton Zoning Bylaw.

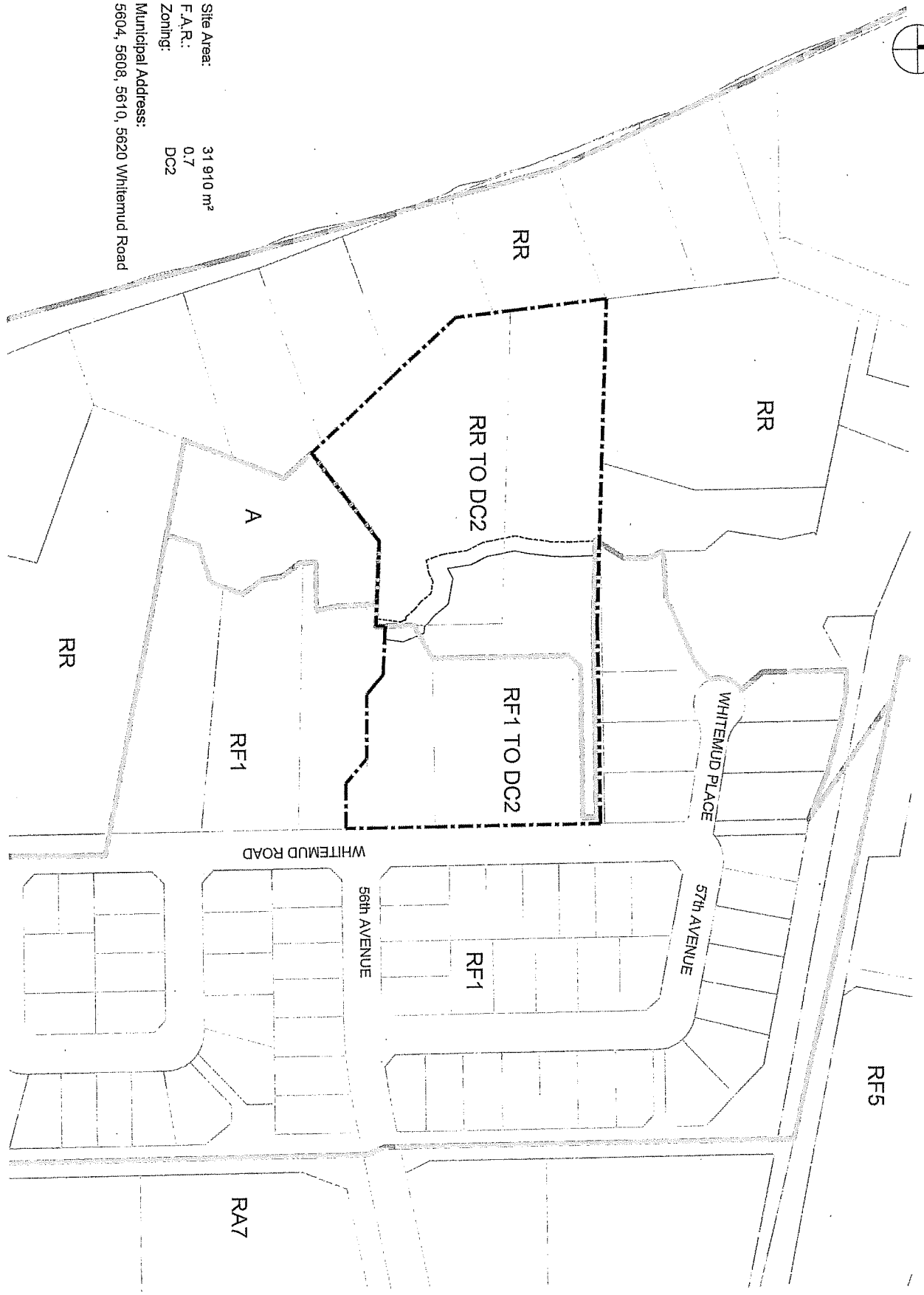
**9. Off-Site Contributions**

- a. Prior to the issuance of a Development Permit, the applicant shall enter into an agreement to contribute funds to the Riverbend Community League for an offsite amenity such as public park or streetscape improvements, with specific details to be determined at the Development Permit stage between the owner and City Administration in consultation with the Riverbend Community League. These funds will be submitted to the City of Edmonton and disbursed accordingly to the Riverbend Community League. These funds shall be provided prior to the issuance of the Development Permit in the amount \$50,000. These funds shall only be applied upon the agreed upon amenity enhancement(s) within the Brander Gardens neighbourhood. If the agreement is unsuccessful then the funds in the amount of \$50,000 shall be applied to regulation 9b of this Provision.
- b. Prior to the Development Officer releasing drawings for Building Permit review, the Development Officer shall ensure that a signed agreement has been executed between the City of Edmonton and the owner, requiring the owner to provide funds of \$50,000 to the City of Edmonton to construct a trail and river valley access (staircase) to the south of the Site that will ultimately connect the existing Fort Edmonton Footbridge path to Whitemud Road.
- c. Prior to the issuance of a Development Permit, the applicant shall demonstrate to the satisfaction of the Development Officer that the applicant has carried out good faith negotiations to enter into an agreement with the City of Edmonton to donate the existing trapper's log cabin to the City of Edmonton as a heritage building, at the discretion of the Development Officer in consultation with other civic departments.



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Site Area: 31 910 m<sup>2</sup>  
 F.A.R.: 0.7  
 Zoning: DC2  
 Municipal Address:  
 5604, 5608, 5610, 5620 Whitemud Road



KENNEDY

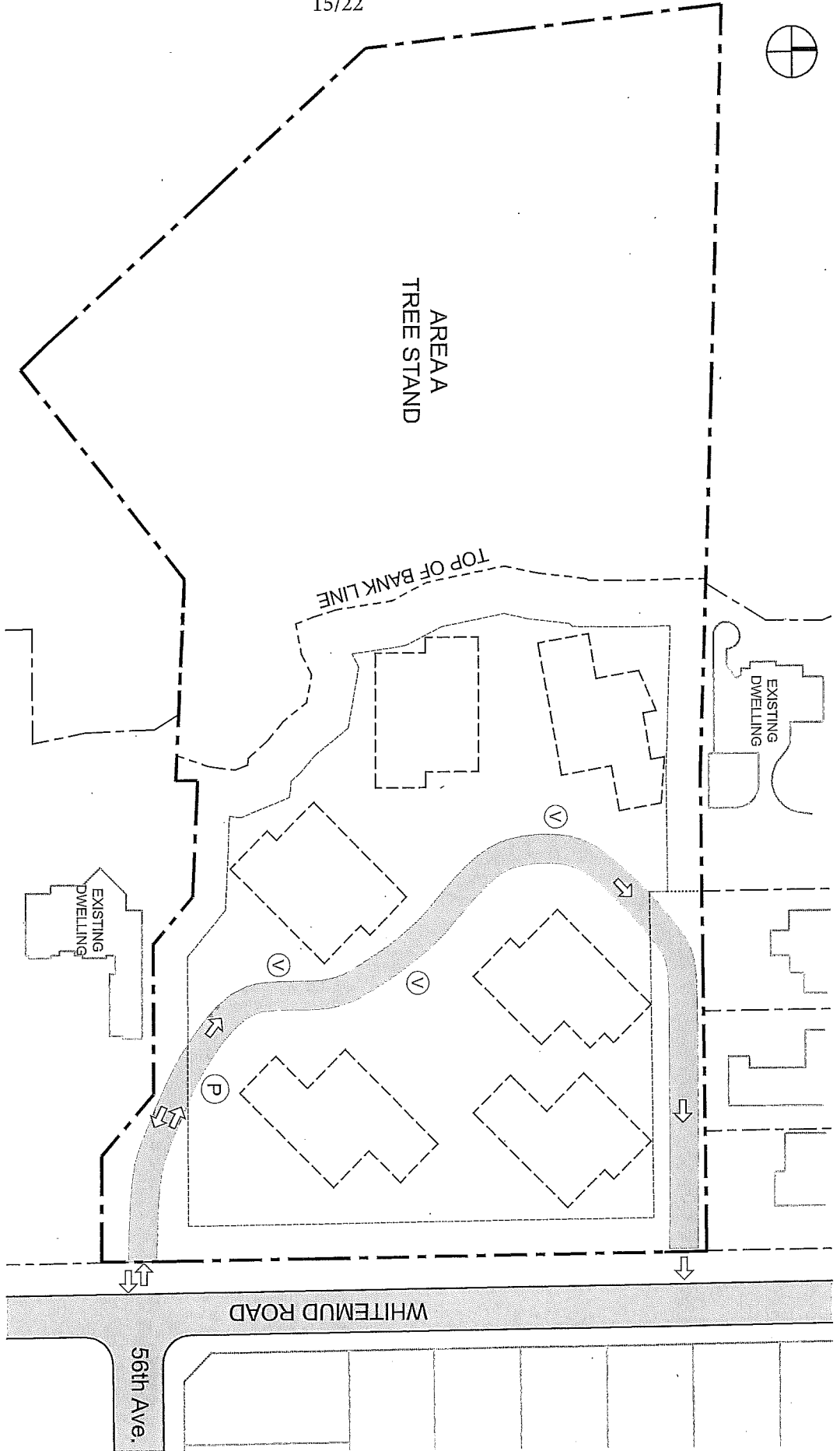
REZONING MAP

Date: 22JUL2016

P:\Current\15590 Modry - Multi Family\1.0 PROJECT STAGES\1.2 PREDESIGN REZONING\1.2.1 ARCHITECTURAL



15/22



LEGEND:

- — — — — PROPERTY LINE
- - - - - TOP OF BANK LINE
- ..... SETBACK LINE

- BUILDING FOOTPRINT
- INTERNAL ROAD

- PARKADE ENTRANCE
- VISITOR PARKING
- ONE WAY INTERNAL ROAD
- BI-DIRECTIONAL INTERNAL ROAD

**KENNEDY**

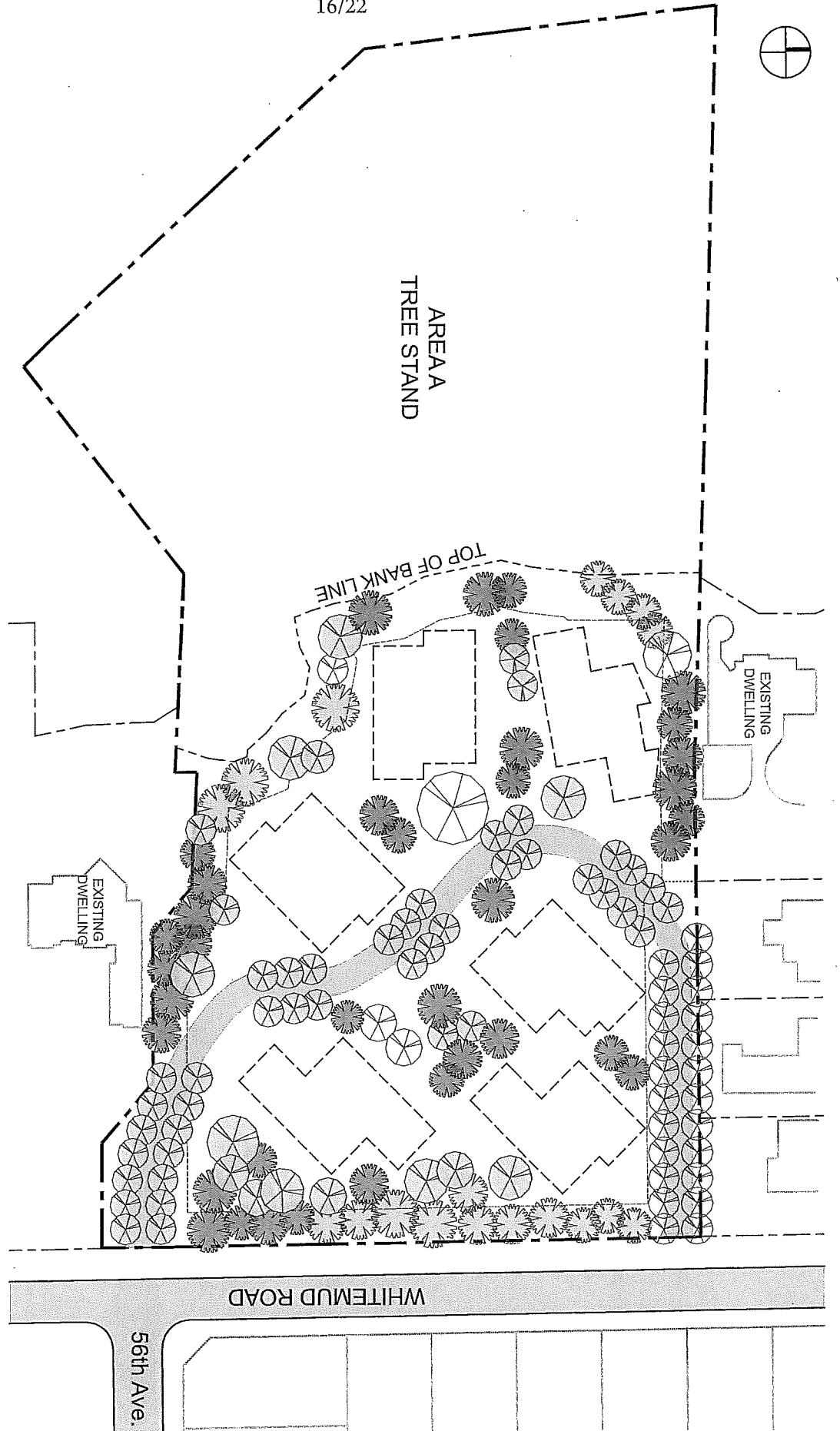
**APPENDIX 1 - CONCEPTUAL SITE PLAN**

Date: 22JUL2016

P:\Current\15590 Modry - Multi Family\1.0 PROJECT STAGES\1.2 PREDESIGN REZONING\1.2.1 ARCHITECTURAL



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**LEGEND:**

- PROPERTY LINE
- - - TOP OF BANK LINE
- ..... SETBACK LINE

- BUILDING FOOTPRINT
- ▬ INTERNAL ROAD

- ⊗ EXISTING DECIDUOUS TREES
- ⊗ EXISTING CONIFEROUS TREES
- ⊗ ENHANCED DECIDUOUS TREES
- ⊗ ENHANCED CONIFEROUS TREES

**KENNEDY**

**APPENDIX 2 - CONCEPTUAL LANDSCAPE PLAN**



