

Charter Bylaw 19403

A Bylaw to amend Bylaw 12800, as amended,  
The Edmonton Zoning Bylaw  
Amendment No. 3071

WHEREAS Lot 182A, Block 13, Plan 1821138; located at 11303 – 105 Avenue NW, Queen Mary Park, Edmonton, Alberta, is 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, 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 182A, Block 13, Plan 1821138; located at 11303 – 105 Avenue NW, Queen Mary Park, 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 1st day of September , A. D. 2020;

READ a second time this 1st day of September , A. D. 2020;

READ a third time this 1st day of September , A. D. 2020;

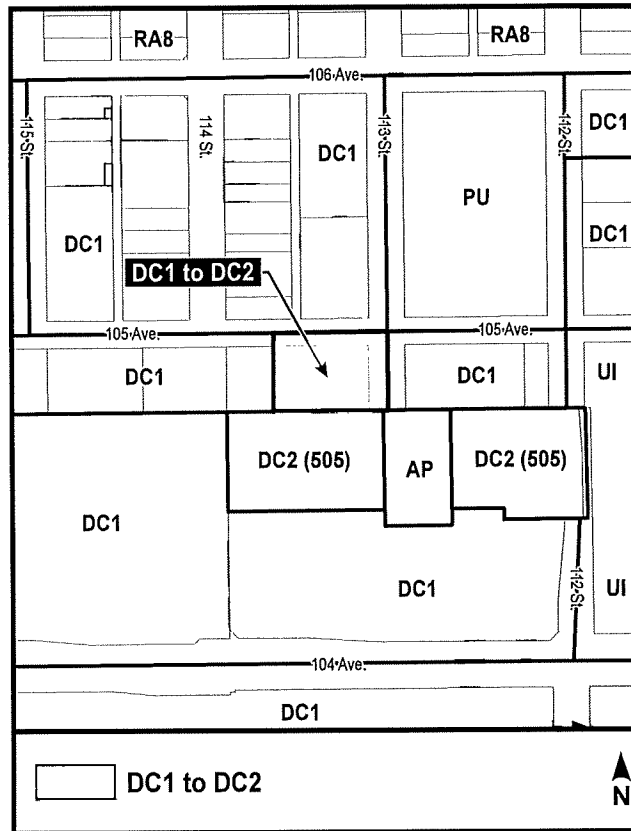
SIGNED and PASSED this 1st day of September , A. D. 2020.

THE CITY OF EDMONTON

  
MAYOR

  
CITY CLERK

## CHARTER BYLAW 19403



SCHEDULE "B"

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

**1. General Purpose**

To accommodate a mid rise, high density residential development, that is compatible with adjacent land uses and supports a pedestrian friendly streetscape.

**2. Area of Application**

This Provision shall apply to Lot 182A, Block 13, Plan 1821138 as shown in Schedule "A" of the Charter Bylaw adopting this Provision, Queen Mary Park.

**3. Uses**

1. Apartment Hotels
2. Lodging Houses
3. Child Care Services
4. Convenience Retail Stores
5. Health Services
6. Live Work Unit
7. Minor Home Based Business
8. Multi-unit Housing
9. Personal Service Shops
10. Professional, Financial, and Office Support Services
11. Residential Sales Centre
12. Restaurants
13. Specialty Food Services
14. Fascia On-premises Signs
15. Freestanding On-premises Signs
16. Projecting On-premises Signs
17. Temporary On-premises Signs

**4. Development Regulations for Uses**

1. Non-Residential and non-Residential-Related Uses shall be limited to the ground level Storey of the development.
2. Live Work Units shall be limited to the ground-oriented Dwellings.
3. Personal Services Shops shall not be developed as Body Rub Centres.
4. Residential Sales Centres shall be limited to the sale or leasing of on-Site condominium or rental Dwellings.
5. Restaurants shall be limited to 120 m<sup>2</sup> of Public Space excluding exterior patio/deck space.
6. Specialty Food Services shall be limited to 48 m<sup>2</sup> of Public Space excluding exterior patio/deck space.
7. Signs:

- a. Signs shall comply with Schedule 59B of the Zoning Bylaw.
- b. Temporary On-premises Signs shall be limited to project advertising associated with a Residential Sales Centre and shall not include trailer mounted Signs or Signs with changeable Copy.
- c. When reviewing applications for Signs, the Development Officer shall have regard for visual harmony and the compatibility of the proposed Sign with the architectural character and finish of the development and with the design, location and appearance of other Signs on the development.

**5. Development Regulations for Site Layout and Built Form**

1. The development shall be in general conformance with the attached Appendices to the satisfaction of the Development Officer.
2. The maximum Height shall be 23.0 m.
3. The maximum Floor Area Ratio shall be 3.2.
4. The maximum number of Dwellings shall be 120.
5. The minimum Setbacks for the building at ground level shall be:
  - a. 1.2 m from the north Lot line;
  - b. 4.5 m from the south Lot line;
  - c. 3.5 m from the west Lot line; and
  - d. 0.0 m from the east Lot line.
6. Where the development includes Commercial Uses at ground level, the maximum Front Setback shall be 1.5 m to accommodate street related activities such as sidewalk cafés, colonnades, arcades, or plaza. The 1.5 m building Setback shall not be used exclusively for Landscaping.
7. Where the development includes Residential Uses at ground level, the maximum Front Setback shall be 1.5 m to allow physical separation from the abutting street for the Dwelling units.
8. The portions of the Parking Garage below ground level shall not be subject to any Setbacks and may extend to all Lot lines provided there is sufficient soil capacity to support any required Landscaping, to the satisfaction of the Development Officer.
9. Any portion of a building exceeding a Height of 18.5m shall be setback a minimum of
  - a. 4.5 m from the north Lot line;
  - b. 7.5 m from the south Lot line,
  - c. 5.5 m from the west Lot line, and
  - d. 2.0 m from the east Lot line.

**6. Development Regulations for Building Design and Features**

1. All building Facades shall have consistent and harmonious exterior finishing materials.
2. The development shall incorporate design elements to reduce the perceived mass and add architectural interest, including articulation of the Façades, using a defined pattern of projections and/or recessions and a variety of exterior building cladding materials and colours.

3. The building shall be finished with high quality, durable materials. The use of stucco as a finishing material is not permitted below the fifth Storey of the building. The use of stucco above the fifth Storey shall be limited to a maximum of 15% of the exterior surface area of the building.
4. The development shall maximize the use of glass and glazed window wall systems, brick, stone, architectural concrete, and/or precast coloured concrete. The contextual fit, design, proportion, quality, texture and application of various finishing materials shall be to the satisfaction of the Development Officer.
5. Entrances for non-Residential Uses shall be clearly differentiated from entrances to Residential Uses through distinct architectural treatment to the satisfaction of the Development Officer.
6. The development shall incorporate a prominent front entrance for Residential Uses facing 105 Avenue NW through distinct architectural treatment to the satisfaction of the Development Officer.
7. Where a Dwelling unit is provided at ground level abutting a public roadway, other than a lane, the principal entrance to the unit shall have direct external access to the adjacent public sidewalk.
8. Main building entrance shall be designed for universal accessibility. Level changes from the sidewalk to entrances of buildings shall be minimized. Sidewalk furniture and other elements shall be located out of the travel path to ensure they are not obstacles to building access.
9. Multi-unit Housing developments shall incorporate 100 percent visitability and 10 percent adaptable suites to ensure universal accessibility.
10. A weather protection element in the form of a canopy or other architectural element above the main Residential entrance and non-residential entrances facing 105 Avenue NW shall be provided to create a comfortable environment for pedestrians.
11. Projections into the required setbacks shall be provided as per the Zoning Bylaw, except that:
  - a. Platform Structures in the form of balconies shall be allowed to project up to the north, east, and west Lot lines; and
  - b. Platform Structures in the form of balconies shall not exceed 0.5 m into the required south Setback.
12. Ground level Non-Residential Uses shall provide a minimum of 60% of the building Façade as transparent, nonreflective, untinted, and unobscured glazing that allows viewing in and out of the Use to the satisfaction of the Development Officer. The bottom of the glazing shall not be higher than 0.5 m above Grade and the top of the glazing shall not be lower than 2.5 m above Grade. Linear Frontage shall be measured as the horizontal plane at 1.5 m above Grade.
13. Development shall have regard for the interface between buildings to the west and the existing development immediately to the south. The contextual fit and application of various finishing materials such as glazing, and landscape features shall be to the satisfaction of the Development Officer.
14. A maximum of 10% of the first Storey glazing may be covered by Signs. The remainder of the glazing shall remain free from obstruction.
15. All mechanical equipment, including roof mechanical units, and surface level venting systems shall be concealed by screening in a manner compatible with the architectural character of the

building, or concealed by incorporating it within the building. Ground level vents shall be oriented away from adjacent Sites, on-Site amenities or pedestrian circulation areas.

## **7. Development Regulations for Parking, Loading, Storage and Access**

1. Vehicular access and egress from 105 Avenue NW must be in accordance with the 105 Avenue Corridor Study and to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation).
2. All vehicular parking shall be provided in an underground Parking Garage.
3. Adequate sight lines shall be maintained for vehicles entering and exiting the Parking Garage, to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation).
4. Entrances to the Parking Garage shall minimize the physical and visual impact of the entrances and doors to 105 Avenue NW, to the satisfaction of the Development Officer.
5. Vehicular parking shall be provided as per the Zoning Bylaw, except that:
  - a. parking spaces for Non-Residential Uses may be shared as visitor parking spaces for Residential Uses.
  - b. there shall be no on-site vehicle loading facilities.
6. Bicycle Parking facilities shall be provided in the underground Parking Garage or in another secure location within the building that is easily accessible to cyclists via access ramps, or a route through the building which facilitates easy and efficient transportation of bicycles.
7. Vertical or stacked racks may be used to satisfy bicycle parking requirements if it can be demonstrated that they can be safely and efficiently used. The size of vertical bike parking stalls shall be a minimum of 0.60 m wide, 2.3 m high, and 1.1 m deep, with a minimum 1.5 m wide aisle.
8. Waste collection, storage areas, and loading shall be located within the building, accessed from the 105 Avenue NW, and screened from view from the abutting roadway and shall be designed to the satisfaction of the Development Officer in consultation with Waste Management Services, Subdivision and Development Coordination (Transportation) and City Operations.

## **8. Development Regulations for Landscaping, Lighting and Amenity Areas**

1. A detailed Landscape Plan for the Site, prepared by a Landscape Architect registered with the Alberta Association of Landscape Architects (AALA), including all existing and proposed utilities and off-Site streetscape improvements within the road right-of-way may be required by the Development Officer and shall be submitted as part of a Development Permit application for review and approval.
2. The Landscape Plan must indicate the coordination between development on the subject Site and 105 Avenue NW, in accordance with the 105 Avenue NW Corridor Study.
3. The following shall apply and be shown on the required Landscape Plan:

- a. Landscaping shall use plant materials that provide colour throughout the year to enhance appearance during winter months;
  - b. Landscaping Plans shall incorporate native and/or drought tolerant species into the Landscaping design;
4. At ground level:
- a. where Setbacks are provided in front of active Commercial Uses fronting onto 105 Avenue NW, there shall be an enhanced pedestrian experience and a public realm through the use of landscaping and paving materials with a finish and pattern that complement and provide a seamless transition with the adjacent streetscape, to the satisfaction of the Development Officer; or
  - b. where Setbacks are provided in front of Residential Uses fronting onto 105 Avenue NW, a transition area shall be provided from public to private property using landscape features such as decorative fencing, change in grade, shrub beds, planters, rock gardens and/or other built elements, to the satisfaction of the Development Officer.
5. A 1.83 m fence shall be provided along the entire length of the west Lot line except within 1.5 m of 105 Avenue NW.
6. Decorative and security lighting shall be designed and finished in a manner consistent with the architectural theme of the development and shall be provided to ensure a well-lit and safe environment for pedestrians, to accentuate architectural elements, and to provide additional lighting for the 105 Avenue NW.
7. Exterior lighting associated with the development shall be designed such that it has no negative impact on an adjacent property.
8. Night-time light pollution shall be reduced by avoiding over-illumination of the development and by using exterior lighting fixtures that are full cut-off in design which direct light downward, to ensure illumination does not extend beyond the boundaries of the development Site.
9. Amenity Areas shall be provided as per the Zoning Bylaw, except that the minimum Amenity Area provided on Site per Dwelling shall be 6.0 m<sup>2</sup>.

## **9. Other Regulations**

1. Buildings shall be designed through their massing and location, to avoid adverse microclimatic effects such as wind tunnelling, snow drifting, rain sheeting, shadowing, and loss of sunlight, both on and off-site. The Development Officer may require the submission of a Wind Impact Statement or Study, and/or a Sun Shadow Impact Study to determine that proposed development achieves these objectives.
2. Prior to the issuance of a Development Permit for the principal building, a Crime Prevention Through Environmental Design (CPTED) 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 Guidelines for a Safer City (City of Edmonton 1995).
3. Prior to the issuance of a Development Permit for:
  - a) a building that contains 12 or more Dwelling units; or

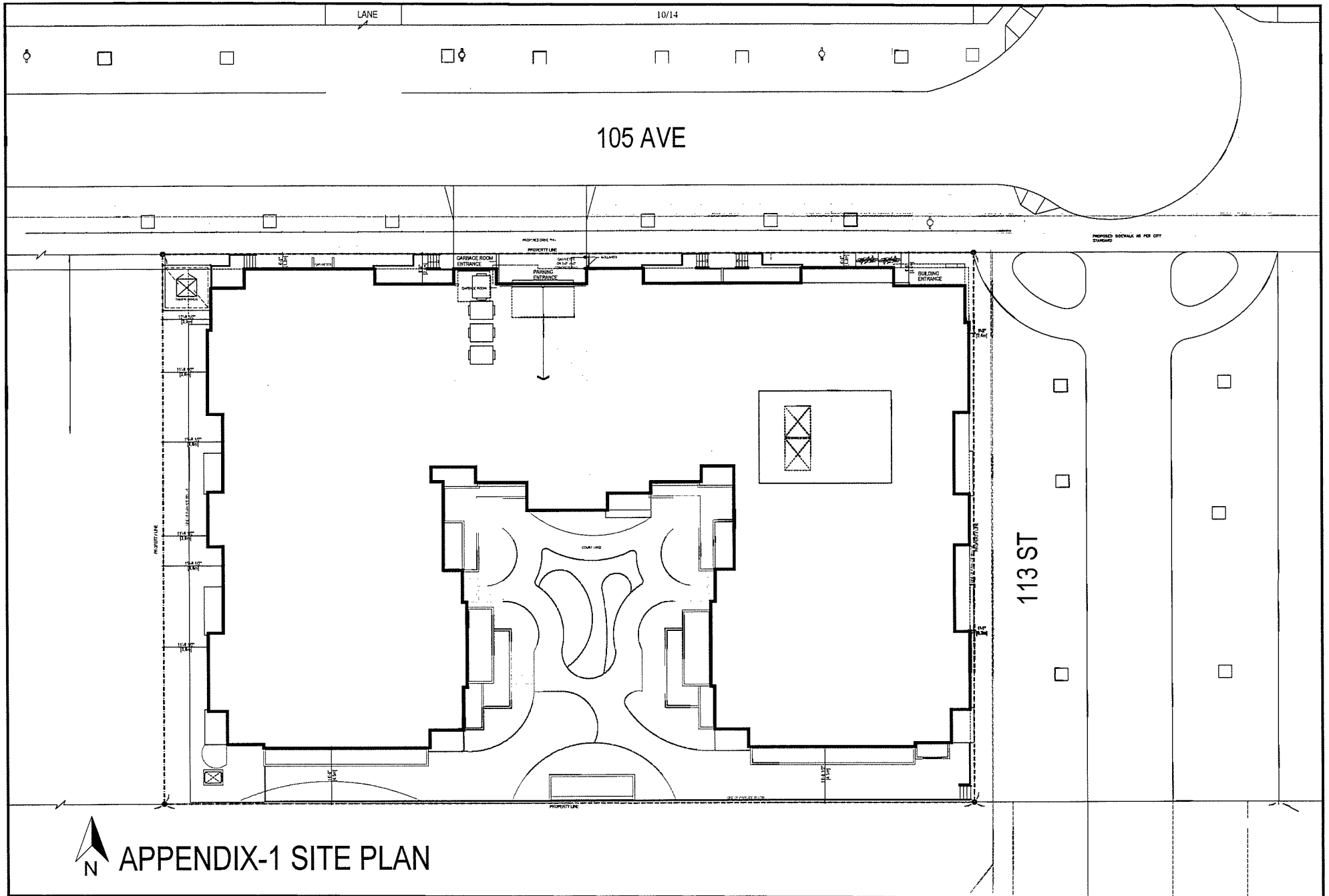


- b) a building that contains less than 12 Dwelling units, but is part of a Site with 12 or more Dwelling units in total;

the Development Officer shall ensure a signed agreement has been executed between the City and the owner, requiring the owner to provide the City, at the time of each Development Permit approval, the option to purchase up to 5% of the proposed number of Dwelling units (rounded to the nearest Dwelling unit) in each building with Dwelling units, at 85% of market value or the equivalent value as cash in lieu (at the discretion of the owner) to the City.

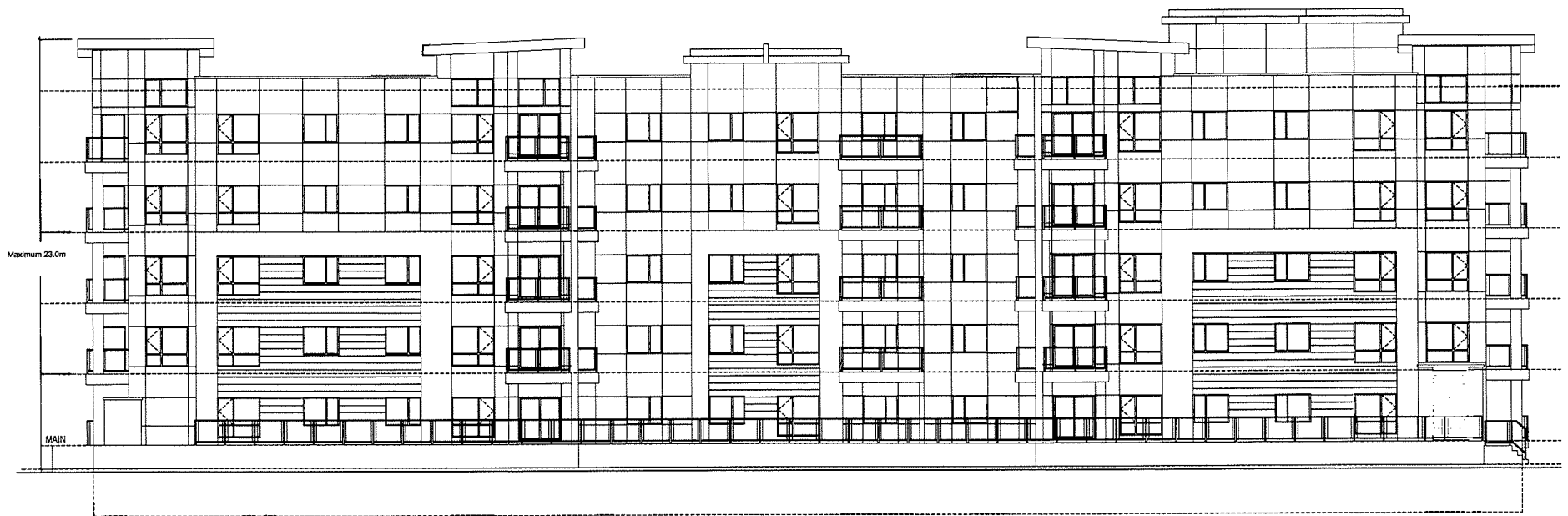
#### **4. Public Improvements and Contributions**

1. As a condition of the Development Permit for construction of the principal building, the owner shall enter into an Agreement with the City of Edmonton for off-Site improvements necessary to serve the development. The Agreement shall include an engineering drawing review and approval process. Improvements shall be constructed at the owner's cost and shall be designed to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation), City Operations, Integrated Infrastructure Services, EPCOR Water Inc., Drainage, and others as required. Improvements to address in the Agreement shall include, but are not limited to:
  - a. The owner shall be responsible for the costs of the required streetscape improvements to the portion(s) of road right(s)-of-way abutting a Site (from private property line to the new curb) that are identified by the 105 Avenue Corridor Study, and/or identified by the Community Services, Planning and Development, or Transportation Departments as part of the development. These streetscaping improvements may include, but are not limited to, new sidewalks, streetlights, boulevard landscaping, boulevard trees, street furniture, and/or the relocation of utilities underground.
  - b. The owner, when deemed necessary, shall be responsible for analyzing a portion of the sewer system affected by the development Site to determine sewer servicing and upgrading requirements to the satisfaction of the Drainage Services Branch of the Asset Management and Public Works Department. In addition, costs for relocating/abandoning sewer lines as a result of street/lane closures will be the responsibility of the owner.
  - c. The owner shall prior to the issuance of a Development Permit, except for Development Permits for demolition, excavation, shoring or signage, the applicant shall submit documentation that demonstrates, to the satisfaction of the Development Officer in consultation with Fire Rescue Services and EPCOR Water Services, that the fire flows and water servicing to the Site will be adequate for the proposed building and construction type, and be in accordance with the City of Edmonton Design and Construction Standards. The Development Officer shall verify that any infrastructure upgrades or systems required to ensure these standards are met shall be implemented in the design of the building and/or through off-site improvements.
2. As a condition of a Development Permit for construction of the principal building, the owner shall enter into an agreement with the City of Edmonton whereby the owner shall provide a minimum contribution of \$22,416 toward streetscape improvements that are identified in the 105 Avenue Corridor Study. These streetscaping improvements may include, but are not limited to, new sidewalks, streetlights, boulevard landscaping, boulevard trees, street furniture, and/or the relocation of utilities underground.





APPENDIX-2 NORTH ELEVATION



APPENDIX-3 SOUTH ELEVATION



## APPENDIX-4 WEST ELEVATION



APPENDIX-5 EAST ELEVATION