

Charter Bylaw 19440

A Bylaw to amend Bylaw 12800, as amended,
The Edmonton Zoning Bylaw
Amendment No. 3093

WHEREAS Lots 45, 45A, 46, 46A and 47, Block 12, Plan 2123AH, and Lot A, Plan 4519Q; located at 11218, 11222, 11228 and 11230 - 100 Avenue NW, 10011 and 10017 - 113 Street NW, Oliver, Edmonton, Alberta, are specified on the Zoning Map as (DC1) Direct Development Control Provision and (RA9) High Rise Apartment Zone; 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, 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 45, 45A, 46, 46A and 47, Block 12, Plan 2123AH, and Lot A, Plan 4519Q; located at 11218, 11222, 11228 and 11230 - 100 Avenue NW, 10011 and 10017 - 113 Street NW, Oliver, Edmonton, Alberta, which lands are shown on the sketch plan annexed hereto as Schedule "A", from (DC1) Direct Development Control Provision and (RA9) High Rise Apartment Zone 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.

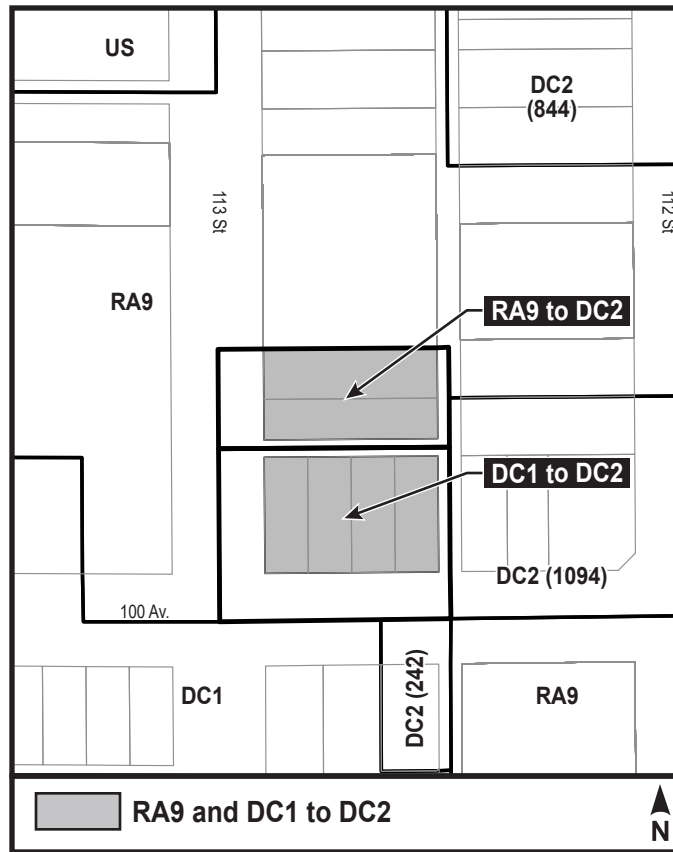
READ a first time this	day of	, A. D. 2020;
READ a second time this	day of	, A. D. 2020;
READ a third time this	day of	, A. D. 2020;
SIGNED and PASSED this	day of	, A. D. 2020.

THE CITY OF EDMONTON

MAYOR

CITY CLERK

CHARTER BYLAW 19440



SCHEDULE “B”**(DC2) SITE SPECIFIC DEVELOPMENT CONTROL PROVISION****1. General Purpose**

To accommodate the development of medium-rise building with ground-oriented units fronting onto 113 Street NW and 100 Avenue NW.

2. Area of Application

This Provision shall apply to Lots 45, 45A, 46, 46A, 47, Block 12, Plan 2123AH, Lot A, Plan 4519Q, and east-west Lane in the neighbourhood of Oliver, as shown in Schedule “A” of the Charter Bylaw adopting this Provision.

3. Uses

- a. Apartment Hotels
- b. Limited Group Home
- c. Live Work Unit
- d. Lodging Houses
- e. Minor Home Based Business
- f. Multi-unit Housing
- g. Residential Sales Centre
- h. Urban Gardens
- i. Fascia On-premises Signs

4. Development Regulations for Uses

- a. Live Work Units shall be limited to the ground-oriented Dwellings.
- b. Residential Sales Centres shall be limited to the sale or leasing of on-Site condominium or rental Dwellings.
- c. Signs shall comply with Schedule 59B of the Zoning Bylaw.

5. Development Regulations for Site Layout and Built Form

- a. The development shall be in general conformance with the attached Appendices.

- b. The maximum Height shall be 23.0 m.
- c. The maximum Floor Area Ratio shall be 3.8.
- d. The maximum number of Dwellings shall be 135.
- e. The minimum building Setbacks shall be as follows:
 - i. a minimum of 3.0 m from the east and west Lot line;
 - ii. a minimum of 4.2 m from the south Lot line; and
 - iii. a minimum of 1.8 m from the north Lot line.
- f. The entrance to the Underground Parkade and waste collection area on the ground level shall not be subject to the east Setback.
- g. The Underground Parkade 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.

6. Development Regulations for Building Design and Features

- a. All building Facades shall have consistent and harmonious exterior finishing materials.
- b. 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 as generally shown in the Appendices of this Provision;
- c. The building shall be finished with high quality, durable materials that may include, but are not limited to, stone, brick, wood, concrete, exterior insulation & finishing system panels, and/or glass. 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.
- d. 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.
- e. The building Facades shall be designed to break their appearances into 9.0 m sections or less, using a combination of recesses, projections, changes in building materials, colours and/or physical breaks in building mass.
- f. The building Facades shall be designed to break their appearance between the second and third storey using a combination of projections, changes in building materials, colours and/or physical breaks in building mass as generally shown in the Appendices of this Provision.
- g. The development shall incorporate a prominent front entrance facing 113 Street NW through distinct architectural treatment to the satisfaction of the Development Officer.

- h. Facing 113 Street NW and 100 Avenue NW, the building shall have ground-oriented Dwellings with separate, individual accesses, featuring visible individual doorways, landscaped terraces, pedestrian lighting and patios. Sliding patio doors shall not serve as the entrances to these Dwellings.
- i. A weather protection element in the form of a canopy or other architectural element above the main Residential entrance facing at 113 Street NW shall be allowed to project 2.5 m into the west Setback to create a comfortable environment for pedestrians.
- j. Platform Structures in the form of balconies shall be allowed to project 1.5 m into Setbacks, except that balconies may not project into the north Setback.
- k. 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, or on-Site amenities or pedestrian circulation areas.
- l. Waste collection, storage areas, and loading shall be located within the Site, accessed from the Lane abutting the development, and enclosed with consistent materials to provide screening from view from the abutting roadway, to the satisfaction of the Development Officer in consultation with Waste Management Services, Subdivision and Development Coordination (Transportation) and City Operations.

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

- a. All vehicular access and egress shall be provided from the Lane Abutting the Site.
- b. All vehicular parking shall be provided in an Underground Parkade.
- c. Entrances and doors to the Underground Parkade shall minimize the physical and visual impact of the entrances and doors to the Lane abutting the development.
- d. Bicycle Parking spaces shall be provided at a minimum rate of 0.7 spaces per Dwelling, in a safe and secure location in the Underground Parkade 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.
- e. 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 minimum size of vertical bike parking spaces 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. Development Regulations for Landscaping, Lighting and Amenity Areas

- a. Landscaping shall be in general conformance with the Appendices of this Provision.
- b. A minimum Amenity Area of 7.5 m² per Dwelling of gross Floor Area shall be provided through the following:

- i. a minimum of 65 m² shall be provided as Common Indoor Amenity Area and may include, but is not limited to, change room facilities, shared work/study area, entertainment rooms, amenity lounge, communal kitchen, and fitness facilities;
 - ii. a combined minimum of 45 m² shall be provided as Common Amenity Area outdoors at ground level;
 - iii. Balconies with a minimum depth of 1.5 m may be used to Satisfy Amenity Area Requirements, except that, balconies fronting 100 Avenue NW and the adjacent Lane with a minimum depth of 1.2 m may be used to Satisfy Amenity Area Requirements; and
 - iv. Each ground level Dwelling fronting the north, south and west setbacks shall have direct access to a minimum of 8 m² of Private Outdoor Amenity Area.
- c. 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 shall be submitted as part of a Development Permit application for review and approval by the Development Officer.
- d. The following shall apply and be shown on the required Landscape Plan:
 - i. Landscaping shall use plant materials that provide colour throughout the year to enhance appearance during winter months; and
 - ii. Landscaping Plans shall incorporate native and/or drought tolerant species into the Landscaping design.
- e. In addition to the requirements in the Zoning Bylaw, the following shall apply and be shown on the Landscaping Plan:
 - i. at ground level, where Setbacks are provided in front of Residential Uses fronting onto a public roadway, 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;
 - ii. a clear delineation of all Amenity Areas at ground level with vertical landscaping features (e.g. hedges, decorative fences, screens, low walls, shrubs, and other plant material);
 - iii. a 1.83 m decorative screen fence shall be provided along the entire length of the north Lot line except within the setback from 113 Street NW;
 - iv. an Outdoor Common Amenity Area at ground level being landscaped with soft landscaping, garden boxes/planters, seating or other complimentary amenities; and
 - v. that the soil above the Underground Parkade Garage shall be of sufficient capacity to accommodate required Landscaping, including trees, shrubs, flower beds, grass and ground cover.

- f. An arborist report and tree preservation plan to the satisfaction of the Development Officer in consultation with Urban Forestry, shall be submitted with the Development Permit application to determine the impact of the proposed development, including excavation and construction, on the existing boulevard trees along 100 Avenue NW and 113 Street NW. If required by the Development Officer, an air spading tool shall be used to determine the amount and size of roots that may need to be cut for the parkade/foundation wall. If:
 - i. the arborist report indicates that the development will unduly compromise the ongoing viability and health of a tree or trees, each tree shall be removed as part of the redevelopment of the site. The owner/developer shall be responsible for the cost of removal as well as for compensating the City for the value of the tree being removed. If required by the Development Officer, each tree removed shall be replaced by a new tree in an enhanced growing soil medium in the form of soil cells or continuous trenches, at the cost of the owner; or
 - ii. the arborist report indicates that the development will not unduly compromise the ongoing viability and health of a tree or trees, each tree shall be retained and protected as per the City's Corporate Tree Management Policy C456B.
- g. 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 100 Avenue NW, 113 Street NW, and the Lane abutting the development.
- h. Exterior lighting associated with the development shall be designed such that it minimizes negative impact on an adjacent property.
- i. 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. Other Regulations

- a. 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).
- b. A Wind Impact Study shall be prepared by a qualified, registered Professional Engineer and submitted with the Development Permit application for construction of the principal building. Prior to the issuance of the Development Permit, any mitigation measures to minimize adverse microclimatic effects, such as wind tunneling, snow drifting and rain sheeting, recommended by the study shall be incorporated into the design of the building, to the satisfaction of the Development Officer, to ensure on and off Site pedestrian circulation areas, Amenity Areas and open spaces are fit for the intended activities in the space.

- c. Prior to the issuance of a Development Permit for:
 - i. a building that contains 12 or more Dwelling units; or
 - ii. 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.

- d. Notwithstanding the other Development Regulations and Appendices of this Provision and Section 720.3(2) of the Zoning Bylaw, in the event that the owner/developer does not obtain a Development Permit and commence construction of the building within 10 years of the passage of the Bylaw adopting this Provision, development shall be in accordance with this Provision, except that:
 - i. the maximum Height shall be 23.0 m; and
 - ii. the maximum Floor Area Ratio shall be 3.0.

10. Public Improvements and Contributions

- a. 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:
 - i. replacement of any street furniture including but not limited to lamps, benches, bollards or planters, that are removed/damaged due to construction of the development;
 - ii. construction of infrastructure improvements as indicated in the drainage Off-Site Municipal Utility Assessment (100 Avenue NW and 113 Street NW), or alternatives to the satisfaction of the Development Officer in consultation with EPCOR Water Services Inc;
 - iii. the repair of any damage to the abutting roadways, sidewalks and/or boulevard resulting from construction of the development, to the satisfaction of Subdivision and Development Coordination (Transportation). The Site must be inspected by Subdivision and Development Coordination (Transportation) prior to the start of the construction and once again when construction is complete;

- iv. upgrading the north-south Lane abutting the Site in its entirety (from 100 Avenue to the east-west Lane) to a commercial alley standard within the available right-of-way and with the potential to encroach on site in the constraint areas, including relocation and/or trenching of the above-ground utilities as required to serve the development;
 - v. removal of the existing accesses on the east side of 113 Street NW, approximately 37 m north of 100 Avenue NW; and
 - vi. Landscaping that extends over City-owned lands shall be developed in accordance with Traffic bylaw 5590 and the City Design and Construction Standards.
- b. A minimum of 6 Dwellings shall be designed in conformance with the following:
- i. the Dwelling shall have a minimum of three bedrooms;
 - ii. the Dwellings shall be distributed throughout the building with each Storey containing at least one Dwelling;
 - iii. the Dwelling shall have access to a Private Outdoor Amenity Area, which can include balconies or patios, of at least 10 m²;
 - iv. the Dwelling shall have a dedicated and enhanced bulk storage located within the Dwelling or on the same Storey as the Dwelling; and
 - v. the Dwelling shall have access to a dedicated and secured family bicycle parking room or cage which shall have racks or railings for a minimum of 2 bicycle parking spaces. These spaces shall not infringe on the ability for all remaining Dwellings in the development to have access to 0.7 bicycle parking spaces per Dwelling.
- c. Prior to the issuance of the Development Permit for construction of the principal building, the developer shall enter into an agreement to contribute a minimum of \$21,000:
- i. to the Grandin Catholic Elementary School for the upgrading of the playground and playground equipment located on the Grandin Catholic Elementary School site; or
 - ii. as a community contribution towards the construction or upgrading of a playground or playground equipment located within the Oliver neighbourhood,

with specific details to be determined at the Development Permit stage between the Owner and City Administration in consultation with the Grandin Catholic Elementary School or the applicable community group. Notwithstanding the above, if a Development Permit application has not been made within five (5) years of the date of this Charter Bylaw approval, this contribution shall be increased from that point forward according to the annual rate of national inflation as determined by Statistics Canada.

