

Charter Bylaw 19682

A Bylaw to amend Bylaw 12800, as amended,
The Edmonton Zoning Bylaw
Amendment No. 3213

WHEREAS Lots 21 and 22, Block 57, Plan RN39B; located at 10911 - 124 Street NW and 12320 - 109 Avenue NW, Westmount, 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 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 Lots 21 and 22, Block 57, Plan RN39B; located at 10911 - 124 Street NW and 12320 - 109 Avenue NW, Westmount, 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	18th day of May	, A. D. 2021;
READ a second time this	18th day of May	, A. D. 2021;
READ a third time this	18th day of May	, A. D. 2021;
SIGNED and PASSED this	18th day of May	, A. D. 2021.

THE CITY OF EDMONTON

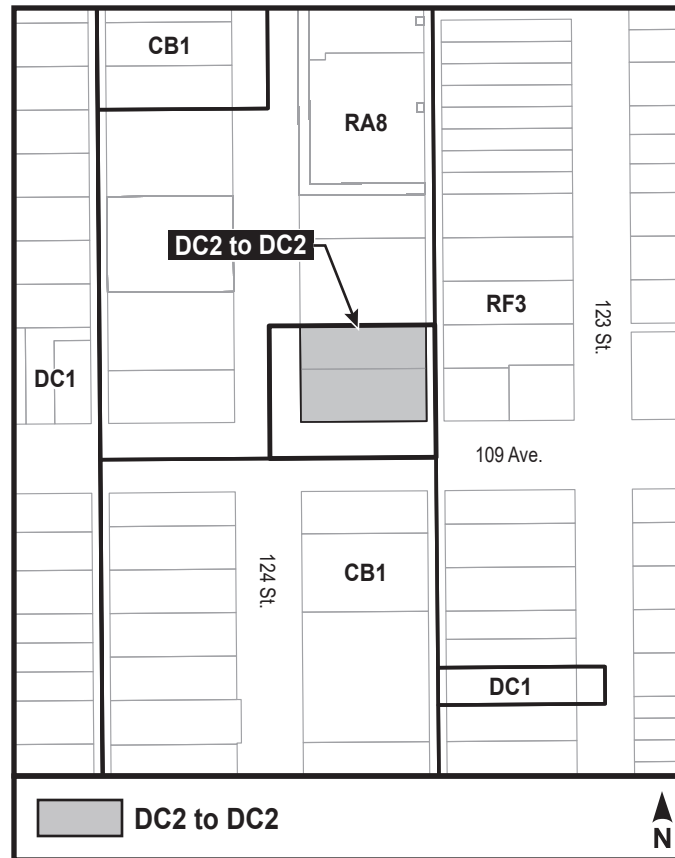


MAYOR

A / 

CITY CLERK

CHARTER BYLAW 19682



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

To develop a mixed use commercial and multi-unit residential development that is sensitive in scale to the surrounding neighbourhood and contributes to a pedestrian commercial shopping street.

2. Area of Application

This Provision shall apply to Lots 21 and 22, Block 57, Plan RN39B; located on the northeast corner of 124 Street and 109 Avenue, as shown on Schedule "A" of the Charter Bylaw adopting this Provision, Westmount.

3. Uses

- a. Business Support Services
- b. Child Care Services
- c. Convenience Retail Stores
- d. General Retail Stores
- e. Health Services
- f. Indoor Participant Recreation Services
- g. Live-work Unit
- h. Major Home-based Businesses
- i. Media Studios
- j. Minor Home-based Businesses
- k. Multi-unit Housing
- l. Personal Services Shops
- m. Private Education Services
- n. Professional, Financial and Office Support Services
- o. Residential Sales Centre
- p. Restaurants

- q. Specialty Food Services
- r. Urban Gardens
- s. Fascia On-premises Signs
- t. Freestanding On-premises Signs
- u. Projecting On-premises Signs

4. Development Regulations for Uses

- a. Commercial Uses:
 - i. shall be located on the ground floor; and
 - ii. the principal entrance for any Commercial Use on a Site that Abuts 124 Street or 109 Avenue shall be oriented to the street.
- b. Multi-unit housing shall be permitted only where the first Storey contains Commercial Uses fronting 124 Street.
- c. Signs shall comply with Schedule 59B. A Comprehensive Sign Design Plan and Schedule, consistent with the overall intent of subsection 59.3, shall be prepared for the development and submitted, with the Development Application, to be approved by the Development Officer.
- d. Each Restaurant Use shall be limited to 200 seats and 240 m² of Public Space.
- e. Individual Specialty Food Services Use shall be limited to 100 seats and 120 m² of Public Space.
- f. Residential Sales Centre Use shall be limited to the sale of on-Site condominium units or leasing of rental units.

5. Development Regulations for Site Layout and Built Form

- a. Development shall be in general conformance with Appendix 1, Site Plan.
- b. The maximum Floor Area Ratio shall be 3.7.
- c. The maximum Site coverage shall be 75%.
- d. The maximum number of Dwelling Units, including Live Work Units shall be 70.
- e. The maximum building Height shall not exceed 23.0 m.
- f. The minimum Setbacks shall be:

- i. 1.0 m from the west lot line on 124 Street except that a 2.0 m setback from the west lot line shall be required for a minimum distance of 15.0 m from the south lot line. Notwithstanding this, the building may project to this lot line above 4.0 m in height.
 - ii. 1.0 m from the south property line on 109 Avenue except that a 2.0 m setback shall be required from the south lot line for a minimum distance of 10.0 m from the west lot line. Notwithstanding this, the building may project to this lot line above 4.0 m in height.
 - iii. 0.0 m from the north property line.
 - iv. 6.5 m from the east property line.
- g. The minimum building Stepbacks shall be:
 - i. 4.5 m from the west lot line at a maximum height of 15.0 m.
 - ii. 4.5 m from the south lot line at a maximum height of 15.0 m.
 - iii. 3.3 m from the north lot line at a maximum height of 15.0 m.
 - iv. 9.0 m from the east lot line at a maximum height of 15.0 m.
- h. No projections shall be permitted in the east setback and north stepback.

6. Development Regulations for Building Design and Features

- a. The Setback fronting 124 Street, and a minimum of 10.0 m from the west lot line shall be paved and visually incorporated into the Public Walkway to the satisfaction of the Development Officer
- b. All mechanical equipment, including roof mechanical units, and ground level Parking Garage vents, shall be concealed by screening in a manner compatible with the architectural character of the building or concealed by incorporating it within the building.
- c. The development shall create a pedestrian-friendly environment on 124 Street NW, and 109 Avenue NW through the provision of elements such as, but not limited to, entrance features, outdoor sitting areas, canopies, landscaping and other features that lend visual interest and a human scale to the development along the street.
- d. Commercial Frontages shall be developed in accordance with the Appendices of this Provision and the following, to the satisfaction of the Development Officer:

- i. The commercial Facade fronting 124 Street NW and a minimum of 10.0 metres of the south facade fronting 109 Avenue NW, shall have a minimum of 70% clear non-reflective glazing to promote pedestrian interaction and safety. The maximum frontage width shall be 12.0 m, Where the width of a ground floor commercial Use exceeds 12.0 metres, the front Facade of the building shall be designed to break the appearance into a maximum of 12 m sections; and
 - ii. A maximum of 10% of the first Storey glazing may be covered by Signs. The remainder of the glazing shall remain free from obstruction.
- e. Building materials must be durable, of high quality and appropriate for the development within the urban context, design, proportion, quality, texture and application of various finishing materials shall be to the satisfaction of the Development Officer.
- f. The north Façade will include architectural treatment matching the design and features consistent with the other Facades of the building to break up this Facade with texture and materials to the satisfaction of the Development Officer and in general accordance with the Appendices of this Provision.
- g. A painted mural shall be located on the north Façade in general accordance with the Appendices of this Provision and shall have a minimum length of 10.0 m measured from the at western Façade located at Grade.

7. Development Regulations for Parking, Loading and Access

- a. Parking and trash collection shall be permitted within the east Setback adjacent to the Lane, in general accordance with Appendix 1.
- b. Bicycle Parking spaces shall be provided in accordance with the Zoning Bylaw and the following:
 - i. Bicycle Parking for Residential and/or Residential-related Use shall be provided at a rate of 0.6 spaces per Dwelling. Parking shall be provided in a safe and secure location 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.
 - ii. 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.
 - iii. A minimum of 12 short-term Bicycle parking spaces shall be provided in publicly accessible and highly visible location(s).

- c. Parking, storage, and waste collection areas shall be located adjacent to the Lane. The waste collection area, and access to it, shall be designed to the satisfaction of the Development Officer in consultation with Waste Management Services and Subdivision and Development Coordination (Transportation).

8. Development Regulations for Landscaping, Lighting and Amenity Areas

- a. Landscaping shall be provided in general accordance with the Appendices of this Provision
- b. A detailed Landscape Plan, prepared by a registered AALA landscape architect, for the Site, shall be submitted for review and approval by the Development Officer, prior to the issuance of any Development Permit, except for a permit for excavation or shoring. The Landscape Plan shall include decorative paving, benches, planters and lighting that are integrated with the adjacent public realm.
- c. Landscaping shall consider the use of plant materials that provide color throughout the year to enhance the appearance of the development during cold weather months.
- d. Setbacks from the south and west property lines shall be integrated with the pedestrian oriented public realm of 124 Street NW and 109 Avenue NW as follows:
 - i. Setbacks shall be hardsurfaced between the public sidewalk and the building and contribute to the pedestrian oriented character of the area. No easement shall be required to be registered for this space;
 - ii. A minimum of 33.0 m² of enhanced outdoor space shall be located on the south west corner of the site with a minimum depth of 2.0 m; and
 - iii. A minimum of 42.0 m² of enhanced outdoor space with a minimum depth and width of 6.5 m shall be located on the south east corner of the site and shall not include entry walkways.
- e. Common Amenity Areas above the first Storey shall be for residential purposes only.
- f. Amenity Area shall be provided through an outdoor common Amenity Area with a minimum area of 100.0 m² located on the roof of the Podium in general conformance with the Appendices of this Provision.

9. Other Regulations

- a. A Wind Impact Study shall be prepared and submitted with a Development Permit application for any building or portion of a building with a minimum Height of 20.0 m. The development shall incorporate design features to minimize adverse microclimatic

effects such as wind tunneling, snow drifting, and rain sheeting, both on and off Site, consistent with the recommendations of the Wind Impact Study.

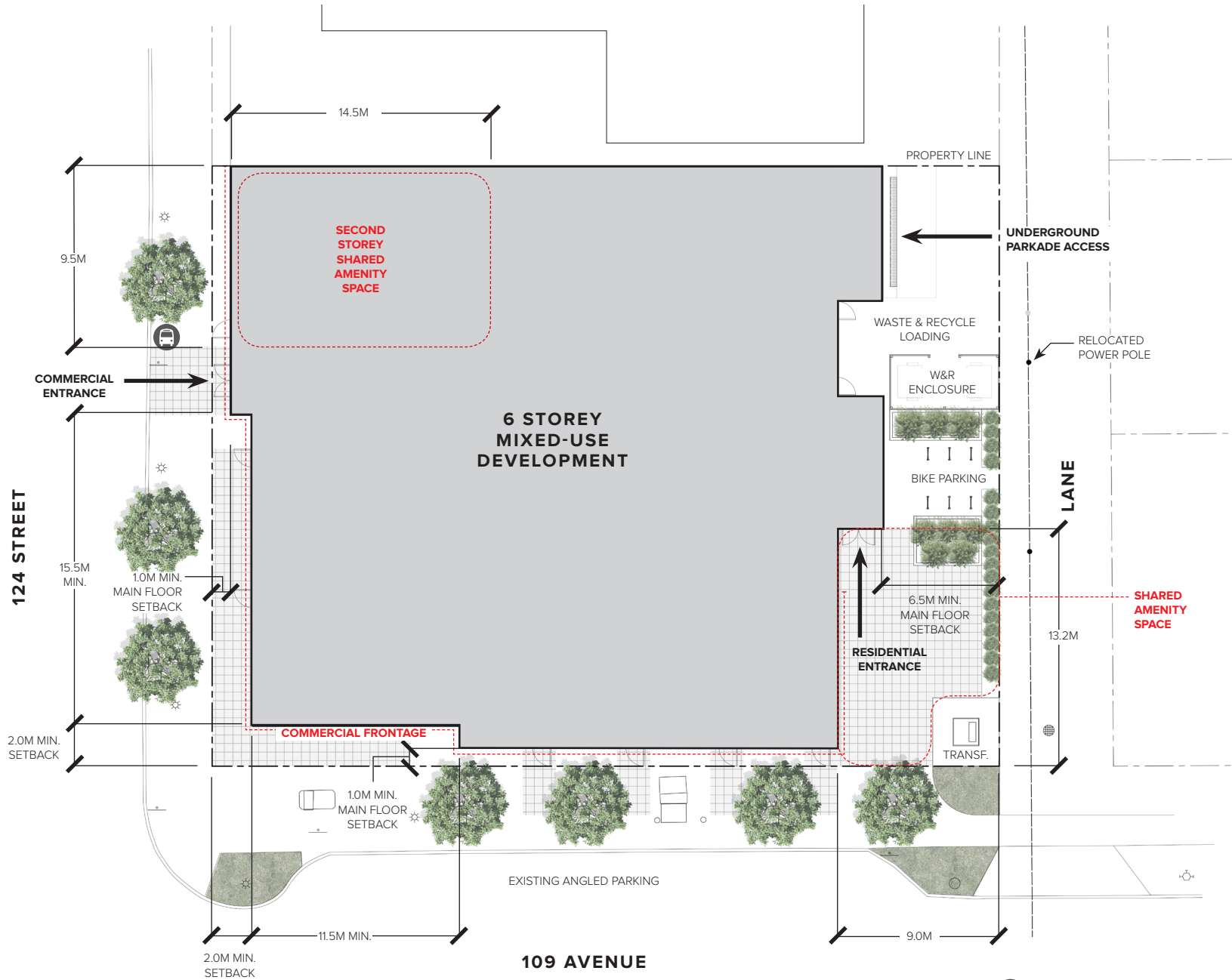
- b. An arborist report and tree preservation plan to the satisfaction of the Development Officer in consultation with Urban Forestry, shall be submitted with the Development Permit application to determine the impact of the proposed development, including excavation and construction, on the existing boulevard trees along 124 Street NW and 109 Avenue 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.
- c. 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).
- d. Prior to the issuance of a development permit for:
 - i. a building that contains 12 or more Dwelling units; or.
 - ii. 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.

10. Public Improvements and Contributions

- a. As a condition of a Development Permit for construction of a principal building, the owner shall enter into an Agreement with the City of Edmonton for off-Site improvements necessary to serve the development, to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation). Such improvements shall be constructed at the owner's cost. The Agreement process shall include an engineering drawing review and approval. Improvements to address in the Agreement include, but are not limited to:
 - i. A contribution of \$30,000 toward a pedestrian signal at the intersection of 109 Avenue and 124 Street;
 - ii. Upgrading of the Lane adjacent to the Site to a commercial alley standard; and
 - iii. Repair of any damage resulting from construction of the development to the abutting roadways, sidewalks and boulevard, including Lanes not directly adjacent to the Site but which may be used for construction purposes.
- b. Prior to the issuance of the Development Permit for new building construction, the owner shall enter into an agreement with the City of Edmonton whereby the owner shall provide a minimum contribution of \$14,642.78 toward the acquisition and placement of public art. This contribution shall not include any costs associated with a required mural located on the north Façade of the building. Such art agreement shall require that:
 - i. Prior to the issuance of a Development Permit, a public art plan showing the general location(s) of art shall be prepared and submitted to the City of Edmonton for review and approval by the Development Officer. The art will be acquired through an art procurement process administered by the owner(s) and all costs related to the procurement of the artworks, operation and future maintenance shall be the responsibility of the owner;
 - ii. Artworks shall be created by a professional artist;
 - iii. Artworks may be located on or within the public or private property and shall be in locations that are publicly viewable to the satisfaction of the Development Officer;
 - iv. If located on public property or roadway right of way, the location shall be to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation) , City Operations and Integrated Infrastructure Services; and
 - v. The Public Art contribution amount shall be increased every 5 years from the date of passage of the Bylaw adopting this Provision according to the annual rate of national inflation as determined by Statistics Canada.

APPENDIX 1

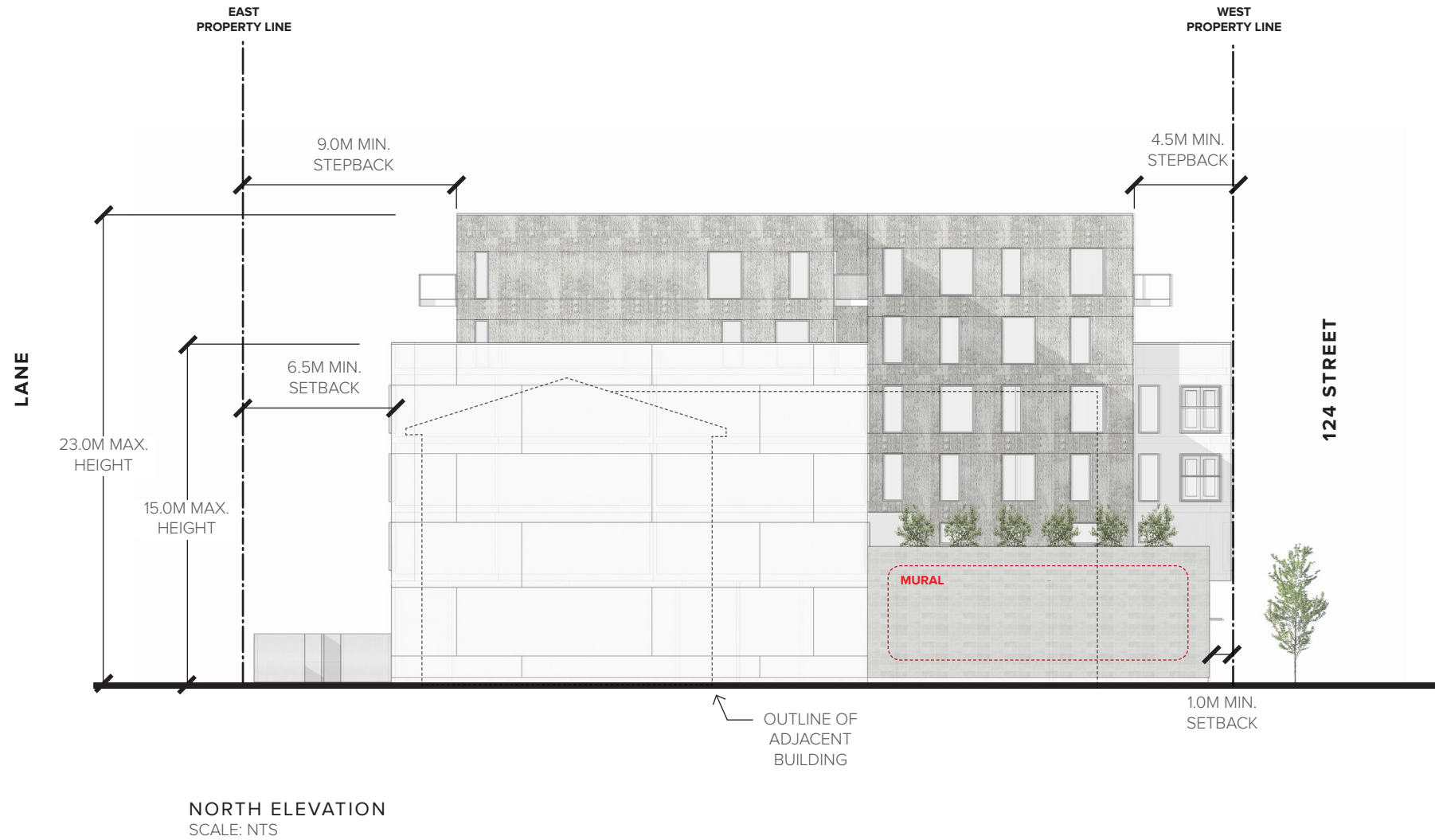


SITE PLAN
SCALE: NTS



WEST ELEVATION
SCALE: NTS







EAST ELEVATION
SCALE: NTS