

Charter Bylaw 19709

A Bylaw to amend Bylaw 12800, as amended,  
The Edmonton Zoning Bylaw  
Amendment No. 3226

WHEREAS Lot 9A, Block 24, Plan 9221629; located at 8709 - 118 Street NW, Windsor Park, Edmonton, Alberta, is 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;

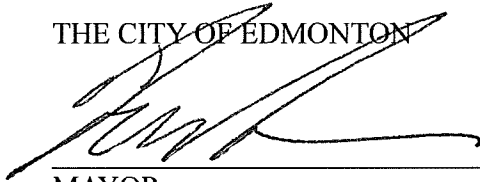
NOW THEREFORE after due compliance with the relevant provisions of the Municipal Government Act RSA 2000, ch. M-26, as amended, the Municipal Council of the City of Edmonton duly assembled enacts as follows:

1. The Zoning Map, being Part III to Bylaw 12800 The Edmonton Zoning Bylaw is hereby amended by rezoning the lands legally described as Lot 9A, Block 24, Plan 9221629; located at 8709 - 118 Street NW, Windsor Park, 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

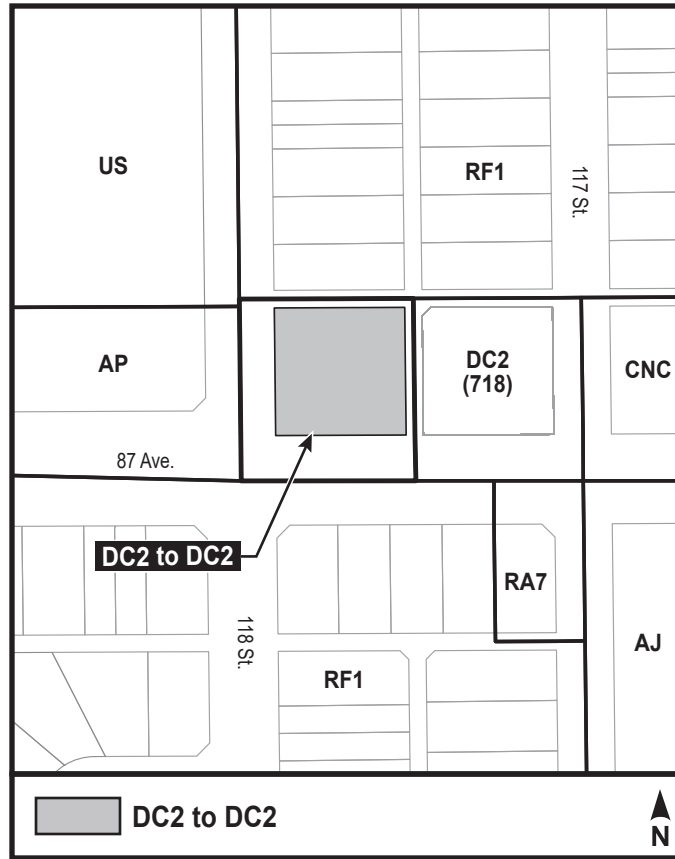


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MAYOR



A / CITY CLERK

CHARTER BYLAW 19709



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

### **1. General Purpose**

To accommodate a mixed-use development with commercial and residential uses on the ground floor that provides for an active and inviting pedestrian-oriented streetscape fronting onto 87 Avenue NW and 118 Street NW.

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

This provision shall apply to Lot 9A, Block 24, Plan 922 1629 located at the northeast corner of 87 Avenue and 118 Street shown in Schedule "A" of the Charter Bylaw adopting this provision, Windsor Park.

### **3. Uses**

1. Business Support Services
2. Commercial Schools
3. Convenience Retail Stores
4. Creation and Production Establishments
5. General Retail Stores
6. Government Services
7. Health Services
8. Live Work Units
9. Lodging Houses
10. Minor Home Based Business
11. Multi-unit Housing
12. Personal Service Shops
13. Professional, Financial and Office Support Services
14. Residential Sales Centre
15. Restaurants
16. Secondhand Stores
17. Specialty Food Services
18. Supportive Housing
19. Fascia On-premises Signs
20. Freestanding On-premises Signs
21. Projecting On-premises Signs
22. Temporary On-premises Signs

### **4. Development Regulations for Uses**

1. Personal Service Shops shall not include Body Rub Centres.
2. Each Restaurant Use shall be limited to 240 m<sup>2</sup> of Public Space.
3. Each Specialty Food Service Use shall be limited to 120 m<sup>2</sup> of Public Space.
4. All non-Residential and non-Residential-Related Uses shall:
  - a. be located on the ground floor of the building;
  - b. each have a separate outside entrance that shall be universally accessible to all ages and capabilities and be oriented to face 87 Avenue,
  - c. have up to one entrance oriented towards 118 Street within 20.0 m of the southern Lot line, and
  - d. not be permitted in any freestanding structure separate from a structure containing Residential Uses.
5. Signs shall comply with the regulations found in Schedule 59B of the Zoning Bylaw, with the exception of the following:
  - a. Fascia On-premises Signs shall be subject to the following regulations:
    - i. Fascia On-Premises Signs shall not extend higher than 1 m above the floor of the Third Storey, and
    - ii. The maximum Area for any Fascia On-premises Sign shall not exceed 3m<sup>2</sup>, except for one Fascia On-premises Sign being permitted facing 118 Street located above the principle residential entrance which shall not exceed 10 m<sup>2</sup>.
  - b. Freestanding On-premises Signs shall be used for wayfinding purposes and be subject to the following regulations:
    - i. The maximum number of Freestanding On-premises Signs shall be three.
    - ii. The maximum Height shall not exceed 3.0 m and shall have a maximum Area of 4m<sup>2</sup>.
    - iii. Shall be located along laneways

- c. Temporary On-premises Signs shall be limited to project advertising associated with an on-Site Residential Sales Centre and shall not include trailer mounted or signs with changeable copy.
- 6. Residential Sales Centres shall be limited to the sale or lease of Dwellings on Site.
- 7. Live-Work Units shall be limited to ground level Residential Dwellings.

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

- 1. The development shall be in general conformance with the attached appendices.
- 2. The maximum Floor Area Ratio (FAR) for Residential and Residential-Related Use Classes shall be 5.6.
- 3. The maximum Floor Area Ratio for Commercial Use Classes shall be 0.2 and the minimum total Floor Area for Commercial Use Classes shall be 230 m<sup>2</sup>.
- 4. The maximum floor plate area is as follows:
  - a. 1,300 m<sup>2</sup> up to 9.5 m,
  - b. 1,200 m<sup>2</sup> from 9.0 m to 15.5 m,
  - c. 1,150 m<sup>2</sup> from 15.0 m to 27.5 m,
  - d. 1,100 m<sup>2</sup> from 27.0 m to 30.5 m, and
  - e. 1,000 m<sup>2</sup> above 30 m.
- 5. The maximum Height excluding roof mechanical units shall not exceed 34.0 m.
- 6. The maximum number of Dwelling units shall be 140; of which:
  - a. No more than 10% shall be constructed as studio Dwellings.
- 7. Minimum Setbacks shall be in general conformance with appendix 1 and 2 and as follows:
  - a. North Setbacks
    - i. 3.7 m from the north Lot line,
    - ii. 6.5 m from the north Lot line above 9.5 m, and

iii. 13.4 m from the north Lot line above 27.5 m.

b. East Setbacks

i. 0.0 m from the east Lot line,

ii. 1.4 m from the east Lot line above 6.5 m,

iii. 2.0 m from the east Lot line above 15.5 m.

c. South and west Setbacks

i. 0.0 m from the south and west Lot line.

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

1. The building shall be primarily "L"-shaped in an effort to reduce the building's massing along its northern and eastern edges. Use of material differences along all Façades and setbacks along the north and east Façades shall reinforce the concept of terracing and provide the appearance of appropriate building scale and form.
2. The ground floor base of the building, excluding any parapet wall, shall not exceed 6.0 m in Height.
3. The geodetic elevation of the top floor on the level that is directly above Grade shall not exceed the geodetic elevation of the abutting sidewalk by more than 0.3 m.
4. Building materials shall be durable, of high quality and appropriate for the development within the urban context, including but not limited to masonry, stone, metal, wood, acrylic stucco, and clear glass.
5. Weather protection in the form of a canopy or other architectural element shall be provided above ground floor commercial entrances.
6. The use of vinyl and masonry stucco as a finishing material is prohibited.
7. All mechanical equipment, including roof mechanical units, surface level venting systems, and transformers shall be concealed by screening in a manner compatible with the architectural character of the building or concealed by incorporating them within the building framework and be oriented to minimize negative impacts on Amenity Areas, public roadways other than Lanes, and surrounding properties.
8. The development shall address both 87 Avenue and 118 Street by providing:

- a. distinctive architectural features consistent with the style of the building to enhance the corner, and
  - b. a strong retail base shall be distinct and separate from the rest of the building by use of glazing and a horizontal canopy.
9. All ground level Residential Dwelling units shall have an individual external entrance at Grade with addressing to be readable from the Street or lane. Sliding patio doors shall not serve as this entrance.
10. A semi-private outdoor amenity area in front of each at-grade Dwelling exterior entry shall be provided in a manner that establishes a transition area between the public roadway, including a Lane using landscape features such as decorative fencing, change in Grade, shrub beds or rock gardens and/or built elements, such as, private entrance features and verandas or porches.
11. Active commercial frontages on the south and west Façade shall be developed in accordance with the following regulations:
  - a. All exposed building Facades shall have consistent exterior finishing materials and design in general conformance with attached appendices.
  - b. All window glazing shall be transparent and shall be placed to allow viewing into the building to promote a positive pedestrian-oriented street. Tinted, reflective or other opaque treatments shall be prohibited.
  - c. A minimum of 70% of the linear frontage of the commercial south and west ground floor Façade fronting onto the public roadways other than a Lane shall utilize glazing. Linear frontage shall be measured as the horizontal plane at 1.5 m above Grade.
  - d. Building Facades shall be designed with detail and articulation at a maximum of 12 m intervals to create an attractive streetscape. The building shall be articulated by a combination of recesses, projections, change in building materials, and a physical break in building mass.

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

1. Vehicular access and egress shall be from the abutting Lanes.
2. Notwithstanding the Zoning Bylaw, long term Bicycle Parking shall be provided in a safe and secure location in the Underground Parkade and/or in another secure location on the first Storey of 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, to the satisfaction of the Development Officer.

3. Vertical or stacked bicycle racks may be used to satisfy long term Bicycle Parking requirements. The minimum size of vertical bike parking stalls shall be 0.60 m wide, 2.3 m high, and 1.1 m deep, with a minimum 1.5 m wide aisle.
4. A bicycle repair and maintenance station shall be required within or adjacent to the bike storage area within the Underground Parkade.
5. One vehicle car wash bay shall be required within the Underground Parkade.
6. The Underground Parkade shall not be subject to required Setbacks and can extend to all Lot lines.
7. Loading, storage and waste collection areas shall be concealed from view from adjacent sites and public roadways. The waste collection area shall be located within the building. 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**

1. Landscaping shall be completed in general conformance with Appendix 3. Trees and landscaping will be planted within the 118 Street and 87 Avenue Boulevards and on-site to enhance the public realm.
2. Landscaping that extends onto City-owned lands shall be developed in accordance with the Traffic bylaw 5590 and the City Design and Construction Standards to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (transportation).
3. To ensure a high standard of appearance a Landscape Plan prepared by a registered AALA Landscape Architect shall be submitted as part of the Development Permit application.
4. Landscaping on and off site shall consider the use of plant materials that provide colour throughout the year to enhance the appearance of the development during the cold weather months.
5. The Landscape Plan shall include pavement materials, exterior lighting, street furniture elements, pedestrian seating area, sizes and species of new and existing tree plantings, and other landscaping elements as applicable.
6. For Residential Uses, a minimum Amenity Area of 7.5 m<sup>2</sup> per Dwelling shall be provided through the following:

- a. Indoor Common Amenity Area that may include, but not limited to, lounges, entertainment rooms, bicycle room and fitness rooms;
- b. Outdoor Common Amenity Area in the form of Rooftop Terrace's; and
- c. Platform Structures in the form of balconies with a minimum depth of 1.6 m.

## 9. Other Regulations

1. Prior to issuance of a Development Permit for construction of the principle building, a Wind Impact Study shall be submitted for review. The development shall incorporate design features to minimize adverse microclimate effects such as wind tunneling, snow drifting, rain sheeting both on and off Site, consistent with the recommendations of the Wind Impact Study. Special attention in the Wind Impact Study shall be given to ensure the ground level area in the west and south of the Site is properly protected from any adverse impacts.
2. Prior to the issuance of a development permit, excluding a development permit for excavation, shoring, footing, foundation, demolition or signage, the owner shall be required to perform Environmental Site Assessment (ESA) work in this area, including, but not limited to: Phase II ESA(s), Remedial Action Plan(s), Final Remediation Report, and/or Risk Management Plan(s), at the discretion of the Development Officer in consultation with the Environmental Planner to be submitted and, reviewed, and approved to the satisfaction of the Development officer. The Development Officer shall impose any Development Permit conditions necessary, prior to the release of the drawings for Building Permit review, to ensure that the Site is suitable for the full range of uses contemplated in the Development Permit application.
3. Site and building layouts shall include design elements that take the principles of Crime Prevention Through Environmental Design (CPTED) into consideration. These elements may include, but are not limited to, elements that allow for natural surveillance, increase site lines and use, and high-quality interior and exterior lighting. The physical layout and landscaping shall reduce the vulnerability of pedestrians by avoiding areas of concealment or entrapment such as:
  - a. long public corridor spaces, stairwells, or other movement predictors;
  - b. avoiding landscaping hazards such as unpruned trees, rocks that can be thrown or blind corners; and
  - c. by locating parking areas close to building access points and sign wayfinding mechanisms.
4. Prior to the issuance of the Development Permit, a detailed exterior lighting plan shall be provided to the satisfaction of the Development Officer. Decorative and security lighting

shall be designed and finished in a manner consistent with the design and finishing of the development and shall be provided to ensure a safe well-lit environment. All exterior lighting of the Site shall be designed to ensure that it is directed away from the residential development.

5. Built form, public realm interfaces, streetscape elements and pedestrian connections shall consider the City of Edmonton's Winter Design Guidelines in their design and implementation. A report outlining how the development responds to these guidelines shall be submitted with each Development Permit for a principle building to the satisfaction of the Development Officer.
6. Notwithstanding the other Development Regulations of this Provision and the Appendices of this Provision and Section 720.3 (2) of the Zoning Bylaw, in the event that the owner or developer does not obtain a building Permit and commence construction of a principle building, under valid Development Permits, within 10 years of the passage of the Bylaw adopting this Provision, development of the Site shall be in accordance with this Provision, except that:
  - a. The maximum Height shall be 29.9 m, and
  - b. The Maximum Floor Area Ratio shall be 4.9

## **10. Public Improvements and Contributions**

1. As a condition of any development permit, the Owner shall enter into an Agreement with the City of Edmonton for off-site improvements necessary to serve or enhance 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 be addressed in the Agreement include but are not limited to:
  - a. Repair of any damage to the abutting roadways, sidewalks, and boulevard, including Lanes not directly adjacent to the Site caused by the construction of the development,
  - b. Upgrading of the north-south Lane, and west-east Lane adjacent to the Site to a commercial standard within the available right-of-way, and
  - c. Removal of the existing access to 87 Avenue within portions of the right-of-way directly adjacent to the Site. Detailed landscaping plans, including all existing and proposed utilities within the road right-of-way must be submitted with the Development Permit application.

2. 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 \$50,000.00 toward the acquisition and placement of public art. Such agreement shall require that:
  - a. Prior to the issuance of the 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;
  - b. Artworks shall be created by a professional artist;
  - c. 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;
  - d. 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
  - e. 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.
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. A minimum of Three (3) Family Oriented Dwellings shall be developed within the building and subject to the following criteria:

- a. Have a minimum of three (3) bedrooms,
- b. Be located below the 6<sup>th</sup> Storey of the building,
- c. Have individual and direct access to private outdoor amenity area in the form of a balcony or patio that is a minimum of 10m<sup>2</sup> in size, and
- d. Have dedicated and enhanced bulk storage located within the Dwelling, or on the same Storey as the Dwelling.

118 STREET

87 AVENUE

3.7M SETBACK

6.5M SETBACK ABOVE 9.5 METRES

13.4M SETBACK ABOVE 27.5 METRES

PROPERTY LINE (44.81 M)

LANE

PROPERTY LINE (45.72 M)

2.0M SETBACK ABOVE 15.5 METRES

1.4M SETBACK ABOVE 6.5 METRES

TRANSFORMER

8 STALLS

WOOD SCREEN FENCE

RAMP DOWN

25.6 m Building Setback

25.9 m Building Setback

LOADING STALL

SIDEWALK

PROPERTY LINE (44.81 M)

LANE

MAIN ENTRY




GARBAGE

SIDEWALK

STALLS

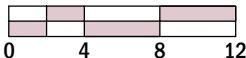
PROPERTY LINE (45.72 M)

LEGEND

-  Proposed Podium
-  Proposed Building Overhang
-  Existing Buildings

APPENDIX 1 - SITE PLAN

NOTE: BASE PLAN COMPILED USING CADASTRAL GRID LINEWORK, PLAN WILL NEED TO BE UPDATED BASED ON A LEGAL BOUNDARY SURVEY.



SCALE 1:400





**WINDSOR TERRACE**

**APPENDIX 2 - WEST ELEVATION**



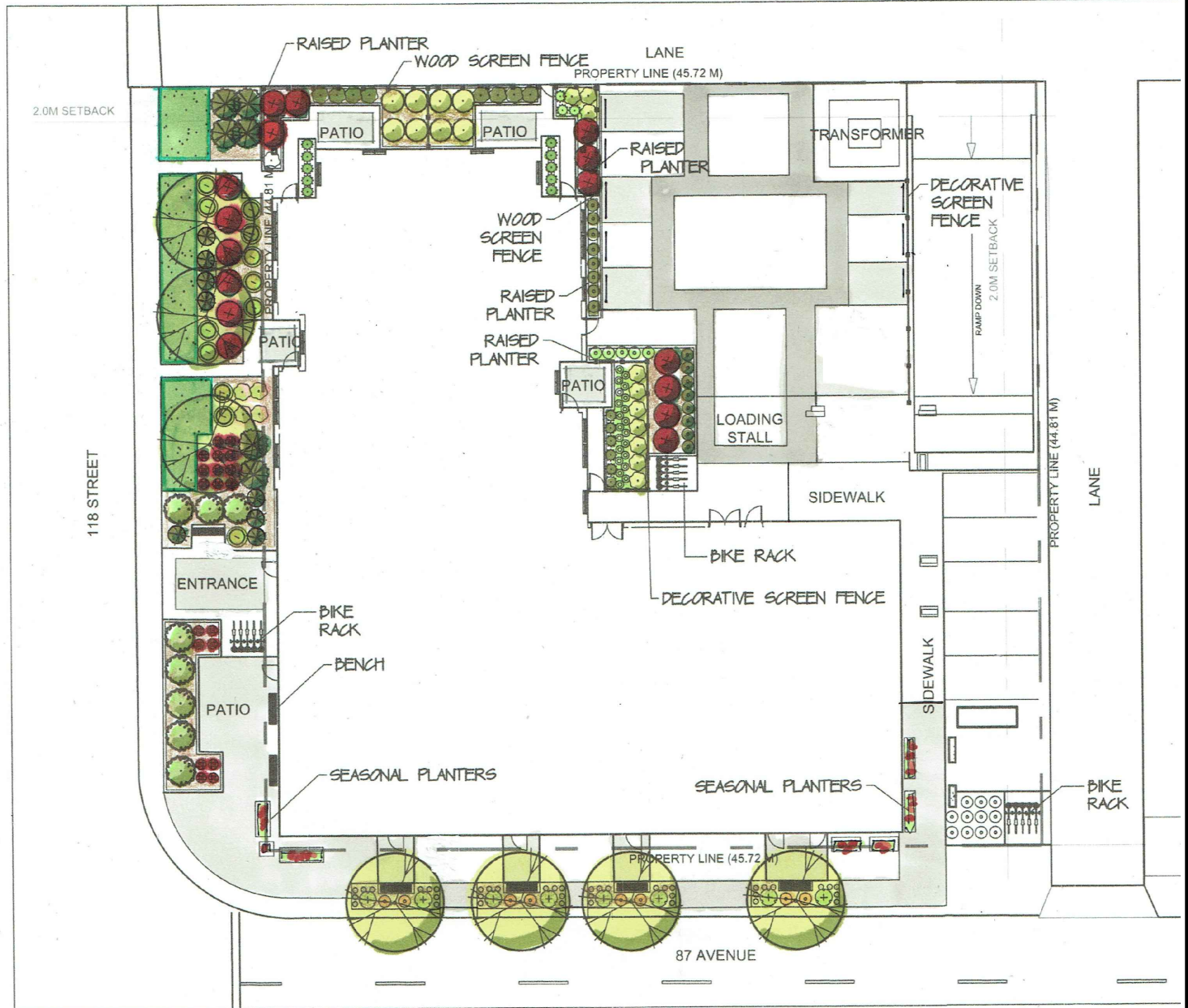
WINDSOR TERRACE

APPENDIX 2 - NORTH ELEVATION



WINDSOR TERRACE

APPENDIX 2 - EAST ELEVATION



### APPENDIX 3 - LANDSCAPE PLAN

