

Charter Bylaw 20223

A Bylaw to amend Bylaw 12800, as amended,  
The Edmonton Zoning Bylaw  
Amendment No. 3503

WHEREAS Lots 1-4 and a portion of Lot 5, Block 125, Plan I21; 9854 & 9860 - 90 Avenue NW and 9009 & 9013 - 99 Street NW, Strathcona, 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 1-4 and a portion of Lot 5, Block 125, Plan I21; 9854 & 9860 - 90 Avenue NW and 9009 & 9013 - 99 Street NW, Strathcona, 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	13th day of September	, A. D. 2022;
READ a second time this	13th day of September	, A. D. 2022;
READ a third time this	13th day of September	, A. D. 2022;
SIGNED and PASSED this	13th day of September	, A. D. 2022.

THE CITY OF EDMONTON

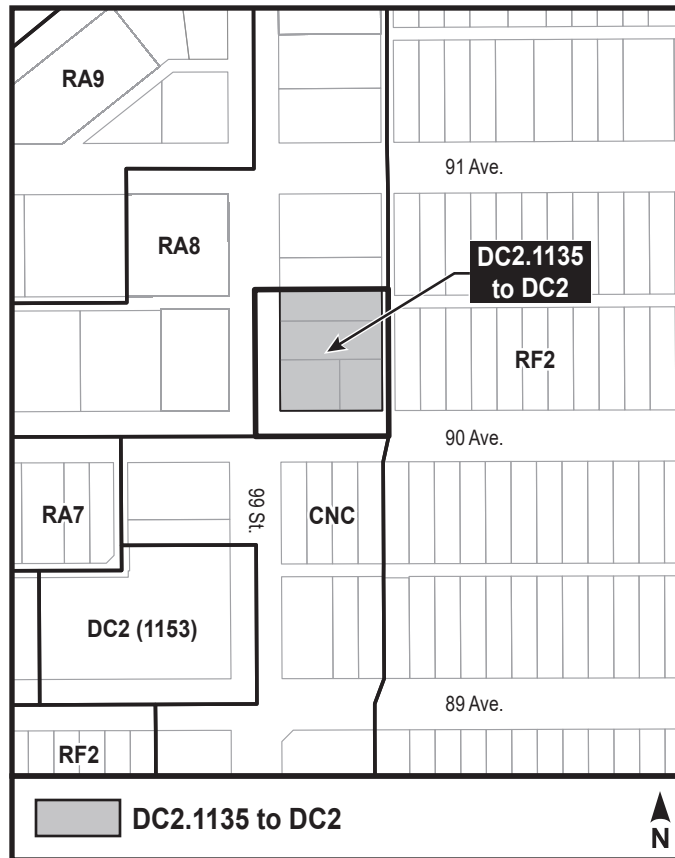


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MAYOR



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CITY CLERK

CHARTER BYLAW 20223



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

To accommodate a street-oriented mixed-use development consisting of ground level commercial with residential above, in a manner that creates a positive interface along the adjacent public roadways and is sympathetic to the surrounding neighbourhood context.

**2. Area of Application**

This Provision shall apply to Lots 1-4 and a portion of Lot 5, Block 125, Plan I21, located on the northeast corner of 99 Street NW and 90 Avenue NW, as shown on Schedule “A” of the Charter Bylaw adopting this Provision, Strathcona.

**3. Uses**

1. Bars and Neighbourhood Pubs
2. Breweries, Wineries and Distilleries
3. Business Support Services
4. Cannabis Retail Sales
5. Child Care Services
6. Commercial Schools
7. Convenience Retail Stores
8. Creation and Production Establishments
9. General Retail Stores
10. Health Services
11. Indoor Participant Recreation Services
12. Liquor Stores
13. Live Work Unit
14. Lodging Houses
15. Major Home Based Business
16. Market
17. Minor Amusement Establishments

18. Minor Home Based Business
19. Multi-unit Housing
20. Personal Service Shops
21. Private Education Services
22. Professional, Financial and Office Support Services
23. Restaurants
24. Residential Sales Centre
25. Secondhand Stores
26. Special Event
27. Specialty Food Services
28. Supportive Housing
29. Vehicle Parking
30. Veterinary Services
31. Urban Gardens
32. Fascia On-premises Signs
33. Projecting On-premises Signs

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

1. Personal Service Shops shall not include Body Rub Centres.
2. Residential Sales Centres shall be limited to the sale and/or leasing of the Dwellings on Site.
3. The maximum Public Space for each Bars and Neighbourhood Pubs, Restaurants or Specialty Food Services Use shall be limited to 120 m<sup>2</sup>.
4. Each Secondhand Stores Use shall be limited to 275 m<sup>2</sup> of Floor Area.
5. Breweries, Wineries and Distilleries shall only be allowed if developed in combination with a Restaurant or Bar and Neighbourhood Pub, and the total Public Space, including any private non-sale hospitality area, shall not exceed 120 m<sup>2</sup>.
6. All non-Residential and non-Residential-Related Uses shall:
  - a. be located in the first Storey;

- b. each have a separate outside entrance that shall be universally accessible and oriented to face 99 Street NW;
  - c. not be permitted in any freestanding structure separate from a structure containing Residential Uses; and
  - d. have a minimum total combined Floor Area of 150 m<sup>2</sup> and a maximum total combined Floor Area of 750 m<sup>2</sup>.
7. Where a Use may, in the opinion of the Development Officer, create negative impacts such as noise, light or odours which may be noticeable on adjacent properties, the Development Officer may, at the Development Officer's discretion, require that these potential impacts be minimized or negated. This may be achieved through a variety of measures including: Landscaping or screening, which may exceed the requirements of the Zoning Bylaw; noise attenuation measures such as structural soundproofing; downward direction of all exterior lighting on to the proposed development; and any other measures at the discretion of the Development Officer.
8. Signs shall comply with the General Provisions of Section 59 and Schedule 59E of the Zoning Bylaw.
9. A maximum of 10% of the first Storey glazing may be covered by Signs. The remainder of the glazing shall remain free from obstruction.

## **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 shall be 3.1.
3. The maximum Height shall be 27.0 m, except for the enclosed rooftop Amenity Area which shall not exceed 30.0 m in Height.
4. The enclosed rooftop Amenity Area shall be limited to 30% of the Floor Area of the Storey below it.
5. The maximum number of Dwellings shall be 65.
6. The minimum Setbacks shall be:
  - a. 3.5 m from the west Lot line;
  - b. 8.0 m from the east Lot line;
  - c. 4.5 m from the south Lot line; and
  - d. 2.5 m from the north Lot line.

7. The Underground Parkade shall not be subject to required Setbacks and can extend to all Lot lines provided the Underground Parkade extends no more than 1.2 m above the adjacent ground level and required Landscaping can be provided in the Setback using planters or appropriate green roof technology.
8. The portion of the building above the first Storey shall have minimum Setbacks of:
  - a. 7.5 m from the west Lot line;
  - b. 10.0 m from the east Lot line;
  - c. 4.5 m from the south Lot line; and
  - d. 4.0 m from the north Lot line.
9. The enclosed rooftop Amenity Area shall have a minimum Setback of:
  - a. 12.0 m from the west Lot line;
  - b. 10.5 m from the east Lot line;
  - c. 12.0 m from the south Lot line; and
  - d. 19.5 m from the north Lot line.
10. Architectural features such as balconies and roof projections may project into required Setbacks to a maximum of 1.0 m, except on the south Setback where a canopy/balcony may project 3.0 m southward above the main residential entry area. There shall be no projections into the north Setback.
11. The west, south and east Façades shall have a 1.5 m Stepback above the sixth Storey.

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

1. Architectural treatment of all Façades of the building shall create a unified building exterior. The building shall incorporate design elements to reduce the perceived mass and add architectural interest, including but not limited to:
  - a. clear articulation of the Façade;
  - b. the use of a variety of exterior building cladding materials;
  - c. variation of placement and physical breaks of material and architectural; and features; and
  - d. a prominent residential front entrance facing 90 Avenue NW.

2. The development shall address and have individual entrances on both 99 Street NW and 90 Avenue NW and shall provide distinctive architectural features consistent with the style of the building to enhance the corner.
3. Multi-unit Housing shall have access at ground level, which is separate from the access for the non-Residential and non-Residential-Related Uses.
4. For non-Residential and non-Residential-Related Uses in the first Storey, a minimum of 70% of the linear building frontage of the Façades shall be comprised of transparent, non-reflective, non-tinted, unobscured glazing. Linear frontage shall be measured at 1.5 m above the finished Grade of the abutting sidewalk.
5. The rooftop of the first Storey shall provide enhancements to improve rooftop aesthetics. These enhancements may include, but are not limited to, landscape features, Amenity Area, screening elements and improved aesthetic rooftop materials.
6. The parkade wall facing the north lot Line can extend a maximum of 1.2 m above ground level and shall be designed with a pattern or animated surface treatment to avoid a blank concrete appearance. This design treatment shall be required for a minimum distance of 10.0 m from the most westerly edge of the parkade wall.
7. Any portion of the parkade wall that extends above ground level facing the west Lot line shall either be incorporated with stairs connecting the public Walkway to the first Storey entrances or be designed with a pattern or animated surface treatment to avoid a blank concrete appearance.
8. Winter design elements such as the use of colour and functional and decorative lighting to enhance the appearance of the building while minimizing light pollution shall be incorporated.
9. All mechanical equipment, including surface level venting systems and transformers, shall be screened in a manner compatible with the architectural character of the building or be concealed by incorporating it within the building. Ground level vents shall be oriented away from adjacent Sites or on-Site amenity or pedestrian circulation areas.

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

1. Vehicular access shall be from the abutting Lane.
2. All Vehicle Parking shall be provided within an Underground Parkade and/or as Surface Parking.

3. There shall be a minimum of one (1) car share parking space located at the rear of the building, accessed from the abutting Lane.
4. All waste collection and storage areas shall be located within the building, not visible from public roadways, and be designed to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation) and Waste Management Services. Gates and/or doors of the waste enclosure shall not open or encroach into the Lane.

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

1. Notwithstanding Landscaping Regulations of the Zoning Bylaw, Landscaping shall be provided in general conformance with Appendix 2 and the following:
  - a. Two deciduous trees shall be required; and
  - b. At least 20 shrubs shall be required to be integrated with the stairs adjacent to the west lot line. This may be achieved through the use of permanent or moveable planters.
2. The required Landscape Plan shall be prepared by a registered AALA landscape architect.
3. Landscaping on the Site shall include the use of plant materials that provide colour throughout the year to enhance the appearance of the development during the cold weather months.
4. 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).
5. The Landscape Plan shall address the interface between the public and private realm along the west Façade of the ground floor and 99 Street NW. The plan shall include the following design elements, to the satisfaction of the Development Officer:
  - a. Patios, benches and/or seating areas;
  - b. Trees and/or decorative landscaping;
  - c. Permanent planters and/ or moveable planters;
  - d. Decorative retaining walls, paving, and other surface treatments; and
  - e. Pedestrian-scaled lighting.

6. For Residential Uses, a minimum Amenity Area of 8.5 m<sup>2</sup> per Dwelling shall be provided through the following:
  - a. Indoor Common Amenity Area that may include, but is not limited to, lounges, entertainment rooms, bicycle rooms and fitness rooms;
  - b. Outdoor Common Amenity Area in the form of a Rooftop Terrace with the following characteristics:
    - i. a minimum size of 125 m<sup>2</sup>
    - ii. be located on the south side of the building and have a minimum Stepback of 9.0 m from the east building Façade and a minimum 14.0 m Stepback from the north building Façade
    - iii. include a deck, planters and communal barbecue facilities; and
  - c. Platform Structures in the form of balconies with a minimum depth of 1.5 m.

## **9. Other Regulations**

1. Prior to the issuance of a Development Permit for construction of the principal building, a Wind Impact Study shall be submitted for review. The development shall incorporate design features to minimize adverse microclimatic 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 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 adjacent residential development and that illumination shall not extend beyond the boundaries of the site nor upwards into the sky in accordance with the Zoning Bylaw.
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 sightlines 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: long public

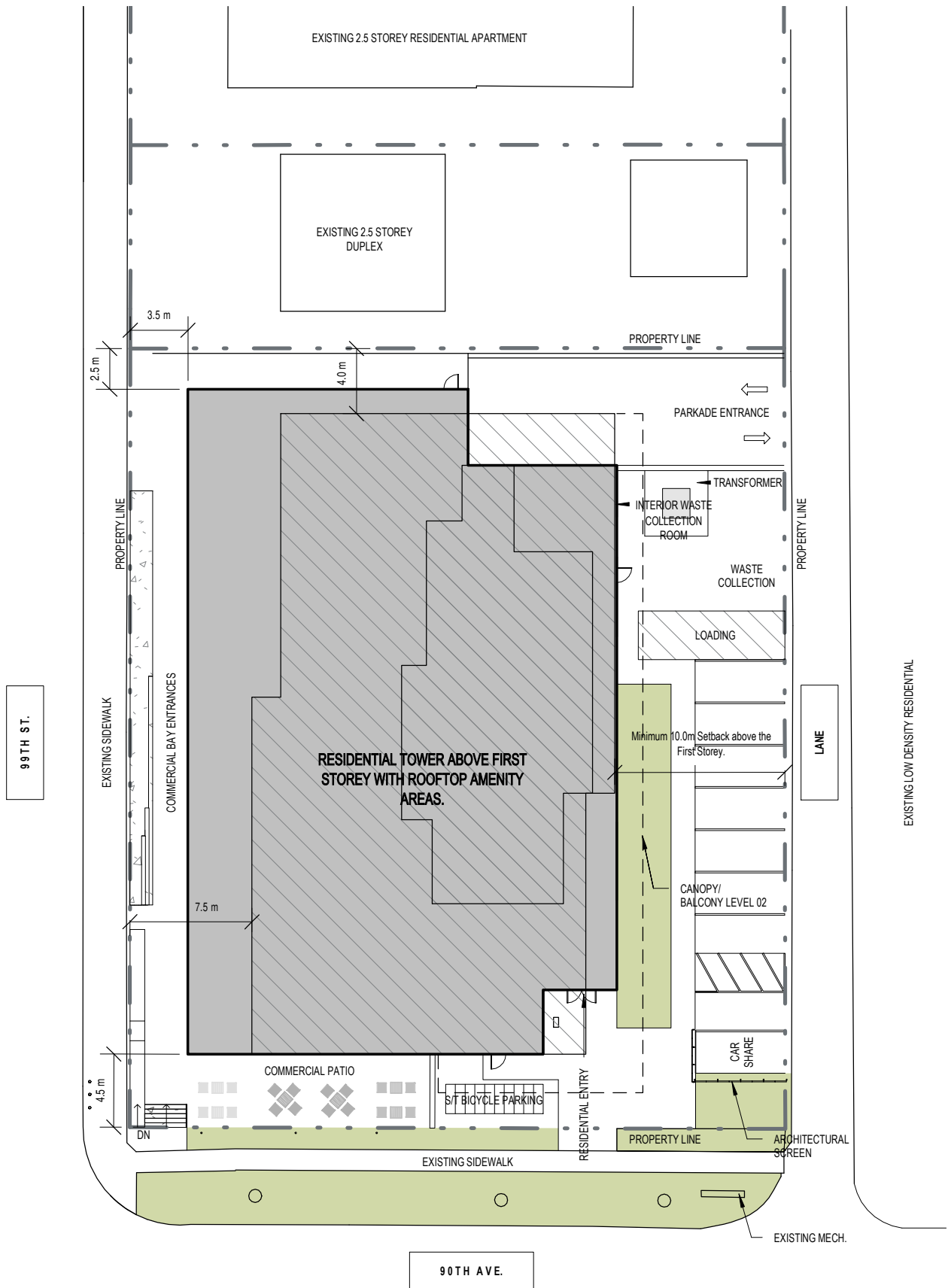
corridor spaces, stairwells, or other movement predictors; avoiding landscaping hazards such as: unpruned trees, rocks that can be thrown, or blind corners; and by locating parking areas close to building access points and using wayfinding mechanisms. The Development Officer may require a Crime Prevention Through Environmental Design assessment prepared by a qualified security consultant, and may apply conditions to the approval of the Development Permit based on the recommendations of the CPTED assessment to promote a safe physical environment.

4. 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 90 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:
  - a. 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
  - b. 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 C456C.
5. The storm and sanitary drainage systems required to service the development, including on-site stormwater management, shall be in general conformance with the Drainage Servicing Report or alternatives to the satisfaction of the Development Officer in consultation with Development Services (Drainage).
6. Notwithstanding the other Development Regulations and Appendices of this Provision and the Zoning Bylaw, in the event that the owner/developer does not obtain a Building Permit and commence construction of the principal building under a valid Development Permit within 5 years of the passage of the Charter Bylaw adopting this Provision, development of the Site shall be in accordance with this Provision, except that:
  - a. the maximum Height shall be 16.0 m; and

- b. the maximum Floor Area Ratio shall be 2.5.

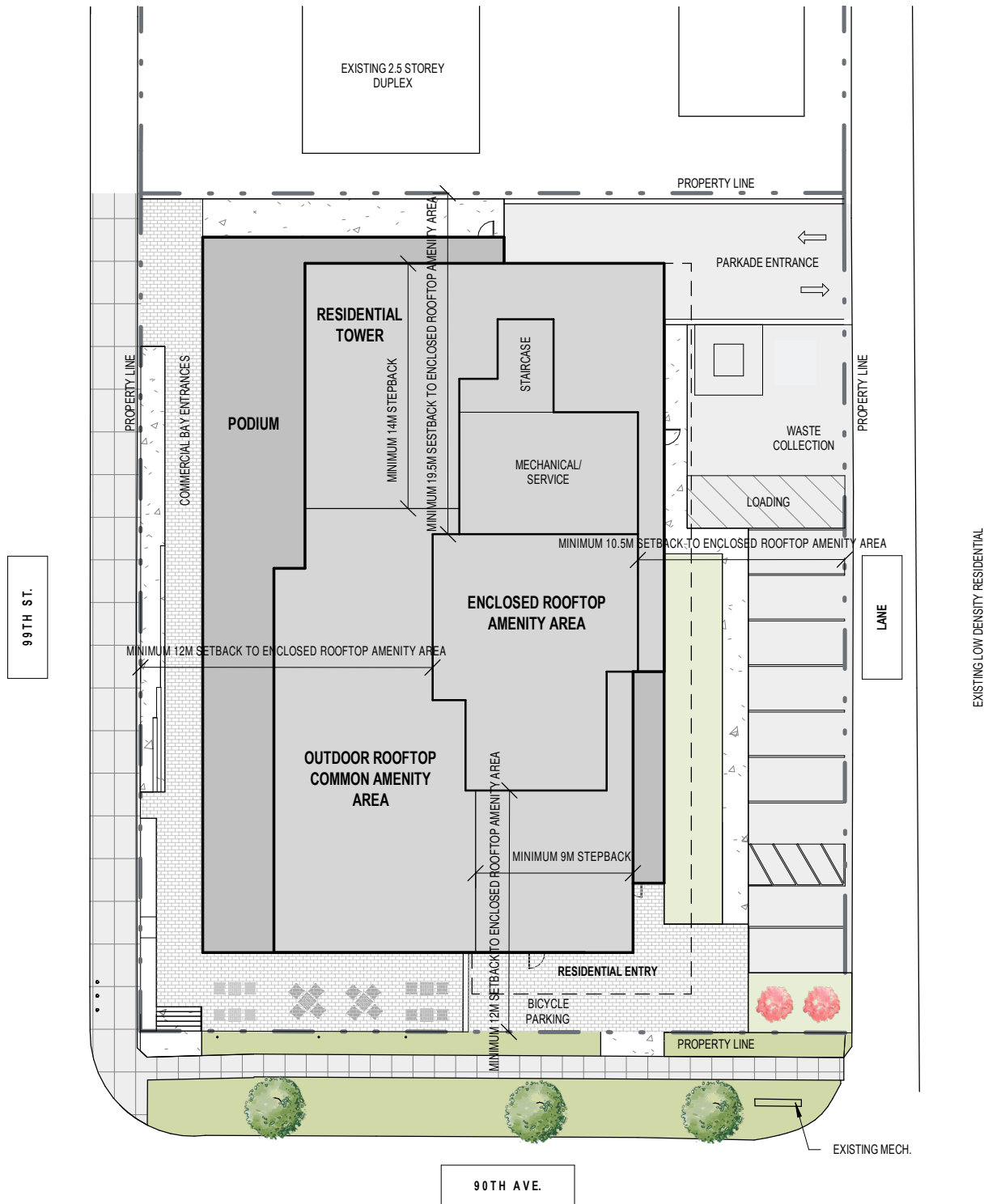
## **10. Public Improvements and Contributions**

1. 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 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 address in the Agreement include, but are not limited to:
  - a. the repair of any damage to the Abutting roadways, sidewalks and/or boulevard, including the Lane not directly adjacent to the Site but which may be used for construction purposes, caused by the construction of the development;
  - b. upgrade of the north-south lane between 90 Avenue NW and 91 Avenue NW to a commercial alley standard;
  - c. removal of the existing access to 90 Avenue NW and construction of the boulevard, curb, and gutter as required; and
  - d. improvements to the public realm along 99 Street NW directly Abutting the Site. These improvements shall include, but are not limited to, provision of a new sidewalk, pedestrian-oriented street lighting, enhanced paving treatment and street furniture to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation).













EXISTING LOW DENSITY RESIDENTIAL

APPENDIX 01 SITE PLAN



EXISTING LOW DENSITY RESIDENTIAL

-  EXISTING TREE
-  DECIDUOUS TREE
-  CANOPY/BALCONY PROJECTION LEVEL 02
-  SOFT LANDSCAPING
-  DECORATIVE SHRUBS AND GRASSES
-  EXISTING SIDEWALK
-  DECORATIVE PAVING/HARDSURFACING
-  ASPHALT
-  HARDSURFACE
-  SITE BOUNDARY





- 1. Cementitious/Architectural Cladding
- 2. Glazing
- 3. Architectural Cladding
- 4. Architectural Cladding
- 5. Woodgrain Cladding
- 6. Cementitious/Architectural Cladding
- 7. Architectural Screen



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