

Charter Bylaw 20440

A Bylaw to amend Bylaw 12800, as amended,  
The Edmonton Zoning Bylaw  
Amendment No. 3621

WHEREAS Lots 25 and 26, Block 1, Plan 0922538; Lots 7 and 8, Plan 2064S; and Lots R and S, Block 1, Plan 244HW; located at 11414, 11416, 11426, 11428 & 11430 76 Avenue NW, McKernan, Edmonton, Alberta, are specified on the Zoning Map as (RF3) Small Scale Infill Development Zone; 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 25 and 26, Block 1, Plan 0922538; Lots 7 and 8, Plan 2064S; and Lots R and S, Block 1, Plan 244HW; located at 11414, 11416, 11426, 11428 & 11430 76 Avenue NW, McKernan, Edmonton, Alberta, which lands are shown on the sketch plan attached as Schedule "A", from (RF3) Small Scale Infill Development 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.

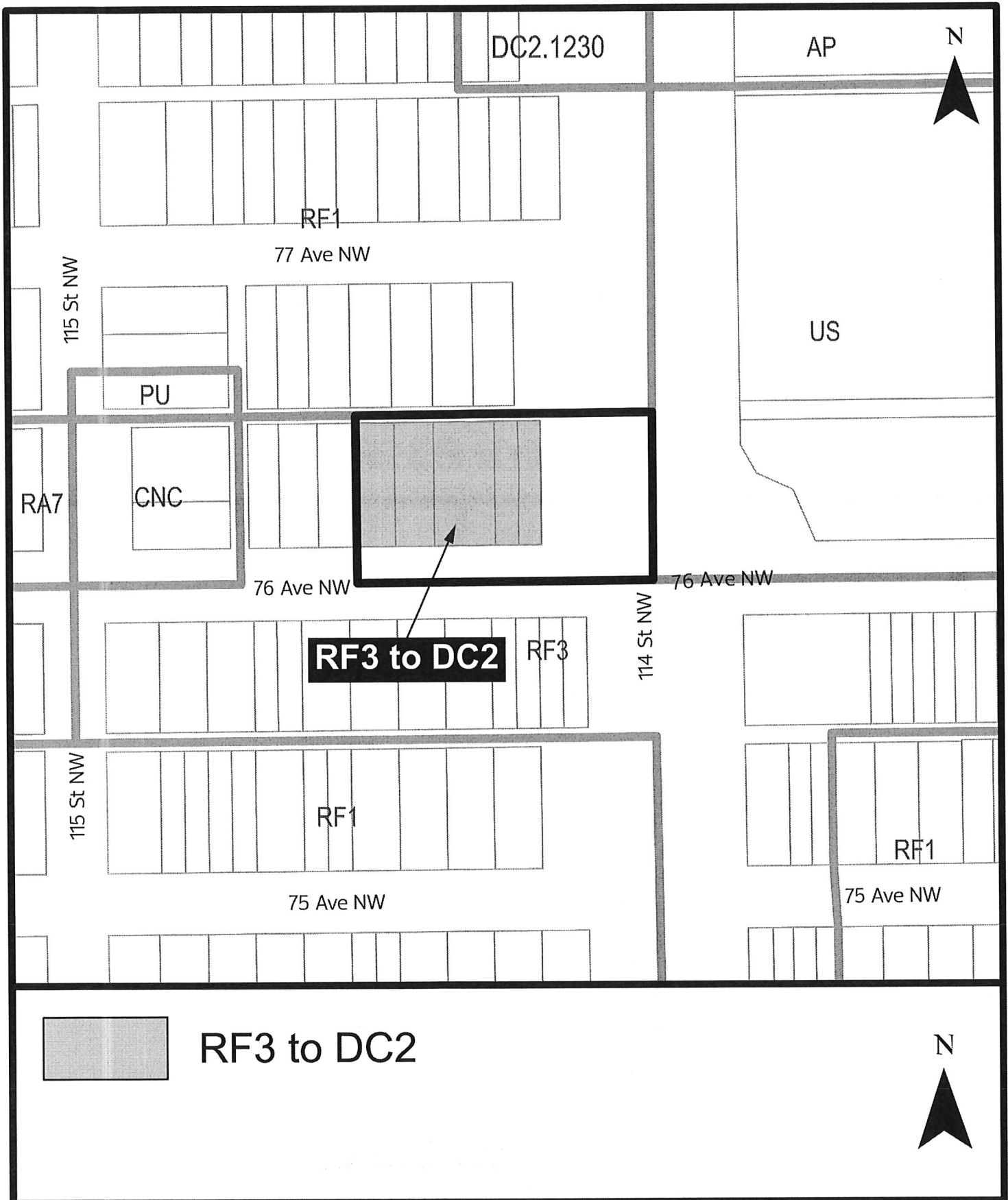
|                         |                   |               |
|-------------------------|-------------------|---------------|
| READ a first time this  | 24th day of April | , A. D. 2023; |
| READ a second time this | 24th day of April | , A. D. 2023; |
| READ a third time this  | 24th day of April | , A. D. 2023; |
| SIGNED and PASSED this  | 24th day of April | , A. D. 2023. |

THE CITY OF EDMONTON

*A* Andrew Krauch  
MAYOR

*A* Tim L.  
CITY CLERK

# CHARTER BYLAW 20440



**(DC2) SITE SPECIFIC DEVELOPMENT CONTROL PROVISION****1. General Purpose**

To accommodate a mid-rise, mixed use high density residential transit oriented development with, ground-oriented Live Work Units and Commercial Uses that contributes to 'main street' interface along the adjacent public roadways and that is compatible to the surrounding neighbourhood context.

**2. Area of Application**

This Provision shall apply to Lots 25 and 26, Block 1, Plan 0922538; Lots 7 and 8, Plan 2064S; and Lots R and S, Block 1, Plan 244HW located on the northwest corner of 76 Avenue NW and 114 Street, as shown in Schedule "A" of the Charter Bylaw adopting this Provision, McKernan.

**3. Uses**

1. Bars and Neighbourhood Pubs
2. Breweries, Wineries and Distilleries
3. Business Support Services
4. Child Care Services
5. Commercial Schools
6. Convenience Retail Stores
7. Creation and Production Establishments
8. Equipment Rentals
9. General Retail Stores
10. Government Services
11. Health Services
12. Household Repair Services
13. Live Work Unit
14. Limited Contractor Services
15. Major Home Based Business
16. Minor Amusement Establishments
17. Minor Home Based Business



18. Multi-unit Housing
19. Personal Service Shops
20. Professional, Financial and Office Support Services
21. Public Libraries and Cultural Exhibits
22. Residential Sales Centre
23. Restaurants
24. Special Event
25. Specialty Food Services
26. Supportive Housing
27. Veterinary Services
28. Fascia On-premises Signs
29. Projecting On-premises Signs
30. Temporary On-premises Signs

**4. Development Regulations for Uses**

1. Government Services shall be limited to taxation offices, staffing and recruiting agencies, and social services offices.
2. Live Work Units:
  - a. Notwithstanding Section 92 of the Zoning Bylaw, the following shall apply to Live Work Units:
    - i. Live Work Units shall consist of two-storey units and shall be located no higher than the 2nd Storey of the building, and:
      - A. The work components shall be located on the ground level of the unit; and
      - B. Live Work Units shall contain a minimum of 2-bedrooms.
    - ii. The work component must not exceed 50 percent of the total floor area of a Live Work Unit and shall be limited to:
      - A. Commercial Schools
      - B. Creation and Production Establishments
      - C. Equipment Rentals
      - D. Health Services

- E. Household Repair Services
  - F. Personal Service Shops
  - G. Professional, Financial and Office Support Services, and
  - H. Residential Sale Centres
- ii. Off-street parking for the specific activities to be conducted within the Live Work Unit shall not be required.
  - iii. The entrance to the work component shall be located on the ground level and oriented to 76 Avenue NW.
  - iv. Outdoor storage or display of materials, goods, supplies, equipment, or products associated with the work component shall be prohibited.
- b. There shall be a minimum of three (3) Live Work Units fronting onto 76 Avenue NW.
  - c. Notwithstanding 4.2.b, the ground level work component of a Live Work Unit may be converted only to a Non-Residential Use following the three years of the date of Occupancy Permit to the satisfaction of the Development Officer,
    - i. the remaining live component shall be converted to a Residential or Residential-Related use; and
    - ii. in the case of conversion, section 92 of the Zoning Bylaw shall no longer apply to the unit.
- 3. Non-Residential Uses and Residential-related Uses except Live Work Units, Supportive Housing, Minor Home Based Businesses and Major Home Based Businesses shall be limited to the ground-level Storey.
  - 4. The total maximum combined ground-level Floor Area of all Non-Residential Uses and Residential-Related Uses except Supportive Housing, Minor Home Based Business, Major Home Based Business and Residential Sales Centre shall be 650 m<sup>2</sup>.
  - 5. Each Restaurant Use and Special Food Services shall be limited to a maximum of 240 m<sup>2</sup> of Public Space, excluding exterior patio/deck space. Exterior patio/deck spaces shall be limited to a maximum of 50% of the interior Public Space.
  - 6. Signs:
    - a. 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 or signs with changeable Copy; and
    - c. The Development Officer shall have regard for visual harmony and the compatibility of the proposed Sign with the architecture and finish of the development, and with the design, location and appearance of other Signs of the development.

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

1. The development shall be in general conformance with the attached Appendices.
2. The maximum Height shall be 20.0 m
3. The maximum Floor Area Ratio shall be 3.6.
4. The maximum number of Dwellings shall be 113.
  - a. A minimum of 47 Dwellings, including Live Work Units shall have two bedrooms.
  - b. A minimum of 9 Dwellings shall have three bedrooms.
5. The minimum building Setbacks shall be:
  - a. 1.5 m from the east Lot line;
  - b. 4.5 m from the west Lot line except that a minimum 6.0 m Setback shall be provided above 14.5 m in Height;
  - c. 4.0 m from the south Lot line except that a minimum 5.5m Setback shall be provided above 17.5 m in Height for a minimum distance of 38.0m from the west building Facade.
  - d. 3.5 m from the north Lot line except that Setback shall be:
    - i. increased to a minimum of 5.0 m for the portion of the building above 14.5 m in Height for a minimum width of 11.0 m from the west building Facade;
    - ii. increased to a minimum of 5.0 m for the portion of the building above 14.5 m in Height for a minimum width of 3.5 m between 15.5 m and 20.5 m from the west building Facade;
    - iii. increased to a minimum of 5.0 m for the portion of the building above 14.5 m in Height for a minimum width of 11.0 m from the east building Facade; and
    - iv. increased to a minimum of 5.0 m for the portion of the building above 14.5 m in Height for a width of 3.5 m between 15.5m and 20.5 m from the east building Facade.
6. The rooftop Amenity Area shall have a minimum Setback of:
  - a. 19.5 m from the north Lot line; and.
  - b. 39.0 m from the west Lot line;
7. The portions of the Underground Parkade shall not be subject to any Setbacks and may extend to those 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****1. Public realm interface:**

- a. Residential and Residential-Related Uses shall have access that is separate from the Non-Residential Uses.
- b. The development shall incorporate a prominent residential entrance facing 76 Avenue NW and commercial entrances facing 76 Avenue NW and the abutting Lane to the north through distinct architectural treatment to the satisfaction of the Development Officer.

**2. Non-Residential and Live Work Unit frontages as shown on Appendix 1 shall be provided to allow for active commercial and pedestrian interactions and meet the following:****a. Non-Residential Uses**

- i. The ground level of the east frontage shall contain multiple commercial points of interaction providing features such as, but not limited to large display windows to facilitate pedestrian interaction, a colonnade with canopy, metal railing with transparent glazing, and hardsurfaced pavement to complement an interesting building frontage facing the shared-use path and McKernan-Belgravia LRT station.
- ii. The placement and type of windows shall allow viewing into the building to promote a positive pedestrian-oriented street.
- iii. A minimum of 70% of the linear frontage of the Non-Residential Uses shall consist of transparent glazing. Linear frontage shall be measured as the horizontal plane at 1.5 m above the finished Grade of the abutting sidewalk.

**b. Live Work Units**

- i. Weather protection in the form of canopies or other architectural elements shall be provided for entrances to create a comfortable environment for pedestrians.
- ii. A minimum of 50% of the linear frontage of the Non-Residential Uses shall consist of transparent glazing. Linear frontage shall be measured as the horizontal plane at 1.5 m above the finished Grade of the abutting sidewalk.
- iii. The Live Work Units shall be designed to break their appearance both horizontally between the second and third Storeys, and vertically to compartmentalize each individual unit using a combination of changes in building materials, colours and/or physical breaks in building mass as generally shown in Appendix 2a.
- iv. Building materials shall be used in vertical groupings to delineate and articulate the features of the Live Work Unit façades and create human-scaled interaction at the street level.

- v. Private outdoor Amenity area in front of the individual external entrances of Live Work Units shall be provided using features such as landscaped terraces, human-scaled lighting, patios, decorative fencing, change in grade, shrub beds or rock gardens.
- 3. Ground-oriented Residential Dwellings as shown on Appendix 1 shall meet the following:
  - a. Provide an individual external entrance featuring visible individual doorways with weather protection in the form of canopies or other architectural elements. Sliding patio doors shall not serve as the entrances to these Dwellings.
  - b. Private outdoor Amenity area in front of the individual external entrance shall be provided using features such as landscaped terraces, human-scaled lighting, patios, decorative fencing, change in grade, shrub beds or rock gardens.
- 4. Architectural Treatment and Building Relationships to the Street
  - 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 such as metal siding, cementitious panels, brick veneer, wood, glass and glazed windows. The contextual fit, design, proportion, quality, texture, and application of various finishing materials shall be in general conformance with Appendices 2a through 2d.
- 5. Building Form
  - a. The following features may project into a required Setback as follows:
    - i. Platform Structures in the form of balconies shall be allowed to project a maximum of 1.5 m into the west and south Setbacks and 1.0 m into the east and north Setbacks.
    - ii. Ground-level commercial patios shall be allowed to project to the north, south and east Lot lines as shown in Appendix 1.
    - iii. Weather protection elements in the form of a canopy or other architectural element shall be provided to create a comfortable environment for pedestrians, as follows:
      - A. above the main entrances facing 76 Avenue NW shall be allowed to project a maximum 2.5 m into the south Setback
      - B. above the main commercial entrance facing the north Lot line shall be allowed to project a maximum 1.5 m into the north Setback.

- C. above the ground level along the east building Facade, shall be allowed to project up to the east Lot line.
  - b. 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.
  - c. The southeast corner of the Rooftop shall provide enhancements to improve rooftop aesthetics. These enhancements may include but are not limited to, landscape features, Amenity Areas, screening elements and improved aesthetic rooftop materials.
- 6. Waste collection, storage areas, and loading shall be located within the site, accessed from the rear Lane abutting the development, and enclosed with consistent materials to provide screening from view from the Lane 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**

- 1. All vehicular access and egress shall be provided from the rear Lane abutting the site.
- 2. All vehicular parking shall be provided in an Underground Parkade, except the car share parking stall which may be located at ground level and accessible from the Lane.
- 3. Entrances to the Underground Parkade shall minimize the physical and visual impact of the entrances and doors to the rear Lane abutting the development.
- 4. Bicycle Parking spaces and facility shall be provided based on Section 54.5 of the Zoning Bylaw and the following:
  - a. Bicycle parking shall be provided at a minimum rate of 1.0 spaces per unit.
    - i. Bicycle Parking shall be 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. A minimum of 16 Bicycle Parking spaces shall be short-term spaces and shall be conveniently located near the main residential and commercial entrances, the shared-use path, or within the public realm space between the Site and the McKernan/Belgravia LRT station.
  - b. Two Bicycle Parking spaces shall be provided for cargo bikes. The minimum size of the cargo bike parking space shall be 2.6 m long by 0.9 m wide, with a 3.0 m aisle.
  - c. A bicycle repair facility shall be provided on-Site inside the building for residents-use only and shall include a washing facility.

5. A minimum of one (1) vehicular parking space shall be used to accommodate vehicles from a car-share program as follows:
  - a. The car-share program may be operated by the owner or a third-party vendor.
  - b. Should this program not be implementable following a minimum 2 year term of operation, the space may be used for visitor or commercial parking.

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

1. Notwithstanding Landscaping regulations of the Zoning Bylaw, the development shall have a minimum of 17 trees and 43 shrubs in total in general conformance with Appendix 3.
2. 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.
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; and
  - b. Landscaping Plans shall incorporate native and/or drought-tolerant species into the Landscaping design.
4. In addition to the requirements in the Zoning Bylaw, the Landscaping Plan shall demonstrate:
  - a. At ground level, where Setbacks are provided in front of Residential Uses and Residential-Related Uses fronting onto a public roadway including the Lane, 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;
  - b. A 1.83 m decorative screen fence shall be provided along the entire length of the west Lot line except within the Setback from 76 Avenue NW; and
  - c. Landscaping in the form of raised planters with shrubs and/or perennials around the Amenity Areas on the Rooftop Amenity Area.
5. A minimum Amenity Area of 7.5 m<sup>2</sup> per Dwelling shall be provided through the following features:
  - a. Common Indoor Amenity Areas which may include, but are not limited to, lounge, change room facilities, bicycle repair area, and fitness facilities;
  - b. Outdoor Amenity Areas on the Rooftop Terrace; or
  - c. Platform Structures in the form of balconies with a minimum depth of 1.5 m.

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 76 Avenue NW and the rear Lane.
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 fully cut-off in design which direct light downward, to ensure illumination does not extend beyond the boundaries of the development Site.

**9. Other Regulations**

1. 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.
2. A Wind Impact Assessment in the form of a Quantitative Wind Impact Study (computational fluid dynamics (CFD)) 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 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.
3. 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 76 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 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 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.
4. Notwithstanding the other Development Regulations of this Provision, the Appendices of this Provision and Section 720.3(2) of the Zoning Bylaw, in the event that the owner/developer does not obtain a valid Development Permit and Building Permit for a principal building within 7 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 16.5 m; and
  - b. the maximum Floor Area Ratio shall be 3.5.

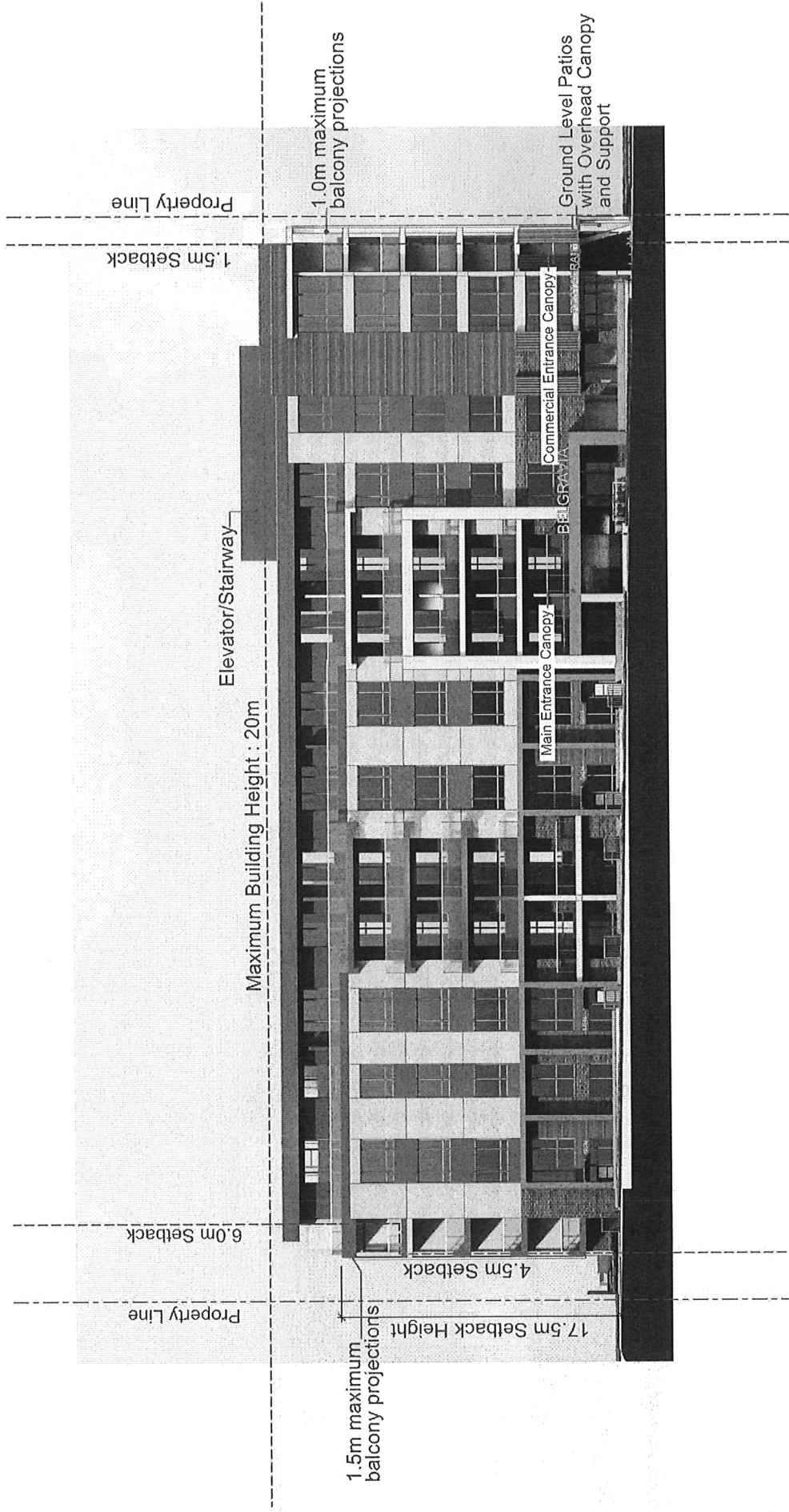
**10. Public Improvements and Contributions**

1. As a condition of the Development Permit for the 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. 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 Services, Drainage, and others as required. Improvements to address in the Agreement shall include, but are not limited to:
- a. the storm and sanitary drainage systems required to service the development, including any on-site stormwater management, shall be in general conformance with the Drainage Servicing Report to the satisfaction of the Development Officer in consultation with Development Services (Drainage);
  - b. fire hydrants will be provided to the satisfaction of the Development Officer in consultation with EPCOR Water Services. The owner 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;
  - c. the provision of a 0.5m Setback from the north Lot line to allow for additional functional alley width for vehicular traffic. The Setback shall be Hardsurfaced and be kept free of any physical obstructions;
  - d. upgrading the east-west Lane abutting the Site to a commercial alley standard within the available right-of-way from the east property line to the north-south Lane west of the site;

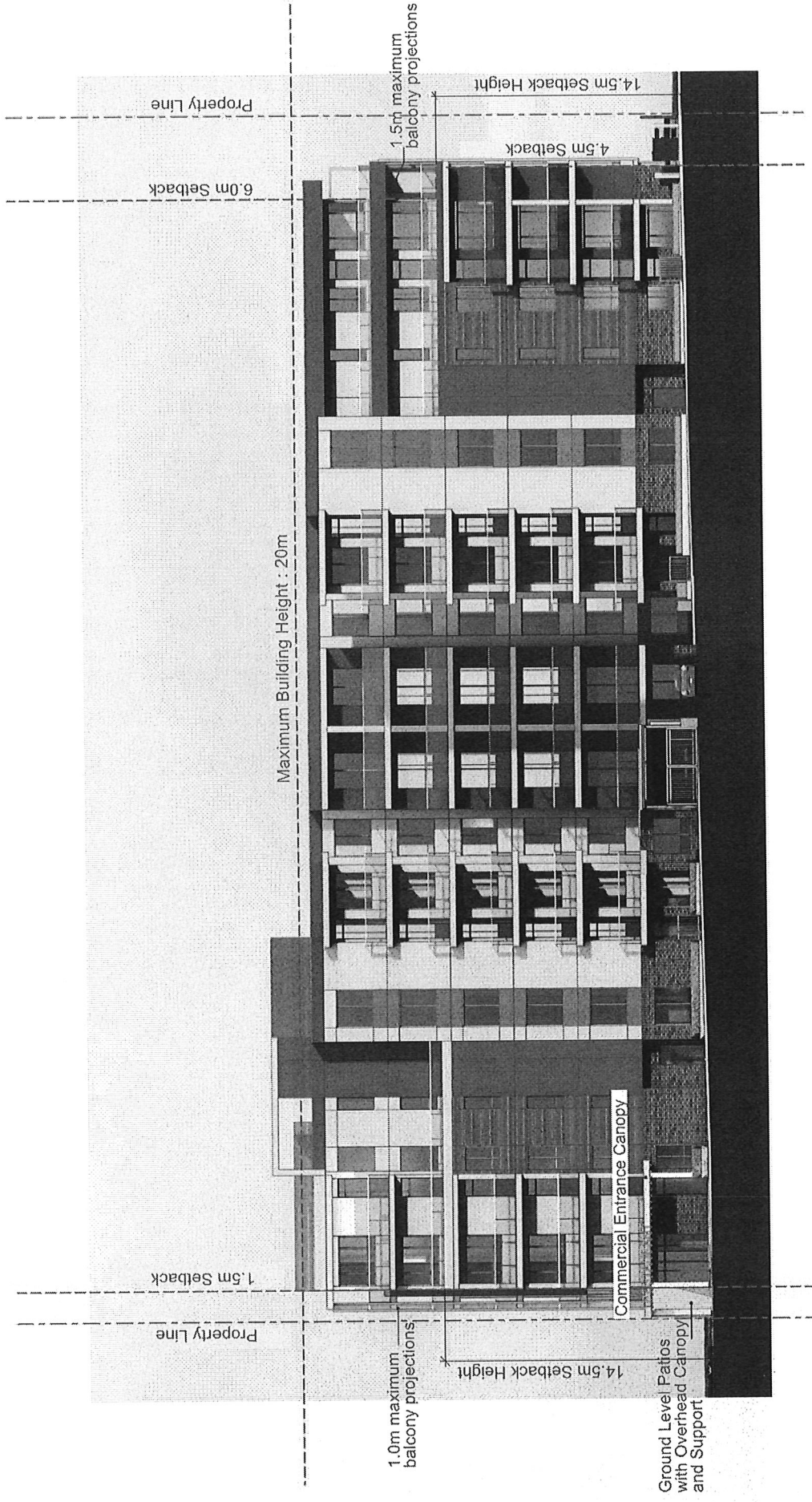
- e. upgrading the north-south Lane west of the site to a commercial alley standard within the available rights-of-way between 76 Avenue and the east-west Lane;
  - f. the repair of any damage to the abutting roadways including portions below Grade, sidewalks and/or boulevard including abutting shared-used paths and LRT right-of-way and Station resulting from the construction of the development, replacement of any street furniture including lamps, benches, bollards or planters, that are removed/damaged due to construction of the development;
  - g. construction of public realm improvements on the area Abutting the east Lot line of the development which may or may not include the replacement of the existing retaining wall. Improvements shall be in general conformance with Appendix 4 and shall:
    - i. be designed and constructed in accordance with the City's Design and Construction Standards in consultation with Parks and Road Services(City Operations);
    - ii. integrate 114 Street shared-use path by adding direct connections to the eastern and north portions of the Site
    - iii. have regard for Crime Prevention Through Environmental Design principles to provide safe and defensible space, clear sightlines into and through the site, adequate lighting, and provision of multiple access points; and
    - iv. provide amenities which may include features such as, but not limited to, hard and/or soft Landscaping, seating areas, Bicycle Parking and/or eScooter parking; and
  - h. provide a bicycle repair facility off-Site on the adjacent public boulevard along 76 Avenue NW right-of-way for public use to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation), Parks and Roads Services (City Operations) . A License of Occupation and/or a Maintenance Agreement shall be required for any infrastructure installed on public Right-of-Way.
2. As a condition of the development permit for the construction of the principal building, the applicant/owner shall provide information on the construction methodology and identify potential impacts to the LRT right-of-way and Station including shared-use path, retaining walls, ramps, stairs, and 114 Street pedestrian tunnel areas, to the satisfaction of the Development Officer in consultation with Planning Coordination (Transit) identifying the depth and location of any proposed excavation associated with the development and where applicable, enter into agreements with the City to evaluate and monitor any impacts to LRT infrastructure.
  3. As a condition of the development permit for the construction of the principal building, the owner shall enter into an agreement with the City of Edmonton to contribute funds in the amount of \$20,000 to the McKernan Community League for an offsite amenity for enhancements to the 'Charles Simmonds Park' located at 7830 – 115 Street NW, legally described as Lot 44, Block 2, Plan 2831HW with specific details to be determined between the City of Edmonton and the McKernan Community League.

- a. The funds shall be submitted to the City prior to the issuance of the Development Permit and be disbursed by the City according to a separate agreement between the City and the McKernan Community League.
- b. If at the time of the agreement execution, enhancements to 'Charles Simmonds Park' have already been completed or are funded, the funds shall be used for an alternative off-site public amenity with specific details to be determined between the Owner and the City in consultation with the McKernan Community.
- c. Notwithstanding the above, if a Development Permit application has not been made within five (5) years of the date of approval of the Charter Bylaw adopting this Provision, this contribution amount shall be increased from that point forward according to the annual rate of national inflation as determined by Statistics Canada.



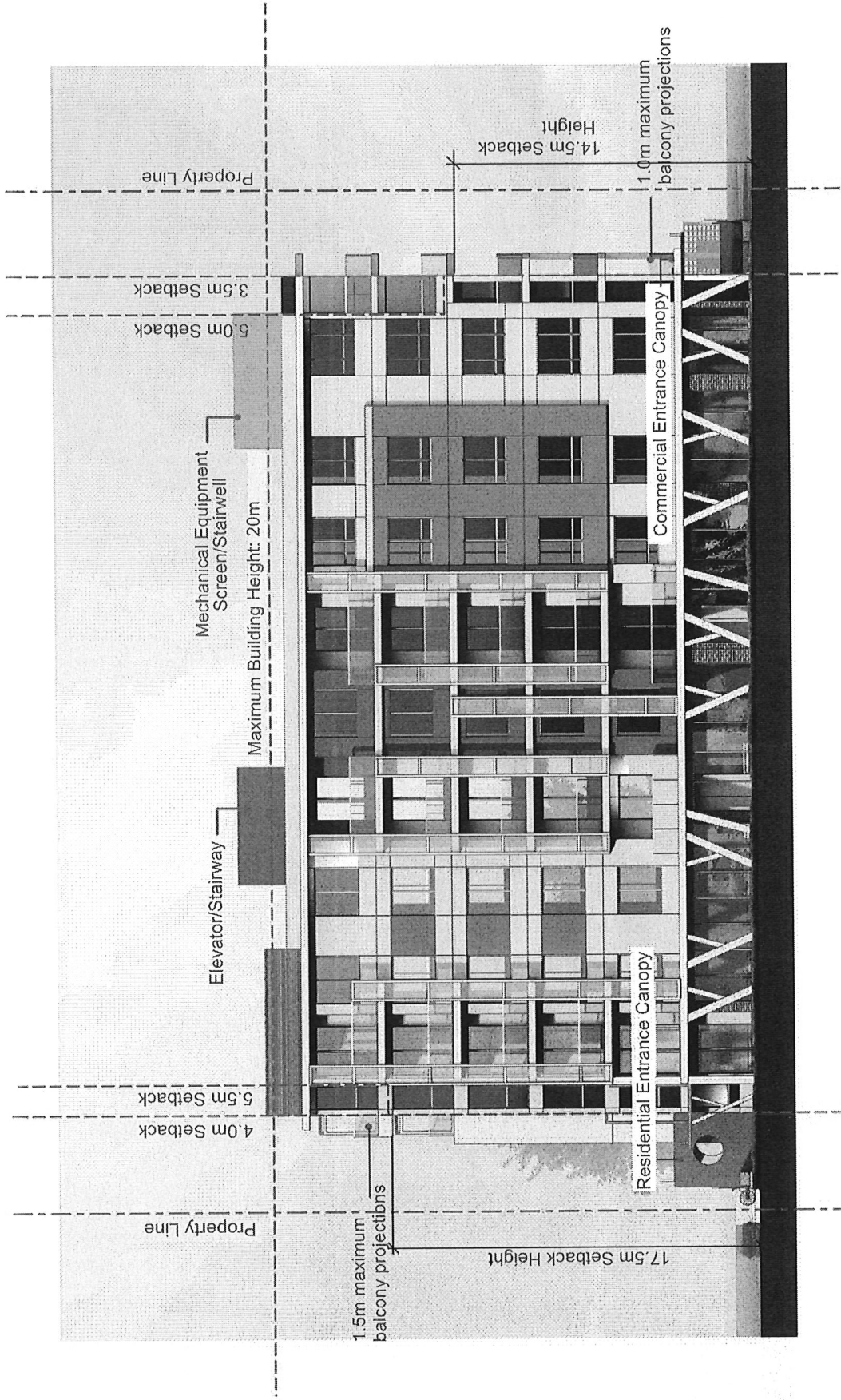


**APPENDIX 2a**  
South Elevation

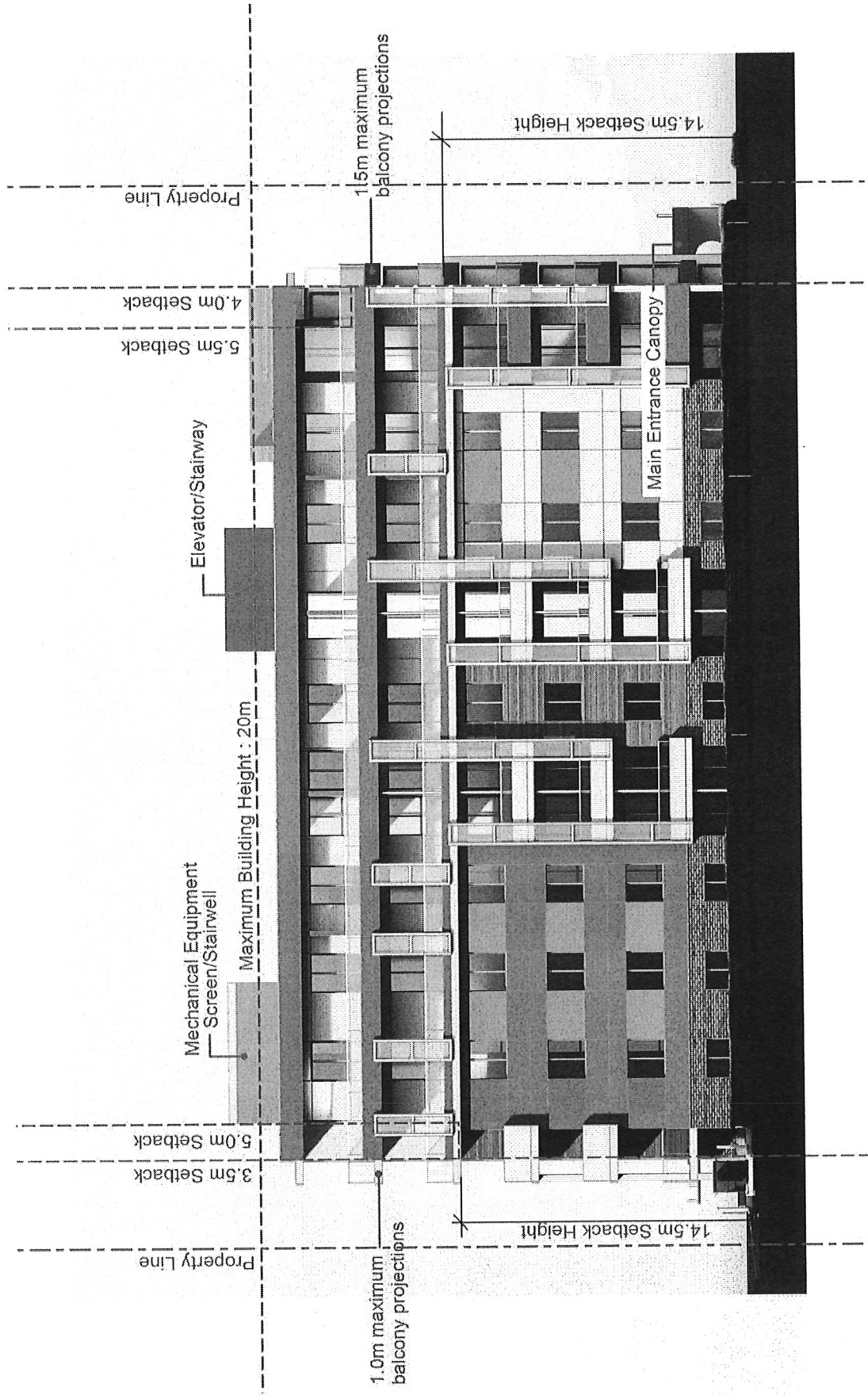


**APPENDIX 2b**  
North Elevation



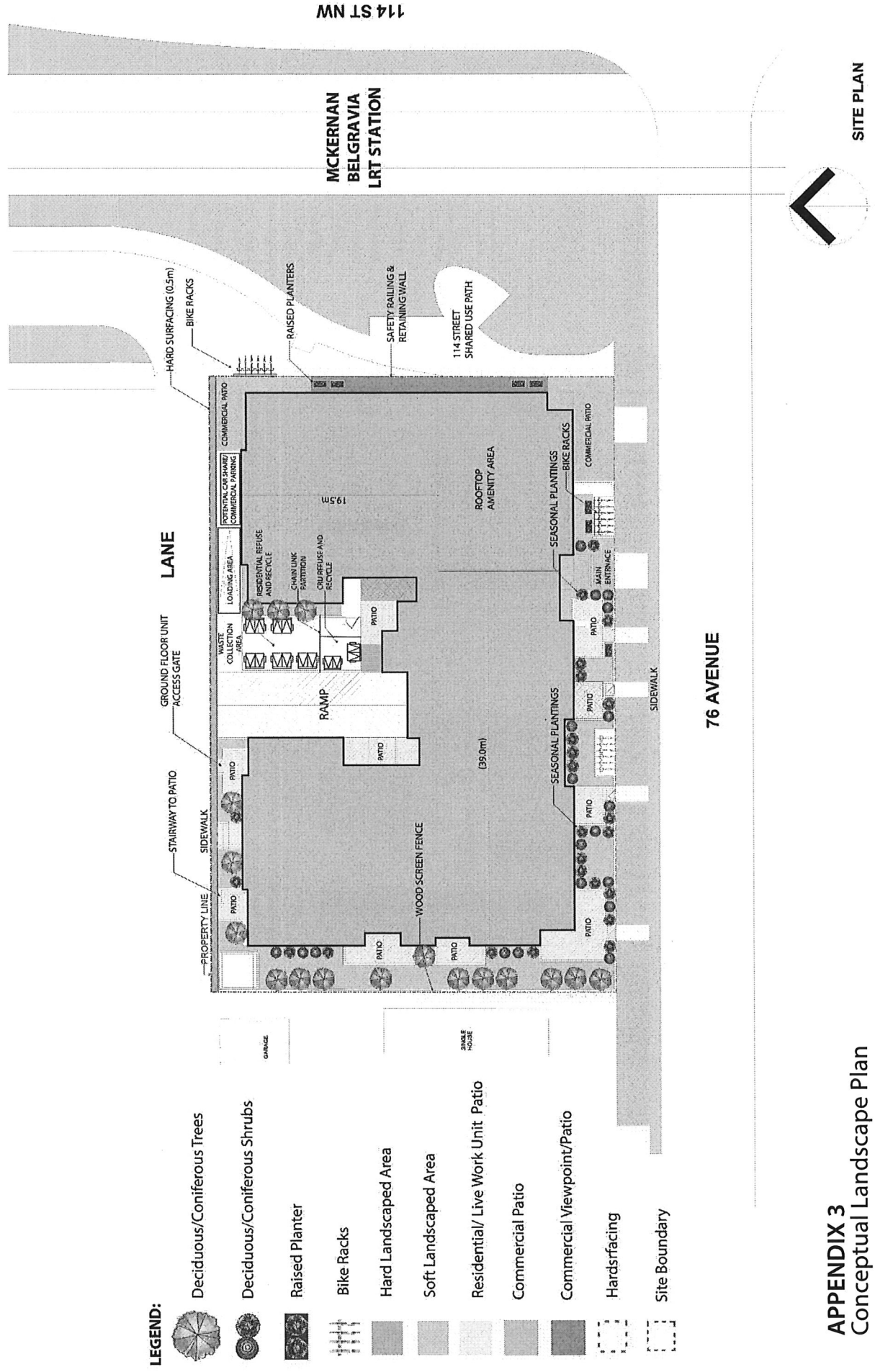


APPENDIX 2c  
East Elevation

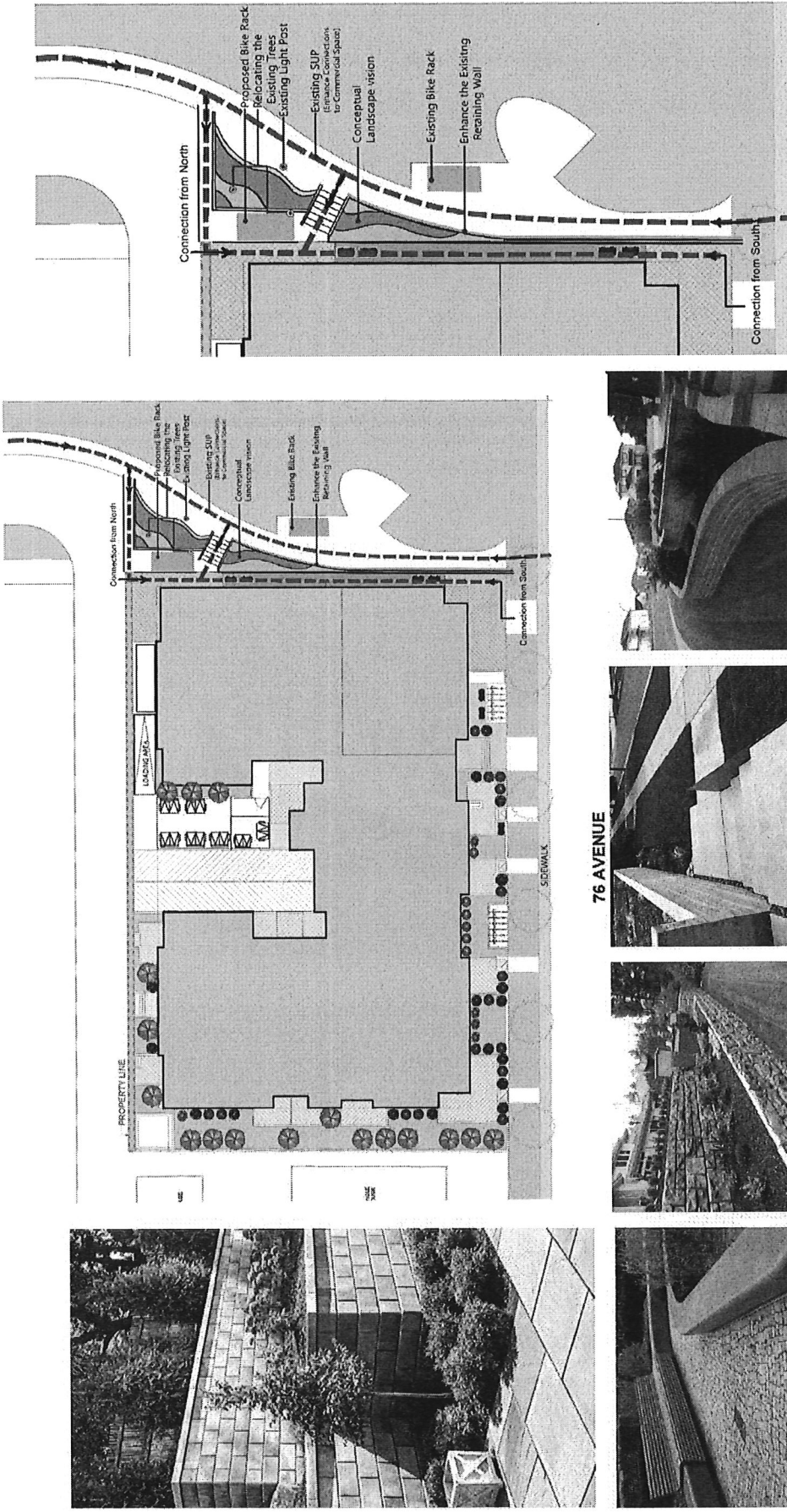


APPENDIX 2d  
West Elevation





**APPENDIX 3**  
Conceptual Landscape Plan



Note: Example photographs are shown for conceptual purpose only

## APPENDIX 4 Conceptual Landscape Plan for the Northeast Entrance

76 AVENUE