

Bylaw 16379

A Bylaw to amend Bylaw 12800, as amended,
The Edmonton Zoning Bylaw
Amendment No. 1622

WHEREAS Lot 1, Block 2, Plan 0924862; located at 404 Belvedere Gate NW, Belvedere, Edmonton, Alberta, is specified on the Zoning Map as (DC1) Direct Development Control Provision; and

WHEREAS an application was made to rezone the above described property to (DC1) Direct 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:

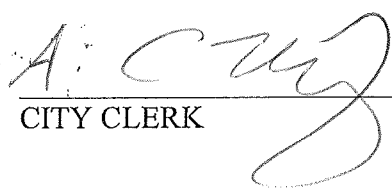
1. The Zoning Map, being Part III to Bylaw 12800 The Edmonton Zoning Bylaw is hereby amended by rezoning the lands legally described as Lot 1, Block 2, Plan 0924862; located at 404 Belvedere Gate NW, Belvedere, Edmonton, Alberta, which lands are shown on the sketch plan annexed hereto as Schedule "A", from (DC1) Direct Development Control Provision to (DC1) Direct Development Control Provision.

2. The uses and regulations of the aforementioned DC1 Provision are annexed hereto as Schedule "B".

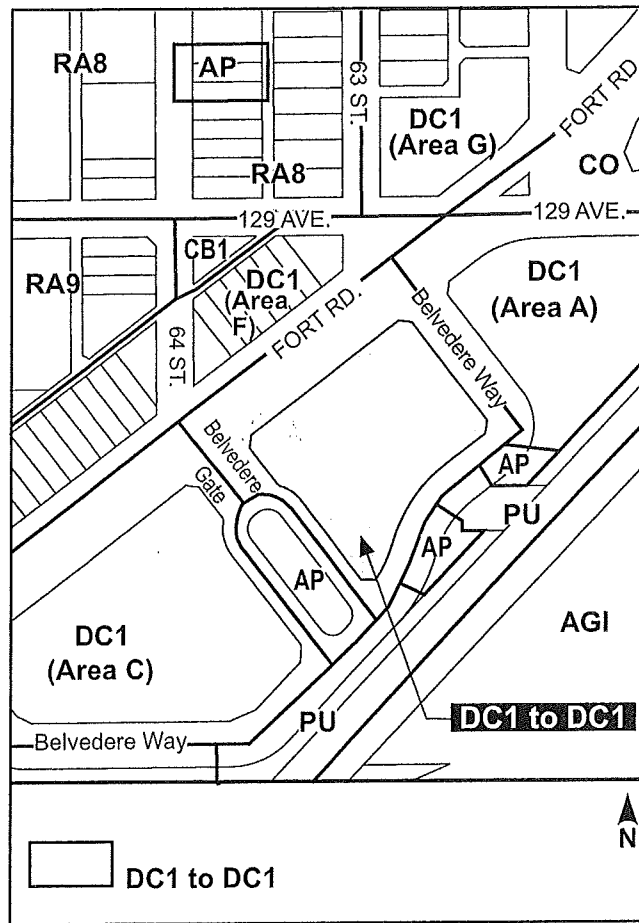
READ a first time this	8 th	day of	April	, A. D. 2013;
READ a second time this	8 th	day of	April	, A. D. 2013;
READ a third time this	8 th	day of	April	, A. D. 2013;
SIGNED and PASSED this	8 th	day of	April	, A. D. 2013.

THE CITY OF EDMONTON


MAYOR


CITY CLERK

BYLAW 16379



SCHEDULE "B"**(DC1) DIRECT DEVELOPMENT CONTROL PROVISION
(AREA B)****1. Area of Application**

The Site is located along the southeast side of Fort Road generally between 64th Street and 63rd Street, designated as Area B and shown on Appendix 1.

2. Rationale

To accommodate a large scale, comprehensive, transit-oriented development/high density residential mixed use development that creates a liveable "urban village" environment and the introduction of a diversity of housing types within walking distance to the Belvedere LRT Station. Commercial uses will be developed on the ground floor of a number of the buildings as part of this development project. Sustainable and affordable design is prioritized through passive energy strategies, energy efficient buildings, and low impact design that reduce the project's environmental impact.

3. Uses

- a. Apartment Housing
- b. Lodging Houses
- c. Extended Medical Treatment Services
- d. Major Home Based Business
- e. Minor Home Based Business
- f. Residential Sales Centre
- g. Row Housing
- h. Bars and Neighbourhood Pubs, for less than 100 occupants and 120 m² of Public Space
- i. Business Support Services
- j. Child Care Services
- k. Convenience Retail Stores
- l. Flea Market
- m. General Retail Stores
- n. Greenhouses, Plant Nurseries and Market Gardens
- o. Health Services
- p. Live Work Units
- q. Major and Minor Amusement Establishment
- r. Minor Alcohol Sales
- s. Minor Impact Utility Services
- t. Natural Science Exhibits
- u. Personal Service Shops
- v. Private Education Services
- w. Professional, Financial, and Office Support Services

- x. Restaurants, for less than 200 occupants and 240 m² of Public Space
- y. Specialty Food Services, for less than 100 occupants and 120 m² of Public Space
- z. Fascia On-premises Signs
- aa. Temporary Freestanding On premises Signs
- bb. Projecting On-premises Signs

4. Development Regulations

- a. The Developer shall provide proof satisfactory to the Development Officer, in consultation with Alberta Environment, Alberta Health Services, and Transportation Services that the lands have been remediated to allow the intended use prior to the issuance of a development permit. Proof shall be submitted with the Development Permit application.
- b. A detailed noise and vibration study shall be prepared by a qualified, registered Professional Engineer, to the satisfaction of the Development Officer in consultation with Transportation Services, prior to the issuance of a Development Permit. The Study shall be submitted with the Development Permit application.
- c. Development applications for new buildings and Class B Development Permits are required to complete a review before the Edmonton Design Committee, prior to the issuance of a development permit.
- d. The overall Site development shall be in accordance with the urban design criteria established herein and substantially in accordance with the Fort Road Old Town Urban Design Plan to the satisfaction of the Development Officer.
- e. Only Residential and Residential-related Uses shall be located on the first (ground) floor in the area identified on Appendix I as Residential Frontage.
- f. Only Commercial Uses shall be located on the first (ground) floor in the area identified on Appendix I as Commercial Frontage.
- g. The edge of the Site may incorporate a Minor Impact Utility Service building (waste water treatment facility), in the area identified on Appendix 1. If the area is not developed as a waste water treatment facility, the portion facing the internal public street (Belvedere Gate) shall be developed with either Row Housing, a Commercial Use building, or as a public green space. The maximum Height of a building having these uses shall not exceed 12 m.
- h. The maximum Floor Area Ratio of Area B shall be 3.2. This shall be increased to a maximum of 3.5 where necessary to accommodate the thicker width of insulated walls, provided the walls are rated to a R-Value of 55 or greater.
- i. For the purpose of calculating the FAR, enclosed balconies on the south, southwest or southeast facing Tower Dwelling units shall not be included.
- j. The maximum Density shall be 250 Dwellings/ha.
- k. Commercial Uses shall not exceed a Floor Area of 1,800 m².

- l. The maximum Height for a Tower shall not exceed 18 Storeys nor 65 m with a minimum Height of 6 Storeys or 26 m.
- m. The minimum separation distance between any two Towers shall be 25 m. Alternatively, for the purpose of achieving energy-efficient design, the separation distance between Towers may be waived allowing for a maximum of four connected Sub-Towers. The shortest Sub-Tower shall be located at the south corner of Fort Road and have a maximum height of 6 Storeys or 26 m. The tallest Sub-Tower shall be located at the north corner of Fort Road and have a maximum height of 18 Storeys or 65 m. Additional Sub-Towers shall have heights between 8 Storeys (32 m) and 12 Storeys (45 m), to provide visual distinction from adjacent Sub-Towers. The building shall provide articulation between the tallest Sub-Tower and the adjacent Sub-Towers to provide the illusion of separation and break up the massing.
- n. The maximum Height for Row Housing shall not exceed 12 m.
- o. All mechanical equipment, including roof mechanical units, shall be concealed by screening in a manner compatible with the architectural character of the building or concealed by incorporating it within the building and is not included in building Height.
- p. A minimum Amenity Area of 7.5 m² per Dwelling shall be provided and may include balconies, roof top gardens/patios, rooftops, and terraces.
- q. Commercial Uses shall not be developed above the second Storey of any building.
- r. Restaurants and Bars and Neighbourhood Pubs are not permitted on the second Storey of any development.
- s. A minimum of 3 Storeys residential development shall be provided above any commercial development excepting any buildings developed under 4(g).
- t. A Major Home Based Business shall only be allowed in Row Housing Dwelling units and shall comply with section 75 of the Zoning Bylaw.
- u. A landscape plan shall be prepared in accordance with Section 55 of the Zoning Use Bylaw and be provided to the satisfaction of the Development Officer prior to the approval of any Development Permit. The plant material regulations in Sections 55.8, 55.4.6, and 55.4.7 shall not apply provided the land scape plan is prepared by a Registered Landscape Architect and includes:
 - i. all hard and soft landscaping on the green roofs, green walls, and Tower Stepbacks;
 - ii. the two "Special Architectural Treatment" areas, as identified in Appendix 1;
 - iii. the plaza on the north side of the Site;
 - iv. park benches, pedestrian level lighting, and waste receptacles, to be located along public walking routes and plazas to promote pedestrian interest and social interaction;

- v. hard and soft landscaping, such as shrubs, planters, and baskets, to enhance the Fort Road streetscape; and
 - vi. native trees and shrubs that contribute to biodiversity and provide colour and texture throughout the year to enhance the appearance during winter months.
- v. Permanent loading, storage, and trash collection areas shall be located in such a manner to be screened from view from adjacent Sites, public roadways, and Light Rail Transit lines in accordance with the provisions of Section 55 of the Zoning Bylaw.
 - w. Access to vehicular Parking Garages will be from the internal roadway system, no direct access to any parking will be permitted from Fort Road.
 - x. All residential parking shall be underground or in a structure. Visitor parking and customer parking may be provided at grade to a maximum of 40 stalls.
 - y. Driveway ramps shall be to the satisfaction of Transportation Services. Driveway ramps shall be at grade at the property line and must not exceed a slope of 6% for a distance of 4.5 m inside the property line unless otherwise directed by Transportation Services.
 - z. Vehicular Parking on the Site shall be developed in accordance with Section 54, Schedule 1 of the Zoning Bylaw, except that:
 - i. for Professional, Financial and Office Support Services at grade, parking shall be provided on the basis of 1.1 parking spaces per 100 m² of Floor Area and no parking spaces shall be required for this Use on upper floors;
 - ii. for Specialty Food Services, Restaurants, and Bars and Neighbourhood Pubs, parking shall be provided on the basis of one parking space per 4.8 m² of Public Space;
 - iii. for all other Commercial Use Classes, parking shall be provided on the basis of 1.1 parking spaces per 100 m² of Floor Area;
 - iv. for all Residential uses, parking shall be provided on the basis of a minimum of 1 parking space per Dwelling Unit; and
 - v. the parking requirements shall be further relaxed in consultation with Transportation Services, should alternative transportation initiatives which reduce parking demand be implemented. Such initiatives include but are not limited to dedicated car share/car pool stalls, universal bus pass programmes, a bike centre, or shared parking between commercial, residential, and residential-related uses. Parking requirements shall also be relaxed if the Owner can demonstrate through a Parking Impact Assessment or a Traffic Impact Assessment that the vehicular parking required is substantially less than the minimum requirements.
 - aa. Vehicular parking shall be located at the rear of buildings which front onto Fort Road. If the Rear or Sides of a Site are used for surface vehicular parking, they

- shall be screened by appropriate hard and soft landscaping measures in accordance with the provisions of Section 55 of the Zoning Bylaw.
- bb. Bicycle Parking spaces shall not be less than 20% of the number of vehicular parking spaces required under Schedule 1 of Section 54 of the Edmonton Zoning Bylaw.
 - cc. The owner shall submit a Crime Prevention Through Environmental Design (CPTED) Assessment that shall be reviewed and accepted by the Development Officer prior to the issuance of a Development Permit to ensure that development on the Site provides a safe urban environment in accordance with the guidelines and principles established in the Design Guide for a Safer City.
 - dd. Signs in the Commercial area, as identified on Appendix 1 as "Commercial Frontage," shall comply with Schedule 59E of the Zoning Bylaw, with the intent to complement the pedestrian oriented commercial environment, except that:
 - i. the maximum Height of a Temporary Freestanding Sign shall be 6.0 m;
 - ii. a Projecting Sign may be used to identify businesses that are located entirely at the second Storey level; and
 - iii. the top Projecting Sign on a building two Storeys or higher shall not extend more than 75 cm above the floor of the second Storey nor higher than the windowsill level of the second Storey;
 - ee. A Comprehensive Sign Plan and Schedule, consistent with the overall intent of subsection 59.3 of the Zoning Bylaw, shall be prepared for the Commercial area, as identified on Appendix 1 as "Commercial Frontage," and submitted with the Development Permit Application to be approved by the Development Officer.
 - ff. Signs in the Residential area, as identified on Appendix 1 as "Residential Frontage," shall comply with Schedule 59B of the Zoning Bylaw.
 - gg. The following regulations shall apply to the following Uses:
 - i. Flea Markets shall be limited to outdoor farmers' markets involving the sale of items such as local meat, produce and handicrafts;
 - ii. Lodging Houses shall be compliant with the regulations in Section 93 Inclusive Design, and Section 94 Community Supportive Provisions of the Zoning Bylaw;
 - iii. Major and Minor Amusement Establishments shall only be allowed as an accessory Use to a Restaurant Use;
 - iv. Minor Impact Utility Services shall be limited to a waste water treatment facility;

- v. Natural Science Exhibits shall only be allowed as an accessory Use to a Minor Impact Utility Services Use;
- vi. Professional, Financial and Office Support Services shall not include loan offices and similar financial uses; and
- vii. Temporary Freestanding On premises Signs shall be limited to project identification, building construction identification and real estate advertising signs during construction and initial sale, excluding portable signs.

5. Urban Design Regulations

5.1 Site Planning

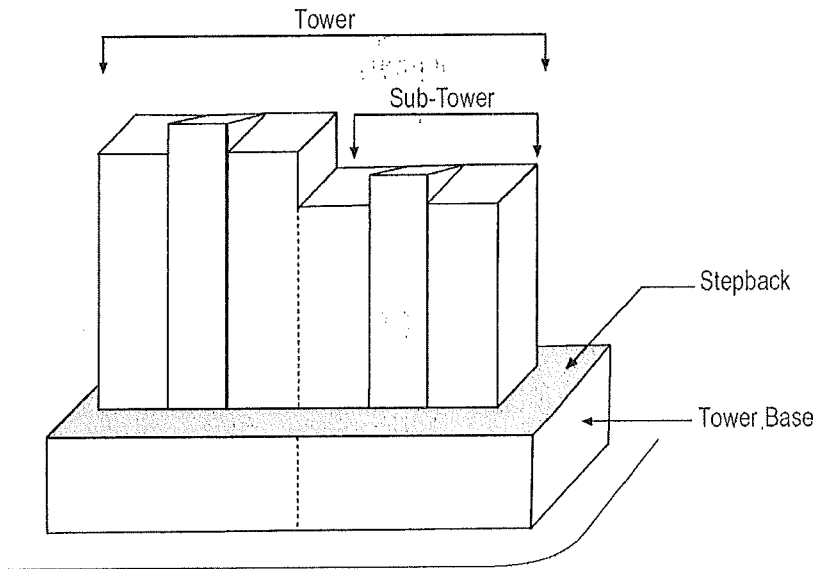
- a. The Tower shall be located along Fort Road, and may wrap along the internal public roads.
- b. Row Housing shall only be located along the internal public roads.
- c. A pedestrian passageway shall be located at the North corner of the Site to provide access between Fort Road and the interior of the Site at the approximate location as shown on Appendix 1 by the "Primary Pedestrian Access" arrow.
- d. An open plaza shall be located at the North corner of the Site to provide a feature entry and clear access point to the pedestrian passageway.
- e. The surface parking area shall be separated from any entrances to the Parking Garage to offer flexibility so that the surface parking area may be used for flea market/farmer's market uses.
- f. The roof of the Minor Impact Utility Service building (waste water treatment facility) shall be landscaped with a Green Roof.

5.2 Street Wall

- a. The design of the first Storey façade of any building abutting Fort Road shall break the appearance into sections 11 m or less along Fort Road.
- b. Blank walls (with or without windows) of Vehicular Parking Garages, excluding any walls on either side of the entry ramp, shall not be developed where adjacent to or visible from any public roadway. Any portion of the entry ramp that is adjacent to or visible from any public roadway shall be enhanced through the use of architectural elements, public artwork, landscaping, and/or feature lighting to the satisfaction of the Development Officer.

5.3 Buildings

- a. Any Tower will consist of a maximum of four connected Sub-Towers set above a Tower Base, as illustrated in the following diagram for interpretive purposes.



- b. Any Tower Base shall be a minimum 1 Storey (4.6 m).
- c. Any Tower Base shall be differentiated from the Sub-Towers through Stepbacks and architectural treatment of the façade.
- d. Any Tower shall minimize perceived Height and massing through:
- i. the Sub-Towers shall be stepped back from the Tower Base by a minimum of 3.0 m;
 - ii. the maximum Floor Plate for any one Sub-Tower shall be no greater than 650 m². The Sub-Tower Floor Plate is measured as the total Floor Area of a Storey within a Sub-Tower. For the purposes of calculating the Sub-Tower Floor Plate enclosed balconies on the south, southwest or southeast shall not be included;
 - iii. variation in exterior finish detail and colours; and
 - iv. special architectural detailing, variation in materials, and special lighting shall be used to create an interesting skyline.
- e. Any Tower Base shall address all adjacent public roadways, other than Lanes, with entrances or windows that are clearly visible from the adjacent public

sidewalk. On corners, the Tower shall address both the street and avenue with entrances or windows that are clearly visible from the adjacent public sidewalk.

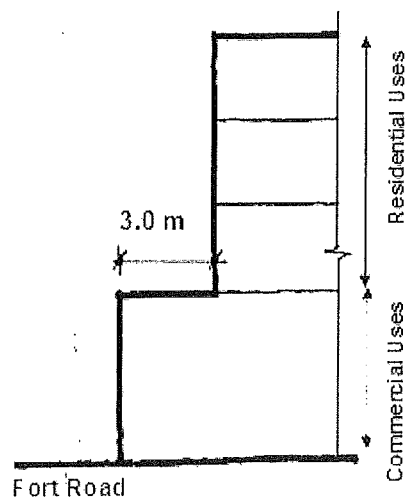
- f. Row Housing shall address all adjacent public roadways, other than Lanes, with entrances that are clearly visible from the adjacent public sidewalk.

5.4 Building Setbacks

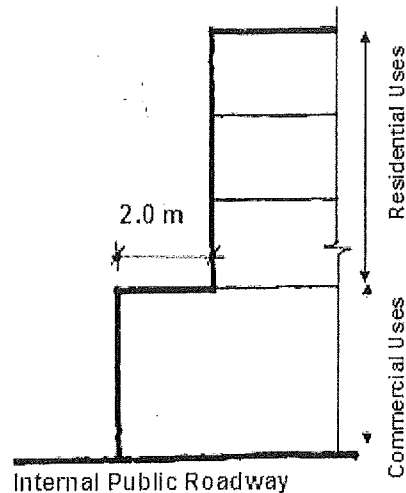
- a. Where the first (ground) floor of any development is designed for Commercial Uses, buildings shall be built to the front and side property lines. The Development Officer shall allow a maximum of 50% of the building to be setback by 1 m. This shall be done to create visual interest in the building. The Development Officer shall allow an additional building setback, only to accommodate street related activities such as sidewalk cafes, colonnades, arcades or plazas.
- b. Where the first (ground) floor of any development is designed for Residential Uses, the building shall contain a Landscaped Yard of 3 m. The Development Officer shall relax this setback to 0 m, to accommodate the lot line corner cut of the East corner of the Site, as identified on Appendix 1. The Development Officer shall allow staircases to project up to 2 m from the building wall. A combination of hard and soft Landscaping shall be provided within the 3 m setback.

5.5 Building Stepbacks

- a. Where Residential Uses are located above Commercial Uses in a building, the residential portion of the building shall be stepped back a minimum 3 m from the lower portion of the building fronting onto Fort Road, as illustrated in the following diagram for interpretive purposes.



- b. Where Residential Uses are located above Commercial Uses in a building, the residential portion of the building shall be stepped back a minimum 2 m from the lower portion of the building fronting onto the internal public roadway, as illustrated in the following diagram for interpretive purposes.



- c. The ground floor of any Commercial Use unit fronting onto Fort Road shall have a minimum of 50% of its Floor Area dedicated to Commercial Uses and all such Floor Area shall be adjacent to Fort Road.
- d. Rooftop gardens and patios shall be incorporated into the Stepback area above Commercial Uses and on the Tower roof.

5.6 Entrances

- a. Where the Tower fronts onto Fort Road, direct access from the residential Dwelling units to Fort Road shall be provided. Direct access may be shared between units.
- b. Where Row Housing Dwelling units are provided at ground level and abut a public roadway, other than a Lane, the principal entrance to the unit shall have direct external access to the adjacent public sidewalk.
- c. Where a Commercial Use is provided at ground level and abuts a public roadway, other than a Lane, the principal entrance to the Commercial Use shall have direct external access to the adjacent public sidewalk or plaza.
- d. Main building entrances shall be designed to meet universal accessibility standards in the following ways:

- i. building main entrance doors are to meet universal design standards as per the Barrier Free Design Guide published by The Safety Codes Council (Alberta);
 - ii. level changes from the sidewalk to the main entrance of the buildings shall be minimized; and
 - iii. landscaping elements shall be located out of the travel path to ensure they are not obstacles to buildings access.
- e. Access to the first floor of any Residential Use, including associated entranceways, shall have a maximum grade separation of 1 metre from any adjacent public sidewalk.
 - f. The first floor of any Commercial Use, including the entranceway, shall be at grade with the property line.

5.7 Weather Protection

- a. Where Commercial Uses are developed on the ground (first) floor of a building, weather protection in the form of a canopy at least 2 m deep or any other method suitable to the architectural style of the building or street theme, shall be provided one Storey above sidewalk level to provide a comfortable environment for pedestrians. The canopy may project into the Setback and over the public sidewalk up to 2 m.

5.8 Architectural Control

- a. Buildings shall be finished using high quality, low maintenance and durable building materials which complement the street aesthetic.
- b. Articulation of the façade and roofline and variations in colour and texture shall be used to create visual interest.
- c. The finishing of the Tower Base shall consist of a combination of high quality materials such as glass and glazed window wall systems, brick, stone, architectural concrete, and/or pre-cast coloured concrete. The use of stucco as a finishing material is not permitted on the Tower Base.
- d. The use of acrylic stucco above the Tower Base shall be permitted where such use contributes to meeting the building's sustainability goals. Variation in materials, colour, finishing, and other architectural elements shall be used to create an interesting façade. The use of cementitious stucco is not permitted.
- e. Notwithstanding the foregoing specifications regarding finishing materials, the Development Officer shall approve any other materials, singularly or in

combination, that would enhance and contribute to the overall architectural appearance of the proposed development.

- f. "Special Architectural Treatment" of building corners shall be provided as shown on Appendix 1. Special Treatments shall include a plaza, art piece, architectural feature, entrance feature, or other similar design elements.
- g. A minimum of 70% of the ground (first) floor level that faces a public roadway and is identified on Appendix 1 as "Commercial Frontage," shall be comprised of clear, non-reflective glazing to promote pedestrian interaction and safety. Transparency is calculated as a percent of linear metres, measured at 1.5 m above the finished grade.
- h. Subject to the design requirements for proper performance of the Minor Impact Utility Service building (waste water treatment facility), the building façade shall be finished to complement the Tower Base. A minimum of 70% of the ground (first) floor level facing the public roadway shall be comprised of clear, non-reflective glazing to promote pedestrian interaction and safety. Transparency is calculated as a percent of linear metres, measured at 1.5 m above the finished grade.
- i. Development on the Site shall incorporate functional and decorative lighting to highlight the building's architectural features and enhance the appearance of the building during the winter months.

5.9 Public Art

- a. Public art shall be provided on Site by the developer to a value of 1% of construction costs as estimated at the development permit stage, to a maximum of \$100,000 and to the satisfaction of Sustainable Development.
- b. Public art shall be incorporated into the architecture, streetscape, and spread throughout the Site to the satisfaction of the Development Officer in consultation with the Urban Design Unit of Sustainable Development.
- c. Public art shall be installed on Site with completion of the street level commercial structures, unless the artwork is to be integrated with the building's architecture.

5.10 Sun-Shadow Impact and Wind Impact Study

- a. Buildings shall be designed through their massing and location to avoid adverse microclimatic effects such as wind tunneling, snow drifting, rain sheeting, shadowing, and loss of sunlight, both on and off-site. Prior to issuing a Development Permit, the Development Officer shall require the submission of a Wind Impact Statement or Study, and/or a Sun Shadow Impact Study prepared by a qualified professional to determine that the proposed development achieves these objectives.

- b. The Development Officer shall require modifications to the conceptual building layouts/designs identified in the building design plans to address specific issues that may be identified by either the Wind Impact Statement or Study, or the Sun Shadow Impact Study.

6. Sustainable Design

- a. The developer is encouraged to ensure universal accessibility by requiring that a minimum of 10% of Dwellings meet the requirements of Section 93 Inclusive Design in the Zoning Bylaw.
- b. The design and implementation of this development shall be in accordance with the following Sustainability Targets:
 - i. Energy Use: the building shall achieve a maximum net energy use of 15 kWh/m²/year for heating and cooling (equivalent to a 2013 Passive House certification standard and compared to a 2013 new construction build of 140 kWh/m²/year).
 - ii. Building Envelope: the building shall achieve a minimum roof insulation value of R60, a minimum wall insulation value of R50, and a minimum slab (between the building and parkade) insulation value of R40.
 - iii. Domestic Hot Water: a minimum of 50% of the energy required to heat the domestic hot water shall be provided from renewable resources or waste heat recovery.
 - iv. Storm Water Management: the development shall implement a stormwater management plan that results in a 25% decrease in the rate and quantity of storm-water runoff when compared to the existing Site.
 - v. Urban Heat Island Effect: a minimum of 75% of the building roof area shall be covered with high-albedo roofing, vegetated roofing, or a combination thereof.
 - vi. Water Efficient Landscaping: the design shall apply high-efficiency irrigation technology, captured rain water, and/or drought tolerant landscaping to reduce potable water consumption for irrigation by 50% over conventional means, factored over the course of a typical year.
- c. Upon completion of the building, the Owner shall provide a report by a professional Architect or Engineer that demonstrates to the satisfaction of the Development Officer that the design and construction of the building meets the Sustainability Targets.

Appendix I

