



Development Services

Edmonton

# Guide to Writing Direct Control Zones

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Planning Coordination

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## 1. Introduction

This document is to serve as a guide to writing DC - Direct Control Zones though many aspects can also be applied to writing Special Area Zones, such as structure, formatting and drafting of regulations. This document only deals with *writing* the zone and does not address when to use each zone or other submission requirements that would accompany the actual proposed zone document with a rezoning application. See Sections 7.70 (Application of Special Areas) or 7.80 (Application of Direct Control Zones) of the Zoning Bylaw for details of when it is appropriate to use these types of zones and basic submission requirements.

## 2. Structure and Formatting

The zone text and appendices are attached as a “Schedule” to a Bylaw which has to be written and formatted as per the Office of the City Clerk. Below are some key features of formatting correctly for this purpose:

1. Header uses all caps.
2. Schedule:
  - a. is usually “B” but could be other letters.
  - b. Schedule is right justified.

Example:

**SCHEDULE “B”**

**DIRECT CONTROL ZONE (DC)**

3. Zone Clauses: Size 12, Times New Roman, Line spacing 1.15
4. Numbering hierarchy convention for clauses:
  1. Section Heading (ie. Purpose, Area of Application, Uses, etc.)
    - 1.1 Main Clause
      - 1.1.1 Sub Clause
        - 1.1.1.1 Continue hierarchy as necessary by adding a decimal and new digit

### Standard Section Structure

- 1. Purpose
- 2. Area of Application
- 3. Uses

- 4. Additional Regulations for Specific Uses
- 5. Site and Building Regulations
- 6. Design Regulations
- 7. Parking, Loading, Storage and Access Regulations
- 8. Landscaping, Lighting and Amenity Area Regulations
- 9. General Regulations
- 10. Public Improvements and Contributions
- Appendices
  - Ensure they are clearly labelled as “Appendix” and ordered with numbers, not letters (Appendix 1, 2, 3, 4, etc.)

Depending on the context and nature of the zone, this standard section structure may need to vary. There may also be instances where additional sections are required and this is acceptable, but be sure there are enough regulations to create an entirely new section. Otherwise, put them in “General Regulations”. Any new sections added should come after these eight standard sections but before the appendices.

### 3. Regulation Interpretation

DC regulations must provide clear guidance to the Development Planner to ensure the intended outcome is achieved at the Development Permit stage.

The test to determine compliance is “whether the Development Authority followed the directions of council”. Ambiguities will be decided in favour of the land owner.

There are key questions that must be addressed prior to submitting a DC Zone application. The answers to these questions fundamentally change the DC Zone, and affect how the Development Planner will interpret and apply the regulations at the Development Permit stage.

#### **3.1 Is the intent for the Development Planner to apply the general regulations of the Zoning Bylaw that were in force when Council approved the DC Zone regulations, or those in place at the development permit stage?**

- a. Where a regulation is contained in the Zoning Bylaw, that regulation will automatically apply to the DC Zone if the DC Zone is silent on it.
- b. If the DC Zone is silent on a regulation in the Zoning Bylaw the Development Planner will refer to the regulations of the Zoning Bylaw in place at the time of the issuance of the Development Permit.

- c. If the DC Zone is silent on requirements of the City of Edmonton “Design and Construction Standards”, the “Design and Construction Standards” in effect at the time of the issuance of the Development Permit will apply to the DC Zone.
- d. If the DC Zone references a specific section of the Zoning Bylaw, the Development Planner will refer to the regulations of that section on the date on which the DC Zone was approved by Council.
- e. It is best to not reference a specific Zoning Bylaw section number (eg. “in accordance with Section 2.10 of the Zoning Bylaw”) or Zone (eg. “in accordance with the RS Zone”). Referring to a specific section requires the Development Planner to find old versions of the Zoning Bylaw, is labour-intensive and it may not be possible to recover this information. In addition, it can create complications in the future if the numbering of the Zoning Bylaw changes or sections are removed. Referring to a specific zone by name can lead to debates about whether Council was properly informed about the impacts to the DC Zone if the Zone is ever amended in the future. If amending a legacy DC, this type of wording should be removed. Instead,
  - i. If the intent is for the DC Zone to defer to the Zoning Bylaw as it evolves over time, the DC Zone should remain silent on the regulations of the Zoning Bylaw.
  - ii. If the intent is for the DC Zone to be reviewed against the current regulations of the Zoning Bylaw, and have them remain in perpetuity, such regulations should be copied and pasted into the DC Zone.

**3.2 If the development is large enough to have internal roadways, are those roadways going to be managed privately or will they be transferred to the City to become public roads?**

- a. This is essential to know at the beginning because all setback requirements, orientation regulations, access regulations, and other similar regulations will need to be written differently depending on where the property lines are drawn.
- b. If it is not known yet, or an option is not able to be committed to, then the DC Zone format is likely not appropriate, and standard zoning should be used.

**3.3 What degree of discretionary/variance power (if any) is desired to allow the Development Planner to vary a regulation in a DC Zone?**

- a. The general rule is that there should be very little to no variance power allowed in a DC Zone (see Subsection 4.3 of section 7.100 of the Zoning Bylaw).

- b. A variance must not be granted for a Development Permit application within a Direct Control Zone except where the ability to grant a variance is specified within the Direct Control Zone.
- c. Despite the above, the DC Zone is subject to all regulations of the Zoning Bylaw unless specifically modified by the DC Zone and if those regulations in the Zoning Bylaw include specific variance power, that power could still be used.

## 4. Content Guidelines

### 4.1 Purpose

- a. This gives the overall intent and vision for the zone. This may be used to assist the Development Planner in interpreting regulations contained further on.
- b. It should provide policy-type guidance to the Development Planner when interpreting regulations or deciding whether or not to approve a variance.
- c. It should not reference specific Uses, and instead describe what the desired outcome is.
- d. Describe the specific project, but avoid describing specific features of the development that are better left to regulations, “eg. A 6 storey building with 200 Dwellings and a Floor Area Ratio of 6.0”
- e. Avoid unnecessary wording, eg. use “To accommodate...” instead of “To create a Direct Control Zone to accommodate...”
- f. Avoid or minimize the use of ‘value laden’ terms that are difficult or impossible to qualify or interpret, eg: “to create *efficient*, low-density built-forms ...”

### 4.2 Area of Application

Wording should almost always be exactly:

“This zone applies to [legal description], located [description of location, eg. “Northwest corner of \_\_\_ and \_\_\_”, as shown in Schedule “A” of the Bylaw adopting this zone, [Neighbourhood name].”

- Note: Do not use a municipal address for the description of the location.

### 4.3 Uses

- a. All listed Uses must be compatible with the general purpose and work together on the site.
- b. Uses are grouped by type with the groups usually in this order: Residential Uses, Commercial Uses, Industrial Uses, Community Uses, Basic Service Uses, Agricultural Uses, and Sign Uses. Uses are then listed alphabetically under each type. The order of the groups can also be varied so that the ones that most align with the purpose of the zone are first.
- c. Listed Uses must exist in the current Zoning Bylaw. Uses should not be created through a DC Zone.
- d. The Use name needs to be written out in whole each time, including being mindful whether the Use is defined in the singular or plural.
- e. DC Zones do not have Permitted or Discretionary Uses, only Uses; by approving the DC Zone, Council has authorized all Uses on the site.
- f. If there is a desire to put a limitation on a Use, such as limits to maximum Floor Area, this should be in the Additional Regulations for Specific Uses section, not written beside the Use itself. Only list limitations beside the Use itself if there is a specific intent that such a limitation cannot be varied, under any circumstances. If there is an intent to have normal variance power within a DC Zone apply (which is still minimal) the limitation cannot be listed beside the Use. They should also not be limitations that would otherwise have normal regulations associated with them (Height, setbacks, etc.). Examples of acceptable limitations beside a Use in the use section are limiting a Use to only those that existed before a certain date or limiting a specific built form for the Residential Use, such as only Row Housing or Multi-unit Housing.

#### 4.4 Development Regulations

- a. DC Zones must be tailored to the specific site and proposed development. This includes DC to DC rezoning, which requires a thorough review and update of the Zone to ensure that new terms and regulations are captured. Addressing these issues will facilitate a quicker review at the Development Permit stage.
- b. Where a regulation is already contained in the Zoning Bylaw, that regulation will automatically apply to the DC Zone if the Zone is silent on it. Therefore, regulations in DC Zones should only:
  - i. Describe the site, development, and legal property;
  - ii. Prescribe a unique regulation or specification;

- iii. Address a unique or specific circumstance on the site and development;
- iv. Exempt the development from a Zoning Bylaw regulation or Design and Construction Standard;
- v. Alter a Zoning Bylaw regulation or Design and Construction Standard;
- vi. Provide for a higher degree of control over the development than Zoning Bylaw development regulations and standard zones do.

Therefore, it is crucial that those writing/reviewing DC Zones research and understand all sections and regulations in the Zoning Bylaw. As a guiding principle, if there is any ambiguity as to whether a standard regulation in the Zoning Bylaw will allow the intended outcome, write a regulation into the DC Zone that makes it clear.

- c. If the DC Zone allows for residential dwellings, a maximum density must be included.
- d. The Municipal Government Act does not allow municipal bylaws to regulate or appear to regulate things regulated by a higher order of government, such as building or fire code issues or the Occupational Health and Safety Act. Do not include such regulations; if in doubt, obtain legal counsel/confirm with Law.
- e. Choose the correct interpretation clause for the intended outcome:
  - i. Use “must” for regulations that are not optional to be complied with;
  - ii. Use “may” for regulations that depend on a particular aspect of the proposed development, or do not have to be completed in entirety. When using “may,” ensure that the conditions for when it is or is not required are specified in the regulations, to provide proper direction to the users of the zone.
  - iii. Do not use wording such as ‘encourage’ and ‘should’. This creates challenges for planners and Development Planners who may reference the document for guidance for specific decision points including rezonings and discretionary development.
- f. New DC Zones should be modeled to ensure that the proposed regulations can result in the desired built form, and any internal contradictions between development regulations are resolved. This means ensuring that the development regulations work together to make the desired outcome possible. Typical issues include: contradictory or mutually-exclusive requirements; incompatibility with higher government regulation; and setback requirements plus



site coverage requirements being too restrictive. Write for clarity: clauses that are subjective, vague, or poorly worded are difficult to enforce or consistently apply at the Development Permit stage and should be rewritten.

- i. Poor example: The purpose states the desire for a “vibrant, mixed use development with good connectivity”. The appendix shows a largely single detached neighbourhood built around cul-de-sacs with limited path/sidewalk connections to the exterior of the neighbourhood. Commercial areas are located at the periphery of the development.
  - ii. Good example: The purpose states the desire for a “vibrant, mixed use development with good connectivity”. The appendix shows a mix of low and medium density residential in a fused grid format. The road network shows good paths/sidewalk connections to surrounding development and mixed use commercial-residential buildings. The mixed use is located along a prominent street that should form a continuous street wall.
- g. When possible, avoid subjective terms such as “harmonious exterior,” and “friendly”. Alternatives include creating descriptive definitions of these subjective terms specific to the DC Zone or changing them to quantitative regulations for a design feature that achieves that outcome.
  - i. Poor Example: “All rooflines facing the residential area to the west boundary must include architectural features that include design elements or finishing materials which must be harmonious to the residential development.”
  - ii. Good Example: “All rooflines facing the residential area to the west boundary must include architectural features that include pitched roofs with gables and use exterior finishing materials that give the appearance of wood.”
- h. In the majority of DC Zones, it is not necessary to use the phrase “to the satisfaction of the Development Planner”. This phrase should only be used for aspects of the application that are subject to Development Planner discretion, such as whether to require the applicant to provide special information requirements; not questions of approval or refusal of a development permit. If used, this discretionary power must be specifically and explicitly stated in the regulation, and include the parameters or criteria for approval/refusal. To properly assess the application and support the use of discretionary power (the decision), the Development Planner may require special information or reports.

- i. Discretionary power in a DC Zone must be specifically and explicitly provided for, and include clear and objective criteria parameters for approval/refusal that any reasonable person can understand. (See [3. Regulation Interpretation](#)).
- j. If a Use is to be temporary, it should be written to have either a specific expiry date (eg. Dec. 1, 2025) or written to expire a certain amount of time after the approval of the DC Zone (eg. 5 years from the date of approval of the Bylaw adopting this Zone).

#### 4.5 Parking

- a. In recognition of Open Option Parking, DC Zones should remain silent on required amounts of vehicular parking. This is important to be consistent with development in standard zones and the intent of Open Option Parking.
- b. There may be a desire to guarantee a certain amount of parking spaces in a DC Zone in order to appease concerns raised through consultation, but this should be resisted to uphold the principles of Open Option Parking.
- c. For Bicycle Parking, the DC Zone should also remain silent on amounts unless there is a desire to increase bicycle parking numbers above Zoning Bylaw requirements.
- d. Unique circumstances/context of some DC Zones may require parking regulations to address/modify access, location, size or orientation of either vehicular or bicycle parking, and this is still acceptable.

#### 4.6 Signs

- a. Regulations for signs should go in the “Additional Regulations for Specific Uses” section of a DC Zone because signs are Uses.
- b. When signs are listed as a Use, Section 6.90, Subsection 9 will automatically apply to a DC Zone. If that is the intent, remain silent on sign regulations. However, as a caution, Subsection 9 has very few regulations for signs which may not be in line with the intent of a DC Zone which typically has more strict regulation than standard zones.
- c. If there is an intent to apply a different Subsection from Section 6.90, simply state which Subsection to follow in a regulation, eg. “Signs must comply with Subsection 6 of Section 6.90 of the Zoning Bylaw.”

- d. As a general rule, the chosen Sign Subsection should be the one that applies to the nearest equivalent standard zone to the DC Zone.

#### 4.7 Appendices

- a. Ensure that the appendices are properly labelled and referenced in the DC Zone text. (eg. "...as shown on Appendix 1.")
- b. Appendices should be named using numbers, not letters (eg. "Appendix 1" not "Appendix A")
- c. If you reference something locationally specific in the DC Zone, make sure it is labelled appropriately in the appendix.
- d. The exact nature of appendices will vary based on the nature of the application.
- e. For DC Zones regulating a specific new building, appendices are usually limited to a Site Plan and Elevations. Be careful being too specific.
- f. Minimum requirements for Site Plan and Elevations include:
  - i. Lot lines
  - ii. Building outline
  - iii. Setbacks
  - iv. Access locations for vehicles and people walking or rolling
  - v. Areas of Landscaping (but not specific landscaping features) and Amenity Area
  - vi. Parking, loading and waste collection areas
  - vii. Stepbacks
  - viii. Standard submission requirements for a development application (i.e. scale, legend, north arrow, size, no company logos or names of people who prepared the drawings, etc.)

## 5. Referencing Other City Groups

Sometimes it is necessary to direct the Development Planner to consult with certain groups within the City as part of their decision making. When doing so, the following wording should be used:

"...to the satisfaction of the Development Planner in consultation with the City department responsible for \_\_\_\_\_".

Notes:

- It is important that it is always to the satisfaction of the Development Planner and not the specific City group because only

the Development Planner has Development Authority to make a decision.

- Instead of referencing a specific City group by name, which can change over time through corporate restructuring, refer instead to what the group would be responsible for.

For example:

“...to the satisfaction of the Development Planner in consultation with the City department responsible for transportation services.”

## 6. Common Errors

**Use the checklist below to identify common errors:**

- a. Section headings and regulations must be in accordance with the numbering hierarchy convention
- b. Incorrect references to other sections of the DC Zone. Sometimes during the review process, section numbers change but references to them do not get updated accordingly
- c. Site plan and/or elevations must align with proposed regulations
- d. Defined terms of the Zoning Bylaw must be capitalized; terms not defined must not be capitalized
- e. Numerical regulations are provided to one decimal place i.e. 11.0 m.
- f. Numerical regulations should be described as a function of minimum or maximum rather than specific units in order to achieve conformance.
- g. Fix spelling errors, and properly spelled words that are used improperly (e.g. principal vs principle).
- h. If an easement is required for utilities, that must be addressed at Subdivision, or listed as a condition of the Development Permit, as per the development agreement to service the property. It should not be a Zoning Bylaw regulation.
- i. Timing: clarify when a regulation must be satisfied (e.g. Prior to issuance of a Development Permit or as a condition of Development Permit?)
- j. Consistent use of language between DC and standard zoning, for uniformity. Phrase regulations the same way that they are phrased throughout the Zoning Bylaw.
- k. Write regulations specific to the DC; do not include regulations for things that would already be required by the Zoning Bylaw.

*For example: do not state “A minimum of 7.5 m<sup>2</sup> of Amenity Area per Dwelling must be provided.” Section 5.20 of the Zoning Bylaw already requires this (assuming the development has at least 8 total Dwellings).*

- I. Regulations must be specific, enforceable, and provide clear direction to the Development Planner. Do not include building design regulations that are highly subjective, difficult to enforce or don't provide enough direction to the Development Planner.

*For example:*

- a. *Poor regulation - “The building must be finished with high quality, architecturally interesting materials.”*
- b. *Better regulation - “The building must be finished with high quality, durable materials. Vinyl siding and/or knockdown stucco are prohibited. The development must maximize the use of exterior cementitious and fibrous cladding, wood panelling, glazing, acrylic stucco, masonry veneer, and prefinished metal cladding.”*
- m. Do not use people (occupants, patrons, etc) to regulate the intensity of the Use. The term “occupants” is not properly enforceable using Zoning tools; this is under the jurisdiction of the Safety Codes Act, which states that municipal bylaws may not regulate or purport to regulate anything that is regulated by the Safety Codes Act. Instead regulate intensity with Floor Area or area of Public Space.
- n. “Grade” has a specific meaning in relation to determining the Height of a structure. Where the intent is to reference the ground, specify “ground level” instead of Grade.
- o. Landscaping: Minimum caliper / height requirements for trees and shrubs must not exceed the standard Zoning Bylaw requirements for new trees and shrubs. Larger trees may not survive transplanting into busy urban environments.
- p. Uses need to be listed exactly as written in the Zoning Bylaw; including whether the Use is defined in the singular or plural.

## **7. Examples of DC Zone Regulations**

NOTE: These are intentionally written in Times New Roman, size 12 font to make it easier to copy and paste into a DC Zone you are working on.

Each site is unique. As such, there may need to be modifications to the below example regulations or be a need for other types of regulations for which there are no examples

given. This will be determined through review and discussions between the planner and the applicant.

## 1. Purpose

- 1.1. To accommodate a low rise, high density residential development, that is compatible with adjacent land uses and supports a friendly streetscape for walking or rolling.
- 1.2. To accommodate a high density residential tower on a podium allowing a mix of other uses with a design that ensures the integration of the building within the Warehouse Campus Neighbourhood including active and inviting streetscapes for people walking or rolling.

## 2. Area of Application

- 2.1. This Zone applies to [legal description], located [description of location] as shown in Schedule “A” of the Bylaw adopting this Zone, [Neighbourhood name].

## 3. Uses

### Residential Uses

- 3.1. Home Based Business
- 3.2. Residential, limited to:
  - 3.2.1. Lodging House
  - 3.2.2. Multi-unit Housing
  - 3.2.3. Supportive Housing

### Commercial Uses

- 3.3. Food and Drink Service
- 3.4. Health Service
- 3.5. Hotel

### Industrial Uses

- 3.6. Crematorium
- 3.7. Indoor Self Storage

### Community Uses

- 3.8. Child Care Service
- 3.9. Community Service

### Basic Service Uses

- 3.10. Emergency Service
- 3.11. Recycling Drop-off Centre

### Agricultural Uses

- 3.12. Urban Agriculture

### Sign Uses

- 3.13. Fascia Sign
- 3.14. Freestanding Sign
- 3.15. Portable Sign

## 4. Additional Regulations for Specific Uses

### Non-Residential Uses

- 4.1. The maximum Public Space for each Food and Drink Service Use is ## m<sup>2</sup>, excluding exterior patio/deck space, which must not exceed ##% of the interior Public Space.
- 4.2. The maximum Ground Floor building Frontage for Indoor Self Storage is 11.0 m. The remaining Ground Floor building Frontage must be used for Community Uses or Commercial Uses other than Vehicle Support Services.

### Sign Uses

- 4.3. Signs must comply with Section 6.90 of the Zoning Bylaw, including Subsection ## of Section 6.90.

## 5. Site and Building Regulations

Always start this section with this regulation (except in the rare cases there are no appendices):

*“The development must be in general conformance with the attached appendices.”*

These Development Regulations should create the parameters for the building envelope and the location of the building(s) on the site (define the “box”). The following are the types of characteristics to regulate here.

1. Number of buildings (if applicable for a large site)
2. Site Dimensions (if applicable)
3. Height

4. Density (a density maximum must be included in all DC Zones that allow residential dwellings)
5. Floor Area Ratio
6. Site Coverage
7. Setbacks
8. Stepbacks
9. Tower Setbacks
10. Tower Floor Plate
11. Facade length
12. Minimum Driveway Length

Examples:

1. The maximum Height is ## m.
2. The maximum Floor Area Ratio is ##.
3. The maximum number of Dwellings is ##.
4. The maximum Site Coverage is ##%.
5. The minimum Front Setback is ## m
6. The minimum Rear Setback is ## m.
7. The minimum Flanking Side Setback is ## m.
8. The minimum Interior Side Setback is ## m.
9. For the south Facade, the building must have a minimum ## m Stepback at a maximum Height of ## m.
10. The maximum Tower Floor Plate is ## m<sup>2</sup>.

**6. Design Regulations**

Examples:

1. Ground Floor non-Residential Facades facing Streets, and any Facade with a main entrance that faces a Park, must be designed to break up the appearance into sections of 11.0 m or less using variations in rooflines and vertical or horizontal building wall projections or recessions.
2. Podium roofs must 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.
3. A minimum of 65% of the Facade area between 1.0 m and 2.0 m above ground level must be windows.



4. Dwellings with at-grade entrances must provide a semi-private space to act as a transition area from Streets. This can be established through the use of features such as fencing, Landscaping, porches, or other similar measures.

## 7. Parking, Loading, Storage and Access Regulations

### Examples:

1. All vehicular parking must be located in the underground Parkade.
2. Vehicular access and egress must be from the rear Alley.
3. Bicycle Parking Spaces must be provided in a safe and secure location that is easily accessible to cyclists via access ramps, or a route through the building that facilitates easy and efficient transportation of bicycles.
4. All waste collection, storage, or loading areas must be located adjacent to the Alley, within the principal building and designed to the satisfaction of the Development Planner in consultation with the City department responsible for waste collection. Gates and/or doors of the waste enclosure must not open or encroach into the road right-of-way.

## 8. Landscaping, Lighting and Amenity Area Regulations

This section should not contain too many regulations. Because the General Regulations of the Zoning Bylaw apply unless the DC Zone specifies otherwise, regulations are only required to exempt or alter the development from a Zoning Bylaw regulation or Construction & Design standard. Read all the General Regulations of the Zoning Bylaw before writing these regulations.

### Examples:

1. The required Landscape Plan submitted with a Development Permit application for new building construction must be prepared by a Landscape Architect registered with the Alberta Association of Landscape Architects.
2. A detailed exterior lighting plan must be required as part of the Development Permit application.
3. A minimum of ## m<sup>2</sup> of Common Amenity Area must be provided within the building for use by residents.
4. A Landscape Buffer, including a minimum of ## trees, must be provided along the south Setback to provide additional screening, as shown in Appendix ##.

## 9. Other Regulations

1. Any regulation that doesn't fit well into any of the other above sections can go here.
2. This section also includes regulations requiring specific reports as part of the Development Permit Review.
3. Typical requirements include:
  - a. Arborist Report
  - b. Wind Impact Statement or Study
  - c. Winter City Design Report
  - d. Crime Prevention Through Environmental Design (CPTED) Report
  - e. Environmental Site Assessment Report
  - f. A "sunset clause."
4. Ensure that regulations are clear regarding timing, i.e. must the regulation be satisfied prior to issuance of a Development Permit, or as a condition of it? Critical requirements should be prior to the *issuance* of a Development Permit because once a Development Permit is issued, there is very limited ability to withhold an approval of a Building Permit and whatever is being sought may not be achieved. Less important elements can be directed to be conditions of the Development Permit or be satisfied prior to the release of drawings for Building Permit review.

Examples:

1. An arborist report and tree preservation plan to the satisfaction of the Development Planner in consultation with the City department responsible for public tree management, must 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 [street name]. If required by the Development Planner, an air spading tool must 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 must be removed as part of the redevelopment of the site. The owner/developer is 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 Planner, each tree removed must 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 must be retained and protected as per the City's Corporate Tree Management Policy C456C.
2. Prior to the issuance of a Development Permit for any buildings greater than 20.0 m in Height, a *<Wind Impact Statement, Qualitative (CFD) Wind Impact Study or Quantitative Wind Impact Study (Wind Tunnel Study) as determined by the Wind Impact Assessment reviewed with the rezoning>* must be submitted for review. The development must 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 Statement, Qualitative (CFD) Wind Impact Study or Quantitative Wind Impact Study (Wind Tunnel Study)>*.
3. Built form, public realm interfaces, streetscape elements and mobility connections must consider the City of Edmonton's Winter Design Guidelines in their design and implementation. A report outlining how the development conforms to these guidelines must be submitted with the Development Permit for a principal building.
4. Prior to the issuance of a Development Permit, except for Development Permits for demolition, excavation, shoring or signage, the applicant must submit documentation that demonstrates that the fire flows and water servicing to the Site will be adequate for the proposed building and construction type. The Development Planner must verify that any required infrastructure upgrades or systems must be implemented in the design of the building and through off-site improvements.
5. Site and building layouts must include design elements that take the principles of Crime Prevention Through Environmental Design (CPTED) into consideration. The Development Planner may, at their discretion, require a CPTED assessment prepared in accordance with Section 5.110 of the Zoning Bylaw to confirm this has been done to their satisfaction. The Development Planner must apply any conditions deemed necessary to the approval of the Development Permit based on the recommendations of the CPTED assessment to promote a safe physical environment.
6. Prior to the issuance of a Development Permit, except for Development Permits for demolition, excavation, shoring or signage, additional Environmental Site Assessment work, an Environmental Risk Management Plan and Remedial Action Plan, as required by the Development Planner, must be submitted and reviewed to the satisfaction of the Development Planner in consultation with the City

- department responsible for environmental planning. The Development Planner must 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.
7. Prior to the release of drawings for Building Permit review, except for Building Permits for demolition, excavation, shoring or Signs, the Site must be remediated and a Remediation Report, along with any required updates to the Risk Management Plan, must be submitted for review.
  8. Despite the other Development Regulations of this Zone, the Appendices of this Zone and Section 7.80.4.1.1.5 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 # years <no more than 5 years> of the passage of the Bylaw adopting this Zone, development of the Site must be in accordance with this Zone, except that:
    - a. the maximum Height is ##.0 m; and
    - b. the maximum Floor Area Ratio is #.#.

## 10. Public Improvements and Contributions

These regulations include improvements required to serve the development (as commonly outlined in the Transportation circulation response), that are in addition to things that can be required in accordance with Subsection 5 of Section 7.150 of the Zoning Bylaw. Importantly, do not generally list things that are covered by Subsection 5 of Section 7.150 unless there is uncertainty about whether it is covered or not.

This section also includes contributions for public benefit to satisfy City Policy C599 (Community Amenity Contributions in Direct Control Provisions).

### Examples:

1. As a condition of a Development Permit for construction of a principal building, the owner must 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 Planner in consultation with the department responsible for transportation services and development coordination. Such improvements must be constructed at the owner's cost. The Agreement process must include an engineering drawing review and approval. In addition to improvements required under Subsection 5 of Section 7.150 of the Zoning Bylaw, improvements to be addressed in the Agreement include, but are not limited to:
  - a. <List agreement items>
2. Improvements to the public realm along [street name] directly Abutting the Site must include, but are not limited to: removal of the existing accesses to [street

- name], addition of a minimum of ## new boulevard trees along [street name] in enhanced growing mediums, human-level lighting, street furniture and paving treatment.
3. A minimum of ## Dwellings must be developed with the following characteristics:
    - a. the Dwellings must have a minimum of 3 bedrooms;
    - b. the Dwellings must be located no higher than the 4th Storey of the building;
    - c. the Dwelling must have individual and private access to ground level;
    - d. the Dwelling must have dedicated and enhanced bulk storage located within the Dwelling, or on the same Storey as the Dwelling;
    - e. the Dwelling must have access to a minimum of 2 Bicycle Parking Spaces in addition to those required for the remainder of the Dwellings in the development;
    - f. the Dwelling must have a Private Outdoor Amenity Area of at least 12.0 m<sup>2</sup>; and
    - g. the Dwelling must have access to an outdoor Common Amenity Area designed for children of at least 50.0 m<sup>2</sup>.
  
  4. Prior to the issuance of the Development Permit for new building construction, the owner must enter into an agreement with the City of Edmonton whereby the owner must provide a minimum contribution of \$##.##/m<sup>2</sup> of Floor Area (excluding any underground Parkades) toward the acquisition and placement of public art. Such agreement must require that:
    - a. Prior to the issuance of the Development Permit, a public art plan showing the general location(s) of art must be prepared and submitted to the City of Edmonton for review and approval by the Development Planner. 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 must be the responsibility of the owner;
    - b. Artworks must be created by a professional artist;
    - c. Artworks may be located on or within the public or private property and must be in locations that are publicly viewable to the satisfaction of the Development Planner;
    - d. If located on public property or road right of way, the location must be to the satisfaction of the Development Planner in consultation with the City department responsible for mobility and right of way management; and
    - e. The Public Art contribution amount must be increased every 5 years from the date of passage of the Bylaw adopting this Zone according to the annual rate of national inflation as determined by Statistics Canada.

5. Prior to the issuance of the Development Permit for construction of the principal building, the owner must enter into an agreement between the City and the owner to contribute \$\_\_\_\_\_ to the creation of, or improvement to, an off-Site Public Amenity such as \_\_\_\_\_ or parks, gardens or open spaces within the boundaries of the \_\_\_\_\_ neighbourhood. The funds must be submitted to the City prior to the issuance of the Development Permit and be disbursed by the City. More specific agreement details must be determined at the Development Permit stage between the owner and the City, in consultation with the \_\_\_\_\_ Community League.
  - a. Despite the above, if a Development Permit application has not been made within five (5) years of the date of approval of the Bylaw adopting this Zone, this contribution amount must be increased from that point forward according to the annual rate of national inflation as determined by Statistics Canada.
  
6. As a condition of a Development Permit for *<insert type of permit that would trigger this, eg. "construction of the principle building">*, the owner must register a 24-hour Public Access Easement for *<insert what features need the easement, eg. "the internal walkways/roadways" - these should be clearly labeled on the site plan>*. Under this Easement, the owner must be responsible for maintenance and liability and the spaces must be accessible to the public at all times.

## 8. Considerations for updating older DC Zones

The following are a list of things to consider when modifying a DC Zone associated with a rezoning from an existing DC1 or DC2 Provision created under Zoning Bylaw 12800 to a new DC Zone under Zoning Bylaw 20001:

### Main Actions

- a. Reorganise and rename sections as per this DC Writing Guide.
- b. Change numbering scheme as per this DC Writing Guide.
- c. Because of the new numbering scheme, change any references to section numbers within the DC Zone.
- d. Change section references to the Zoning Bylaw to new ones.
- e. Change all Uses to Zoning Bylaw 20001 equivalencies and organize them by type.
- f. Consider deleting any parking regulations that are not aligned with the [Open Option Parking](#) strategy.

- g. Check that any capitalized terms that are meant to reference defined Zoning Bylaw terms still have those defined terms in the new Zoning Bylaw and that they still meet the intent given new definitions.
- h. Remove any references to statutory plans.
- i. Ensure that if the DC Zone allows for residential dwellings, a maximum density is included (this is a requirement of the Municipal Government Act)

### **Common terms/phrasing to change**

- a. DC2 or DC1 Provision → DC Zone
- b. Notwithstanding → Despite
- c. Shall → Must (but not always, sometimes it is more grammatically correct to say “is” or something else...look out for the awkward ones).
- d. Development Officer → Development Planner.
- e. In consultation with <specific city group name> → In consultation with the City department responsible for <insert role of group you are thinking of>.
- f. Lane → Alley.
- g. Public roadway, other than a Lane → Street.