

Development Services

Edmonton

**Guide to Writing (DC2) Site  
Specific Development  
Control Provisions**

October 2022  
Planning Coordination

## TABLE OF CONTENTS

1. [Introduction](#)
2. [Structure and Formatting](#)  
[Standard Section Structure](#)
3. [Regulation Interpretation](#)
4. [Content Guidelines](#)  
[General Purpose](#)  
[Area of Application](#)  
[Uses](#)  
[Development Regulations](#)  
[Parking](#)  
[Signs](#)  
[Appendices](#)
5. [Referencing Other City Groups](#)
6. [Common Errors](#)
7. [Examples of DC2 Provision Regulations](#)  
[DC2.####.1 General Purpose](#)  
[DC2.####.2 Area of Application](#)  
[DC2.####.3 Uses](#)  
[DC2.####.4 Development Regulations for Uses](#)  
[DC2.####.5 Development Regulations for Site Layout and Built Form](#)  
[DC2.####.6 Development Regulations for Building Design and Features](#)  
[DC2.####.7 Development Regulations for Parking, Loading, Storage and Access](#)  
[DC2.####.8 Development Regulations for Landscaping, Lighting and Amenity Area](#)  
[DC2.####.9 Other Regulations](#)  
[DC2.####.10 Public Improvements and Contributions](#)

*The guide for Direct Control Provisions can be applied to DC1 and DC2 Provisions.*



## 1. Introduction

This document is to serve as a guide to writing Direct Control Provisions. For the purpose of simplicity, it is written specifically with Site Specific Development Control Provisions (DC2) in mind, but many aspects can be applied to Direct Development Control Provisions (DC1) as well. This document only deals with *writing* a DC2 Provision and does not address when to Use a DC2 Provision or other submission requirements that would accompany the actual DC2 Provision document with a rezoning application.

## 2. Structure and Formatting

The DC2 text and appendices are attached as a “Schedule” to a Charter 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.

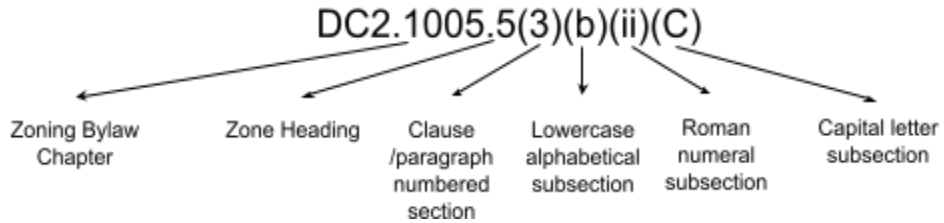
Example:

**SCHEDULE “B”**

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

- a. Provision Clauses: Size 12, Times New Roman, Line spacing 1.15
- b. Numbering hierarchy convention for clauses:
  1. Zoning Bylaw Chapter (i.e. DC2.1005) - Note, the chapter number is added after the zone is approved and is not required to be written into the DC2 for submission.
  2. Zone Heading (i.e. 1) - numbering for each section of the zone (see below for standard selection structure).
  3. Clause/paragraph numbered section (i.e.1);
    - a. Lowercase alphabetical subsection (i.e. a);
      - i. roman numeral subsection (i.e. i); and
      - A. capital letter subsection (i.e. A).

If referencing a different section in text, the only periods are the ones actually written into the zone; so an overall example of this would look like:



### Standard Section Structure

- 1. General Purpose
- 2. Area of Application
- 3. Uses
- 4. Development Regulations for Uses
- 5. Development Regulations For Site Layout and Built Form
- 6. Development Regulations for Building Design and Features
- 7. Development Regulations for Parking, Loading, Storage and Access
- 8. Development Regulations for Landscaping, Lighting and Amenity Areas
- 9. Other 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.)

Any new sections added should come after these ten standard sections but before the appendices.



Depending on the context and nature of the DC2 Provision, 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 “Other Regulations”. Any new sections added should come after these ten standard sections but before the appendices.

### 3. Regulation Interpretation

DC2 Provision regulations must provide clear guidance to the Development Officer to ensure the intended outcome is achieved at the Development Permit stage.

The test to determine compliance with the DC2 Provision 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 DC2 Provision application. The answers to these questions fundamentally change the DC2, and affect how the Development Officer will interpret and apply the regulations at the Development Permit stage.

### **3.1 Is the intent for the Development Officer to apply the general regulations of the Zoning Bylaw that were in force when Council approved the DC2 Provision regulations, or those in place at the time the permit application is made?**

- a. Where a regulation is contained in the Zoning Bylaw, that regulation will automatically apply to the DC2 Provision if the Provision is silent on it.
- b. If the DC2 Provision is silent on a general regulation in the Zoning Bylaw the Development Officer will refer to the regulations of the Zoning Bylaw in place at the time of the Development Permit application.
- c. If the DC2 Provision 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 Development Permit application will apply to the DC2 Provision.
- d. If a regulation in a DC2 Provision were to refer to a Zone or a type of regulation in the Zoning Bylaw BUT NOT to a specific section (eg. in accordance with the provisions of the RF1 Zone of the Zoning Bylaw”, the Development Officer will refer to the regulations of the Zoning Bylaw in place at the time the Development Permit application is submitted for review.
- e. Do not reference a specific Zoning Bylaw number or section number (eg. “in accordance with Section 310.4 of the Zoning Bylaw”). This requires the Development Officer to refer to the specific reference in the Zoning Bylaw as it existed at the time the DC2 Provision was approved by Council. This is labour-intensive for Development Officers, it may not be possible to recover this information, and it can create complications in the future if the numbering of the Zoning Bylaw changes or sections are removed. If amending a legacy DC2, this type of wording must be removed. Instead,
  - i. If the intent is for the DC2 Provision to defer to the Zoning Bylaw as it evolves over time, the DC2 Provision should remain silent on the regulations of the Zoning Bylaw.

- ii. If the intent is for the DC2 Provision to be reviewed against the current regulations of the Zoning Bylaw, and have them remain in perpetuity, these regulations should be copied and pasted into the DC2 Provision.

### **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 does not want to commit to either, then the DC2 format is not appropriate, and standard zoning must be used.

### **3.3 What degree of discretionary/variance power (if any) is desired to allow the Development Officer to vary a regulation in a DC2 Provision?**

- a. The general rule is that there should be very little to no variance allowed in a DC2 Provision.
- b. The Development Officer cannot grant a variance to a regulation in a Direct Control Provision unless the DC2 Provision is written to specifically give this power to the Development Officer. Variance power given should specify a maximum deviation from the regulation (as a nominal amount or as a percentage); or conditions that must be met to grant a variance. Overall, the intended development outcome should be determined at the rezoning stage and variance power should be limited.
- c. Notwithstanding the above, the Direct Control Provision is subject to all regulations of the Zoning Bylaw unless specifically modified by the DC2 Provision.

## **4. Content Guidelines**

### **4.1 General Purpose**

- a. This gives the overall intent and vision for the Provision. This may be used to assist the Development Officer in interpreting regulations contained further on.
- b. It should provide policy-type guidance to the Development Officer when interpreting regulations or deciding whether or not to approve a variance.

- c. It should not reference Use Classes, 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. “To create a Site Specific Development Control Provision 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 Provision shall apply to [legal description], located [description of location, eg. “Northwest corner of \_\_\_ and \_\_\_”, do not use municipal address] as shown in Schedule “A” of the Charter Bylaw adopting this Provision, [Neighbourhood name].”

#### 4.3 Uses

- a. All listed Uses must be compatible with the general purpose and work together on the site.
- b. Uses are listed alphabetically, except that Sign Uses are listed alphabetically after the other Uses.
- c. Listed Uses must exist in the current Zoning Bylaw. Uses cannot be created through a DC2 Provision.
- 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. DC2 Provisions do not have Permitted or Discretionary Uses, only Uses; by approving the DC2 Provision, 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 Development Regulations for Uses section, not written beside the Use itself.
- g. If the DC2 Provision allows Multi-unit Housing, Council has directed that it must also allow for Supportive Housing. These Uses are necessary to promote inclusive communities. Unless there is a valid land use rationale for doing so, excluding them can be seen as an attempt to exclude the users.

#### 4.4 Development Regulations

- a. DC2 Provisions must be tailored to the specific site and proposed development. This includes DC2 to DC2 rezoning, which requires a thorough review and update of the Provision 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 DC2 Provision if the Provision is silent on it. Therefore, regulations in DC2 Provisions 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 DC2 Provisions research and understand all sections and regulations in the Zoning Bylaw. As a rule of thumb, 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 DC2 Provision that makes it clear.
- c. 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.
- d. Choose the correct interpretation clause for the intended outcome:
  - i. Use “shall” for regulations that must 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 bylaw.



- iii. Do not use wording such as ‘encourage’ and ‘should’. This creates challenges for planners and Development Officers who may reference the document for guidance for specific decision points including rezonings and discretionary development.
- e. New Provisions 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 general 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 general 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.
- f. When possible, avoid subjective terms such as “Human Scale,” “harmonious exterior,” and “friendly”. Alternatives include creating descriptive definitions of these subjective terms specific to the DC2 Provision or change them to quantitative regulations for a design feature that achieves that outcome.
  - i. Poor Example: “All rooflines facing the Residential District to the west boundary shall include architectural features that include design elements or finishing materials which shall be harmonious to the residential development.”
  - ii. Good Example: “All rooflines facing the Residential District to the west boundary shall include architectural features that

include pitched roofs with gables and use exterior finishing materials that give the appearance of wood.”

- g.** In the majority of DC2 Provisions, it is not necessary to use the phrase “to the satisfaction of the Development Officer”. This phrase should only be used for aspects of the application that are subject to Development Officer discretion, such as whether to require the applicant 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 Officer may require special information or reports.
- h.** Discretionary power in a DC2 Provision must be specifically and explicitly provided for, and include clear and objective criteria parameters for approval/refusal that any reasonable person can understand. (See [4. Regulation Interpretation](#)).
- i.** 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 DC2 Provision (eg. 10 years from the date of approval of the Charter Bylaw adopting this Provision).

#### **4.5 Parking**

- a.** In recognition of Open Option Parking, DC2 Provisions 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 DC2 Provision 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 DC2 Provision 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 DC2 Provisions 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 “Development Regulations for Uses” section of a DC2 Provision because signs are Uses.
- b. When signs are listed as a Use, Schedule 59H will automatically apply to a DC2 Provision. If that is the intent, remain silent on sign regulations and do not reference a sign schedule in the DC2 Text. However, as a caution, Schedule 59H has very few regulations for signs which may not be in line with the intent of a DC2 Provision which typically has more strict regulation than standard zones.
- c. If there is an intent to apply a different sign schedule, simply state which schedule in a regulation, eg. “Signs shall comply with Section 59 and Schedule 59\_\_ of the Zoning Bylaw.”

#### 4.7 Appendices

- a. Ensure that the appendices are properly labelled and referenced in the DC2 Provision text.
- b. If you reference something in the DC2 Provision text, make sure it is labelled appropriately in the appendix.
- c. The exact nature of appendices will vary based on the nature of the application.
- d. For DC2 Provisions for buildings, appendices are usually limited to a Site Plan and Elevations. Be careful being too specific.
- e. 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 Officer 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 Officer in consultation with \_\_\_\_\_”.

Notes:

- It is important that it is always to the satisfaction of the Development Officer and not the specific City group because only the Development Officer has Development Authority to make a decision.
- City groups should be referred to by a hierarchical level that provides enough direction for the Development Officer but also a level that is unlikely to be changed dramatically through re-organization of the corporation. Nothing lower than a Section should be the primary reference with a more specific topic or discipline put in brackets. For example:

“...to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation)”; or

“...to the satisfaction of the Development Officer in consultation with Infrastructure Operations (Forestry).”

- A list of Departments and Branches can be found [here](#).

## 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 DC2 Provision. 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. Do not reference definitions by number. If reference to a definition is necessary, state: "Notwithstanding the definition for <Use Class>..."
- f. Numerical regulations are provided to one decimal place i.e. 11.0 m.

- g.** Numerical regulations should be described as a function of minimum or maximum rather than specific units in order to achieve conformance.
- h.** Fix spelling errors, and properly spelled words that are used improperly (e.g. principal vs principle).
- i.** 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.
- j.** Timing: clarify when a regulation must be satisfied (e.g. Prior to issuance of a Development Permit or as a condition of Development Permit?)
- k.** Consistent use of language between DC2 and standard zoning, for uniformity. Phrase regulations the same way that they are phrased throughout the Zoning Bylaw.
- l.** Write regulations specific to the DC; do not include regulations for things that would already be required by the General Provisions of the Zoning Bylaw.

*For example: do not state "A minimum of 7.5 m<sup>2</sup> of Amenity Area per Multi-unit Housing Dwelling shall be required." Section 46 already requires this.*

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

*For example:*

- a.** *Poor regulation - "The building shall be finished with high quality, architecturally interesting materials."*
  - b.** *Better regulation - "The building shall be finished with high quality, durable materials. Vinyl siding and/or knockdown stucco are prohibited. The development shall maximize the use of exterior cementitious and fibrous cladding, wood panelling, glazing, acrylic stucco, masonry veneer, and prefinished metal cladding."*
- n.** 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.
- o. “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.
  - p. Landscaping: 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.
  - q. Uses need to be listed exactly as written in the Zoning Bylaw; including whether the Use is defined in the singular or plural.

## Examples of DC2 Provision Regulations

NOTE: These are intentionally written in Times New Roman, size 12 font to make it easier to copy and paste into a DC2 Provision 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.

### **DC2.####.1 General Purpose**

#### Examples:

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.

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.

### **DC2.####.2 Area of Application**

Wording should almost always be exactly:

This Provision shall apply to [legal description], located [description of location, eg. “Northwest corner of \_\_\_ and \_\_\_”, do not use municipal address] as shown in Schedule “A” of the Charter Bylaw adopting this Provision, [Neighbourhood name].

### **DC2.####.3 Uses**

Example List:

1. Multi-unit Housing
2. Bars and Neighbourhood Pubs
3. Breweries, Wineries and Distilleries
4. Business Support Services
5. Cannabis Retail Sales
6. Child Care Services
7. Fascia On-premises Signs
8. Projecting On-premises Signs
9. Temporary On-premises Signs

### **DC2.####.4 Development Regulations for Uses**

Common DC2 Provision regulations are listed below. Every DC2 Provision will have unique regulations as required by its unique context and purpose. These are organized by Section to make it easier to know where they should be located.

1. Regulations that further restrict Uses
2. Anything related to Signs should go here as Signs are Uses.

Examples:

1. Each Restaurants Use shall not exceed ## m<sup>2</sup> of Public Space, excluding exterior patio/deck space, which shall not exceed ##% of the interior Public Space.
2. Breweries, Wineries and Distilleries shall only be allowed if developed in combination with a Restaurant or Bar and Neighbourhood Pub, and the total Public Space, including any private non-sale hospitality area, shall not exceed the Public Space allowed for a Restaurant or Bar and Neighbourhood Pub as described in this Provision.
3. Temporary On-premises Signs shall only be allowed as part of a Residential Sales Centre and shall not include Changeable Copy.

### **DC2.####.5 Development Regulations For Site Layout and Built Form**

Always start this section with this regulation:

*“The development shall 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. Height
3. Density
4. Floor Area Ratio
5. Site Coverage
6. Setbacks
7. Stepbacks
8. Tower Setbacks
9. Tower Floor Plate
10. Facade length

Examples:

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

**DC2.####.6 Development Regulations for Building Design and Features**

Examples:

1. All mechanical equipment, including surface level venting systems and transformers, shall be screened in a manner compatible with the architectural character of the building or be concealed by incorporating it within the building. Ground level vents shall be oriented away from adjacent Sites, on-Site amenity areas or circulation routes for people walking or rolling.
2. Blank walls or non-transparent segments shall not exceed ## m in linear frontage. For non-residential Uses on ground level, a minimum of ##% of the linear building frontage of the ground Storey Façades shall be comprised of transparent, non-reflective, non-tinted, unobscured glazing, where fronting onto a Street. Linear frontage shall be measured at 1.5 m above the finished Grade of the abutting sidewalk.



3. Podium roofs shall provide enhancements to improve rooftop aesthetics. These enhancements may include, but are not limited to, landscape features, Amenity Area, screening elements and improved aesthetic rooftop materials.
4. Each principal Dwelling shall have an entrance door or entrance feature facing a public roadway, other than a Lane.
5. All ground oriented Dwellings shall provide a semi-private outdoor Amenity Area in front of each exterior entry that establishes a transition area between the public roadway, using landscape features such as decorative fencing, change in Grade, shrub beds or rock gardens.

### **DC2.####.7 Development Regulations for Parking, Loading, Storage and Access**

Examples:

1. All vehicular parking shall be located in the underground Parking Garage.
2. All vehicular parking shall be located at the rear of the building.
3. Vehicular access and egress shall be from the rear lane.
4. Bicycle Parking Spaces shall 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.
5. Vertical or stacked racks may be used to satisfy bicycle parking requirements if it can be demonstrated that they can be safely and efficiently used. The size of vertical bike parking stalls shall be a minimum of 0.60 m wide, 2.3 m high, and 1.1 m deep, with a minimum 1.5 m wide aisle.
6. All waste collection, storage, or loading areas shall be located adjacent to the Lane, within the principal building and designed to the satisfaction of the Development Officer in consultation with Waste Management Services and Subdivision and Development Coordination (Transportation). Gates and/or doors of the waste enclosure shall not open or encroach into road right-of-way.

### **DC2.####.8 Development Regulations for Landscaping, Lighting and Amenity Area**

This section should not contain too many regulations. Because the General Regulations of the Zoning Bylaw apply unless the DC2 Provision 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 shall be prepared by a Landscape Architect registered with the Alberta Association of Landscape Architects (AALA).
2. On-Site landscaping shall use plant materials that provide colour throughout the year to enhance the appearance of the development during the cold weather months.
3. A detailed exterior lighting plan shall be required as part of the Development Permit application.
4. A minimum of ## m<sup>2</sup> of Common Amenity Area shall be provided within the building for use by residents. Common Amenity Area shall include, but is not limited to, change room facilities, fitness rooms, residential meeting rooms, courtyards and Rooftop Terraces.
5. Enhanced landscaping, including a minimum of ## trees, shall be provided along the south setback to provide additional screening, as shown in Appendix ##.

#### **DC2.####.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 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 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 [street name]. If required by the Development Officer, an air spading tool shall be used to determine the amount and size of roots that may need to be cut for the parkade/foundation wall. If:
  - a. the arborist report indicates that the development will unduly compromise the ongoing viability and health of a tree or trees, each tree shall be removed as part of the redevelopment of the site. The owner/developer shall be responsible for the cost of removal as well as for compensating the City for the value of the tree being removed. If required by the Development Officer, each tree removed shall be replaced by a new tree in an enhanced growing soil medium in the form of soil cells or continuous trenches, at the cost of the owner; or
  - b. the arborist report indicates that the development will not unduly compromise the ongoing viability and health of a tree or trees, each tree shall be retained and protected as per the City's Corporate Tree Management Policy C456C.
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>* shall be submitted for review. The development shall incorporate design features to minimize adverse microclimatic effects such as wind tunneling, snow drifting, rain sheeting both on and off Site, consistent with the recommendations of the *<Wind Impact 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 shall consider the City of Edmonton's Winter Design Guidelines in their design and implementation. A report outlining how the development conforms to these guidelines shall 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 shall 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 Officer shall verify that any required infrastructure upgrades or

- systems shall be implemented in the design of the building and through off-site improvements.
5. 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 people walking or rolling 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 shall apply any conditions 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 Officer, shall be submitted and reviewed to the satisfaction of the Development Officer in consultation with City Planning (Environmental Planner). The Development Officer shall impose any Development Permit conditions necessary, prior to the release of the drawings for Building Permit review, to ensure that the Site is suitable for the full range of Uses contemplated in the Development Permit application.
  7. Prior to the release of drawings for Building Permit review, except for Building Permits for demolition, excavation, shoring or Signs, the Site shall be remediated and a Remediation Report, along with any required updates to the Risk Management Plan, shall be submitted for review.
  8. 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 Building Permit and commence construction of the principal building under a valid Development Permit within 5 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 ##.0 m; and
    - b. the maximum Floor Area Ratio shall be #.#.

**DC2.####.10 Public Improvements and Contributions**

These regulations include both improvements required to serve the development (as commonly outlined in the Transportation circulation response) as well as 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 shall enter into an Agreement with the City of Edmonton for off-Site improvements necessary to serve or enhance the development, to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation). Such improvements shall be constructed at the owner's cost. The Agreement process shall include an engineering drawing review and approval. Improvements to address in the Agreement include, but are not limited to:
  - a. Repair of any damage to the abutting roadways, sidewalks and boulevard, including Lanes not directly adjacent to the Site, caused by the construction of the development.
2. Improvements to the public realm along [street name] directly abutting the Site shall 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 shall be developed with the following characteristics:
  - a. the Dwellings shall have 3 bedrooms;
  - b. the Dwellings shall be located no higher than the 4th Storey of the building;
  - c. the Dwelling shall have individual and private access to ground level;
  - d. the Dwelling shall have dedicated and enhanced bulk storage located within the Dwelling, or on the same Storey as the Dwelling;
  - e. the Dwelling shall 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 shall have a private outdoor Amenity Area of at least 12.0 m<sup>2</sup>; and
  - g. the Dwelling shall have access to a communal outdoor 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 shall enter into an agreement with the City of Edmonton whereby the owner shall provide a minimum contribution of \$###.###/m<sup>2</sup> of Floor Area (excluding any underground Parking Garages) toward the acquisition and placement of public art. Such agreement shall require that:
  - a. Prior to the issuance of the Development Permit, a public art plan showing the general location(s) of art shall be prepared and submitted to the City of Edmonton for review and approval by the Development Officer. The art will be acquired through an art procurement process administered by the owner(s) and all costs related to the procurement of the artworks, operation and future maintenance shall be the responsibility of the owner;
  - b. Artworks shall be created by a professional artist;
  - c. Artworks may be located on or within the public or private property and shall be in locations that are publicly viewable to the satisfaction of the Development Officer;
  - d. If located on public property or roadway right of way, the location shall be to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation) , City Operations and Integrated Infrastructure Services; and
  - e. The Public Art contribution amount shall be increased every 5 years from the date of passage of the Bylaw adopting this Provision according to the annual rate of national inflation as determined by Statistics Canada.
  
5. Prior to the issuance of the Development Permit for construction of the principal building, the owner shall 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 shall be submitted to the City prior to the issuance of the Development Permit and be disbursed by the City. More specific agreement details shall be determined at the Development Permit stage between the owner and the City, in consultation with the \_\_\_\_\_ Community League.
  - a. 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.
  
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 shall 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 shall be responsible for maintenance and liability and the spaces shall be accessible to the public at all times.