

BEING A BYLAW OF THE TOWN OF DIAMOND VALLEY IN THE PROVINCE OF ALBERTA, TO AMEND REVISED LAND USE BYLAW 2021-06

WHEREAS pursuant to the *Municipal Government Act*, RSA 2000, Chapter M-26 as amended, a municipal council has authority to govern and the authority to pass bylaws respecting the municipality, including services provided by or on behalf of the municipality;

AND WHEREAS the Council of the Town of Diamond Valley has adopted Bylaw 2021-06, Land Use Bylaw (Black Diamond);

AND WHEREAS the Council of the Town of Diamond Valley deems it desirable to pass a bylaw to amend Bylaw 2021-06, Land Use Bylaw (Black Diamond);

THEREFORE, BE IT RESOLVED THAT the Council of the Town of Diamond Valley, duly assembled in Council Chambers in Diamond Valley, Alberta, enacts as follows:

1.0 AMENDMENTS

1.1 Section 10.19(5)(f) is deleted in its entirety and replaced with:

(f) **DC-6:**

i) **Location:**

Lot 29, Block 2, Plan 001 1777

ii) **Special Development Requirements:**

- a) The site will be used for a mixed use development with retail and personal services on the main floor and up to ten (10) dwelling units on the upper floor.
- b) The development permit application must include a list of proposed commercial uses for the main floor.
- c) All development is required to have a permit, except a change in use from one approved commercial use to another, as defined in a valid development permit.
- d) A Development Officer may issue a development permit in this district for a Minor Home Occupation that adheres to the definition of "home occupation, minor" in Part 2 – Definitions.
- e) Off-street parking facilities will be provided as per Section 8.14.
- f) The minimum dwelling unit area is 37.2 m² (400 ft).
- g) The maximum building height is 10.0 m (32.8 ft).
- h) Primary access must be from 4A Street NW.
- i) Solid fencing must be provided between the site and nearby adjacent residential developments to mitigate the nuisances of light, noise, and dust.
 - i) The maximum fence height is 1.8 m (6 ft).
 - ii) Barbed wire, razor wire, or similar is not permitted.

- j) Development must follow the Historical Downtown Design Standards, as set under amended Bylaw 04-15, the Historical Downtown Design Standards Bylaw.
- k) The site plan must show vehicle sweep paths for Town fire trucks and any proposed delivery vehicle.
- l) Development must conform to the requirements of:
 - i) Section 4.3 – Application Requirements
 - ii) Section 4.5 – Validity of Development Permit
 - iii) Section 4.7 – Expiry of Permit
 - iv) Part 6 – Conditions and Enforcement
 - v) Section 8.7 – Utilities
 - vi) Section 8.12 – Screening, Outside Storage and Garbage
 - vii) Section 8.14 – Parking
 - viii) Section 8.16 – Loading and Unloading Facilities
 - ix) Section 8.21 – Land Subject to Flooding
 - x) Section 8.23 – Performance Security
 - xi) Section 8.25 – Sign Regulations – R, DC, A, AG & UR Districts
 - xii) Section 8.29 – Mixed Residential/Commercial Use
 - xiii) Section 9.2
- iii) **Landscaping:**
 - a) The minimum landscaped area is 35% of the parcel. Where possible, xeriscaping should be incorporated into the landscaping nodes.
 - b) A minimum of three (3) trees per 140 m² of landscaped area must be provided.
 - c) A minimum of 33% of required trees must be coniferous.
 - d) A minimum of one (1) shrub per 140 m² of landscaped area must be provided.
 - e) All plantings must be of a species capable of healthy growth in Diamond Valley.
 - f) Plantings should be concentrated around the perimeter of the site.
 - g) The minimum size for plantings is as follows:
 - i) Shrubs must have a minimum height or spread of 61 cm.
 - ii) Coniferous trees must have a minimum height of 1.2 m.
 - iii) Deciduous trees must have a minimum calliper of 5 cm.
 - h) Willows must not be planted within 6 m of any water or sewer line.
 - i) Trees must not be planted on a slope steeper than 3:1.
 - j) No trees are to be planted, nor retaining walls constructed, in a swale.

- k) A landscaping plan, prepared by a Landscape Architect, must be provided with a development permit application. Landscaping plans must:
 - i) Include a north arrow,
 - ii) be in metric, to scale;
 - iii) include the municipal address and legal description;
 - iv) clearly indicate the property boundary;
 - v) clearly indicate whether an element is existing or proposed, and where applicable where an existing element is proposed to be removed;
 - vi) include dimensions to determine setbacks from property lines, paved areas, and any structures or buildings;
 - vii) show both on-site and off-site (i.e. boulevard) landscaping;
 - viii) show hydrants, light standards, street signs, or other affixed objects, both on-site and off-site adjacent to the parcel (i.e. boulevard);
 - ix) show the locations and descriptions of any existing trees on-site and along the periphery;
 - x) include a tree protection plan for any public tree within 6 m of construction activity. An ISA certified arborist or a landscape architect must prepare the tree protection plan;
 - xi) provide a summary of species (common and botanical name) and count proposed;
 - xii) be consistent with the submitted site plan and site servicing plan(s);
 - xiii) show all utility or drainage rights of way;
 - xiv) show all overhead power lines;
 - xv) show proposed grading;
 - xvi) include a watering plan (i.e. Watering truck, irrigation system as shown, etc.); and
 - xvii) show standard, vertical-faced curb between any landscaped areas and parking spaces or drive aisles.
- l) Two full-sized copies, one 11x17, and a digital file in PDF format of the landscaping plan are required.
- m) Landscaping must comply with the City of Calgary Parks Development Guidelines and Standard Specifications Landscape Construction.
- n) Landscaping is subject to a Construction Completion Certificate (CCC) and Final Acceptance Certificate (FAC) process.
- o) Landscaping is subject to a two (2) year maintenance period.
- iv) **Servicing:**
 - a) All services required to serve the development must be installed to Town Standards and under a development servicing agreement.
 - b) Pathways are to connect to the Town path and sidewalk system.

2.0 GENERAL PROVISIONS AND COMING INTO FORCE

- 2.1 If any term, clause or condition of this bylaw or the application thereof is found to be invalid or unenforceable, the remainder of this bylaw or application of such term, clause or condition shall not be affected and shall remain in force and effect.

Nothing in this bylaw relieves any person from compliance with any other bylaw or any applicable federal or provincial law, regulation or enactment.

In the event of a conflict between this bylaw and any other bylaw or any applicable federal or provincial law, regulation or enactment respecting public health and safety, the other bylaw, law, regulation or enactment shall prevail to the extent of the conflict.

This bylaw shall come into force and effect on the date of third and final reading.

READ A FIRST TIME on the 6th day of December, 2023

PUBLIC HEARING held on January 17th, 2024

READ A SECOND TIME on the 17th day of January, 2024

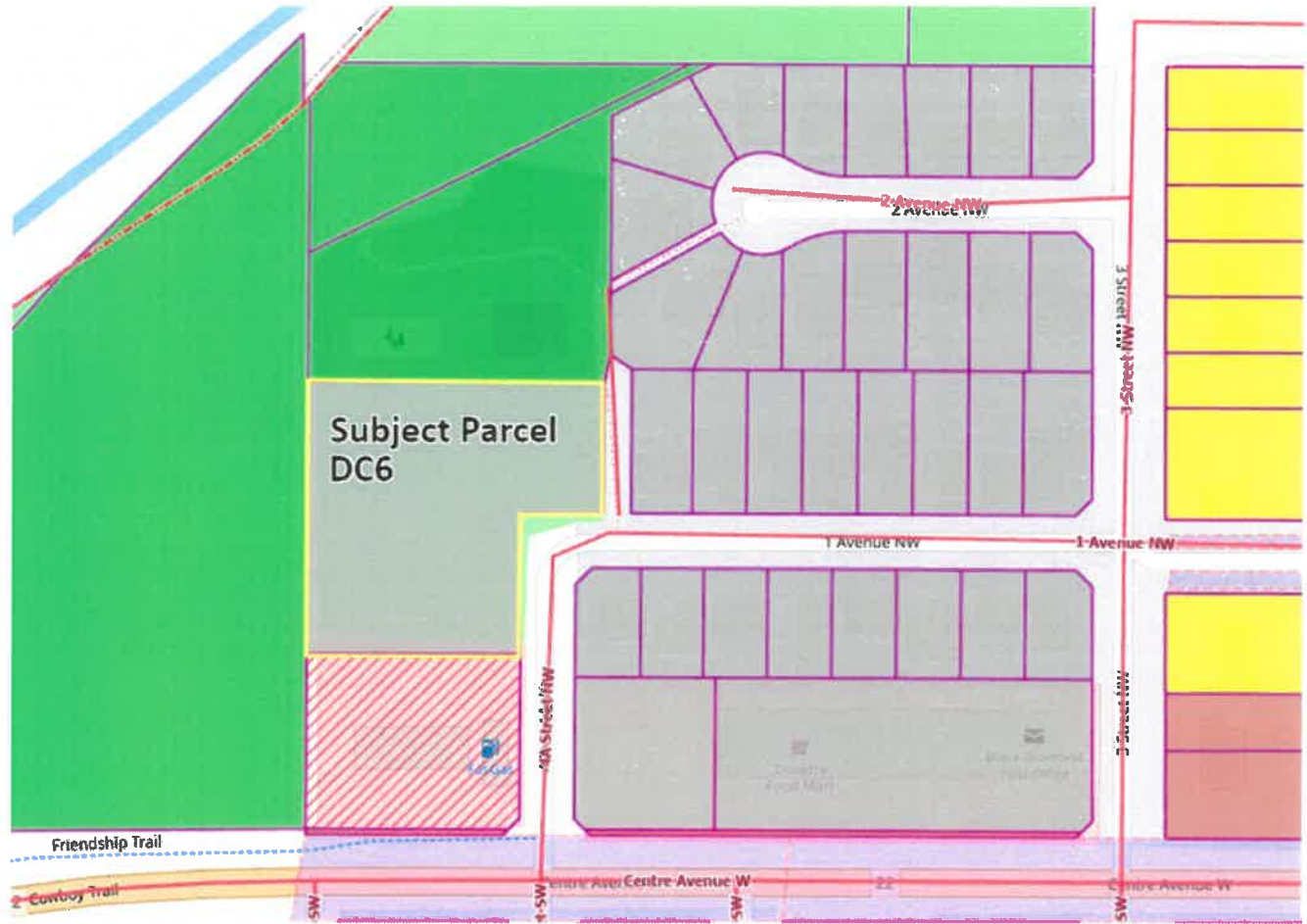
READ A THIRD AND FINAL TIME on the 7 day of February, 2024



Mayor

Chief Administrative Officer

SCHEDULE "A"



[Signature]

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