

BEING A BYLAW OF THE TOWN OF DIAMOND VALLEY IN THE PROVINCE OF ALBERTA, TO AMEND A BYLAW

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 8.22.3 is replaced with:**

Notwithstanding Sections 8.22.1 and 8.22.2, the setback provisions may be varied, provided that an engineer's report outlining slope stability is acceptable to the Development Authority.

1.2 Section 8.22.4 is replaced with:

Notwithstanding Sections 8.22.1 and 8.22.2, the Development Authority may allow development on slopes provided the proposed development is designed and located so that soil stability is not impaired.

1.3 Add section 8.22.5:

Notwithstanding Sections 8.22.1 and 8.22.2, the Development Authority may allow development on slopes provided that the proposed development is designed and located in a manner that the configuration of the building, including, but not limited to, placement, orientation, height, massing, overshadowing, and overlooking, is considerate of context and reduces potential impacts on neighbouring properties.

1.4 Section 3.5.8 is replaced with:

The Development Officer shall not approve an application for a Development Permit that is not in conformity with the Municipality's Statutory Land Use Plans.

1.5 Section 3.5 is amended by adding the following after section 3.5.9:

(9.1) Notwithstanding Section 3.5.8, the Development Officer may vary requirements regarding development near slopes in accordance with Sections 8.22.3, 8.22.4, and 8.22.5.

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.
- 2.2 Nothing in this bylaw relieves any person from compliance with any other bylaw or any applicable federal or provincial law, regulation or enactment.
- 2.3 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.
- 2.4 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 March, 2024

PUBLIC HEARING held the 3rd day of April, 2024

READ A SECOND TIME on the 3rd day of April, 2024

READ A THIRD AND FINAL TIME on the 3rd day of April, 2024



Mayor

Chief Administrative Officer