

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 the 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 (former Town of 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 (former Town of 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

That Bylaw 2021-06 be amended as follows:

1.1 Amend Section 2.1 – Interpretation (Definitions) by:

- a. Deleting “MPC Municipal Planning Commission” from subsection 6 (abbreviations).
- b. Replacing the definition of “accessory building or accessory use” with:
“accessory building or accessory use” means a building which, in the opinion of the development authority, is naturally or normally incidental or subordinate to the principal use or building on the same site. (See illustration).
- c. Deleting the definition of “approving authority” in its entirety.
- d. Replacing the definition of “development authority” with:
“development authority” means the development authority established pursuant to the Development Authority Bylaw 2024-81, as amended or replaced from time to time.
- e. Replacing the definition of “development officer” with:
“development officer” means the persons designated under the Development Authority Bylaw 2024-81, as amended or replaced from time to time, responsible for receiving, considering, and deciding on applications for Development under this Land Use Bylaw.
- f. Replacing the definition of “discretionary use” with:
“discretionary use” means a use of land or a building which is listed, in Part 10 - Districts for each district, under “Discretionary Uses” and for which, subject to the provisions of this Bylaw, a development permit may be issued.
- g. Deleting the definition of “Municipal Planning Commission” in its entirety.
- h. Deleting the definition of “permitted” in its entirety.
- i. Replacing the definition of “permitted use” with:
“permitted use” means a use of land or a building which is listed, in Part 10 - Districts for each

district, under “Permitted Uses” and for which, when it meets the applicable provisions of this Bylaw, a development permit must be issued.

- j. Replacing the definition of “principal building” with:
“principal building” means a building which, in the opinion of the development authority:
 - (i) Occupies the major or the central portion of a site;
 - (ii) Is the chief or the main one among the buildings on the site; or
 - (iii) Constitutes by reason of its use the primary purpose for which the site is used.
 - k. Replacing the definition of “principal use” with:
“principal use” means the use of a site or a building, which, in the opinion of the development authority, constitutes the primary purpose for which the site is used.
 - l. Replacing the definition of “screening” with:
“screening” means the total or partial concealment of a building, equipment, structure, or activity by a fence, berm, wall, or vegetation.
 - m. Adding a definition for “subdivision officer”:
“subdivision officer” means the person designated under the Subdivision Authority Bylaw 204-80, as amended or replaced from time to time, responsible for receiving, considering, and deciding on applications for subdivisions.
- 1.2 Amend Section 3.1 – Development Officer by replacing Section 3.1(1) with:
“The Development Officer and Development Authority are established under the Development Authority Bylaw 2024-81, as amended or replaced from time to time.”
- 1.3 Amend Section 3.2 – Subdivision Officer by replacing Section 3.2(1) with:
“The Subdivision Officer and Subdivision Authority are established under the Subdivision Authority Bylaw 2024-80, as amended or replaced from time to time.”
- 1.4 Delete Section 3.3 – Municipal Planning Commission in its entirety.
- 1.5 Amend Section 3.4 – Subdivision and Development Appeal Board by replacing Section 3.4(1) with:
“The Subdivision and Development Appeal Board is established under the Intermunicipal Subdivision and Development Appeal Board Bylaw 2024-60, as amended or replaced from time to time.”
- 1.6 Amend Section 3.5 – Development Officer Duties, Responsibilities and Variance Powers by:
- a. Replacing Section 3.5(1) with:
“The Development Officer will perform the duties specified in the Development Authority Bylaw 2024-81, as amended or replaced from time to time.”
 - b. Deleting Sections 3.5(2), 3.5(3), 3.5(4), 3.5(5), 3.5(6), 3.5(7), and 3.5(8), in their entirety.
 - c. Replacing Section 3.5(9) with:
“Notwithstanding Section 3.5.8, unless a specific provision of this Bylaw provides otherwise, the Development Authority may allow for variances, where, in their discretion, the proposed development:
 - (a) would not unduly interfere with the amenities of the neighbourhood;
 - (b) would not materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land;

- (c) where it can reasonably be assessed that conformance with the requirements of the Land Use Bylaw would create undue hardship;
 - (d) the variance is expressed to be a condition of development permit approval and is specifically mentioned in public notices of the development permit approval; and
 - (e) that notice is given as per Section 4.4.”
- d. Adding Section 3.5(9.1):
“The following variances may be granted, up to a 50% variance for each of the following, in accordance with Section 3.5.9:
 - (a) Setback, from top or toe of slope, in accordance with Section 8.22.”
- e. Adding Section 3.5(9.2):
“The following variances may be granted, up to a 25% variance for each of the following, in accordance with Section 3.5.9:
 - (a) Amenity area;
 - (b) Copy area;
 - (c) Coverage of site;
 - (d) Floor area, gross;
 - (e) Ground floor area;
 - (f) Height;
 - (g) Landscaped area;
 - (h) Lot coverage;
 - (i) Net floor area;
 - (j) Setbacks, front, rear, side yard;
 - (k) Sign area;
 - (l) Sign, height;
 - (m) Site coverage;
 - (n) Trees, number or ratio;
 - (o) Yard, front;
 - (p) Yard, rear; or
 - (q) Yard, side.”
- f. Adding Section 3.5(9.3):
“The following variances may be granted, up to a 10% variance for each of the following, in accordance with Section 3.5.9:
 - (a) Frontage;
 - (b) Lot frontage;
 - (c) Lot width;
 - (d) Parking, number of off-street spaces; or
 - (e) Site width.”
- g. Adding Section 3.5(9.4):
“Notwithstanding Sections 3.5(9.1) and 3.5(9.2), the following variances, and any variance that would affect the following, are prohibited:
 - (a) Any variance to Section 8.21 – Land Subject to Flooding;
 - (b) Any variance to Section 8.32 – Cannabis Related Businesses;
 - (c) Corner visibility triangle;
 - (d) Dwelling unit, number of;
 - (e) Fire separation;
 - (f) Highway access and setback requirements;

- (g) Hydrocarbon and high pressure vapor pipeline setbacks;
- (h) Separation distance; or
- (i) Separation space.”

- 1.7 Amend Section 3.6 – Subdivision Officer Duties and Responsibilities by:
 - a. Replacing Section 3.6(1) with:
“The Subdivision Authority is established pursuant to the Subdivision Authority Bylaw 2024-80, as amended or replaced from time to time.”
 - b. Replacing Section 3.6(2) with:
“The Subdivision Authority will perform such duties as are specified in the Subdivision Authority Bylaw 2024-80, as amended or replaced from time to time.”
- 1.8 Delete Section 3.7 – Municipal Planning Commission Duties, Responsibilities and Variance Power in its entirety.
- 1.9 Amend Section 3.8 – Subdivision and Development Appeal Board Duties, Responsibilities and Variance Power by replacing the words “Development Officer, Subdivision Officer or Municipal Planning Commission” in Section 3.8(1) with “Development Authority or Subdivision Authority”.
- 1.10 Amend Section 4.4 – Issuance of Permits and Notification by:
 - a. Deleting the words “or Municipal Planning Commission” in Section 4.4(5).
 - b. Deleting the words “or Municipal Planning Commission” in Section 4.4(7).
- 1.11 Amend Section 5.2 – Issuance of Decision by deleting the words “or Municipal Planning Commission” in Section 5.2(3).
- 1.12 Amend Section 6.1 – Conditions of Approval by deleting the words “the Municipal Planning Commission” in Section 6.1(1)(e).
- 1.13 Amend Section 8.7 – Utilities by replacing Section 8.7(5) with:
“In the Town’s sole discretion, where a development may be considered detrimental to the municipality’s utility service lines, the applicant must install a grease trap in the applicant’s plumbing system or other remedies as approved by the development or subdivision authority.”
- 1.14 Amend Section 8.14 – Off-Street Parking Facilities by:
 - a. Replacing “Municipal Planning commission” with “development authority” in Section 8.14(6).
 - b. Replacing “Council” with “development authority” in Section 8.14(6)(c).
- 1.15 Amend Section 8.19 – Non-Conforming Buildings and Non-Conforming Uses by deleting 8.19(8) in its entirety.
- 1.16 Amend Section 8.21 – Land Subject to Flooding by replacing Section 8.21(6)(a) with:
“The Development Authority will refer to Alberta Environment and Protected Areas published flood hazard maps to identify the flood hazard area, including floodway, flood fringe, and overland flow (flood fringe) areas, as well as the design flood level.”
- 1.17 Amend Section 9.3 – Limited Group Homes by deleting the words “shall be established by the Municipal Planning Commission” from Section 9.3(1).

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 will prevail to the extent of the conflict.

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

READ A FIRST TIME on the 16 day of OCTOBER, 2024

PUBLIC HEARING held on the 6 day of November, 2024

READ A SECOND TIME on the 6 day of November, 2024

READ A THIRD AND FINAL TIME on the 6 day of November, 2024



Mayor

Chief Administrative Officer

- 1.18 Amend Section 10.11 – CB Central Business by replacing “At discretion of Municipal Planning Commission” with “2.4 m (8 ft)” in Section 10.11(4)(c)(ii).
- 1.19 Amend Section 10.13 – CB2 Black Diamond Station by replacing “At discretion of Municipal Planning Commission” with “2.4 m (8 ft)” in Section 10.13(4)(c)(ii).
- 1.20 Amend Section 10.19 – DC Direct Control by:
 - a. Replacing Section 10.19(5)(h)(ii)(d) with:
“The Development Officer is the Development Authority for applications for Child Care Services.”
 - b. Replacing Section 10.19(5)(h)(ii)(e) with:
“The Subdivision Officer is the Subdivision Authority.”
 - c. Replacing Section 10.19(5)(h)(ii)(g) with:
“The Development Authority may, through a Development Permit or Development Agreement, specify any development regulation, criteria, or condition necessary to ensure the Development and Subdivision of the Lands conform to the development proposals and representations upon which this Bylaw is based, as determined by and to the satisfaction of the Development Authority in their sole and unfettered discretion.”
 - d. Replacing Section 10.19(5)(h)(vii) with:
“Any application for a Development Permit must conform with the Approved Development Concept attached as Schedule ‘B’. However, minor variances to this plan may be approved at the discretion of the Development Authority.”
 - e. Deleting Section 10.19(5)(h)(viii)(d) in its entirety.
 - f. Replacing Section 10.19(5)(i)(ii)(c) with:
“The Development Officer is the Development Authority for all Development Applications.”
 - g. Deleting Section 10.19(5)(i)(ii)(d) in its entirety.
 - h. Replacing Section 10.19(5)(i)(ii)(e) with:
“The Subdivision Officer is the Subdivision Authority.”
 - i. Replacing Section 10.19(5)(i)(ii)(g) with:
“The Development Officer may, through a Development Permit or Development Agreement, specify any development regulation, criteria, or condition necessary to ensure the Development and Subdivision of the Lands conform to the development proposals and representations upon which this Bylaw is based, as determined by and to the satisfaction of the Development Officer in their sole and unfettered discretion.”

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 will not be affected and will 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.