

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 Land Use Bylaw 21-1114 (former Town of Turner Valley);

AND WHEREAS the Council of the Town of Diamond Valley deems it desirable to pass a bylaw to amend Land Use Bylaw 21-1114 (former Town of Turner Valley);

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 21-1114 be amended as follows:

- 1.1 Amend Section 2.4 – D (Definitions) by:
 - a. 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.”
 - b. 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.”
- 1.2 Amend Section 2.12 – M (Definitions) by deleting “Municipal Planning Commission” in its entirety.
- 1.3 Amend Section 2.18 – S (Definitions) by replacing the definition of “Subdivision Authority” with:
“Subdivision Authority” means the persons designated under the Subdivision Authority Bylaw 2024-80, as amended or replaced from time to time, responsible for receiving, considering, and deciding on applications for subdivision.”
- 1.4 Amend Section 3.3.2 – Variances by:
 - a. Replacing Section 3.3.2.1 with:
“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 3.3.3.2.

- b. Replacing Section 3.3.2.2 with:
“The following variances may be granted, up to a 50% variance for each of the following, in accordance with Section 3.3.2.1:
(a) Setback, from top or toe of slope, in accordance with Section 4.1.3.1.”
- c. Replacing Section 3.3.2.3 with:
“The following variances may be granted, up to a 25% variance for each of the following, in accordance with Section 3.3.2.1:
(a) Copy area;
(b) Coverage of site;
(c) Floor area;
(d) Gross floor area;
(e) Habitable floor area;
(f) Height;
(g) Landscaped area;
(h) Setbacks, front, rear, side yard;
(i) Sign area;
(j) Sign height;
(k) Site area;
(l) Site coverage;
(m) Site, depth;
(n) Yard, front;
(o) Yard, rear;
(p) Yard, setback; or
(q) Yard, side;”
- d. Replacing Section 3.3.2.4 with:
“The following variances may be granted, up to a 10% variance for each of the following, in accordance with Section 3.3.2.1:
(a) Site, width;
(b) Width of site; or
(c) Parking, number of parking spaces.”
- e. Replacing Section 3.3.2.5 with:
“Notwithstanding Sections 3.3.2.2 and 3.3.2.3, the following variances, and any variance that would affect the following, are prohibited:
(a) Any variance to Section 4.1.3.1 – Lands Subject to Floods;
(b) Any variance to Section 4.1.18 – Cannabis Related Uses;
(c) Corner visibility triangle;
(d) Dwelling units, 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.”
- 1.5 Amend Section 3.8.1 – Development Officer by replacing Section 3.8.1.1 with:
“The Development Officer and Development Authority are established under the Development Authority Bylaw 2024-81, as amended or replaced from time to time.”

- 1.6 Delete Section 3.8.2 – Municipal Planning Commission in its entirety.
- 1.7 Amend Section 4.1.13 – Non-Conforming Uses & Buildings by deleting Section 4.1.13.8 in its entirety.
- 1.8 Amend Section 10.1 – Direct Control District (DC) Land Use Rules by:
- Deleting the words “and or the Municipal Planning Commission” in Section 10.1.4.1.
 - Deleting Section 10.1.4.2 in its entirety.
- 1.9 Amend Section 11.1 – Parking & Loading Facilities by adding Section 11.1.3.10(c):
“In all districts, the parking and loading requirements for a site may be varied by the Development Officer, in accordance with Section 3.3.2, where the potential amount of parking and loading on the site has been maximized, and/or proof has demonstrated through completion of a parking study by a qualified professional that fulfillment of the requirements outlined in Table 1, Part 11 of this bylaw are not necessary, to the satisfaction of the Development Authority.”

2.0 GENERAL PROVISIONS AND COMING INTO FORCE

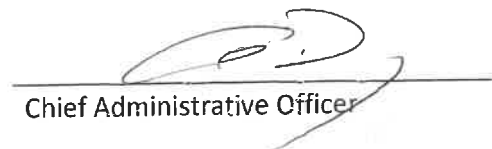
- 2.1 If any term, clause or condition of this bylaw or the application thereof is found to be invalid or unenforceable, the remainder of this bylaw or application of such term, clause or condition will not be affected and will remain in force and effect.
- 2.2 Nothing in this bylaw relieves any person from compliance with any other bylaw or any applicable federal or provincial law, regulation or enactment.
- 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 16 day of November, 2024

READ A SECOND TIME on the 16 day of November, 2024

READ A THIRD AND FINAL TIME on the 16 day of November, 2024


Mayor
Chief Administrative Officer

