

**BYLAW 14-02
TOWN OF BLACK DIAMOND**

**A BYLAW TO AUTHORIZE THE AMENDMENT OF LAND USE BYLAW 98-14
WITHIN THE TOWN OF BLACK DIAMOND, IN THE PROVINCE OF ALBERTA.**

WHEREAS, Pursuant to the provisions of the Municipal Government Act, Chapter M-26.1, Revised Statutes 2000, Council of the Town of Black Diamond in the Province of Alberta (hereinafter called the “Council”) has adopted Land Use Bylaw No. 98-14; and

WHEREAS the Town of Black Diamond deems it desirable to amend the said Bylaw; and

WHEREAS the Council of the Town of Black Diamond (the “Town”) has received an application to amend Part 11, the Land Use Map of Bylaw 98-14 to redistrict Lots 9 & 10, Block 1, Plan 9210920 from CB Central Business District to Direct Control District as shown on attached Schedule ‘A’ (“the Lands”); and

NOW THEREFORE the Council of the Town of Black Diamond, in the Province of Alberta, enacts as follows:

1. That Part 11, Land Use Map of Bylaw 98-14 be amended by redistricting Lots 9 & 10, Block 1, Plan 9210920 from CB Central Business District to Direct Control District as shown on attached Schedule ‘A’ attached to and forming part of this Bylaw.
2. Section 10.2.13 is amended by adding the following new subsection 10.2.13.5.10:
“**DC-10:** Lots 9 & 10, Block 1, Plan 9210920, are hereby redesignated to Direct Control District 10 as shown on Schedule ‘A’ attached to and forming part of this Bylaw.”
3. That the special regulations of the Direct Control District comprise:
 - 1.0.0 General Regulations
 - 2.0.0 Flood Mitigation
 - 3.0.0 Land Use Regulations
 - 4.0.0 Implementation

1.0.0 GENERAL REGULATIONS

- 1.1.0 The purpose and intent of this district is to provide site-specific flood mitigation policies for the redevelopment and expansion of the existing structure located on the Lands.
- 1.2.0 Parts 1 – 9 of the Land Use Bylaw (98-14) shall apply unless otherwise specified in this Bylaw. Policies contained within **Section 8.21 Land Subject to Flooding** do not apply to the lands within this Direct Control district.

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- 1.3.0 The Development Officer shall be the Development Authority for all Development applications. The Development Officer may refer applications to the Municipal Planning Commission.
- 1.4.0 The Municipal Planning Commission shall be the Development Authority for applications referred to it by the Development Officer.
- 1.5.0 The Municipal Planning Commission shall be the Subdivision Authority.
- 1.6.0 All development upon the Lands shall be in accordance with all licenses, permits and approvals as required by applicable authorities.
- 1.7.0 The Municipal Planning Commission or Development Officer may, through a Development Permit or Development Agreement as authorised by Land Use Bylaw 98-14, specify any development regulation, criteria or condition necessary to ensure the Development and/or 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 Municipal Planning Commission or Development Officer at its sole and unfettered discretion.

2.0.0 FLOOD MITIGATION

- 2.1.0 The Policies contained within **Section 8.21 of Land Use Bylaw 98-14 (Land Subject to Flooding)** do not apply to the lands within this Direct Control district.
- 2.2.0 A Flood Mitigation Report, prepared by a qualified professional (*either: 1) A professional engineer/technologist licensed to engage in the practice of engineering under the Engineering and Geoscience Professions Act, or 2) An Architect licensed to engage in the practice of architecture under the Architects Act*) shall be submitted as part of any Development Permit application to expand or redevelop the existing building on the Lands, or to develop a separate building on the Lands.
- 2.2.0 The Flood Mitigation Report shall:
 - 2.2.1 Establish the elevation of the Lands
 - 2.2.2 Establish the elevation of the 1:100 year flood event, based on available studies, in conjunction with Alberta Environment and Sustainable Resource Development, and with the Town of Black Diamond.
 - 2.2.3 Outline floodproofing measures that are to be integrated into the design of the building to prevent the incidence of claimable damage to the building and its contents in a flood less than or equal to the 1:100 flood event. Such measures should be consistent with the recommendations of *Alberta Municipal Affairs Building Code Bulletin STANDATA 06-BCB-010*, and may also include:

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- 2.2.3.1 Design of floors and exterior walls to prevent seepage;
- 2.2.3.2 Contingent measures to apply to windows, doors, vents, and other openings to prevent water entering the building;

2.3.0 The Town may approve, refuse, or revise the recommendations of the Flood Mitigation Report, at its sole discretion.

3.0.0 LAND USE REGULATIONS

3.1.0 The regulations of the CB Central Business District as found in Section 10.2.6 of Land Use Bylaw 98-14, and future amendments thereto, shall apply to this Direct Control District.

3.2.0 A Landscaping, Parking and Signage Plan, prepared by a qualified professional to the satisfaction of the Town, shall be submitted as part of any Development Permit application to expand or redevelop the existing building on the Lands, or to develop a separate building on the Lands. The Plan shall comply with the requirements for Landscaping, Parking, and Signage as outlined in Land Use Bylaw 98-14.

4.0.0 IMPLEMENTATION

4.1.0 This Bylaw comes into effect upon the date of its third and final reading.

File: **RD13-05**

That this bylaw shall take effect on the date of the third and final reading.

READ A FIRST TIME this 5th day of February A.D. 2014.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

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READ A SECOND TIME this 5th day of March A.D. 2014.

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READ A THIRD AND FINAL TIME this 7th day of May A.D. 2014.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

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Schedule "A"

