

**BYLAW 2020-17
TOWN OF BLACK DIAMOND**

A BYLAW TO AMEND LAND USE BYLAW NO. 98-14 WITHIN THE TOWN OF BLACK DIAMOND, IN THE PROVINCE OF ALBERTA.

WHEREAS, pursuant to the *Municipal Government Act*, R.S.A. 2000, c. M-26, and amendments thereto, the Council of the Town of Black Diamond in the Province of Alberta has adopted Land Use Bylaw No. 98-14;

AND WHEREAS, the Council deems it desirable to amend Land Use Bylaw No. 98-14; and;

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

1. DEFINITIONS

- 1.1. “*Act*” means the *Municipal Government Act*, R.S.A. 2000 M-26, as amended;
- 1.2. “*Bylaw*” means a bylaw of the Town;
- 1.3. “*Chief Administrative Officer*” or “*CAO*” means the person appointed to the position by the Council of the Town of Black Diamond to carry out the power, duties and functions of the CAO. It may also mean a person appointed to this position on an interim basis, or a person to whom the CAO has delegated their authorities to, in accordance with the Town of Black Diamond Chief Administrative Officer Bylaw;
- 1.4. “*Council*” means the Council of the Town of Black Diamond;
- 1.5. “*Town*” means the Corporation or the Town of Black Diamond.

2. AMENDMENTS

- 2.1. Land Use Bylaw 98-14 is amended by deleting Section 10.2.13.5.7 in its entirety.
- 2.2. Land Use Bylaw 98-14 is amended by adding the following new Subsection 10.2.13.5.11:

“10.2.13.5.11

DC11: Lots 9-11 Block 20 Plan 7910374 land use rules are as follows:

- a) Parts 1 – 9 of Land Use Bylaw 98-14 shall apply unless otherwise specified in this Bylaw;
- b) The regulations of the CB Central Business District as found in Section 10.6.2 of Land Use Bylaw 98-14 shall apply unless otherwise specified in this Bylaw;
- c) The site is to be used for Drive-In Food Services;
- d) Council shall be the Development Authority for the initial site development;
- e) The Development Officer shall be the Development Authority for subsequent applications for signage, and minor accessory uses and development related to the primary use;
- f) The Development Officer may refer any Development Permit Application to Council for decision;

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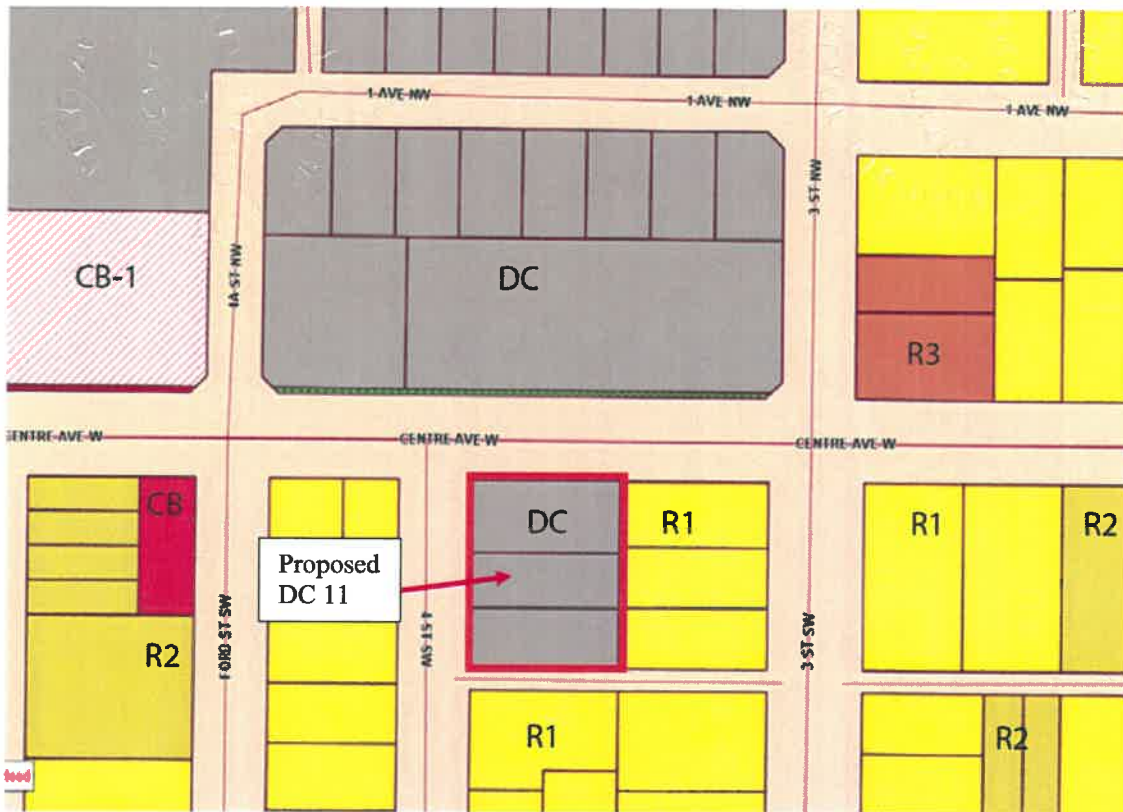
- g) The Development Officer shall be responsible for ensuring compliance with the Development Permit;
- h) Council shall be the Subdivision Authority;
- i) Setbacks, building height, and site coverage shall be at the discretion of Council;
- j) The development shall be designed to minimize impact on neighbouring parcels, including noise, lighting, odour, and activity. This includes design and placement of mechanical equipment, lighting, loudspeakers, menu panels, service windows, waste storage, vehicle and pedestrian access and routing. Fencing, landscaping and overall site design shall be used minimize impact on adjacent properties;
- k) A Traffic Impact Assessment shall be prepared by a qualified transportation professional in accordance with Alberta Transportation and Town of Black Diamond guidelines and shall be reviewed and accepted by Alberta Transportation and the Town as a condition of development approval;
- l) Implementation of the recommendations of the approved Traffic Impact Assessment shall be a condition of development approval;
- m) Garbage and waste shall be stored in weatherproof and animal proof containers, screened from adjacent sites and public thoroughfares, and be in a location and on private property easily accessible for pickup;
- n) Outside storage areas shall be screened from adjacent sites and thoroughfares;
- o) Fencing along the East and South property lines shall be of a height and construction material which is satisfactory to Council having regard to the location of fences in the surrounding area and the requirement for screening and sound attenuation;
- p) Off street parking and loading and unloading spaces shall be as per Section 8.14 and 8.16;
- q) All parking areas shall be provided with outdoor lighting in the form of freestanding light standards or attached to exterior walls of structures;
- r) Provision must be made for bicycle stand;
- s) Provision must be made for safe and efficient pedestrian access within the development;
- t) The development shall comply with the Historic Downtown Design Standards to the satisfaction of Council;
- u) The Developer shall pay the Town for incurred consultant, solicitor and other professional fees incurred for the review and preparation of documents related to the application; the Developer shall pay all subsequent amounts due within 30 days of receipt of invoice;
- v) As a condition of Development Permit the Developer shall enter into a Development Agreement with the Town of Black Diamond, which shall be registered on title, and shall include, but not be limited to the following:
 - a. construction of, or payment for the construction of, sidewalk on the east side of 4th St. SW from Center Ave. to the south side of the lane;
 - b. shall not require any upgrade to 4th St. SW;

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- c. connection to municipal water, sanitary/sewer and storm water systems;
 - d. construction of any transportation infrastructure identified in the Traffic Impact Assessment;
 - e. payment of off-site levies;
 - f. payment of security deposit, in the amount set by Council, to ensure that the terms of the development agreement are carried out;
- w) Parcels shall be consolidated as a condition of development permit approval. ”

3. SEVERABILITY

3.1. It is the intention of the Council of the Town of Black Diamond that each section of this Bylaw should be considered as being separate and severable from all other sections. Should any section or part of this Bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this Bylaw and that the Bylaw remaining after such severance shall be effective and enforceable.



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This Bylaw will take force and effect upon third and final reading and signing thereof.

READ A FIRST TIME this 7th day of October A.D. 2020.

PUBLIC HEARING held Wednesday, November 4 A.D. 2020.

READ A SECOND TIME this 4th day of November A.D. 2020.

READ A THIRD AND FINAL TIME this 2nd day of December A.D. 2020.



MAYOR



LEGISLATIVE SERVICES MANAGER

December 3, 2020
Date signed