

**BYLAW 11-08
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 redesignate a portion of Lot 1, Block 10, Plan 0811832 and Lots 3, 4, & 20, Block 3, Plan 5387ED from R-2X Medium Density Multi-Family District, and PS Public Service 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 redesignating a portion of Lot 1, Block 10, Plan 0811832 and Lots 3, 4, & 20, Block 3, Plan 5387ED from R-2X Medium Density Multi-Family District, and PS Public Service 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 10.2.13.5.9:
“That all lands within a portion of Lot 1, Block 10, Plan 0811832 and Lots 3, 4, & 20, are hereby redesignated to Direct Control District 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 Subdivision Requirements
 - 3.0.0 Land Use Regulations
 - 4.0.0 Development Regulations

1.0.0 GENERAL REGULATIONS

1.1.0 Purpose and Intent

The purpose and intent of this district is to provide regulations for the development of a child care service facility on the subject lands, and to provide regulations for the subdivision and consolidation of land necessary for the development of the facility.

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- 1.2.0 Parts 1 – 9 of the Land Use Bylaw (98-14) shall apply unless otherwise specified in this Bylaw.
- 1.3.0 The Development Officer shall be the Development Authority for applications for signage and accessory buildings.
- 1.4.0 The Municipal Planning Commission shall be the Development Authority for applications for Child Care Services.
- 1.5.0 The Municipal Planning commission shall decide on any applications for subdivision contemplated by this bylaw.
- 1.6.0 All development upon the Lands shall be in accordance with all licenses, permits and approvals pertaining to the development as required by all applicable authorities.
- 1.7.0 The Municipal Planning Commission or Development Officer may, through the Development Permit or Development Agreement as authorised by this Bylaw, specify any development regulation, criteria or condition necessary to ensure the Development and Subdivision on 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 DEVELOPMENT AGREEMENT AND SUBDIVISION REQUIREMENTS

- 2.1.0 The Town shall not endorse a Plan of Survey for Subdivision of the Lands until the Developer has executed a Development Agreement in form and substance satisfactory to the Town at its sole discretion, which shall address the construction of infrastructure necessary to serve the development, and may include the posting of financial securities, where necessary to ensure all subdivision and development of the Lands conforms to the principals upon which this Bylaw is based. The Development Agreement may be registered by caveat against the Lands and run with the Lands and may include but not be limited to the following:
 - 2.1.1 Construction of a road and sidewalk in accordance with the Town standards, and in accordance with the Approved Development Concept attached as Schedule ‘B’;

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2.1.2 Confirmation of the location of all necessary utility easements, restrictive covenants/caveats and rights-of-way related to the supply and distribution of power, gas, telephone, and such other utilities required by the Town; and

2.2.0 Subdivision of the lands shall conform with the Approved Subdivision Concept attached as Schedule 'C';

3.0.0 LAND USE REGULATIONS

3.1.0 Permitted Uses

- 3.1.1 Child Care Services
- 3.1.2 Accessory Buildings
- 3.1.3 Signage

3.2.0 Minimum Requirements

- 3.2.1 the minimum front yard shall be 3.0 m (9.8 ft)
- 3.2.2 the minimum side yard shall be 3.0 m (9.8 ft)
- 3.2.3 the minimum rear yard shall be 3.0 m (9.8 ft)
- 3.2.4 a landscaped outdoor play area shall be provided for the facility that meets Provincial regulations
- 3.3.5 a minimum of 12 parking spaces shall be provided on-site

3.3.0 Maximum Limitations

- 3.3.1 the maximum principal building height shall be 9.1 m (30.0 ft).
- 3.3.2 the maximum accessory building height shall be 3.6 m (12 ft)
- 3.3.3 the maximum principal building footprint shall be 220 m² (2370 ft²)
- 3.3.4 the maximum accessory building footprint shall be 40 m² (430 ft²)
- 3.3.5 there may only be one (1) principal building on the lands
- 3.3.6 there may be a maximum of two (2) accessory buildings on the lands

3.4.0 Approved Development Concept

Any application for Development Permit shall broadly conform with the Approved Development Concept attached as Schedule 'B', however, minor variances to this plan may be approved at the discretion of the Municipal Planning Commission or the Development Officer.

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4.0.0 DEVELOPMENT REQUIREMENTS

- 4.1.1 All outdoor storage areas and waste disposal areas shall be screened utilizing fencing, berming, landscaping or a combination thereof.
- 4.1.2 Outdoor play areas are to be fenced
- 4.1.3 The western bank of the drainage ditch is to be fenced
- 4.1.4 The Municipal Planning Commission may specify the days and hours of operation of a Child Care Service facility.

5.0.0 IMPLEMENTATION

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

File: **RD11-01**

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

READ A FIRST TIME this 15th day of June A.D. 2011.

Original Signed

MAYOR

Original Signed

CHIEF ADMINISTRATIVE OFFICER

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READ A SECOND TIME this 6th day of July A.D. 2011.

Original Signed

MAYOR

Original Signed

CHIEF ADMINISTRATIVE OFFICER

READ A THIRD AND FINAL TIME this 6th day of July A.D. 2011.

Original Signed

MAYOR

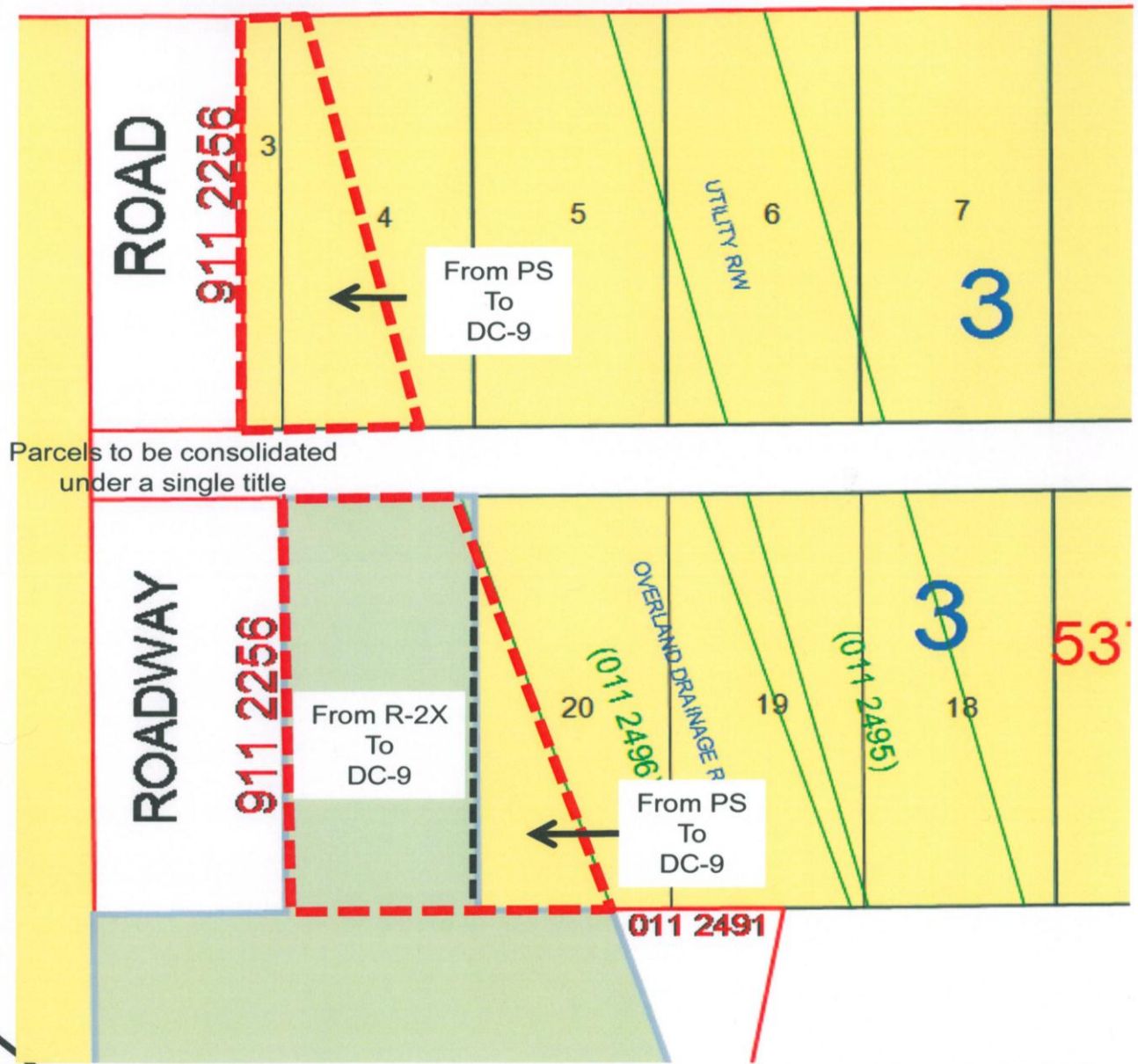
Original Signed

CHIEF ADMINISTRATIVE OFFICER

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Schedule 'A'

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LAND USE



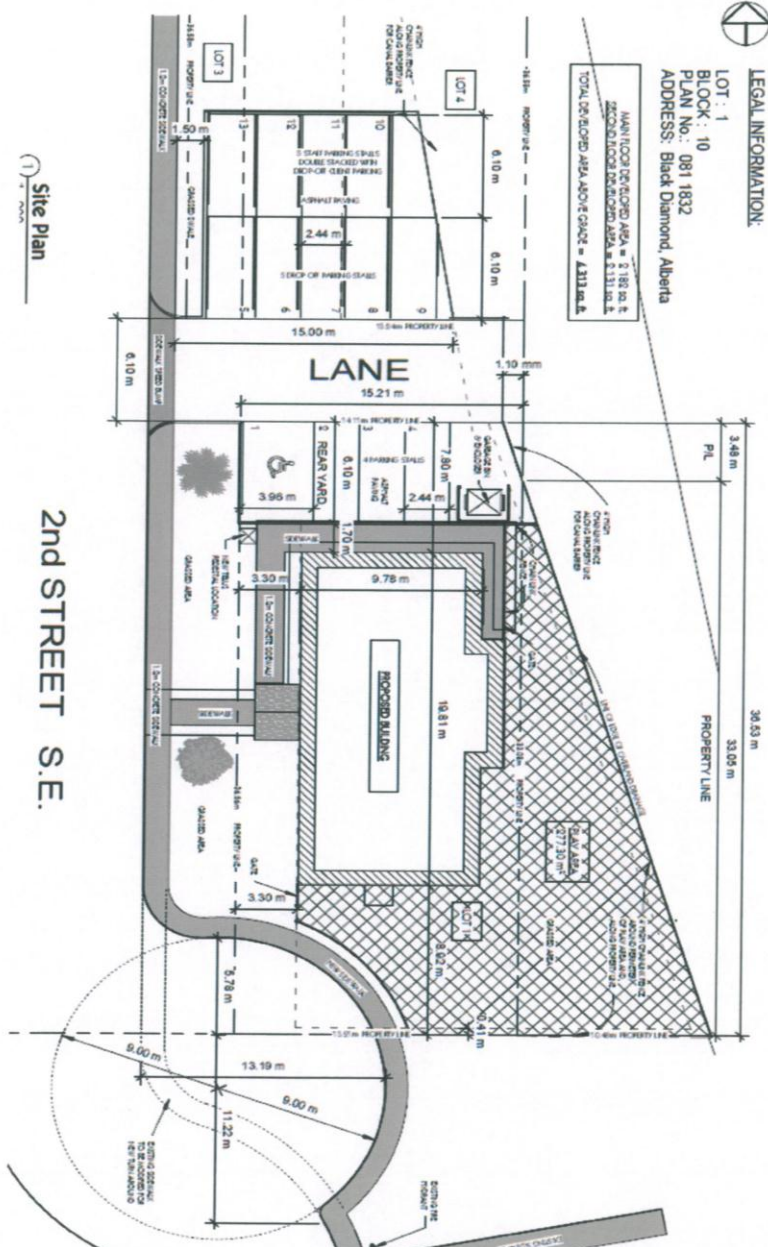
Lot 1 Block 10 Plan 0811832
Lots 3,4, 18, 19 & 20 Block 3 Plan 5378 ED

Date: July 6 2011 Application: RD11-01 Roll: 128000

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Schedule 'B'



LEGAL INFORMATION:
 LOT : 1
 BLOCK : 10
 PLAN No : 081 1832
 ADDRESS: Black Diamond, Alberta
 MAIN FLOOR DEVELOPED AREA = 3 182 sq. ft.
 SECOND FLOOR DEVELOPED AREA = 2 151 sq. ft.
 TOTAL DEVELOPED AREA ABOVE GRADE = 5 333 sq. ft.

Site Plan

2nd STREET S.E.

DEVELOPMENT CONCEPT

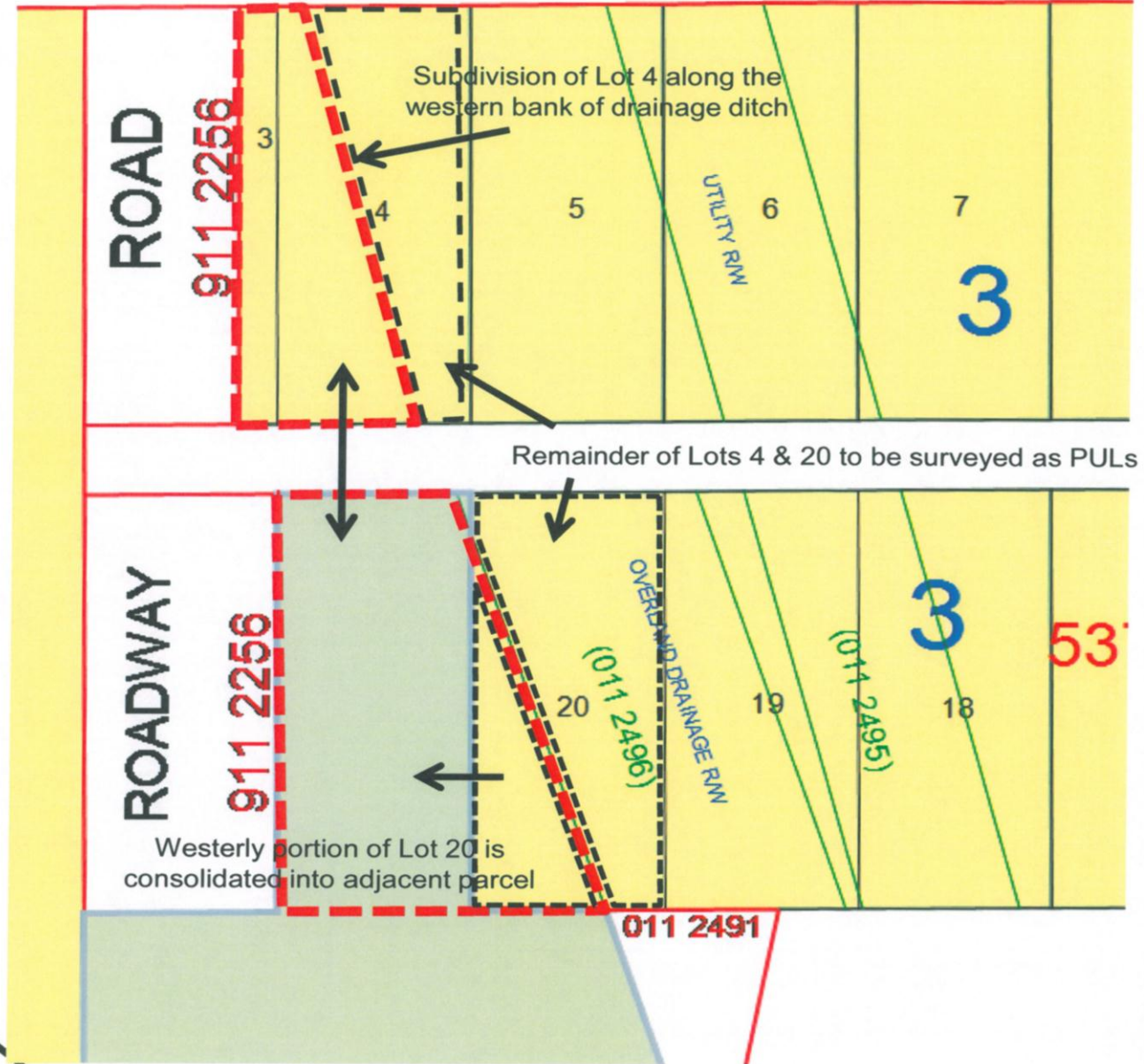
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Schedule 'C'

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SUBDIVISION

Lot 1 Block 10 Plan 0811832
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