

**TOWN OF PEACE RIVER
BYLAW NO. 1984**

BEING A BYLAW OF THE TOWN OF PEACE RIVER IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 1891.

WHEREAS the Council of the Town of Peace River has adopted Bylaw No. 1891, being the Land Use Bylaw, and

WHEREAS the Council of the Town of Peace River deems it advisable to amend the said Bylaw;

NOW THEREFORE the Council of the Town of Peace River, duly assembled, hereby enacts as follows:

1. Add the following to SECTION 12 SPECIAL LAND USE PROVISIONS of the Table of Contents:

(19) LIQUOR STORES

(20) STRIPPING, FILLING, EXCAVATION AND GRADING

2. Add the following to SECTION 2 DEFINITIONS:

“STRIPPING, FILLING, EXCAVATION AND GRADING” means any work, operation, or activity using motorized equipment that results in a disturbance of the earth including, but not limited to the removal of top soil, creation of a stockpile, berming, excavating, trenching, backfilling, re-contouring, and grading in excess of normal landscaping activities. This use does not include earth works for the purpose of natural resource extraction.

3. Replace SECTION 4 (1) (vi) with the following:

- (vi) Notwithstanding that it may be listed as a discretionary use under certain land use districts, the Development Officer may decide on a development permit application for:
 - A. an accessory building or structure;
 - B. a home occupation;
 - C. stripping, filling, excavation and grading;
 - D. a sign; or

E. other such building or development that may be designated from time to time by the Municipal Planning Commission.

3. Add the following to Section 4 (3) GENERAL DUTIES AND RESPONSIBILITIES

(vi) provide security to ensure compliance with this Bylaw, a development permit, an agreement under this clause and/or a statutory plan, which security may include, but is not limited to, an irrevocable letter of credit or charge against the title to the site.

4. Add the following to Section 5 (2) DEVELOPMENT PERMITS NOT REQUIRED:

(p) stripping, filling, excavation and grading of land,

(i) when such operations are performed in accordance with a valid Development Permit or Development Agreement, or

(ii) on a developed lot, when undertaking normal soft or hard landscaping activities, such as but not limited to loaming and seeding yard areas, planting trees or shrubs, gardening, where these activities do not affect the swale of surface water or may cause existing surface soils to slough onto adjacent properties.

5. Add SECTION 12 (20) as follows:

(20) STRIPPING, FILLING, EXCAVATION AND GRADING

(a) The regulations contained within this Section are intended to apply primarily to those situations where stripping, filling, excavation or grading activities are proposed independent of, or prior to other development occurring on the same lot or site.

(b) Where a proposed stripping, filling, excavation or grading operation is not part of the overall development of a site for which a development permit has been approved, or is not required as a condition of a development agreement with the Town, a development permit for the operation shall be required.

(c) In addition to the information requirements of Section 5 (3), the Development Authority may require the following information with the application:

- (i) a site plans showing the location and dimensions of proposed stripping, filling, excavation, and grading, including details of edge conditions and/or back sloping requirements, and details regarding any stockpiles;
- (ii) a description of the proposed source of any materials being brought to the site;
- (iii) the effect on drainage patterns or storm water management plans;
- (iv) a description of the proposed site end condition and site restoration plans;
- (v) proposals for preventing nuisance, including but not limited to dust, noise, and visual impacts;
- (vi) proposed access, haul routes and haul activities; and
- (vii) proposed timing and phasing of activities.

(d) Where site plans, drainage plans, storm water management plans or geotechnical soils plans are required, they will be authenticated by a Professional Engineer, Professional Geoscientist or a Provisional Licensee (Engineering) registered with the Association Professional Engineers and Geoscientists of Alberta.

(e) Notwithstanding Section 4 (3) (e) the Development Authority may set conditions of approval with respect to a stripping, filling, excavation and grading development permit requiring the applicant enters in an agreement with Municipality to address any issues arising from the development permit application, including but not limited to:

- (i) limiting the impact on drainage patterns;
- (ii) setting a site end condition, such as seeding and loaming the development area;
- (iii) limiting the impact of nuisance, including but not limited to dust, noise, and visual impacts;
- (iv) setting access, haul routes and haul activities standards; and
- (v) defining the timing and phasing of activities.

(f) A temporary fence shall be erected around all excavations, which in the opinion of the Development Authority may be hazardous to the public.

(g) Where finished ground elevations are established, all grading shall comply therewith.

(h) All parcels shall be graded and all drainage directed as per the approved storm water management plan.

(i) All topsoil shall be retained on the parcel, except where it must be removed for building purposes.

6. Add "Stripping, Filling, Excavation and Grading" as a discretionary use to the following Districts:

- Section 14 – Residential 1-A District (R-1A)
- Section 15 – Residential 1-A(20) District (R-1A(20))
- Section 16 – Residential 1-B District (R-1B)
- Section 17 – Residential 1-C District (R-1C)
- Section 18 – Residential 1-D District (R-1D)
- Section 19 – Residential 1-E District (R-1E)
- Section 20 – Residential 1-F District (R-1F)
- Section 21 – Residential Two Family District (R-2)
- Section 22 – Residential 2-A District (R-2A)
- Section 23 – Residential Medium Density District (R-3)
- Section 24 – Residential High Density District (R-4)
- Section 25 – Residential Mixed High Density District (R-4A)
- Section 26 – Residential Manufactured (Mobile) Home Subdivision District (R-MHS)
- Section 27 – Residential Manufactured (Mobile) Home Park District (R-MHP)
- Section 28 – Residential - Village Estate District (R-2)
- Section 29 – Primary Commercial District (C-1)
- Section 30 – Highway Commercial District (C-2)
- Section 31 – Commercial – Shopping Center District (C-2)
- Section 32 – Neighbourhood Commercial District (C-N)
- Section 33 – Mixed Commercial-Residential District (C-R)
- Section 34 – Riverfront Development District (R-D)
- Section 35 – Light Industrial District (M-1)
- Section 36 – Light Industrial District (M-1A)
- Section 37 – Mixed Industrial-Business District (M-1B)
- Section 38 – Community Development District (COM)

Section 39 – Agricultural-Urban Reserve District (A-UR)

SEVERABILITY

7. If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed.

EFFECTIVE DATE

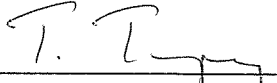
8. This bylaw shall come into force and have effect on the date of third and final reading.

READ a first time this 11 day of July, 20 16.

READ a second time this 8 day of August, 20 16.

READ a third and final time this 19 day of September, 20 16.

SIGNED by the Mayor and Chief Administrative Officer this 19 day of September, 20 16.



Thomas Tarpey
Mayor



Christopher J. Parker
Chief Administrative Officer