

Rural Municipality of Lumsden No. 189

Bylaw No. 10 – 2011

A bylaw to amend Bylaw No. 2 – 2000 known as the Zoning Bylaw of the R.M. of Lumsden No. 189.

The Council of the R.M. of Lumsden No. 189 in the Province of Saskatchewan enacts to amend Bylaw No. 2 – 2000 as follows:

1. Part III – Administration, Section 20. Development Permit – Invalid is deleted and replaced with the following new section:

20. Development Permit and Discretionary Use Approvals – Invalid

(1) Development Permit - Invalid

A development permit shall be automatically invalid and development shall cease, as the case may be:

- (i) if the proposed development is not commenced within 12 months from the permit issuance date, or
- (ii) if the proposed development is legally suspended, or discontinued, for a period of 12 or more months, unless otherwise indicated by Council or the development officer, or
- (iii) when development is undertaken in contravention of a development permit, specified development standards, or other provisions of this bylaw.

(2) Discretionary Use Approval - Invalid

- (i) Council or the development officer's approval of a discretionary use application is valid for a period of 12 months from the date of the approval. If the proposed use or proposed form of development has not commenced within that time, the approval shall no longer be valid. The development officer shall advise the applicant and Council when a prior approval is no longer valid, or
- (ii) If an approved discretionary use or form of development ceases to operate for a period of 12 months or more, the discretionary use approval shall no longer be valid. The development officer shall advise the owner and Council when a prior approval is no longer valid.

2. Part IV – General Development Standards, Section D Development and Subdivision is amended by adding the following new sub-section:

“39. Landscaping

(1) General Landscaping Regulations

- (i) Where this Bylaw specifies that landscaping is required, it shall be developed and maintained in accordance with the following standards and policies:
 - (a) Plant material shall be species capable of healthy growth in the region and shall conform to the current Canadian Standards for Nursery Stock of the Canadian Nursery Landscape Association;
 - (b) Areas designated for planting shall be provided with an underground irrigation system or other adequate means of irrigation commensurate with landscaping requirements, with at least one outside hose bibb for each principal building;
 - (c) Landscaping areas required to be provided within and front or side yards shall not be used for any purpose except for signs or structures otherwise permitted, or driveways leading to a parking or loading facility;

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- (d) Required landscaping shall be completed in accordance with the approved landscape plan by the end of the construction season in which occupancy, partial occupancy, or use of the building or site has taken place. When occupancy, partial occupancy, or use of the building or site has taken place after the end of the construction season, all required and approved landscaping shall be completed by June 1st of the following year. For the purposes of this section, 'construction season' means May 1st through October 31st of the same calendar year;
 - (e) Required and approved landscaping shall be suitably maintained in a neat and tidy condition at all times, and plant material installed or retained shall be maintained in healthy, vigorous condition at all times; and
 - (f) In addition to grass, Council encourages the planting of trees and shrubs in areas of soft landscaping.
- (2) The development officer shall not approve an application for a development permit in the event that:
 - (i) Any required landscape plans have not been submitted;
 - (ii) Any required landscape plans do not, in the opinion of the development officer, provide an adequate or suitable degree of landscaping necessary to enhance the visual amenity of the site or provide a visual screen where required by this Bylaw.
- (3) Landscaping shall be a condition of the issuance of a development permit when the existing use of a building or structure is significantly enlarged, undergoes a significant capacity increase, or is changed to a new use.
- (4) Any landscaping, including planting thereon, which is required to be provided by this Bylaw shall be maintained in a healthy growing condition or shall otherwise be replaced.
- (5) Any land for landscaped open space shall be included in any calculation of site area, setbacks, density or yard requirements as required by this Bylaw.
- (6) Requirements for Landscape Plans
 - (i) When landscaping is required under this Bylaw, landscaping plans shall be attached to a development permit application and shall form part of that application. The landscape plans shall be prepared in accordance with Section 39(6)(ii).
 - (ii) Landscape Plan Submission Requirements:
 - (a) Two copies of every landscape plan must be submitted, showing, to the satisfaction of the Development Officer, showing, to scale, physical features, including existing and proposed grades, the size and type of existing vegetation to be removed and retained, the size, type and location plant material to be provided, the location of hard landscaping such as fences, retaining walls, walkways and curbs, and the details of the proposed irrigation system, including the location of any outside hose bibbs.
 - (b) A declaration, signed by the property owner and applicant, shall be affixed to required landscape plans, specifically acknowledging that the landscaping specified on the plans is a condition of the issuance of a development permit for the property and that such development will be complete by the date set out in the development permit.
- (7) Landscaping compliant with the rest of Section 39 shall be provided in the following areas:
 - (i) The first three (3) metres of the minimum required front yard measured from the front property line.
 - (ii) A strip of soft landscaping abutting the front of the principal building, where loading does not occur, to an average depth of two (2) metres.

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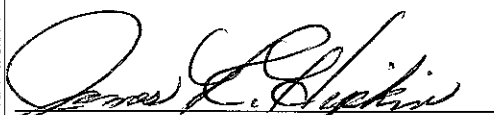
- (ii) In the case of a corner site, the side yard abutting the flanking street to a minimum perpendicular width of three (3) metres.”
3. Part IV – General Development Standards, Section D Development and Subdivision is amended by adding the following new sub-section:
- “40. Outside Storage and Garbage Storage
- (1) Where permitted in association with any approved industrial or commercial land use, all outside storage, including storage of garbage or waste materials, is subject to the following requirements:
- (i) No outside storage shall be located in the front yard, except for the neatly arranged display of items for sale.
- (ii) Outside storage in a side or rear yard shall be screened from adjacent sites by a fence at least 1.9 metres in height, or a combination of fence and soft landscaping screening a minimum of 1.9 metres in height.
- (ii) Unless otherwise directed by this Bylaw, garbage and waste material shall be stored in weatherproof and animal-proof containers and shall be visually screened from all adjacent sites and public roadways.”
4. Part IX – “C1 Commercial Zone”, Section 5. Development and Subdivision Minimum Site Standards (All Uses) following new sub-sections:
- “(4) Landscaping is required subject to Part IV, Section D, Subsection 39.
- (5) Outdoor Storage and Garbage Storage is subject to Part IV, Section D, Subsection 40.”
5. Part X – “M1 Industrial Zone”, Section 6. Development and Subdivision Minimum Site Standards (All Uses) following new sub-sections:
- “(4) Landscaping is required subject to Part IV, Section D, Subsection 39.
- (5) Outdoor Storage and Garbage Storage is subject to Part IV, Section D, Subsection 40.”
6. The Zoning District Map, referred to in Part III, Section 4 is amended by rezoning from “A” Agricultural Zone to “C1” Commercial Zone, the land shown within the bold dashed line in the NE ¼ Section 31-19-21-W2M, on the attached “Schedule A”, which forms part of this bylaw.
7. This Bylaw will come into force and take effect upon date of final approval by the Minister of Municipal Affairs.

Readings:

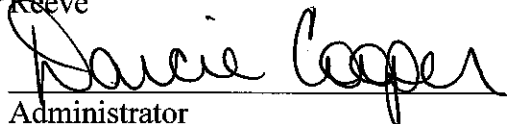
Read a first time this 11th day of August, 2011.

Read a second time this 15th day of September, 2011.

Read a third time this 15th day of September, 2011.



Reeve



Administrator

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