

**Town of Lumsden
Bylaw No. 1 - 2012**

A bylaw to amend Bylaw No. 15 – 2002 known as the Zoning Bylaw of the Town of Lumsden.

The Council of the Town of Lumsden in the Province of Saskatchewan enacts to amend Bylaw No. 15 – 2002 as follows:

1. **SECTION 2 DEFINITIONS** is amended by adding the following new definition, immediately following the definition for “Dwelling, Single Detached”:

“**EQUESTRIAN CENTRE:** A facility at which horses are boarded, exercised or trained in equestrian skills or at which equestrian competitions are held.”

2. **SUBSECTION 3.11 STOP-WORK** is deleted in its entirety and the following is substituted thereto:

“**3.11 ZONING COMPLIANCE**

Pursuant to Section 242 of The Act, the Development Officer may inspect any development suspected of contravening The Act, or any regulation or bylaw made pursuant to The Act. If it is determined that a contravention exists, the Development Officer may notify the owner in writing and instruct the owner to correct the contravention within a set time period. If for any reason the contravention has not been corrected within that time, the Development Officer may extend the time period or issue a zoning compliance order pursuant to Section 242(4) of The Act to achieve bylaw conformance.”

3. **SUBSECTION 3.16 INSPECTION OF PREMISES** is deleted in its entirety and the following is substituted thereto:

“**3.16 DEVELOPMENT PERMIT AND DISCRETIONARY USE PERMITS – 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.

- (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, 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.”

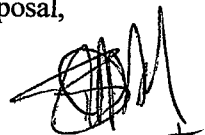
4. **SECTION 3 ADMINISTRATION AND INTERPRETATION** is amended by adding the following new subsection:

“**3.23 DISCRETIONARY USE APPLICATIONS**

- (1) General Discretionary Use Evaluation Criteria

Council may apply the following general criteria and where defined, use-specific criteria, in the assessment of the suitability of an application for a discretionary use or discretionary form of development:

- (a) The proposal must be in conformance with all relevant sections of the Official Community Plan and must demonstrate that it will maintain the character, density and purpose of the zoning district, where necessary through the provision of buffer areas, separation and screening.
- (b) The proposal must be capable of being economically serviced by community infrastructure including roadways, water and sewer services, solid waste disposal, parks, schools, and other utilities and community facilities.


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- (c) The proposal must demonstrate that it is not detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity or injurious to property, improvements or potential development in the vicinity.
 - (d) The proposal must provide sufficient landscaping and screening, and, wherever possible, shall preserve existing vegetation.
 - (e) The proposal must demonstrate that any additional traffic generated by the use, can be adequately provided for in the existing parking and access arrangements. Where this is not possible further appropriate provisions shall be made so as to ensure no adverse parking or access effects occur.
 - (f) Consideration will be given to the presence of activities already located in the area and on the site, and their effect on the surrounding residential environment, such as the cumulative effect of locating an activity that may currently generate traffic, noise, etc. not in keeping with the character of the adjacent area.
 - (g) Consideration will be given to addressing pedestrian safety and convenience both within the site, and in terms of the relationship to the road network in and around the adjoining area.
 - (h) All operations shall comply with all regulations of Saskatchewan Environment and Saskatchewan Labour which govern their operation and development.
 - (i) Proposals for discretionary uses which may result in heavy truck traffic, particularly in commercial and industrial districts, should be located to ensure that such traffic takes access to or from major streets or designated truck routes.
- (2) Discretionary Use Application Process
- (a) The Following procedures shall apply to discretionary use applications:
 - (i) Applicants must file with the Development Officer a development permit application, a site plan, any other plans and information as required by the Development Officer and pay the required application and public hearing fees;
 - (ii) The application will be examined by the Development Officer for conformance with the Official Community Plan, this Bylaw, and any other applicable policies and regulations;
 - (iii) The Development Officer may request comments from other government agencies where applicable;
 - (iv) The Development Officer will prepare a report concerning the application including recommendations that conditions be applied to an approval;
 - (v) The Development Officer will set a date for the meeting at which the application will be considered by Council and will give notice by ordinary mail to assessed owners of property within 75 metres of the boundary of the applicant's land. The Development Officer will prepare on-site notification posters which must be placed on the site by the Development Officer and must remain on the site until the application is considered by Council.
 - (vi) Council shall consider the application together with the report of the Development Officer, and any written or verbal submissions received by Council;
 - (vii) Council may reject the application or approve the application with or without conditions, including a condition limiting the length of time that the use may be conducted on the site; and,
 - (viii) The Development Officer shall notify the applicant of Council's decision by ordinary mail addressed to the applicant at the address shown on the application form.
 - (b) Discretionary uses, discretionary forms of development, and associated accessory uses are subject to the development standards and applicable provisions of the zoning district in which they are located. In approving any discretionary use to minimize land use conflict, Council may prescribe specific development standards related to:
 - (i) site drainage of storm water;
 - (ii) the location of buildings with respect to buildings on adjacent properties;
 - (iii) access to, number and location of parking and loading facilities including adequate access and circulation for pedestrian and vehicle traffic;
 - (iv) appropriate space for vehicle line ups for drive through commercial facilities in order to reduce disruption of traffic flows on adjacent roadways;
 - (v) control of noise, glare, dust and odour;

- (vi) landscaping, screening and fencing and preservation of existing vegetation to buffer adjacent properties;
- (vii) the size, shape and arrangement of buildings, and the placement and arrangement of lighting and signs;
- (viii) prescribed specified time limits for a use that is intended to be temporary or to allow Council to monitor the impact of a use on surrounding development; and
- (ix) intensity of use.”

5. SECTION 5.5 FUTURE DEVELOPMENT DISTRICT FD, SUBSECTION 5.5.2 DISCRETIONARY USES is amended by adding the following new sub-subsection:

“(iv) Equestrian centres, subject to Section 3.23 and 5.58”

6. SECTION 5.5 FUTURE DEVELOPMENT DISTRICT FD, is amended by adding the following new subsection:

“5.5.7 Equestrian Centres

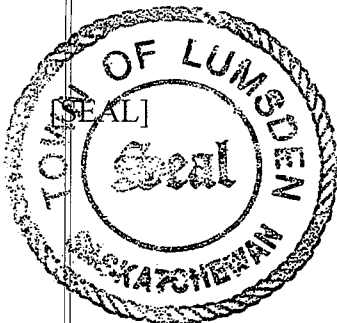
- (1) As a condition of discretionary use approval for an Equestrian Centre, Council shall prescribe:
 - (a) A specified time limit, up to two years, for which the Equestrian Centre may be approved, so that Council may monitor and evaluate potential odours and the Equestrian Centre’s impact on the Town and surrounding development;
 - (b) A limit on the maximum number of animal units that can be boarded, trained or participate in competitions or events at the Equestrian Centre; and
 - (c) The method and frequency in which manure is managed and removed from the site, and the material used for bedding, such as wood shavings or straw; and
 - (d) Council may grant a discretionary use approval for an Equestrian Centre without a time limit, if during the two year temporary approval period, it has been demonstrated to Council that
 - The conditions of the original temporary approval and the regulations outlined in 5.5.7(2) have been met; and
 - The Equestrian Centre has had minimal negative impact on the Town and surrounding development, subject to Section 3.16(2)(ii).

(2) Regulations:

- (a) The owner or operator shall manage surface water properly so that surface water and runoff is contained within the site.
- (b) Stalls and bedding shall be cleaned daily.
- (c) Manure stored on site should be composted and removed on a weekly basis.
- (d) Parking: 2,023 m2 of parking and loading space is required.”

7. This Bylaw shall come into force and take effect on the final day of passing.

Read a first time this	<u>24th</u>	Day of	<u>January, 2012.</u>
Read a second time this	<u>28th</u>	Day of	<u>February, 2012.</u>
Read a third time this	<u>28th</u>	Day of	<u>February, 2012.</u>



[Signature]
Mayor

[Signature]
Chief Administrative Officer

Certified to be a true copy of Bylaw No. 1-2012
adopted by the Council of the Town of Lumsden
on the 28 day of February

[Signature]
Chief Administrative Officer