

**Town of Lumsden
Bylaw No. 02 - 2018**

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 “Bed and Breakfast Home”:

“**BOARDING KENNEL:** means the temporary accommodation of dogs, cats or other domestic animals for commercial purposes.”

2. **SECTION 5.5 FUTURE DEVELOPMENT DISTRICT – FD, SUB-SECTION 5.5.2; DISCRETIONARY USES, SUB-SUBSECTION (iii)** is deleted in its entirety and replaced with the following new Sub-Subsection:

“(iii) Keeping of livestock, but excluding poultry farms, fur farms, hatcheries, boarding kennels and the keeping of hogs or any other intensive livestock operation, subject to Section 3.23 and Sub-Section 5.5.7.”

3. **SECTION 5.14 GENERAL LIGHT INDUSTRIAL DISTRICT – I1, SUB-SECTION 5.14.1A; DISCRETIONARY USES, SUB-SUBSECTION (iii)** is deleted in its entirety and replaced with the following new Sub-Subsection:

“(iii) Boarding Kennels;”

4. **SECTION 5.19 FLOODWAY AND FLOODWAY FRINGE AREA – FW, SUB-SECTION 5.19.1; FLOODWAY, SUB-SUBSECTION 5.19.1.1; PERMITTED USES, CLAUSE (i)** is deleted in its entirety and replaced with the following new Clause:

“(i) Agricultural uses, but does not include buildings and structures accessory thereto; and, does not include intensive livestock operations, mushroom farms, fur farms, or boarding kennels.”

5. **SECTION 4.35 ENVIRONMENTAL PROTECTION** is deleted in its entirety and replaced with the following new Section:

“4.35 ENVIRONMENTAL PROTECTION

The policies contained in Section 11.3 of the *Town of Lumsden Official Community Plan* apply where a subdivision, development of a building or structure or any landscaping is proposed on environmentally sensitive land as identified on Plan Map 4 from the *Town of Lumsden Official Community Plan*.”

6. **SECTION 3.3 DEVELOPMENT PERMIT, SUB-SECTION 3.3.1** is deleted in its entirety and replaced with the following new Sub-Section:

“1. Unless the proposed development or use is exempt from development permit requirements, before commencing any of the following: principle or accessory use development, landscaping in an environmentally sensitive area as identified on Plan Map 4 from the *Town of Lumsden Official Community Plan*, or a public utility use, every applicant shall:

- (a) Complete and submit a development permit application as attached hereto as Appendix ‘A’, along with any applicable development permit fees.
- (b) Receive a development permit approval from the Development Officer for the proposed development.”

7. **SECTION 3.8 DEVELOPMENT NOT REQUIRING A PERMIT** is deleted in its entirety and replaced with the following new Section:

“3.8 DEVELOPMENT NOT REQUIRING A PERMIT

1. The following developments shall be exempt from development permit requirements, but shall conform to all other bylaw requirements (e.g., building permits, setbacks, environmental and development standards):

(a) Zoning Districts

- (i) Accessory buildings or structures having a total area of 10 square metres or less (108 square feet).
- (ii) The erection of any fence, wall, gate, television antennae.
- (iii) The relocation of any accessory building on site to another area on the same site, given that all applicable development standards are still met on that site.
- (iv) A temporary building, the sole purposes of which, is incidental to the erection or alteration of a building for which a building permit has been granted.
- (v) The placement of a temporary membrane covered structure for a period of not more than seven (7) days.

(b) Official Uses

- (i) The use of all or a part of a building as a temporary polling station, returning officer's headquarters, candidate's campaign offices and other temporary use in conducted in connection with a federal, provincial or municipal election, census or referendum/plebiscite.

(c) Internal Alterations

(i) Residential Buildings

a) Internal alterations and maintenance to a residential building, provided that:

- the use of the building does not change;
- there is no increase in the number of dwelling units within the building or on the site; or
- any alterations are not structural in nature or have an impact on load bearing walls or beams.

(ii) All Other Buildings

a) Internal alterations and maintenance to other buildings, provided that:

- the use of the building does not change;
- the intensity of the use of the building or site does not change; or
- a change and that alterations are not structural in nature or any alterations are not structural in nature or have an impact on load bearing walls or beams.

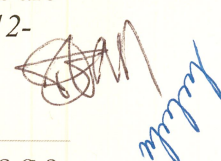
(d) Landscaping

- (i) Landscaped areas, driveways and parking lots, provided that the natural or designed drainage pattern of the site and adjacent sites is not adversely impacted and that the landscaped area or planned landscaped area is not in an environmentally sensitive area as shown on Plan Map 4 from the *Town of Lumsden Official Community Plan*. Alterations to existing landscaped areas, or any new landscaping proposed in environmentally sensitive areas shall require a development permit with a completed landscaped plan and be in conformance with Section 4.35 of this Bylaw."

8. **SECTION 4.26 SWIMMING POOLS** is deleted in its entirety and replaced with the following new section:

"4.26 SWIMMING POOLS

- (i) In addition to the regulations for swimming pools herein, all swimming pools and hot tubs are subject to the regulations from the *Town of Lumsden Private Swimming Pool Bylaw No. 12-2017*, and any subsequent amendments made thereto.



- (ii) Notwithstanding anything contained in the Bylaw, a swimming pool is permitted as an accessory use to permitted uses in the residential districts, or a motel/hotel in the Highway Commercial District in the side yard or rear yard of any lot if:
 - (a) All swimming pools and appurtenances thereto; including decks, shall be constructed and located so as to have a yard not less than 1.5 metres (5 feet) in width on all sides except where the pool is attached to or part of a principal structure. No swimming pool shall be located in the required front or side yard setback. If a deck is attached, or is part of an above ground pool then the above noted setbacks shall be taken from the outer edge of the deck.
 - (b) The maximum height of such pool is 1.2 metres (4 feet) above the average finished grade level of the ground adjoin the pool and to within 4.5 metres (15 feet) of such pool.
 - (c) Every swimming pool shall be enclosed by a non-climbable enclosure of at least 1.8 metres (6 feet) in height and not more than 10cm (3.9in) from the ground, and located at a distance of not less than 1.5 metres (5 feet) from the pool with lockable gate equal to the height of the fence; unless the pool owner or occupant ensures that when the pool is not in use, the pool is covered with a U.L. (Underwriters Laboratories) approved safety cover, tested and certified to meet or exceed ASTM (American Society for Testing Materials) F1346-91 standards for pool safety and is installed as per manufacturers instructions.
 - (d) Any building or structure, other than a dwelling, required for changing clothing or for pumping or filtering facilities, or other similar accessory uses, complies with the provisions in the applicable Zoning District from Section 5 of this Bylaw, respecting accessory buildings.
 - (e) Artificial lights for the illumination of swimming pools shall be designed, constructed and maintained so that no direct ray cross any property line.
 - (f) Every application for a swimming pool in an area designated on Plan Map 4 from the *Town of Lumsden Official Community Plan* as Environmentally Sensitive, must be accompanied by a detailed site analysis prepared by a professional in accordance with Section 11.3 of the *Town of Lumsden Official Community Plan*, or if in a designated SI+ Slope Instability area, in accordance with Section 5.20 of this Bylaw.”

9. **SECTION 5.11 TOWN CENTRE COMMERCIAL DISTRICT – C1** is amended by adding the following new Sub-Section 5.11.3 - Regulations for Site Development, and renumbering the remaining Sub-Sections accordingly:

“5.11.3 Regulations for Site Development

- (i) Minimum site area 340 m²
- (ii) Minimum site frontage 7.5 m
- (iii) Minimum side yard setback shall be 2.1 m if the side site line directly abuts any Residential Zoning District or abuts a public street.”

10. **SECTION 5.12 GENERAL COMMERCIAL DISTRICT – C2, SUB-SECTION 5.12.7; REGULATIONS**, is deleted in its entirety and replaced with the following new Sub-Section:

“5.12.7 Regulations for Site Development

The following regulations shall apply to all permitted and discretionary uses in the C2 -- General Commercial District, except for apartment blocks which shall be required to meet the requirements of sub-section 5.8.3.

- (i) Minimum site area 460 m²
- (ii) Minimum site frontage 15 m
- (iii) Minimum front yard 7.5 m (about 25.2 ft)
- (iv) Minimum side yard 3 m (about 10 ft) except for sites with a side yard abutting a residential district or a public street, in such case the side yard setback shall be 6 m (about 20 ft)

- (v) Minimum rear yard 10% of the depth of the site except for sites with a rear yard abutting a residential district - 7.5 m (about 25.2 ft).”

11. SECTION 4 GENERAL REGULATIONS is amended by adding the following new section:

“4.36 Fences

Walls, fences, hedges or shrubs may be erected, placed, planted maintained or grown in any required yard only when in conformance with the following regulations:

4.36.1 Residential Districts

- (i) The maximum height in any required yard except for in a required front yard is 2 m.
- (ii) The maximum height in any required front yard is 1.22 m.
- (iii) Notwithstanding Sub-Subsection (ii) above, the maximum height for a fence in any required front yard may be expanded to 2 m if transparent materials are used (i.e. chain link, deer fence) for the purposes of keeping wildlife out of the site.
- (iv) In the case of a corner site, no wall, fence, hedge, or shrub shall be placed so as to create a visual obstruction in an established intersection site triangle.

4.36.2 Commercial and Industrial Districts

- (i) The maximum height in any required yard is 2.5 m.
- (ii) In the case of a corner site, no wall, fence, hedge, or shrub shall be placed so as to create a visual obstruction in an established intersection site triangle.

4.36.3 Other Districts

- (i) The maximum height in any required yard is 2.5 m.
- (ii) In the case of a corner site, no wall, fence, hedge, or shrub shall be placed so as to create a visual obstruction in an established intersection site triangle.”

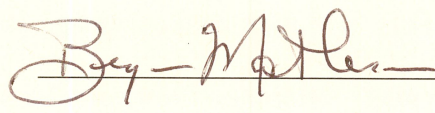
12. SECTION 2 DEFINITIONS is amended by adding the following new definition, immediately following the definition for “Equestrian Centre”:

“FENCE: means an artificially constructed barrier erected to enclose or screen areas of land.”


13. This bylaw shall come into force and take effect upon final approval of Council.

Readings

Read a first time this 27th day of February, 2018.
Read a second time this 10th day of April, 2018.
Read a third time this 10th day of April, 2018.



Mayor



Chief Administrative Officer