

BYLAW 1-2015

A BYLAW OF THE RURAL MUNICIPALITY OF BLUCHER NO. 343 TO AMEND BYLAW 3-2001 AND BYLAW 4-2001

Pursuant to Section 44 of the Planning and Development Act, 2007, the Council of the Rural Municipality of Blucher No. 343, in the Province of Saskatchewan hereby enacts as follows:

1. Bylaw No. 3-2001 is amended by adding the Highway 316 Concept Plan, as attached to this Bylaw as "Appendix A", to Part VIII Section 8.1 as Subsection c).
2. Bylaw No. 3-2001 is amended by adding the following as a new section within Part VIII of the Basic Planning Statement:

8.3 Highway 316 Concept Plan Area

a) Intent

The intent of the Highway 316 Concept Plan is to accommodate appropriate development in conformity with the land uses as illustrated in Figure 7-1 Highway 316 Concept Plan.

b) Implementation Policies

All new development within the concept plan area must comply with the general direction and future land designations prescribed by this plan and illustrated in Figure 7-1 Highway 316 Concept Plan. Specifically:

- i. No subdivisions for single parcel country residential use shall be approved within the future industrial, commercial or business designated lands.
- ii. No permits for new residential dwelling units as principal uses or accessory uses shall be approved for lands that are within the future industrial, commercial, or business designated lands.
- iii. Subject to subsections i and ii above, for lands zoned A – Agricultural District but are located within the future industrial, commercial, or business designated lands, only the permitted uses in the Zoning Bylaw shall be allowed that are consistent with the future land use designation.
- iv. Notwithstanding Section 3.3 a)i)8 of the Basic Planning Statement, when adjacent landowners are in written agreement, the strict application of the standards respecting the separation from residential dwellings may be relaxed subject to the registration of this interest on the titles of the affected properties.

c) Innovation Policies

- i. New developments shall be encouraged to employ water reuse strategies and xeriscaping to minimize water consumption.

d) Transportation Policies

- i. Developments shall meet all municipal and provincial regulations respecting access to and from provincial highways, arterial roadways, and other public roads.
- ii. Roadway systems shall be established within the context of the Highway 316 Concept Plan and elaborated within Comprehensive Development reviews.
- iii. Where a particular development is expected to result in the accelerated deterioration of municipal roadways, the RM of Blucher may require the applicant, as a condition of approval, to enter into a road maintenance agreement to recover the costs of maintaining all affected roadways.
- iv. All developments in the Highway 316 Concept Plan shall ensure safe access and egress from adjacent roadways without disrupting the roadway function, and limit the types and number of accesses provided onto municipal roadways by encouraging shared points of access along shared driveways or service roads.
- v. All development proposed adjacent to a primary or secondary provincial highway shall be subject to approval from the Saskatchewan Ministry of Highways and Infrastructure.

e) Municipal Servicing

- i. Where a development requires new or upgraded municipal services, the proponent will be responsible for all costs associated with providing the services.

f) Storm Drainage Policies

- i. Site drainage shall accommodate the natural drainage pattern of the area and shall not create any downstream or upstream impacts. Site development shall be required to comply with the recommendations and general strategies provided within the 2014 RM of Blucher Drainage Study prepared by Associated Engineering.
- ii. Maintaining Retention – major sloughs that are located along the major drainage runs and that are natural retention areas shall, wherever possible, be preserved and integrated into the site design.
- iii. Maintaining pre development storage volumes – a development has the option of filling in small sloughs, or shifting existing sloughs to the edge of the site, but the effective cumulative volume of these sloughs shall be preserved in the new retention areas, in addition to any additional runoff that occurs as a result of property development.
- iv. Maintaining drainage corridors – developments that occur along major drainage routes shall consult the RM and/or the RM's engineer if alterations to the route are being considered. Where alterations are authorized by the RM; the developer shall be solely responsible for all costs associated with this work. Site design shall not impede upstream flows and shall allow water to enter and exit the development site along the specified drainage corridor, at the 1:50 year 24 hour storm predevelopment flow rate. Changes within each site will be considered on a case by case basis, as long as it does not impede flow in or increase flow rate out of the site.
- v. Landscaping – the developed landscape should include features which maximize infiltration and the water quality that is draining off the site. This includes vegetation but also minimizing slopes to decrease run off velocities. Inclusion of requirements for trees makes development more amiable with regards to screening from roads and neighbouring residents.
- vi. Maintaining pre-development run off rates – development is likely to increase the impervious areas which will increase the total volume of run off (even including the landscaping recommendations to maximize infiltration). Any development producing higher than 1:50 year 24 hour storm pre-development run off flow rate shall require engineering analysis and recommendations for retention.
- vii. Site design shall comply with the RM's roadway and approach policies.
- viii. The proponent shall ensure, to the satisfaction of the RM, that any alteration to drainage, landscape, or other natural conditions occurs in a way that avoids or mitigates on and off site impacts.

g) Heritage Resource Policies

Notwithstanding Section 7.1 of the Basic Planning Statement, the following additional policy shall apply within the concept plan area:

- i. Prior to approval of a development or subdivision application within the designated areas of the concept plan area illustrated in Figure 7-2, the application shall be required to consult with the Heritage Conservation Branch to obtain and supply Council with written approval to proceed.

h) Environmental Policies

Notwithstanding Section 7.1 of the Basic Planning Statement, the following additional policy shall apply within the concept plan area:

- i. Prior to approval of a development or subdivision application within the designated areas of the concept plan area illustrated in Figure 7-3, the applicant shall be required to consult with the Ministry of Environment to determine an appropriate mitigation and environmental management strategy for the rare or endangered wildlife or vegetative species.

i) Landscaping Policies

In order to meet the landscaping and screening requirement for mitigation of conflicting land uses and to create an aesthetically pleasing site, developments in the Highway 316 Concept Plan shall be subject to the following landscaping and screening requirements:

- i. Landscaping and/or screening shall be required on industrial, business and commercial developments to mitigate the visual impact on neighbouring single parcel country residential and multi-lot country residential properties.

- ii. Where a development's frontage is adjacent to a roadway; landscaping and screening shall be required.
- iii. Appropriate development standards for development areas shall be applied through the Zoning Bylaw respecting landscaping and screening.

j) Comprehensive Development Review

As a means of providing a consistent level of investigation within the concept plan area, the following additional policies shall apply:

- i. Prior to consideration of any application to rezone or subdivide land for new multi-lot country residential, commercial, business, or industrial development within the concept plan area, the proponent shall prepare and submit a Comprehensive Development Review report in support of the proposed development which confirms the suitability of the development in its proposed location. The report shall at a minimum, include a summary of the development including:
 - A general description of the development area including its topography, natural amenities and a summary of surrounding development.
 - The proposed number of lots along with a lot phasing plan where intended;
 - A development concept plan illustrating how the proposal accommodates issues of open space, roadways, densities and land use compatibility;
 - Written confirmation from the appropriate provincial regulatory body regarding the existence and potential management of local heritage resources.
 - A written assessment of the potential impact of the proposed development on local ecologically significant and sensitive wildlife or aquatic habitat.
 - A drainage study and conceptual storm drainage plan prepared by a professional engineer duly licensed to practice in the Province of Saskatchewan.
 - Evidence of public consultation including documentation of interactions and issues identified along with identification of how the development will seek to respond to these issues; and
 - A written report identifying specifically how the proposed development complies with the intent of this Plan and the Basic Planning Statement.
- ii. The review shall address all matters of land use integration and the provision of services to the development and shall include conflict mitigation where such potential exists.
- iii. The geographic area and the extent of analysis considered within the review shall be determined by the complexity and the potential off-site effects of the development application, but at a minimum shall encompass all adjacent properties including all properties contained within existing adjacent multi-parcel subdivisions.
- iv. Where the proposed development is deemed by the Municipality or its representative to impact existing municipal roadways, a municipal roadway assessment shall be prepared by a professional engineer duly licensed to practice in the Province of Saskatchewan providing an evaluation and confirmation of the physical and functional capacity of municipal access roads serving the property, as well, providing recommendations regarding any necessary improvements to the roadway infrastructure required to support the proposed subdivision or development.
- v. Where in the opinion of the Municipality or its representative, the location of the proposed development exhibits hazardous characteristics including but not limited to a propensity for flooding, a high ground water table or slope instability; a geotechnical report prepared by a professional engineer duly licensed to practice in the Province of Saskatchewan shall be prepared confirming the suitability of the proposed development and its density based upon an assessment of local soil and groundwater conditions. This report should also include recommendations concerning road construction and minimum building foundation construction requirements.
- vi. Unless otherwise provided in this bylaw, where the development is intended to utilize private onsite wastewater treatment systems, a hydrogeological report shall be submitted which establishes baseline hydrology for the development property, confirms that the proposed systems will not adversely affect groundwater, establishes a monitoring groundwater strategy to track the long term effects on local aquifers, and introduces any other local conditions which may be relevant to the effective employment of private onsite wastewater systems on the property.

k) Municipal Reserve Policies

- i. Where it is not desirable to dedicate land to satisfy the municipal reserve requirement for commercial, business or industrial subdivisions, Council shall recommend as a condition of support for the subdivision, the provision of cash in lieu of land dedication.

3. Bylaw No. 4-2001 is amended as follows:

Part III General Regulations shall be amended by adding the following:

17) Commercial, Business, and Industrial Landscape Standards

The following standards shall apply where commercial, business or industrial development is proposed to establish the principal use of a site or where the development proposes to change the principal use of a site:

- a) Development permit applications shall be accompanied by a landscape plan that clearly indicates and accurately identifies the following:
 - i. Site plan drawn to scale, including dimensions and distances, a north arrow and necessary interpretive legends;
 - ii. Boundaries and dimensions of the site; location and name of adjacent streets;
 - iii. Location of all buildings or structures and all structure-to-property line setback distances;
 - iv. Location and type of all light fixtures both attached and detached;
 - v. The location of all attached and detached signage;
 - vi. Location of off-street parking and loading areas;
 - vii. Location of proposed screening, including materials and height;
 - viii. Type and quantity of existing plant materials to be retained;
 - ix. Location of all soft landscaping proposed, identifying the common and botanical name, location, quantity, and spacing;
- b) Site development should, wherever possible, seek to preserve and incorporate existing trees and vegetation.
- c) Where a development fronts on a public road; a mixture of coniferous and deciduous trees shall be planted within a minimum 5 metre wide landscaped boulevard located along the site frontage entirely within the development site. Within this landscaped boulevard, one tree shall be provided for every 40.0 m² of landscaped area at a proportion of approximately 1:1 of coniferous and deciduous trees. Where shrubs are considered as an alternative to trees, one shrub shall be provided for every 60.0 m² of landscaped area at a proportion of approximately 2:1 deciduous and coniferous shrubs. All tree and shrub plantings shall be set back a minimum of 2 metres from the front site line to ensure that the plantings do not hinder snow clearing along municipal roadways.
- d) A single row shelterbelt planting shall be employed along and within the side and rear site lines as a requirement of approval for the development for each individual commercial, business or industrial site.
- e) Unless an alternative method of visual screening and noise attenuation is permitted by the Development Officer, all business and industrial developments located within the Highway 316 Concept Plan area and situated along the south side of Cheviot Road, shall construct an engineered earthen berm a minimum 3.0 metres in height from the existing grade along the rear site line of properties located adjacent to lands not designated for the commercial, business or industrial development.
- f) The earthen berm shall be designed with a maximum 4:1 sideslope and a minimum 2 metre top and shall not impede surface water drainage.
- g) All plant material shall be hardy, drought resistant and of a species capable of healthy growth in the RM of Blucher. All new plantings shall meet the following minimum standards:
 - i. Deciduous trees shall be at least 60 mm caliper;
 - ii. Coniferous trees shall have a minimum height of 2.5 m,
 - iii. Coniferous shrubs shall have a minimum spread of 450 mm; and
 - iv. Deciduous shrubs shall have a minimum height of 450 mm.

- h) A 3 metre fire break shall be provided along any common site boundary. Within this corridor, only non-combustible goods and materials may be stored and all vegetation must meet FireSmart Canada requirements.
- i) Any outdoor lighting shall be located, arranged and designed so that no direct rays of light are directed at any adjoining properties which, in the opinion of the Development Officer, interfere with the use and enjoyment of adjacent lands.
- j) All waste materials or unsightly elements shall be enclosed by buildings, or screened by landscape features, fences, or a combination thereof to the satisfaction of the Development Officer.
- k) The owner of the property, or his agent or tenant shall be responsible for the maintenance of all landscaping. Plants shall be maintained in good condition so as to present a healthy, neat, and orderly appearance and shall be kept free from refuse, debris, and weeds.
- l) Plants, trees, and vegetation which are required by the approved landscape plan and which are diseased or have died shall be replaced with like kind and size in a timely manner.
- m) As a condition of approval for a development permit, the applicant shall be required to provide the RM with an unencumbered and irrevocable financial guarantee equal to 110% of the estimated landscaping costs to ensure that the landscaping presented in the approved landscaping plan is provided and maintained for two growing seasons following completion of the entire landscaping project.
- n) The applicant shall provide written notice to the RM when the landscaping is substantially complete and following confirmation from the RM that the landscaping is substantially complete, the two year maintenance period will begin.
- o) The applicant shall be responsible for providing written notice to the RM that the two year maintenance period has been completed. A site inspection will be conducted by the Development Officer or his representative during the normal growing season, approximately April 15 through October 15, to confirm that the landscaping has been appropriately maintained. If the Development Officer or his representative is satisfied that the landscaping has been maintained, the financial guarantee shall be released.
- p) In the event that the applicant does not complete the required landscaping, or if the applicant fails to maintain the landscaping in the healthy condition to the satisfaction of a Development Officer for the specified period of time, the RM may draw from the financial guarantee to complete the required work to bring the site into compliance with the landscaping plan without any obligation to compensate the applicant.

Part IV shall be amended by adding the following:

SCHEDULE B: HY – HIGHWAY 316 OVERLAY DISTRICT

The following overlay district is intended to apply supplementary zoning standards for development of lands located within the Highway 316 Concept Plan area.

1. Overlay Application

The development standards herein are intended to apply on any site in the A-Agricultural District of the Highway 316 Concept Plan where the lands are currently zoned A-Agricultural District. These regulations shall, where stated, supersede the standards within the A-Agricultural District. Where there may be a discrepancy between the overlay and underlying zoning standards, the more restrictive regulation shall apply. The provisions of this section shall apply to all of the lands identified on the Highway 316 Concept Plan Map appended to this bylaw as Figure 7-1.

A. Agricultural Designated Land:

Subject to all other provisions of this bylaw, on any site within the Highway 316 Concept Plan which is currently zoned A-Agricultural District and is designated for future agricultural land use, only the following uses and their respective accessory uses shall be permitted.

1. Principle Uses:

The permitted uses in the A-Agricultural District shall apply.

2. Uses Permitted at Council’s Discretion:

Only the following discretionary uses and their respective non-residential accessory uses may be permitted, but only by resolution of Council and only in locations and with development standards specified by Council in accordance with this bylaw:

- a) Agricultural, which are farmstead residential;
- b) Bed and Breakfast Home;
- c) Kennels;
- d) Radio, television & microwave towers;
- e) Research facility;
- f) Vacation farms;
- g) Residential which are single parcel country residential, including a single detached residence or a mobile home;
- h) Home based businesses, subject to Part III Section 12 of this bylaw;
- i) Gravel pits and gravel crushing operations.

3. Accessory Uses:

The accessory uses in the A-Agricultural District shall apply.

4. Regulations:

The site regulations in the A-Agricultural District shall apply.

B. Industrial, Business and Commercial Designated Land

Subject to all other provisions of this bylaw, on any site within the Highway 316 Concept Plan which is currently zoned A-Agricultural District and is designated for future industrial, business or commercial land use, only the following uses and their respective non-residential accessory uses shall be permitted:

1. Principle Uses:

The permitted uses in the A-Agricultural District shall apply.

2. Uses Permitted at Council’s Discretion:

Only the following discretionary uses and their respective non-residential accessory uses may be permitted, but only by resolution of Council and only in locations and with development standards specified by Council in accordance with this bylaw:

- a) Radio, television & microwave towers;
- b) Home based businesses, subject to compliance with Part III Section 12 of this bylaw.

3. Accessory Uses:

The accessory uses in the A-Agricultural District shall apply.

4. Residential Uses:

- i. No additional residential dwelling units shall be permitted as accessory uses to an agricultural use.
- ii. No new single parcel country residential uses, including mobile homes, shall be permitted.

5. Regulations:

The site regulations in the A-Agricultural District shall apply.

Schedule E: C – Commercial District shall be amended by adding the following after Section 2:

2 (a) Uses Permitted at Council’s Discretion in the Highway 316 Concept Plan

Notwithstanding Section 2 above, in the Highway 316 Concept Plan area, the following discretionary uses and their respective accessory uses may be permitted, but only by resolution of Council and only in locations and with development standards specified by Council in accordance with this bylaw:

- a) Auction marts;
- b) Welding, machine shops, and metal fabricating;
- c) Storage facilities, warehousing, supply and distribution facilities;
- d) Research facility

Section B Regulations of Schedule E: C – Commercial District shall be amended by adding the following in Section 8:

6. Landscaping and Screening:

In the Highway 316 Concept Plan, developments shall be subject to the following:

- a) Prior to the issuance of a development permit for any permitted or discretionary use within a C – Commercial District, the applicant shall be required to submit a landscape plan with a schedule of completion which is satisfactory to the Development Officer and prepared in compliance with the requirements of Part III General Regulations, Section 17. Commercial, Business, and Industrial Landscape Standards.

7. Wastewater Disposal:

- a) Unless otherwise provided in this bylaw, wastewater disposal shall be managed exclusively through the installation of a sewage holding tank where a development is intending to utilize a private onsite wastewater disposal system.
- b) Approval of any alternative form of private onsite wastewater disposal may only be considered where the applicant is able to provide written confirmation that the method of disposal has been approved by the applicable provincial regulatory agency.

Section 2. Uses Permitted at Council's Discretion in the Schedule F: I – Industrial District shall be amended by adding the following uses that shall only apply to the lands within the Highway 316 Concept Plan that are zoned I – Industrial District.

- 2 (a) Additional Uses Permitted at Council's Discretion in the Highway 316 Concept Plan
- k) Bulk oil and fuel storage yards, petroleum products and storage yards, coal yards, and gravel yards;
 - l) Large freight, trucking and logistics operations;
 - m) Railway and ancillary functions;

Section B Regulations of Schedule F: I – Industrial District shall be amended by adding the following:

7. Landscaping and Screening:

In the Highway 316 Concept Plan, developments shall be subject to the following:

- a) Prior to the issuance of a development permit for any permitted or discretionary use within a C – Commercial District, the applicant shall be required to submit a landscape plan with a schedule of completion which is satisfactory to the Development Officer and prepared in compliance with the requirements of Part III General Regulations, Section 17. Commercial, Business, and Industrial Landscape Standards.

8. Wastewater Disposal:

- a) Unless otherwise provided in this bylaw, wastewater disposal shall be managed exclusively through the installation of a sewage holding tank where a development is intending to utilize a private onsite wastewater disposal system.
- b) Approval of any alternative form of private onsite wastewater disposal may only be considered where the applicant is able to provide written confirmation that the method of disposal has been approved by the applicable provincial regulatory agency.

9. Separation Distances

Separation distances shall conform to those set out in the RM of Blucher Basic Planning Statement.

Part IV Zoning Districts shall be amended by adding the following new Schedule I: B – Business District that shall regulate land uses in the Highway 316 Concept Plan:

SCHEDULE I: B – BUSINESS DISTRICT

The intent of the B-Business District is to accommodate lower intensity commercial and industrial uses which do not create any nuisance outside of a building to ensure that the development is compatible with other non-industrial uses.

Subject to all other provisions of this bylaw, on any site in any district defined in this bylaw as a B-Business District, only the following uses and their respective accessory uses shall be permitted:

1) **Principle Permitted Uses:**

- a) Agriculture support services²;
- b) Establishments for the servicing, storage, and sale of motor vehicles, marine or farm equipment and machinery excluding car wash establishments;
- c) Warehousing supply and distribution;
- d) Commercial storage;
- e) Nurseries and greenhouses;
- f) Veterinary clinics;
- g) Public utilities, excepting solid and liquid waste disposal facilities;
- h) Restaurants, confectioneries, and other places for the sale and consumption of food and related items;
- i) Research facility;
- j) Retail stores;

2) **Principle Uses Permitted at Council's Discretion:**

The following discretionary uses and their respective accessory uses may be permitted, but only by resolution of Council and only in locations and with development standards specified by Council in accordance with this bylaw:

- a) Contractor yard³;
- b) Architectural, engineering and related services;
- c) Auction marts;
- d) Manufacturing establishments⁴;
- e) Welding, machine shops, or metal fabricating⁵;
- f) Caretaker or security residence⁶

3) **Specific Development Standards for Principal Uses**

1. No operation or activity associated with any use in this District shall be permitted which would create a nuisance extending beyond the site boundary in terms of light, noise, dust or odour.
2. For the purposes of this bylaw, agricultural support services shall be limited to uses involving the storage, sale or distribution of substantially processed agricultural goods or services.
3. For the purposes of this bylaw, construction yards shall be limited to the onsite storage of materials, mobile equipment, or vehicles normally associated with contractor services.
4. For the purposes of this bylaw, manufacturing establishments shall be limited to final product assembly and all production activities shall be completely contained within the principal or accessory building.
5. For the purposes of this bylaw, all production related activity associated with this use shall be fully contained within the principal or accessory building.
6. For the purposes of this bylaw, a caretaker or security residence shall only be considered where it is deemed to be accessory to another principal use.

4) **Accessory Uses:**

For the purposes of this bylaw, uses customarily incidental and subordinate to the permitted uses shall be considered an accessory use.

B. Regulations

- 1) Any site which does not conform to the following area or minimum frontage requirements shall be deemed to be a conforming site provided that a Certificate of Title existed in the Land Titles Office prior to the coming into force of this bylaw.
- 2) Site Area:
 - a) Permitted uses, excluding public utilities: Minimum – 0.4 hectares (1.0 acres)
 - b) Public utilities: Minimum – none
- 3) Site Frontage:
 - a) Principle uses, excluding public utilities: Minimum – 30.5 meters (100 feet)
 - b) Public utilities & discretionary uses: Minimum – none
- 4) Yard Requirements:
 - a) Front Yard:

All Uses: Minimum – 45.7 meters (150 feet) from the center line of any municipal road allowance or provincial highway, or such greater distance as required by the Department of Highways and Infrastructure.
 - b) Side Yard:

All Uses: Minimum – 3 meters (9.8 feet) on each side.
 - c) Rear Yard:

All Uses: Minimum – 10% of the depth of the site.
- 5) Off-Street Parking, Outdoor Storage and Loading:
 - a) All principal buildings or uses shall provide 1 parking space for each 27.9 square meter (300 square feet) of gross floor area, or 1 space for each 5 employees, whichever is the greater.
 - b) Outdoor storage located in the front yard of a site is limited to the display of items for sale which are normally attributed to the principal use of the site and shall be neatly arranged.
 - c) All loading, service, garbage collection and outdoor storage areas (where permitted), shall be located to the rear and sides of the principal building and shall be screened from view from any municipal roadway or adjacent non-industrial site by a wall, landscape materials, berm, fence, or a combination of these features.
- 6) Landscaping:
 - a) Prior to the issuance of a development permit for any permitted or discretionary use within a B-Business District, the applicant shall be required to submit a landscape plan with a schedule of completion which is satisfactory to the Development Officer and prepared in compliance with the requirements of Part III General Regulations, Section 17 Commercial, Business, and Industrial Landscape Standards.
- 7) Separation Distances:

Separation distances shall conform to those set out in the RM of Blucher Basic Planning Statement.

4. This Bylaw shall come into force and take effect on the day of approval.

Reeve

SEAL

Administrator

Certified a true copy of the bylaw
adopted by resolution of the Council
on the _____ day of
_____, 2015.

Administrator