

Town of Kipling

Zoning Bylaw

Schedule A to Bylaw No. 9-2013



August 2013

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Part 1: Introduction

1.1. Title

- 1.1.1. This bylaw shall be known and may be cited as the “Zoning Bylaw” of the Town of Kipling.

1.2. Authority

- 1.2.1. Pursuant to Section 45 of *The Planning and Development Act, 2007*, the Council of the Town of Kipling hereby adopts Zoning Bylaw (No. 9-2013) of the Town of Kipling.

1.3. Purpose

- 1.3.1. This is a bylaw to control the use and development of land in the Town of Kipling and to assist in implementing the Official Community Plan. In addition, the zoning bylaw provides regulations to ensure health, safety and general welfare of inhabitants of the Town.

1.4. Scope

- 1.4.1. All development within the limits of the Town of Kipling shall be in conformity with the provisions of this bylaw.

1.5. Severability

- 1.5.1. If any part of this bylaw, including anything shown on the zoning map, is declared to be invalid for any reason, by an authority of competent jurisdiction, that decision shall not affect the validity of the bylaw as a whole, or any other part, section or provision of this bylaw.

Part 2: Administration

2.1. Development Officer

- 2.1.1. The Administrator of the Town of Kipling shall be the Development Officer responsible for the administration of this Bylaw and in their absence by such other employee of the Town as the Council designates from time to time. The Administrator may appoint a Development Officer subject to the approval of Council to whom duties in the administration of the Zoning Bylaw may be delegated.
- 2.1.2. The Development Officer shall:
- a) receive, record, and review development permit applications and issue decisions in consultation with Council, particularly those decisions involving subdivision, rezoning, discretionary uses, and development levy agreements;
 - b) maintain, for inspection by the public during office hours, a copy of this Bylaw, zoning maps and amendments, and ensure that copies are available to the public at a reasonable cost;
 - c) make available, for public inspection during office hours, a register of all development permits and subdivision applications and decisions;
 - d) collect application and development fees; and
 - e) perform other duties as determined by Council.
- 2.1.3. The Development Officer shall be empowered to make a decision regarding:
- a) ensure accessibility of bylaws and amendments on the municipal website;
 - b) a development permit application for a permitted use; and
 - c) minor variances of 10% or less.

2.2. Council

- 2.2.1. Council shall make all decisions regarding discretionary uses, zoning bylaw amendments and variances of greater than 10%.
- 2.2.2. Council shall make a recommendation regarding all subdivision applications circulated to it by the Ministry of Municipal Affairs, prior to a decision being made by the Minister.
- 2.2.3. Council shall act on discretionary use, rezoning, and subdivision applications in accordance with the procedures established by *The Act* and in accordance with the Official Community Plan.

2.3. Development Permit

- 2.3.1. Every person shall obtain a development permit before commencing any development within the Town, except as listed within this Bylaw.
- 2.3.2. The application shall have attached a layout or site plan, as required in the application form or by the Development Officer, together with any information deemed necessary by the Development Officer to assess the application.
- 2.3.3. A development permit shall be valid for twelve (12) months from the date of issue unless an extension has been granted prior to its expiry.
- Development Not Requiring a Permit***
- 2.3.4. The following forms of development shall not require a development permit but shall conform to this Bylaw:
- a) the erection of any fence, wall, or gate that does not exceed 1.0 m (3.3 feet) and meets all requirements as per Section 4.12 - Fences;
 - b) the erection of a single residence satellite dish, television antennae, or radio antennae;
 - c) the construction or placement of a temporary building, the sole purpose of which is incidental to the erection or alteration of a building for which a building permit has been granted;

- d) internal alterations and maintenance to a residential building, provided that the use, building footprint or intensity of use of the building including the number of dwelling units within the building or on the site does not change and the alteration does not include structural alterations;
- e) landscaped areas, driveways and parking lots, provided the natural or designed drainage pattern of the site and adjacent sites are not adversely impacted; or
- f) signs in residential districts which conform to Section 3.8 - Signage.
- g) the maintenance of a public utility by the Municipality or crown corporation
- h) the construction of a public utility by the Municipality
- i) the installation of public utility on any street or other public right-of-way by the
- j) Municipality
- k) a municipal facility installed and operated by the Municipality
- l) maintenance and repairs that do not include structural alterations
- m) the installation of accessory buildings under 10 square metres
- n) (100 sq. ft.)

2.4. Referrals to the Council

- 2.4.1. The Development Officer may refer any application to Council for a decision on the interpretation of this Bylaw or regarding special conditions provided for in this Bylaw, and shall inform the applicant of the date and time when Council will consider the matter. Council or the Development Officer may require the applicant to provide further information necessary to render a decision.

2.5. Development Permit Procedures

Application Process

- 2.5.1. An application for a development permit shall be made in writing to the Development Officer in the form prescribed by Council.
- 2.5.2. Unless otherwise specified in this bylaw, with every application for a development permit, a copy of a layout, or site plan, showing the dimensions of the site, the site size, the location on the site of any existing and all proposed development and the method and location of on-site sewage disposal facilities shall be submitted for approval to the Development Officer together with such other information as may be required in support of the application.

Permit Issuing Process

- 2.5.3. When an application for a development permit is made for a permitted or accessory use in conformity with this Bylaw, *The Act* and all other municipal bylaws, Council shall hereby direct the Development Officer to issue a development permit.
- 2.5.4. When an application has been made for a development permit and prior to making a decision, the Development Officer may refer the application to whichever government departments or agencies Council may consider appropriate. The Development Officer may also require the application to be reviewed by planning, engineering, legal, or other professionals, with the cost of this review to be borne by the applicant.
- 2.5.5. A development permit shall be issued for the use at the location and under such terms and development standards specified by the Official Community Plan and this Bylaw.
- 2.5.6. The permit or notice form shall be adopted or amended by resolution of the Council.
- 2.5.7. The applicant shall be notified in writing of the decision of their application. The applicant shall be advised of their right to appeal a decision to the Development Appeals

- Board on a permitted or accessory use application and any terms and conditions attached to an application.
- 2.5.8. Where the Development Officer determines that a development is being carried out in contravention of any condition of Council's approval or any provision of the Official Community Plan or this Bylaw, the Development Officer may issue an order subject to the provisions of Section 242 of *The Act* to suspend or revoke the development permit and notify the permit holder that the permit is no longer in force.
- 2.5.9. Where the Development Officer is satisfied that a development for which a permit has been suspended or revoked will be carried out in conformity with the conditions of the permit and the requirements of this Bylaw the Development Officer may reinstate the development permit and notify the permit holder that the permit is valid and in force.

2.6. Discretionary Use Application Procedure

Application Process

- 2.6.1. Applicants must file with the Development Officer the prescribed application form, a site plan, a written description of the proposed development, describing the intended use and operations, structures to be located on the site, required municipal services, and any other plans and supplementary information as required by the Development Officer and pay the required application fee.

Permit Issuing Process

- 2.6.2. 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
- 2.6.3. The Development Officer shall advise Council and notify relevant agencies in a practical timeframe, as Council and the Development Officer may consider appropriate.

- 2.6.4. The Development Officer will provide written notice to all assessed landowners adjacent to the subject property in urban areas and will provide a minimum of 21 days from the date of mailing for public comment prior to formal consideration of the application by Council.
- 2.6.5. The permit or notice form shall be adopted or amended by resolution of the Council.
- 2.6.6. Where an adjacent rural municipality is within the 100 m (328.1ft) radius of a subject property, written notice shall be provided to the municipal administration for comment.
- 2.6.7. Every effort shall be made to give notice by regular mail to all landowners in an adjacent rural municipality which is located within the 100m (328.1ft) radius of the subject property.
- 2.6.8. Where a discretionary use is deemed by the Development Officer to have a potential significant effect upon assessed landowners along a transportation route the area of notification shall be extended to include affected landowners along this route.
- 2.6.9. The Development Officer or Council may require the application to be reviewed by planning, engineering, legal, or other professionals, with the cost of this review to be borne by the applicant.
- 2.6.10. The Development Officer will prepare a report for Council concerning the application which may contain recommendations, including recommended conditions of approval to be applied in accordance with *The Act*.
- 2.6.11. The Development Officer will set a date for the public hearing at which time the application will be considered by Council and if deemed necessary, provide notice to all assessed landowners within 100m (328.1ft) of the subject property within the information packages provided as part of the notification process.
- 2.6.12. Council shall consider the application together with the reports of the Development Officer and any written or verbal submissions received by Council or the Development Officer.

- 2.6.13. Council may approve the application, reject the application, or approve the application with conditions, including a condition limiting the length of time that the use may be conducted on the site in order to secure the objectives of this Bylaw with respect to:
- a) the nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of buildings;
 - b) the accessibility and traffic patterns for persons and vehicles, the type and volume of that traffic and the adequacy of proposed off-street parking and loading;
 - c) the safeguards afforded to minimize noxious or offensive emissions including noise, glare, dust and odour; or
 - d) any treatment given, as determined by Council, to aspects including landscaping, screening, open spaces, parking and loading areas, lighting and signs, but not including the colour, texture or type of materials and architectural detail.
- 2.6.14. Discretionary uses, discretionary forms of development, and associated accessory uses shall conform to the development standards and applicable provisions of the Zoning District in which they are located.
- 2.6.15. A development permit may be issued on a temporary basis if, in Council's opinion, there is a need to consider the effects of a development further in the future with the benefit of direct observation.
- 2.6.16. Where Council has approved a discretionary use for a limited time as provided in this Bylaw, and that time has expired, that use of land or use of buildings on that property shall cease until such time as Council gives a new discretionary use approval and a new development permit is issued.
- 2.6.17. Upon approval of a discretionary use by resolution of Council, the Development Officer shall issue a development permit for the discretionary use at the location and under

such terms and development standards specified by Council in its resolution.

- 2.6.18. The applicant shall be notified of Council's decision by regular mail addressed to the applicant at the address shown on the application form and the applicant shall be advised of their right to appeal any terms and conditions attached to the approval of a discretionary use application to the Development Appeals Board.
- 2.6.19. Council is deemed to have granted discretionary approval to an existing permitted use or specific intensity of use, that becomes a discretionary use as a result of the adoption or amendment of this Bylaw, as of the date that this Bylaw or amendment comes into effect.

Validity of Discretionary Use Approvals

- 2.6.20. A new discretionary use approval is required from Council where Council has previously approved a discretionary use, or a specific discretionary intensity of use, and:
- a) the use ceased and was replaced by another use.
 - b) the use ceases for a 12 month period.
 - c) a building required for the approved use is not started within 6 months or completed within 18 months.
 - d) the use is not started within 6 months of completion of the building.
 - e) a use not requiring construction of a building is not started within 12 months.
 - f) the applicant applies to increase the specifically approved intensity of use.

2.7. Building Permit Requirements

- 2.7.1. Nothing in this Bylaw shall exempt any person from complying with a building bylaw or any other bylaw in force within the Town; or from obtaining any permission required by this or any other bylaw of the Town or the Provincial or Federal Governments.

2.7.2. Where the provisions in this Bylaw conflict with those of any other municipal, provincial or federal requirement, the higher or more stringent standards shall prevail.

2.7.3. A building permit, where required, shall not be issued for a development until a development permit has been issued as required

2.8. Comprehensive Development Review

2.8.1. A secondary plan is a land use plan for a specific local area that has been identified for potential development requiring its submission as provided within the Official Community Plan. The purpose of this plan is to identify and address social, environmental, health and economic issues appropriately and to encourage the development of high quality developments. This plan is intended to address the following topics:

- a) proposed land use(s) for various parts of the plan area;
- b) the effect of proposed development on adjacent land uses;
- c) the integration of the natural landscape regarding the planning and design of the area;
- d) the location of, and access to, major transportation routes and utility corridors;
- e) the provision of services, and the relationship to existing infrastructure within the Town;
- f) sustainable development and environmental management practices regarding surface and groundwater resources, storm water management, flooding and protection of significant natural areas; and
- g) appropriate supplemental information specific to the particular land use.

2.8.2. The CDR must be prepared in accordance with the goals, objectives and policies of the Official Community Plan.

2.8.3. The scope and required detail of the CDR will be based on the scale of the proposed development and its location.

2.8.4. The following items shall be included in the preparation of a CDR:

- a) identification of the purpose and objectives of the proposed development including an inventory of current land uses within the development review area and evidence of compliance with the Official Community Plan policies and Zoning Bylaw regulations.
- b) identification of plan area characteristics including:
 - i) physical site characteristics, regional context, and the size and intensity of development proposed;
 - ii) an inventory of natural and heritage resources including screening of environmental, archaeological, and historically significant areas within and adjacent to the development;
 - iii) identification of potential hazard lands within the plan area and the proposed methods of mitigating the hazards; and
 - iv) identification of the potential impact of proposed development on existing infrastructure and adjacent land uses.
- c) identification of the concept for development including a thorough description and explanation, illustrations, and any technical and professional analysis required to identify:
 - i) proposed land uses;
 - ii) the economic and social benefits and the impact on the development review area and the region providing evidence of positive community integration;
 - iii) the subdivision design including phasing, identification of natural and constructed open space amenities, and allocation of Municipal and Environmental Reserve;
 - iv) the identification of existing and required utility capacity including but not limited to power,

- natural gas, telecommunications, water supply, and onsite wastewater disposal systems;
 - v) evidence that the carrying capacity of the soil within the plan area is sufficient to accommodate the proposed structures and waste water created by the development, and that the anticipated effect on the regional surface and groundwater systems quantity and quality is minimized; sufficient capacity to contain storm water and surface runoff locally to accommodate a 1:100 year flood event, with no significant increase in offsite flows resulting from development of the area;
 - vi) the proposed buffering from, or integration with, adjacent land uses;
 - vii) the impact of human activity and development on the natural environment and plans for the conservation, management and integration of existing natural features within the plan area;
 - viii) a transportation plan for the area identifying road requirements, major commuting routes and the potential impact of development on current roadway infrastructure; and
 - ix) the local capacity of fire and protective services, schools and other supportive community and recreational facilities.
- d) The applicant shall provide evidence of significant and effective public consultation acknowledging and attempting to incorporate the findings within the development proposal wherever possible to ensure that the development is perceived as beneficial to the area. The information required as part of the review process includes but is not limited to:
- i) submission of a consultation plan, identifying the program and timing of consultation;
 - ii) submission of a summary of findings, clearly identifying ideas and areas of support and

challenges presented through the consultation process; and

- iii) identification of strategies to respond to the challenges presented within the consultation, and how potential solutions may be incorporated within the proposal.

2.9. Contract Zoning

2.9.1. Council may enter into an agreement respecting the rezoning of land in accordance with the guidelines established by the Official Community Plan on contract zoning.

2.9.2. Council may in the agreement include:

- a) a description of the proposal
- b) reasonable terms and conditions with respect to the uses of the land and buildings or forms of development
- c) the site layout and external design including parking areas, landscaping, and access and egress
- d) a time limit in which the development must occur in accordance with the agreement, otherwise the site will revert to the previous zoning classification
- e) that on the rezoning of the land none of the land or buildings shall be developed or used except in accordance with the proposal, terms and conditions and time limit prescribed in the agreement.

2.9.3. Council may require the payment of a performance bond prior to execution of the agreement for rezoning to assure that the terms of the agreement are implemented.

The rezoning agreement will not be signed until the public has had an opportunity to examine the proposed rezoning through a public notice. Public notice and review will be in accordance with the procedure and public notification process provided in Part X of *The Act*. Final reading of the amending bylaw will be subject to the signing of the agreement. The amendment of the Zoning Bylaw shall

take effect upon registration of the interest as contained in Subsection 2.9.8.

- 2.9.4. As required by *The Act*, an interest will be registered against the lands affected by the agreement binding the owner of the land and future landowners to the agreement.
- 2.9.5. The Council may, on application by the person who entered into an agreement pursuant to this Section or by any Subsequent owner of land to which the agreement pertains:
- a) vary the agreement
 - b) enter into a new agreement
 - c) extend any time limit prescribed in an agreement.
- 2.9.6. The Council may declare a rezoning agreement void where:
- a) any of the land or buildings are developed or used contrary to the provisions of the agreement.
 - b) the development fails to meet a time limit prescribed by an agreement.
- 2.9.7. Where Council voids a contract agreement, the Zoning District of land reverts to the District in which it was before rezoning by contract.
- 2.9.8. Where the Council voids an agreement, Council will:
- a) give notice of the cancellation and the effect of the cancellation in one issue of a newspaper circulated in the Municipality; and
 - b) withdraw the interests registered in connection with the agreement.
- 2.9.9. The symbol "C" will be attached to the appropriate Zoning District designation for the property in order to identify land that is zoned by an agreement.

2.10. Compliance with Other Bylaws

- 2.10.1. Errors and/or omissions by any person administering or required to comply with the provisions of this Bylaw do not relieve any person from liability for failure to comply with the provisions of this Bylaw.

- 2.10.2. In their interpretation and application, the provisions of this Bylaw shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and general welfare.

- 2.10.3. Nothing in this Bylaw shall exempt any person from complying with the requirements of a building bylaw or any other bylaw in force within the Town or law within the Province of Saskatchewan or Canada; or from obtaining any license, permission, permit, authority, or approval required by this or any other bylaw of the Town or any law of the Province of Saskatchewan or Canada. Where requirements in this Bylaw are in conflict with those of any other municipal, provincial, or federal requirements, the more stringent regulations shall prevail.

2.11. Development Appeals Board

Establishment

- 2.11.1. Council shall appoint a Development Appeals Board in accordance with *The Act* within ninety (90) from the effective date of this Bylaw in accordance with Sections 49 and 214 to 218 of *the Act*.
- 2.11.2. The Development Appeals Board shall be composed of five members. All vacancies, as they occur, shall be filled by a resolution of Council.

Duties and Powers

- 2.11.3. The Development Appeals Board is bound by the Official Community Plan.
- 2.11.4. The Development Appeals Board may confirm, revoke, or vary the decision or development permit or any condition attached to any of these, or substitute a decision or permit that it considers advisable.
- 2.11.5. The Development Appeals Board shall adhere to the requirements of *The Act*.
- 2.11.6. The Board shall elect one of its members as Chair, who may administer oaths, affirmations, or declarations.

- 2.11.7. The Development Appeals Board shall keep records of its proceedings. These proceedings shall be filed in the municipal office and shall be a public record.
- 2.11.8. Where a member of the Development Appeals Board has a pecuniary interest in the matter before the Board, that member is duty bound to declare a conflict of interest and shall not take part in the proceedings or be entitled to vote on the matter.
- 2.11.9. Council may establish a separate bylaw to provide for the payment of remuneration to the board members in any amount that Council may determine.

Right to Appeal

- 2.11.10. *The Act* provides the right to appeal the Zoning Bylaw where a Development Officer:
 - a) is alleged to have misapplied the Zoning Bylaw in issuing a development permit;
 - b) Refuses to issue a development permit because it would contravene the Zoning Bylaw; or
 - c) Issue an order, based on inspection, to the owner, operator, or occupant of land, buildings, or premises considered to contravene the Zoning Bylaw.
 - d) Appellants also may appeal where they are of the opinion that development standards prescribed by the Town with respect to a discretionary use exceed those necessary to secure the objectives of the Zoning Bylaw and the Official Community Plan. This right of appeal extends thirty days after the issuance or refusal of a development permit or order.
 - e) The Development Officer shall make available to all interested persons copies of the Development Appeals Procedures Handbook outlining the procedures and fees associated with filing an appeal.

2.12. Minor Variances

- 2.12.1. A minor variance may be granted for the relaxation of the minimum required distance of a building from a lot line.

- 2.12.2. The maximum amount of a minor variance shall be 10% variation from the requirements of this Bylaw.
- 2.12.3. The development must conform to all other requirements of this Bylaw.
- 2.12.4. The relaxation of the bylaw requirement must not injuriously affect a neighbouring property.
- 2.12.5. No minor variance shall be granted for a discretionary use or form of development in connection with an agreement to rezone pursuant to *The Act*.
- 2.12.6. An application form for a minor variance shall be in a form prescribed by the Development Officer and shall be accompanied by the required fee.
- 2.12.7. Upon receipt of a minor variance application the Development Officer may:
 - a) approve the minor variance;
 - b) approve the minor variance and impose terms and conditions on the approval; or
 - c) refuse the minor variance.
- 2.12.8. Terms and conditions imposed by the Development Officer for a minor variance shall be consistent with the general development standards in this Bylaw.
- 2.12.9. Where a minor variance is refused, the Development Officer shall notify the applicant in writing, providing reasons for the refusal.
- 2.12.10. Where a minor variance is approved, with or without terms and conditions, the Development Officer shall provide written notice to the applicant and to the assessed owners of the property having a common boundary with the applicant's land that is the subject of the approval.
- 2.12.11. The written notice shall contain:
 - a) a summary of the application;
 - b) reasons for and an effective date of the decision;
 - c) notice that an adjoining assessed owner has 20 days to lodge a written objection with the Development Officer, which, if received, will result in the approval of the minor variance being revoked; and

- d) where there is an objection and the approval is revoked, the applicant shall be notified of the right to appeal to the Development Appeals Board.
- 2.12.12. A decision to approve a minor variance, with or without terms and conditions, does not take effect until 23 days from the date the notice was mailed.
- 2.12.13. If an assessed owner of a property having an adjoining property with the applicants land objects to the minor variance in writing to the Development Officer within the prescribed 20 day time period, the approval is deemed to be revoked and the Development officer shall notify the applicant in writing:
 - a) of the revocation of the approval; and
 - b) of the applicant's right to appeal the revocation to the Development Appeals Board within 30 days of receiving the notice. If an application for a minor variance is refused or approved with terms or conditions, the applicant may appeal to the Development Appeals Board within 30 days of the date of that decision.

2.13. Zoning Bylaw Compliance Certificate

- 2.13.1. The Development Officer may issue a Zoning Bylaw Compliance Certificate for any use, building or structure which is in conformance with this Bylaw or is deemed to be a legal non-conforming use, building or structure.
- 2.13.2. The applicant for a Zoning Bylaw Compliance Certificate shall provide the Development Officer with any information that may be required, including information on the existing and past use of the land or buildings on the property, and a Real Property Report prepared by a registered Saskatchewan Land Surveyor where applicable.

2.14. Amendment of the Zoning Bylaw

- 2.14.1. Council may amend this Bylaw at any time, upon its own initiative or upon request, provided that the amendments

are in keeping with the intent of the Official Community Plan.

- 2.14.2. Council shall require applicants requesting an amendment to this Bylaw, or approval of a discretionary use that Council wishes to advertise prior to issuance of advertisement of the application in addition to the required application fee.
- 2.14.3. Where an application is made to rezone land to permit the carrying out of a specified proposal, the Town may, for the purpose of accommodating the request, enter into an agreement with the applicant pursuant to *The Act*.
- 2.14.4. The following provisions shall apply in the review of applications for rezoning by agreement:
 - a) Terms of Agreement: The Town may enter into an agreement with the applicant setting out a description of the proposal and reasonable terms and conditions with respect to:
 - i) the uses of the land and buildings and the forms of development;
 - ii) the site layout and external design, including parking areas, landscaping, and entry and exit ways; and
 - iii) any other development standards considered necessary to implement the proposal, including all appropriate standards from the requested zoning district.
 - b) Use Limitations: The Town may limit the use of the land and buildings to one or more of the uses permitted or discretionary in the requested zoning district.
- 2.14.5. A zoning designation which is subject to an agreement entered into pursuant to the provisions of *The Act* shall be indicated on the Zoning Map by the addition of the bylaw number authorizing the agreement after the zoning district designation.

2.15. Enforcement, Offences and Penalties

Inspection

- 2.15.1. Where the Development Officer has reasonable grounds to believe that development of property contravenes any provision of the Zoning Bylaw, he/she may at a reasonable time, and with the consent of the owner, operator, or occupant, or having been refused consent, with a warrant, enter any land, building, or premises for the purposes of inspection.

Order by the Development Officer

- 2.15.2. Where the Development Officer has determined that a violation of this Bylaw has occurred, the Development Officer may issue an order to correct the violation pursuant to Section 242 of *The Act*.
- 2.15.3. The order shall specify the contravention, and may require the owner, operator, or occupant to do any or all of the following: discontinue the development, alter the development so as to remove the contravention, restore the land, building or premises to its condition immediately prior to the development or form of development, and complete the work necessary to comply fully with the Zoning Bylaw.
- 2.15.4. The order shall specify the time when the actions required by Clause (2) are to be complete and shall advise of the rights of appeal.
- 2.15.5. The Development Officer may register an interest against the title to the property, based on the order, and shall discharge the interest once the order is complied with.
- 2.15.6. The Development Officer may apply to the Court of Queen's Bench to enforce the order, or the order as amended by the Development Appeal Board or the Saskatchewan Municipal Board on an appeal.

Penalties

- 2.15.7. Any person who violates this Bylaw may be charged and liable on summary conviction to the penalties in *The Act*.

2.16. Fees and Advertisements

- 2.16.1. Council shall by Bylaw establish a fees schedule for amendment to Zoning Bylaw including contract zoning applications, development permit applications, minor variances and related advertising requirements.

2.17. Development Agreement

- 2.17.1. Where development requiring a permit is proposed in the absence of subdivision that results in additional capital costs incurred by the Town, the developer shall be required to enter into a development agreement to address the specifications of the development and provisions for payment of any levies deemed necessary by Council pursuant to the provisions of *The Act*.

2.18. Servicing Agreements

- 2.18.1. Where a development proposal involves a subdivision, the Town may require a developer to enter into a servicing agreement to ensure appropriate servicing pursuant to *The Act*, Council may direct the Administration to vary the agreement on a case-by-case basis, or not require it.
- 2.18.2. The agreement may provide for:
- a) specifications for the installation and/or construction of all services within the proposed subdivision as required by Council;
 - b) for the payment by the applicant of fees that Council may establish as payment in whole or in part for the capital cost of providing, altering, expanding or upgrading sewage, water, drainage and other utility services, municipal roadway facilities, or park and recreation space facilities, located within or outside the proposed subdivision, and that directly or indirectly serve the proposed subdivision;
 - c) time limits for the completion of any work or the payment of any fees specified in the agreement, which may be extended by agreement of the applicant and the Town;

- d) provisions for the applicant and the Town to share the costs of any work specified in the agreement; and
- e) any assurances as to performance that Council may consider necessary.

Part 3: General Regulations

3.1. Accessory Buildings

- 3.1.1. Subject to all other requirements of this Bylaw, an accessory building, use or structure is permitted in any district when accessory to an established principal use which is permitted or discretionary use in that same district, when the accessory use is a permitted or discretionary use in that same district; and for which a development permit has been issued.
- 3.1.2. No accessory building or structure may be constructed, erected or moved on to any site prior to the time of construction of the principal building to which it is accessory unless the accessory building is essential for the completion of the construction of the principal building and where a building and development permit for the principal use has been issued.
- 3.1.3. Where a building on a site is attached to a principal building by a solid roof or by structural rafters, and where the solid roof or rafters extend at least one third of the length of the building wall that is common with the principal building, the building is deemed to be part of the principal building.
- 3.1.4. Accessory buildings attached to the principal dwelling will be considered part of the principal dwelling and shall comply with the regulations applicable to the principal building for the applicable land use district.
- 3.1.5. Accessory structures in non-residential districts are subject to the development regulations for that district.
- Location and Size of Accessory Buildings***
- 3.1.6. Accessory buildings shall be subordinate to and located on the same lot as the principal use.
- 3.1.7. Accessory buildings on corner lots shall be subject to the side and front yard requirements of the principal building on those lot sides which abut streets.

- 3.1.8. Accessory buildings shall not be permitted in any required front yard.
- 3.1.9. Detached accessory buildings in a residential district shall be subject to the following requirements, unless the district already has front, rear and side yard requirements for that specific building:
- a) Minimum front yard – the front building line of the principal building
 - b) Minimum rear yard – 1m (3.3ft)
 - c) Minimum side yard – 1m (3.3ft)
- 3.1.10. Accessory buildings in a residential district that exceed 66.9m² (720ft²) shall be considered a discretionary use.

3.2. Non-Conforming Buildings, Uses and Structures

- 3.2.1. Any use of land or any building or structure lawfully existing at the time of passing of this Bylaw that is rendered non-conforming by the enactment of this Bylaw or any subsequent amendments, may be continued, transferred, or sold.
- 3.2.2. An existing non-conforming use or intensity of use may be continued if the use conformed to this Bylaw that was in effect at the time of the development and has not been discontinued for 12 consecutive months.
- 3.2.3. Non-conforming buildings or sites may continue to be used, maintained, and repaired in their present form.
- 3.2.4. No enlargement, additions, or reconstruction of a non-conforming use, building, or structure shall be undertaken, except in conformance with Section 90 of *The Act*.
- 3.2.5. Beyond the provision of accessible municipal records, the burden of establishing that a use, building, or structure was lawfully established and remains as a legal non-conforming use, building, or structure shall be upon the owner of the use, building or structure.

3.3. Heritage Sensitivity and Critical Wildlife Habitat

- 3.3.1. Where development is proposed in an area identified as containing critical wildlife habitat or heritage sensitive areas, the Development Officer may require the applicant provide additional information as required by any other relevant provincial regulations.

3.4. Development Along Environmental and Flood Hazard Lands

- 3.4.1. Development or subdivision proposed on or within 30 m (100 ft) of the crest of a slope greater than 20% shall require supporting evidence of slope stability by a Professional Engineer licensed to practice in the Province of Saskatchewan.
- 3.4.2. The Development Officer, in consultation with a geotechnical engineer, may impose special conditions on a development permit, including but not limited to, engineered footings or specialized drainage and or septic systems in an effort to protect against erosion and or stability of the bank.
- 3.4.3. Trees or vegetation shall not be cleared from any land within 20 m (66 ft) of any watercourse, water body, escarpment, or of the crest of a slope greater than 20%, where the removal could have a negative impact on the water body or bank stability.
- 3.4.4. Any development including new buildings or additions to new buildings in the flood way of the 1:500 year flood elevation of any water course or water body will be prohibited.
- 3.4.5. Where a site borders on or contains a water body or low lying area, the setback from the bank of the water body shall be determined by the Town but shall not be less than 30 m (98.4 ft) from the top of the bank of a water body of 8 ha (20 acres) or more. In addition, the Development Officer, may require the applicant to submit a report by a

registered Professional Engineer licensed to practice in the Province of Saskatchewan, to establish the 1:500 year flood plain line outlining the developable area within the site and require flood proofing of new buildings and additions to buildings to an elevation 0.5m above the 1:500 year flood elevation of any watercourse or water in the flood fringe.

3.5. Private Wastewater Treatment Facilities

- 3.5.1. Private wastewater treatment facilities are not permitted in areas of the Town which are serviceable from existing municipal wastewater lines.
- 3.5.2. The Development Officer, in conjunction with appropriate provincial regulatory agencies, shall determine the suitability of a site proposed for subdivision to accommodate a private wastewater treatment system within the subdivision review process.
- 3.5.3. A development permit shall not be issued for a residential development, which does not have access to municipal wastewater facilities, until all appropriate permits have been obtained from appropriate provincial regulatory agencies and all Municipal standards have been met for the private wastewater treatment system.
- 3.5.4. Individual property owners are solely responsible for all fees associated with the inspection of individual wastewater disposal systems by a contracted, licensed professional.
- 3.5.5. Subdivision proposed for vacant lot which does not have access to municipal wastewater facilities will only be approved subject to the condition that inspection conducted in consultation with appropriate regulatory agencies and other qualified professionals shows the site is suitable for the proposed private wastewater treatment facilities.
- 3.5.6. Subdivision proposed for a lot containing residential development, otherwise known as a lot split, will only be approved subject to the condition that an inspection is conducted in consultation with appropriate regulatory

agencies and other qualified professionals which shows that any existing private wastewater treatment facilities are functioning properly.

- 3.5.7. Where an inspection report indicates that an individual onsite wastewater disposal system is not functioning properly, the property owner is responsible for undertaking all necessary improvements or repairs in a timely manner at his or her own expense.

3.6. Demolition of Buildings

- 3.6.1. No building shall be decommissioned or removed from a property within the area covered by this Bylaw without first obtaining a development permit from the Development Officer.
- 3.6.2. An application shall be submitted to the Development Officer along with any required fees and deposits including an explanation of the means by which it shall be decommissioned and disposed.
- 3.6.3. A building shall not be decommissioned or removed from a property until the Development Officer is satisfied that there are no debts or taxes in arrears or taxes outstanding with respect to the building or land on which the building is situated.
- 3.6.4. The Development Officer may require a deposit equal to the costs of restoring the site after the building has been demolished or removed to such condition that it is, in the opinion of the Development Officer, not dangerous to public safety.
- 3.6.5. Upon completion of the demolition, the applicant shall notify the Development Officer to arrange for an inspection of the premises. If in the opinion of the Development Officer, the debris has been properly disposed of and the site has been restored to a condition satisfactory to the Development Officer, the sum deposited, or portion thereof, shall be refunded.

3.7. Buildings to be Moved

- 3.7.1. No building, including, but not limited to any residential commercial or industrial building, shall be moved within or into the area covered by this Bylaw without first obtaining a development permit, subject to the standards required for new construction, and to obtaining any other required municipal or provincial permit.

3.8. Site Development Regulations

Permitted Yard Encroachments

- 3.8.1. The following shall not be considered in the determination of setback distances within any yard:
- a) uncovered and open balconies, terraces, verandas, and patios having a maximum projection from the main wall of 1.8 m (6 ft.) into any required front or rear yard;
 - b) window sills, roof overhangs, eaves, gutters, bay windows, chimneys, and similar alterations projecting a distance of 0.6 m (2 ft.) into any required yard.

Uses of Objects Prohibited or Restricted in Yards

- 3.8.2. No development or use of land which requires the disposal of solid waste, liquid waste, gaseous waste or clean fill shall be permitted unless it has received all required federal, provincial or municipal approvals.
- 3.8.3. The storage of chemicals, fertilizers, and combustible materials are subject to the requirements of both the Federal and Provincial Governments. All necessary requirements and permits must be met and obtained prior to the storage of hazardous substances.

Grading and Levelling of Sites

- 3.8.4. The Development Officer may require, as a condition of approval for a development permit, that an applicant submit a lot grading and drainage plan to the Town for approval.
- 3.8.5. Where a proposed development alters site drainage potentially affecting adjacent or downstream properties,

the applicant shall be required to submit an engineered design for the proposed drainage works incorporating sufficient capacity to accommodate surface water runoff for a 1:100 year storm event with no incremental increase in offsite flows in excess of what would have been generated from the property prior to the new development.

- 3.8.6. Where a storm retention pond is proposed to manage surface water runoff and the retention pond does not have a defined offsite outlet or relies primarily on evaporation to recharge the pond's holding capacity, the pond shall be designed to accommodate an additional 25% storage capacity above the 1:100 year storage requirement.
- 3.8.7. Drainage works shall be constructed at the owner's expense to provide for adequate surface water drainage that does not adversely affect adjacent properties, or the stability of the land.
- 3.8.8. All excavations or filling shall be re-vegetated immediately after other construction activities conclude, with a suitable ground cover as may be necessary to prevent erosion.
- 3.8.9. Where excavation or filling is proposed for any development in an area identified as a floodplain area, the Development Officer may consult and request comments from the Saskatchewan Watershed Authority prior to making a decision on the development permit application.
- 3.8.10. All topsoil from an area that is to be re-graded must be stripped, stockpiled, and replaced on the re-graded area, or re-located to a site approved by the Development Officer.

Landscape Design and Maintenance

- 3.8.11. All sites at all times shall be maintained clean and free from waste and debris.
- 3.8.12. The outdoor storage or collection of goods and materials in a front yard in any residential district which, in the opinion of the Development Officer, is unsafe, unsightly, or

adversely affects the amenities of the zoning district is prohibited.

- 3.8.13. The Development Officer may require that site landscaping be provided in conjunction with, and addressed as part of any development permit approval in any zoning district and shall reflect the character and amenity of the neighbourhood.

Outdoor Storage

- 3.8.14. Outdoor storage is permitted in a side or rear yard in a residential district only when the goods or materials being stored are clearly accessory, temporary and incidental to the principal use of the property and properly screened where deemed necessary by the Development Officer.
- 3.8.15. The Development Officer when considering a development permit application for uses which involve the outdoor storage of goods, machinery, vehicles, motors, building materials, waste materials and other similar uses may impose conditions requiring the use and maintenance of landscaping, berming, fencing, vegetation or other screening of a location, length, thickness, type, height and extent that is considered necessary to buffer the proposed development from adjacent or neighbouring land uses.
- 3.8.16. All bulk outdoor storage of waste materials, unfinished goods, or unsightly elements shall be enclosed by buildings, or screened by landscape features, fences, or a combination thereof of above of at least 2 metres in height.

Commercial and Industrial Landscape Requirements

- 3.8.17. The requirements contained herein shall apply to all new development on previously undeveloped commercial or industrial lands, where a change in the principal land use is proposed, or where in the opinion of the Development Officer that new development significantly increases the intensity of use on the lands.
- 3.8.18. Every attempt should be made to preserve and protect existing trees and vegetation during construction.

- 3.8.19. Development permit applications shall include a landscape plan to clearly indicate and accurately identify the following:
- a) a site plan drawn to scale, including dimensions and distances, a north arrow and necessary interpretive legends;
 - b) boundaries and dimensions of the site; location and name of adjacent streets;
 - c) location of all buildings or structures and all structure-to-property line setbacks distances;
 - d) location and type of all light fixtures both attached and detached;
 - e) the location of all attached and detached signage;
 - f) location of off-street parking and loading areas;
 - g) location of proposed screening including materials and height;
 - h) type and quantity of existing plant materials to be retained;
 - i) location of all soft landscaping proposed, identifying the common and botanical name, location, quantity and spacing;
- 3.8.20. any other information requested by the Development Officer to accurately and thoroughly evaluate the proposed development. All plant material shall be hardy and of a species capable of healthy growth in the Town of Kipling.
- 3.8.21. 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.
- 3.8.22. 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.
- 3.8.23. An applicant shall be required to enter into an agreement with the Town to ensure the landscape plan complies with all relevant requirements of this Bylaw.
- 3.8.24. A development permit shall not be issued until all landscape requirements are complied with in accordance with the approved landscape plan.
- 3.8.25. All landscaping requirements shall be completed in accordance with the municipally approved scheduled date of completion.
- 3.8.26. Any significant changes to an approved landscape plan must be authorized by the Development Officer.
- Commercial and Industrial Lighting**
- 3.8.27. All outdoor lighting for any development shall be located and arranged so that:
- a) no direct rays of light are directed at any adjoining properties;
 - b) it does not interfere with the use and enjoyment of neighbouring lands;
 - c) create unnecessary light pollution; or
 - d) interfere with the effectiveness of any traffic control devices or the vision or safety of motorists.
- 3.8.28. Appropriate lighting of commercial and industrial development shall be undertaken to provide security and to add visual interest. Lighting standards and fixtures shall be of consistent design and complimentary to the overall architecture.
- Building Height**
- 3.8.29. All building heights must conform to the building height regulations within the subject land use zone.
- 3.8.30. In determining whether a development conforms to the maximum height permitted in any district, structures such as industrial processing towers, chimney stacks, monuments, steeples, elevator housings, roof stairway entrances, ventilating equipment, skylights, or flagpoles for federal, provincial, or municipal flags shall not be considered for the purpose of determining the height.

3.9. Signage

- 3.9.1. No building, or lot shall be used and no sign shall be erected, altered, enlarged or maintained upon any property, lot, premise or street in any district, by any person, except in conformity with regulations outlined in the following sections:
- 3.9.2. The provisions of these regulations shall not be construed as to limit or interfere with the erection and maintenance on public streets, public lanes or public places of signs which are designed and intended for the safety or protection of the health and general welfare of the public, which are essentially for the maintenance and protection or efficient operation of public service and public property or which are primarily intended for direction of the public and identification of establishments or places of public service which are clearly not operated for the purpose of gain.
- a) On any lot in any Residential District or Urban Reserve District, signs are only permitted as follows: unless otherwise provided, only one permanent sign is permitted on any lot or building;
 - b) up to two temporary signs bearing notice of sale or lease, sale of produce or other information relating to a temporary condition affecting the property;
 - c) unless otherwise provided, permanent signs shall be fascia signs affixed to the principal building;
 - d) the maximum fascia area of any sign in any residential district is 0.5 m² (5.8 ft²) unless otherwise specified;
 - e) the maximum height of freestanding signs is 2.5m (8.2ft); and
 - f) where permitted, freestanding signs are to be located at least 3 m from any lot lines and not within any sight line triangle.
- 3.9.3. Dwelling, multiple unit and non-residential uses may erect two signs, subject to the following:
- a) one sign may be freestanding; and

b) one sign may have a fascia area not exceeding 2.2m² (24.8ft²).

3.9.4. All signs shall be located wholly within the lot and shall not create visual obstructions or jeopardize public safety.

3.9.5. In Commercial and Industrial Districts the following regulations apply:

- a) other than billboard signs, only signs advertising the principal use of the lot or building, or the principal products offered for sale may be located on any lot.
- b) illuminated signs shall have an internal light source or an external light source shielded so that the light is directed at the face of the sign.
- c) all signs shall provide a minimum clearance of 3m (9.8ft) between the bottom of the sign and a street or sidewalk.
- d) All signs except for canopy signs shall be located wholly within the lot lines of the lot in which they are located.
- e) The sign shall be located a minimum distance of 1m (3.3ft) from any lot line and shall not be located within a sight line triangle.
- f) Specific Sign Regulations are found in Figure 1.

Figure 1 – Specific Sign Regulations

Sign Type	Regulations
Fascia Sign	For signs under 300mm (15.7in) in depth, the sign shall not extend past the edges of the wall on which it is attached or painted and the area shall not exceed 20% of the area of the wall to which it is attached.
Canopy Sign	No part of the sign shall extend past the edges of the awning, canopy or freestanding canopy on which it is attached or painted.
Roof Sign	Maximum fascia area of 20 m ² (233.3ft ²) except 2m ² (23.3ft ²) in the Downtown Commercial Districts. The sign shall not project more than 4.5m

	(14.8ft) above the roof.
Projecting Sign	The maximum projection from a wall is 2.2m (7.2ft). The maximum fascia area is 4m ² (46.7ft ²) except in the Downtown Commercial District where the sign shall not exceed 2m ² (23.3ft ²). The height of the top of the projecting sign shall be higher than the top of the wall to which it is attached.
Freestanding Sign	The maximum total fascia area shall not exceed 40m ² (431ft ²) provided that no single face of such sign exceeds 20m ² (215ft ²) in area. The maximum height is 12.6m (41.34ft).
Billboard Sign	The maximum total fascia area including both faces of the sign shall not exceed 40m ² (431ft ²).

3.10. Parking and Loading

- 3.10.1. Parking and loading facilities shall not be used for driveways, access or egress, commercial repair work, or the display, sale or storage of goods of any kind.
- 3.10.2. Required parking and loading facilities shall provide for and include an adequate, safe and convenient arrangement of vehicular points of ingress or egress, driveways, internal roadways, aisles and ramps, unloading and loading of motor vehicles all in relation to buildings and entry points to buildings on the site.
- 3.10.3. Where a proposed development will, from time to time, require pick-up or delivery of commodities, it may be required that adequate space for loading and unloading be provided and maintained on the site to the satisfaction of the Development Officer.
- 3.10.4. A loading space shall be designed and located so that all vehicles using that space can be parked and maneuvered entirely within the bounds of the site without backing to or from adjacent streets, except in the Downtown Commercial District, where it can happen on the public street during limited time periods.

- 3.10.5. Parking stalls and loading spaces shall be so constructed that:
- every access to an off-street parking space or loading area shall be hard-surfaced if the access is from a street or public lane that is hard-surfaced;
 - adequate access to, and exit from, each stall is provided at all times by means of maneuvering aisles designed to the satisfaction of the Development Officer; and
 - curb cuts will be provided and located as necessary to the satisfaction of the Development Officer.
- 3.10.6. Parking lot design shall ensure that all grades and drainage shall dispose of surface water. In no case shall grades be established that would permit surface drainage to cross any sidewalk or site boundary without the approval of the Development Officer.

Parking Area Provisions

- 3.10.7. The parking facility shall be located on the same site as the use for which it is intended. It shall be developed such that:
- it is reasonably accessible to the use and vehicles it is intended to serve;
 - it includes appropriately landscaped areas and pedestrian walkways to the satisfaction of the Development Officer;
 - all parking facilities shall be maintained to the satisfaction of the Town by the owner of the property;
 - each parking space within a parking facility shall be a minimum of 2.5 metres (8.2 ft) wide and 6 metres (19.7 ft) long except that parallel parking spaces shall be a minimum of 6.5 metres (21.3 ft) long;
 - where two or more uses are permitted on any one site the off-street parking requirements for each use shall be calculated as if each is a separate use and the total number of off-street parking spaces so calculated shall be provided, excepting the provisions specifically referred to in the previous subsection

unless the applicant can demonstrate that the two uses will have different peak parking periods and would be appropriate for shared parking arrangements; and

- 3.10.8. Every on-site parking or loading area that is illuminated shall have all lighting positioned in such a manner that light falling onto abutting properties is minimized.
- 3.10.9. Any off street parking facility shall be developed to the satisfaction of the Development Officer within 1 year of the completion of the development for which the development permit was issued.
- 3.10.10. Parking space requirements are outlined in Figure 2.

Figure 2 – Parking Space Requirements by Land Use

Use	Spaces Required
Dwelling, Multiple Unit	1.24 parking spaces for each dwelling unit
Dwelling (all other), including modular homes and mobile homes	1 parking space per dwelling unit and rentable unit
Day Care Centre	1 parking space for every 3 employees plus 1 parking space for every 12 children
Bed and Breakfast	One (1) parking space per guest room plus one (1) parking space for the residential dwelling unit
Commercial, Retail and Commercial, Large Format	One (1) parking space for every 18 m ² (194 ft ²) of gross floor area.
Food Service, Lounge	1 parking space for every 17 m ² (183ft ²) of building floor area
Home Based Business, Minor	One (1) parking space

	per two (2) employees plus one (1) parking space for the residential dwelling unit
Home Based Business, Major	One (1) parking space per two (2) employees plus one (1) parking space for the residential dwelling unit
Industrial, General; Warehouse Sales	1 parking space for every 46m ² (495ft ²) of building floor area, or 1 parking space for each 3 employees, whichever is greater
Place of Worship Community Centres and other places of assembly	One (1) parking space for every 9 m ² (97 ft ²) of gross floor area devoted to public use, or one parking space for each six (6) seats provided for patrons; whichever is greater.
Recreation, Passive; Recreation, Active; Recreation, Commercial; Sports Arena	One (1) parking space for every 18 m ² (194 ft ²) of gross floor area. Where the use does not include measurable floor space within an acceptable principal building, parking requirements shall be determined by Council on a case to case basis based upon projected peak use and typical use parking requirements.
Hotels, Motels and Dwelling, Rooming	1 parking space for each rentable unit

Hospital, Nursing Home, Personal Care Home, Residential Care Facility,	1 parking space for every 3 employees, plus 1 visitor parking space for every 6 beds
Campground, Warehouse, Wholesale Establishment	1 parking space for every staff member
School (high school)	1 parking space for each staff member, plus 3 parking spaces for each classroom or instructing area
School (other)	1 parking space for each staff member

Loading

- 3.10.11. The minimum size of an off street loading space shall be 17m² (183ft²).
- 3.10.12. In Commercial, Industrial and Downtown Revitalization Districts, where the use of a building or lot involves the receipt, distribution or dispatch by vehicles of materials, goods or merchandise, adequate space for such vehicles to stand for loading and unloading shall be provided on the lot or on the land adjacent to the building in conformity with Figure 3.

Figure 3 – Loading Space Requirements

Gross Floor Area	Spaces Required
93m² to 1,300m² (1,001ft² to 13,994ft²)	1 loading space
1,301m² to 2,787m² (13,995ft² to 30,000ft²)	2 loading spaces
Over 2,787m² (30,000ft²)	2 loading spaces plus 1 additional loading space for each 6503m ² (70,000ft ²) over 2,787m ² (30,000ft ²)

3.11. Geotechnical Analysis

- 3.11.1. Geotechnical Analysis will be required prior to issuance of a development permit or subdivision approval if the proposed development is to be located on a site that may be subject to:
 - a) flooding;
 - b) earth movement or instability; or
 - c) is otherwise unsuitable for development or hazardous for the proposed use.
- 3.11.2. The geotechnical report shall be completed and approved by a Professional Engineer in the Province of Saskatchewan.
- 3.11.3. The report shall indicate the suitability of the site and may indicate appropriate remedial measures for the site.
- 3.11.4. Remedial measures may be specified as conditions in the development permit.

3.12. Sight Lines

- 3.12.1. Every site shall provide a clear line of sight for motorists and pedestrians:
 - a) approaching a street intersection; and
 - b) exiting from driveways, walkway or lanes onto a street.
- 3.12.2. On a corner lot in any district, no hedge, planting, tree, fence or other structure not being a building shall be erected, placed, or maintained within the triangular area formed by the intersecting property lines and the straight line joining said property lines at points which are 7.5m (24.6ft) distant from the point of intersection, measured along said property lines, to a height greater than 1.0 metres.
- 3.12.3. Exceptions may be considered for existing or planned encroachments where traffic speed or regulation (signage) can be adjusted to provide safe intersection visibility or where an engineering study recommends alternatives acceptable to Council.

- 3.12.4. Fences constructed along any property line outside of a clear sight line triangle shall be fully contained within the property boundaries.
- 3.12.5. Trees or shrubs planted near or parallel to any site line outside of a clear sight line triangle shall be setback sufficiently from the site line to eliminate overhang outside of the property boundaries.

3.13. Accesses and Approaches

- 3.13.1. Development adjacent to a provincial highway shall meet all provincial regulations respecting access to and the location of structures on the site.
- 3.13.2. A development permit shall not be issued for any use unless the site intended to be used, or upon which a building or structure is to be erected, abuts, or has frontage on a Town roadway or provincial highway.
- 3.13.3. All site access from municipal roadways shall be to the satisfaction of the Town Engineer with respect to location, design, and construction standards. The Town Engineer shall take into account safety and the physical capability of roads that are proposed to serve the development.
- 3.13.4. All approaches shall be constructed in accordance with the engineering standards of the Town or as authorized by the Town Engineer.

3.14. Metric Conversion

- 3.14.1. Where a building was constructed or a site created under a bylaw using the Imperial System of Measurement, a standard under that bylaw that was converted and rounded to an approximate metric measure in a subsequent bylaw, shall be deemed equivalent for the purpose of regulation of that site or building.

Part 4: Specific Regulations

4.1. Bed and Breakfast

- 4.1.1. Bed and breakfasts may be located in a detached one unit dwelling or in a two-unit dwelling. No exterior alterations shall be undertaken which would be inconsistent with the residential character of the building or property.
- 4.1.2. Bed and breakfasts shall be located in a dwelling used as the operator's principal residence.
- 4.1.3. Bed and breakfasts shall be licensed by the Ministry of Health and shall have a fire safety inspection report issued prior to occupancy as a bed and breakfast home.
- 4.1.4. The Development Officer may specify the maximum number of approved guest rooms. Any increase in number of guest rooms shall require a new development permit.
- 4.1.5. Off street parking will be provided in accordance with Section 3.10 – Parking and Loading.
- 4.1.6. One sign identifying the bed and breakfast home will be permitted in accordance with Section 3.9 - Signage.

4.2. Communications Towers

- 4.2.1. These regulations apply to all communication towers.
- 4.2.2. A development permit is required to erect any communications tower.
- 4.2.3. These regulations supplement the regulations of the Department of Communications (Canada) for the construction or modification of radio communication antenna support structures.
- 4.2.4. At the discretion of the Development Officer, no communication tower will be located where it may impact operations at the Airport located east of the Town.
- 4.2.5. At the discretion of the Development Officer, where the location may have a negative impact on adjacent land uses height restrictions may be applied as a condition of approval of a development permit.

- 4.2.6. Communication towers shall be set back from other on-site and off-site towers, supporting structures and surrounding structures far enough so that one tower will not strike another tower, supporting structure or other building if the structure fails.
- 4.2.7. Ground mounted support structures shall not be permitted in the front yard area.
- 4.2.8. Where communication antenna support structures are principal uses on a site a chain-link fence of not less than 2.5 m (8.2 ft.) high shall be provided around the structure and all access shall be provided through a locked gate.

4.3. Fuel Sales

- 4.3.1. Where operated as the principal use on a lot, gas bars are subject to regulations and standards governing service stations.
- 4.3.2. Where a gas bar is allowed to operate in conjunction with another use on a lot, the following standards and regulations apply:
 - a) All fuel pumps and above ground storage tanks shall be placed and constructed in conformance with Provincial regulations but shall not be placed less than 5m (16.4ft) from any building or the lot line or street.
 - b) The lot shall have at least two separate accesses at least 15m (49.2ft) apart.
 - c) Access and parking for the fuel pumps shall not obstruct access to other required off-street parking spaces on the lot.

4.4. Service Stations

- 4.4.1. On a corner lot, only one access shall be constructed on the flankage, at least 6m (19.7ft) from intersecting street corners.
- 4.4.2. Fuel pumps and other apparatus for dispensing or storage of fuel, located above ground level, shall be placed and constructed in conformance with Provincial regulations but

shall not be placed less than 6m (19.7ft) from any lot line or street.

- 4.4.3. All automobile parts, dismantled vehicles, and similar articles or equipment are to be stored within a building or screened from public view.
- 4.4.4. All parts of the lot to which vehicles have access are to be hard surfaced and drained.

4.5. Home Occupation

- 4.5.1. Notwithstanding other provisions of this Bylaw, a home occupation is subject to the following development standards:
 - a) The operation of the home occupation shall be subordinate and incidental to the principal use of the site as a resident occupied residence.
 - b) The use shall be conducted entirely within the residential dwelling unit and shall not have any exterior evidence of a secondary use on the site.
- 4.5.2. There shall be no outside storage or exterior display of goods, materials, or equipment associated with the applied use.
- 4.5.3. The use shall not create or become a public nuisance.
- 4.5.4. The character of the district in which the home occupation is located shall not be disturbed by dust, noise, smoke or smell generated by the use.
- 4.5.5. Only the residents of the residential dwelling unit shall be employed in the home occupation.
- 4.5.6. The use shall not generate substantially more traffic and parking than is normal for the district in which the use is located.
- 4.5.7. No use requiring electrical or mechanical equipment shall cause a substantial fire rating change in the structure or the district in which the home occupation is located.
- 4.5.8. The use shall be valid only for the period of time the property is occupied by the applicant for such use.
- 4.5.9. All permits issued for a home occupation shall be subject to the condition that the development permit may be revoked

at any time subject to the provisions of Section 242 of *The Act*, if in the opinion of the Development Officer, the operation has not met the regulations and standards applicable to home occupations contained in this Bylaw, or the special standards applied at the time of approval.

- 4.5.10. No external advertising shall be permitted relating to a home occupation.
- 4.5.11. No client visits are permitted.

4.6. Home Based Business

- 4.6.1. The operation of the home based business shall be subordinate and incidental to the principal use of the site as a resident occupied agricultural or country residence.
- 4.6.2. External advertising shall be in accordance with signage requirements provided in the General Regulations.
- 4.6.3. The use shall not create or become a public nuisance.
- 4.6.4. No use shall cause an increase in the demand placed on one or more utilities (water, sewer, electricity, telephone, garbage, etc.) such that the combined total consumption for a residential dwelling unit and its home based business substantially exceeds the average for residential dwelling units in the area.
- 4.6.5. The use shall not generate substantially more traffic and parking than is normal for the district in which the use is located.
- 4.6.6. Offsite parking shall not be allowed.
- 4.6.7. The character of the district in which the home based business is located shall not be disturbed by dust, noise, smoke or smell generated by the use.
- 4.6.8. An applicant shall be required to enter into a development agreement with the Municipality to ensure the home based business complies with all relevant requirements of this Bylaw.
- 4.6.9. No use requiring electrical or mechanical equipment shall cause a substantial fire rating change in the structure or the district in which the home based business is located.

- 4.6.10. The use shall be valid only for the period of time the property is occupied by the applicant for such use. Council may place a limit on the time period for the approval of the discretionary use.
- 4.6.11. All permits issued for a home based business shall be subject to the condition that the development permit may be revoked at any time subject to the provisions of Section 242 of *The Act*, if in the opinion of Council, the operation has not met the regulations and standards applicable to home based businesses contained in this Bylaw, or the special standards applied by Council at the time of approval.
- 4.6.12. Council shall place any additional conditions for approval deemed necessary based upon a specific application to secure the objectives of this Bylaw.

Home Based Business, Minor

- 4.6.13. In addition to the requirements identified in 4.6.1 to 4.6.12, a Minor Home Based Business shall comply with the following:
- a) a Minor Home Based Business shall not occupy more than 25% of the gross cumulative floor area of the principal dwelling and accessory buildings;
 - b) any storage of materials or goods related to the operation of the home based business must be located within the principal dwelling and/or accessory building(s). No outdoor storage is permitted;
 - c) up to 8 onsite client visits per 24 hour period in the RL District or up to four (4) on site client visits per 24 hour period in all other districts shall be permitted;
 - d) a Minor Home Based Business shall be operated by the permanent resident(s) of the principal dwelling, and no more than 2, non-resident on site employees; and
 - e) up to 1 commercial vehicle used in association with a Minor Home Based Business may be parked and/or stored on site.

Home Based Business, Major

- 4.6.14. In addition to the requirements identified in Section 4.6.1 to 4.6.12, a Major Home Based Business shall comply with the following:
- a) A Major Home Based Business shall not occupy more than 40% of the gross cumulative floor area of the principal dwelling and accessory buildings.
 - b) Outside storage of goods, materials, commodities or finished products, where permitted by the development officer:
 - c) shall satisfy the minimum setback requirements for buildings in the district
 - d) shall not exceed 10% site coverage;
 - e) may require the use and maintenance of landscaping, berming, fencing, vegetation or other screening of a location, length, thickness, type, height and extent that is considered necessary to buffer the proposed development from adjacent or neighbouring land uses; and
 - f) shall not be permitted in the front yard.
 - g) Up to 10 onsite client visits per 24 hour period in the RL District or up to 6 on site client visits per 24 hour period in all other districts shall be permitted.
 - h) A Major Home Based Business shall be operated by the permanent resident(s) of the principal dwelling, and no more than four (4), non-resident on site employees.
 - i) Up to 2 commercial vehicles used in association with a Major Home Based Business may be parked, stored and/or maintained on site. On-street parking of commercial vehicles use in association with a Major Home Based Business shall not be permitted.
 - j) The Major Home Based Business use shall not generate noise, smoke, steam, odour, dust, fumes, exhaust, vibration, heat, glare, refuse matter and storage of hazard or combustible materials considered offensive or excessive by the Council.

4.7. Mobile Storage Containers

- 4.7.1. The following regulations apply to all shipping containers, also known as shipping containers and sea cans.
- 4.7.2. Mobile Storage Containers may be used as an Accessory Building in the following zones:
 - a) M1 – Light Industrial District,
 - b) M2 – Heavy Industrial District.
- 4.7.3. Mobile Storage Containers may be used in the approved zoned areas subject to the following conditions:
 - a) The units must be properly anchored to avoid movement or tipping and shall not be stacked one on top of another,
 - b) The units must be a minimum of 3 meters from the primary building and must be located behind the rear wall of the primary building and where possible visually hidden from any public roadway.
 - c) The units must be kept in good shape and slightly as determined by the Development Officer. Containers determined by the Town to be unsightly, misused, unsafe, or inappropriate in any way must be removed at the owner's expense within a time period specified by the Town.
- 4.7.4. Mobile Storage Containers shall not be allowed in Residential Districts and shall not be used as a dwelling.

4.8. Modular Homes (Prefabricated Homes)

- 4.8.1. All modular homes shall be placed on a permanent foundation comprised of a full or partial basement and/or concrete or preserved wood grade beam/pile structure, such foundation being not less than 600 millimeters above recommended or established grade. The basement wall and grade beam support shall be attached to the perimeter of the building.
- 4.8.2. All modular homes shall be a minimum double wide unit and shall have architectural features similar or complementary to character in that district.

- 4.8.3. Modular homes shall be permanently connected to water and sewer services provided by the municipality and any other public utilities that may be acquired by the owner or occupant serving the dwelling.
- 4.8.4. All other development requirements for the district in which the modular home is located apply notwithstanding the above regulations.

4.9. Place of Worship

- 4.9.1. Places of worship shall be located on a corner lot or sites designated for places of worship or in such a manner as to not adversely affect adjacent development.
- 4.9.2. The parking area is to be drained, landscaped and to be screened from abutting residential lots to the satisfaction of the Development Officer.
- 4.9.3. Shared parking opportunities should be considered in order to minimize the total area dedicated to surface parking as places of worship often have predictable peak parking hours.
- 4.9.4. On street parking shall be allowed for peak hour parking times in order to minimize the total area dedicated to surface parking.

4.10. Shopping Centre

- 4.10.1. The development of a shopping centre is subject to the following:
 - a) The minimum lot area is 1,000m² (10,764ft²);
 - b) The maximum lot coverage is 50% as long as all parking requirements are met as per Section 3.9 – Parking and Loading;
 - c) Access is to be gained from an arterial street or a service road;
 - d) Access points shall be at least 30m (98.4ft) apart.
 - e) The lot shall be graded to provided drainage as approved by the Town Engineer;
 - f) Parking areas are to be hard surfaced with asphalt and clearly marked.

4.11. Recreational Vehicles

Off-Street Parking

4.11.1. Any recreational vehicle may be parked in front, rear and side yards on a residential site, subject to the following conditions:

- a) such vehicles will only be permitted in the front yard from May 1st to October 31st of any given year;
- b) such vehicles must be parked or kept on a private driveway or other hard surface;
- c) a maximum of two (2) vehicles will be permitted on any given site;
- d) the storage of any recreational vehicle will not interfere with any triangular sight lines or impede the safety of the traveling public;
- e) all portions of the unit are set back a minimum of 1 m from the interior edge of the sidewalk, or where there is no sidewalk the interior edge of the curb; and
- f) if located in the front yard the unit(s) shall be parked perpendicular to the front lot line.

4.11.2. A maximum of two unlicensed or licensed recreational vehicles may be kept on a residential site from November 1st to April 30th of any given year, if stored within a garage or enclosed carport or fully covered.

On-street Parking

4.11.3. Any recreational vehicles may be parked on the street from May 1st to October 31st of any given year, subject to the following conditions:

- a) such vehicles do not exceed a maximum of 48 hours located on the street, after which time such vehicles must be relocated off-street for 48 hours before being parked again on the street;
- b) such vehicles meet all provincial requirements for use on public roads including licensing and safety standards;

c) the storage of any recreational vehicle will not interfere with any triangular sight lines or impede the safety of the traveling public; and

4.11.4. such vehicles must be parked directly in front of and within the owner's property line. Fences

4.11.5. A development permit is required prior to the erection or construction of a fence if the height of the fence is to exceed 2.0 m (6.5 ft.).

4.11.6. A fence or hedge may be constructed along a boundary line of a site subject to all other provisions within this bylaw including Section 3.11 – Sight Lines.

4.11.7. Unless otherwise provided in this Bylaw the height of any fence in the RL, R1, R2 or RMHS Districts, to be measured as the elevation from the ground to the top of the fence or wall, shall not be:

- a) higher than 2.0 m (6.5 ft.) in side yards and rear yards;
- b) higher than 1.0 m (3.2 ft.) in front yards;
- c) higher than 1.0 m (3.2 ft.) in side yards which are within 1.5 m (4.9 ft.) of any roadway; and
- d) higher than 1.0 m (3.2 ft.) within 6.0 m (19.6 ft.) of the intersection of highways and/or roads.

4.11.8. The height of a fence in an Industrial District, Commercial District or in an Urban Reserve District shall be as determined by the Development Authority.

4.11.9. No exclusively barbed wire fences shall be permitted in the Town unless used for agricultural purposes. Barbed wire fences shall be constructed as part of the top a chain link fence fence constructed to a height not below 2.0 m (6.5 ft.).

4.11.10. Fences comprised of barbed wire shall only be allowed within the M1 and M2 district for security purposes as determined appropriate by the Development Officer.

4.11.11. No electrification of fences shall be allowed except at the discretion of the Development Officer, where the fence is:
a) necessary for an agricultural operation; and
b) the site does not abut an R1, R2 OR RHMS District.

- 4.11.12. The Development Authority may require that a fence or other screen be provided to a height of at least 1.5 m (4.9 ft.) surrounding the following where they would be visible from a road or from an adjacent dwelling:
- a) outdoor storage areas;
 - b) garbage collection areas; and
 - c) loading or vehicle service areas.
- 4.11.13. The design, materials used and transparency of any new fence constructed will be in line with the existing character of the district at the discretion of the Development Officer.

4.12. Decks

- 4.12.1. A deck must:
- a) meet the required front yard setback of the principal building;
 - b) be located at least 1.0 m from the side property line;
 - c) not be located within any sight lines as per Section 3.11 – Sight Lines; and
 - d) be located at least 3.0 m from the rear property line.
- 4.12.2. When a deck becomes covered or enclosed it shall be considered an addition to the principal building and is required to meet the district requirements for the principal building.

4.13. Secondary Suites

- 4.13.1. No person shall construct, cause to be constructed, or use a secondary suite within a principal residential dwelling unit unless otherwise permitted within this Bylaw.
- 4.13.2. A secondary suite shall constitute a set of living quarters within a principal building whether occupied or not, containing independent and physically separate sleeping, sanitary and kitchen facilities. Kitchen facilities include but are not limited to cabinets, refrigerators, sinks, stoves, ovens, microwave ovens or any other cooking appliances.
- 4.13.3. A secondary suite shall:

- a) contain at least two rooms in which a bedroom, cooking facilities and a bathroom are provided; and
- b) have full utility services through service connections from the principal dwelling.

4.13.4. The minimum floor area for a secondary suite shall be 30.0 m² (322.9 ft²).

4.13.5. The maximum floor area of a secondary suite shall be as follows:

- a) for a secondary suite located completely below the first storey of a single detached dwelling (other than stairways or a common landing), the gross floor area (excluding the area covered by stairways) shall not exceed the floor area of the first storey of the associated principal dwelling;
- b) for a secondary suite developed at grade, or completely/partially above grade, the floor area (excluding the area covered by stairways) shall not exceed 50% of the total gross floor area of the first storey of the associated principal dwelling.

4.13.6. The separate entrance to the secondary suite shall be accessed either from a common indoor landing or directly from the side or rear of the building.

4.13.7. A secondary suite shall be developed in such a manner that the exterior of the principal building containing the secondary suite shall appear as a single dwelling.

4.13.8. A secondary suite shall not be subject to separation from the principal dwelling through a condominium conversion or subdivision.

4.14. Garden Suites

4.14.1. Evidence shall be provided by the applicant to the Town that the occupant(s) of the garden suite require care and support provided by the residents of the principal residential dwelling unit, or are required to provide care and support to residents of the principal residential dwelling unit.

- 4.14.2. The floor area of a garden suite shall not be less than 35 m² (375 ft²) and not exceed the total floor area of the principle dwelling.
- 4.14.3. The maximum height of a garden suite shall not exceed 5.2 m (17 ft) and shall have only one storey.
- 4.14.4. A garden suite shall only be located on a site where it can be serviced by existing utilities.
- 4.14.5. The garden suite shall not:
 - a) unduly interfere with the amenities or change the character of the neighbourhood;
 - b) materially interfere with or affect the use and enjoyment of adjacent properties;
 - c) result in excessive demand on municipal services, utilities or municipal roadway access.
- 4.14.6. Any approval of a garden suite shall be for a maximum period of 5 years and may be renewed at the discretion of Council providing the requirements of this Bylaw continue to be met.
- 4.14.7. An applicant shall be required to enter into a development agreement with the Municipality to ensure the garden suite complies with all relevant requirements of this Bylaw .
- 4.14.8. The Development Officer or Council shall place any additional conditions for approval deemed necessary to secure the objectives of this Bylaw.

Part 5: Zoning District Designations

5.1. Administration

- 5.1.1. For the purpose of applying this bylaw, the Town is divided into zoning districts.
- 5.1.2. The boundaries of the zoning districts are shown on the Zoning Map in Appendix I which are attached to and form part of this bylaw. Unless otherwise shown on the map, the boundaries of the said districts are site lines, center lines or streets, lands, roads or such lines extended and the boundaries of the Town.
- 5.1.3. Regulations for the zoning districts are outlined in the following sections.

5.2. Large Lot Urban District (RL)

Intent

- 5.2.1. The intent of the Large Lot Urban District is to allow large lot residential areas that may or may not have municipal servicing.



Regulations

- 5.2.2. The uses that are considered in the RL District are outlined in Figure 4- Permitted/Discretionary Uses in the RL District.
- 5.2.3. The development standards in the RL District are outlined in Figure 5 - Development Standards in the RL District

Figure 4 – Permitted/Discretionary Uses in the RL District

Principal Uses	Permitted/Discretionary
Bed and Breakfast	D
Dwelling, Mobile Home	P
Dwelling, Modular	P
Dwelling, Semi-Detached	D
Dwelling, Single Detached	P
Municipal Facility	P
Home Occupation	P
Nursing Home	D
Place of Worship	D
Personal Care Home	D
Public Works	P
Kennel	D
Accessory Uses	
<i>The following uses are permitted and discretionary accessory uses. Buildings, structures or uses secondary and subordinate to, and located on the same lot with the principal permitted or discretionary use shall be considered accessory uses.</i>	
Day Care Home	D
Home Based Business, Major	D
Home Based Business, Minor	P
Garden Suite	P
Secondary Suite	P
Shipping Container	P
Storage, Indoor	P
Storage, Outdoor	D
Tree Nursery	D
Wind Energy Converter System	D

Figure 5 – Development Standards in the RL District

Min. Site Area	0.3 ha
Max. Site Area	N/A
Setbacks	
Front Yard	8m
Side Yard	3m
Rear Yard	8m
Min. Floor Area	82 m ²
Max. Height	10m
Max. Site Coverage	N/A
Min. Frontage	30m

Other Regulations

- 5.2.4. No building or structure intended to house or shelter animals, allowed under the Animal Keeping Bylaw, shall be located within 15 m (49.2ft) of any residential dwelling or lot line.
- 5.2.5. Subject to all applicable regulations within Part 3 – General Regulations and Part 4 – Specific Regulations.

5.3. Low Density Residential District (R1)

Intent

- 5.3.1. The intent of the Low Density Residential District is to allow a variety of low density housing types such as single-detached and semi-detached dwellings, maintain existing low density housing stock and to ensure that residential development is compatible with adjacent residential and non-residential developments.



Regulations

- 5.3.2. The uses that are considered in the R1 District are outlined in Figure 6 – Permitted/Discretionary Uses in the R1 District
- 5.3.3. The development standards in the R1 District are outlined in Figure 7 – Development Standards in the R1 District.

Figure 6 – Permitted/Discretionary Uses in the R1 District

Principal Uses	Permitted/Discretionary
Bed and Breakfast	D
Convenience Store	D
Cultural Institution	P
Dwelling, Modular	P
Dwelling, Semi-detached	P
Dwelling, Single Detached	P
Dwelling, Rooming House	D
Municipal Facility	P
Nursing Home	D
Personal Care Home	D
Place of Worship	D
Public Works	P
Accessory Uses	Permitted/Discretionary
<i>The following uses are permitted and discretionary accessory uses. Buildings, structures or uses secondary and subordinate to, and located on the same lot with the principal permitted or discretionary use shall be considered accessory uses.</i>	
Day Care Home	D
Home Occupation	P
Home Based Business, Minor	D
Secondary Suite	P
Sign, Fascia	P

Figure 7 – Development Standards in the R1 District

Requirement	Single Detached Dwelling	Semi-Detached Dwellings	Other Uses
Min. Site Area	360 m ² (3874 ft ²) with lane, 450 m ² (4842 ft ²) without lane	225 m ² (2421 ft ²) per unit with lane, 315 m ² (3390 ft ²) per unit without lane	450 m ² (4842 ft ²)
Max. Site Area	N/A	N/A	N/A
Setbacks			
Front Yard	6 m (20 ft.)	6 m (20 ft.)	7.5 m (24.5 ft.)
Side Yard	1.2 m (4 ft.), or 4 m (13.1 ft.) if flanking a road	1.2 m (4 ft.), or 4 m (13.1 ft.) if flanking a road	3.5 m (11.5 ft.)
Rear Yard	8 m (26.5 ft.)	8 m (26.5 ft.)	7.5 m (24.5 ft.)
Min. Floor Area	75 m ² (807 ft. ²)	50 m ² (538 ft. ²)	75 m ² (807 ft. ²)
Max. Height	10.5 m (34.5 ft.)	10.5 m (34.5 ft.)	N/A
Max Site Coverage	40%	50%	50%
Min. Frontage	15 m (49.5 ft.), or 12 m (39.5 ft.) with lane	10.5 m (34.5 ft.) per unit, or 8.5 m (28 ft.) per unit with lane	15 m (49.5 ft.)

Other Regulations

- 5.3.4. Subject to all applicable regulations within Part 3 – General Regulations and Part 4 – Specific Regulations.
- 5.3.5. Requirements for parks, playground and public works are at the discretion of the Development Officer

5.4. Medium Density Residential District (R2)

Intent

- 5.4.1. The intent of the Medium Density Residential District is to allow a variety of medium density housing types such as row housing and multi-family low rise apartment buildings in a manner that respects the low density residential character of existing neighbourhoods. Other low density residential options such as single detached and semi-detached dwellings are also permitted in this zone.



Regulations

- 5.4.2. The uses that are considered in the R2 District are outlined in Figure 8 - Permitted/Discretionary Uses in the R2 District.
- 5.4.3. The development standards in the R2 District are outlined in Figure 9 - Development Standards in the R2 District.

Figure 8 – Permitted/Discretionary Uses in the R2 District

Principal Uses	Permitted/Discretionary
Club	D
Convenience Store	D
Cultural Institution	P
Day Care Centre	D
Dwelling, Modular	D
Dwelling, Multiple Unit	P
Dwelling, Semi-detached	P
Dwelling, Single Detached	D
Dwelling, Row Housing	P
Dwelling, Rooming House	D
Municipal Facility	P
Residential Care Facility	D
Accessory Uses	Permitted/Discretionary
<i>The following uses are permitted and discretionary accessory uses. Buildings, structures or uses secondary and subordinate to, and located on the same lot with the principal permitted or discretionary use shall be considered accessory uses.</i>	
Day Care Home	D
Home Occupation	P
Home Based Business, Minor	D
Municipal Facility	P
Nursing Home	P
Personal Care Home	D
Place of Worship	D
Public Works	P
Secondary Suite	D
Sign, Fascia	P

Storage, Indoor	D
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Figure 9 – Development Standards in the R2 District

Min. Site Area	
Dwelling, Single Detached	360 m ² (3874 ft ²) with lane, 450 m ² (4842 ft ²) without lane
Dwelling, Semi-Detached	225 m ² (2421 ft ²) per unit with lane, 315 m ² (3390 ft ²) per unit without lane
Dwelling, Townhouse	200 m ² (2150 ft ²) per unit
Dwelling, Multiple Unit	800 m ² (8611 ft ²)
Max. Site Area	
	N/A
Setbacks	
Front Yard	4.5 m (15 ft.), or 6 m (19.5 ft.) where there is a front garage or 6 m (20 ft.)
Side Yard	1.2 m (4 ft.), or 4 m (13 ft.) if flanking a road, or half the average building height, whichever is greater, and 0.0 m along the common wall
Rear Yard	8 m (26.5 ft.)
Min. Floor Area	
Dwelling, Single Detached	75 m ² (807 ft. ²)
Dwelling, Semi-Detached; Dwelling, Townhouse	50 m ² (538 ft. ²) per unit
Dwelling, Multiple Unit	40 m ² (430 ft. ²) per unit

Max. Height	
Dwelling, Single Detached; Dwelling, Semi-detached;	10.5 m (34.5 ft.)
All other Dwellings	14 m (46 ft.)
Max. Site Coverage	
Dwelling, Single Detached; Dwelling, Townhouse	40%
Dwelling, Semi-Detached; Dwelling, Multiple Unit	50%
Min. Frontage	
Dwelling, Single Detached	15 m (49 ft.)
Dwelling, Semi-Detached	8.5 m (28 ft.)
Dwelling, Townhouse	7 m (23 ft.)
Dwelling, Multiple Unit	20 m (65.5 ft.)

Other Regulations

- 5.4.4. Subject to all applicable regulations within Part 3 – General Regulations and Part 4 – Specific Regulations.
- 5.4.5. Requirements for uses not listed in Figure 10- Development Standards in the R2 District are at the discretion of the Development Officer.
- 5.4.6. Dwelling, Multiple Unit, Convenience Stores and Places of Worship are to be located on corner lots, where possible, to ensure adequate access and traffic flow.
- 5.4.7. Parking areas for Clubs, Dwelling, Multiple Unit, Convenience Stores Nursing Homes and Places of Worship are to be located in side or rear yards and shall be screened from adjacent residential areas.

5.5. Mobile Home Residential District (RMH)

Intent

- 5.5.1. The intent of the Mobile Home Residential District is to provide for the appropriate placement of mobile homes in a mobile home park or mobile home subdivision setting and maintain residential character of the neighbourhood.



Regulations

- 5.5.2. The uses that are considered in the RM District are outlined in Figure 10 - Permitted/Discretionary Use in the RMH District.
- 5.5.3. The development standards in the RM District are outlined in Figure 11 - Development Standards in the RMH District.

Figure 10 – Permitted/Discretionary Use in the RMH District

Principal Uses	Permitted/Discretionary
Convenience Store	D
Dwelling, Mobile Home	P
Dwelling, Modular	P
Municipal Facility	P
Public Works	P
Accessory Uses	Permitted/Discretionary
Day Care Home	D
Home Occupation	D
Sign, Fascia	P

Figure 11 – Development Standards in the RMH District

Min. Site Area	360 m ² (3 875 ft ²) or, 2.0 ha for Mobile Home Park
Max. Site Area	N/A
Setbacks:	
Front Yard	6 m (19.5 ft.)
Side Yard	1.2 m, or 4m if flanking a road
Rear Yard	3 m (10 ft.)
Min. Floor Area	N/A
Max. Height	10 m (33 ft.)
Max. Site Coverage	40%
Min. Frontage	15 m (49.2 ft. ⁰)

Other Regulations

- 5.5.4. Subject to all applicable regulations within Part 3 – General Regulations and Part 4 – Specific Regulations.
- 5.5.5. All Mobile Homes must have Canadian Standards Association certification.
- 5.5.6. All Mobile Homes shall be skirted from the floor level to ground level with a material consistent with the finish of the Mobile Home.

5.6. Neighbourhood Commercial District (C1)

Intent

- 5.6.1. The intent of the Neighbourhood Commercial District is to provide suitable areas within existing and new neighbourhoods for neighbourhood commercial uses (commercial uses which serve the immediate neighbourhood they are located within).



Regulations

- 5.6.2. The uses that are considered in the C1 District are outlined in Figure 12 - Permitted/Discretionary Uses in the C1 District.
- 5.6.3. The development standards in the C1 District are outlined in Figure 13 - Development Standards in the C1 District.

Figure 12 – Permitted/Discretionary Uses in the C1 District

Principal Uses	Permitted/Discretionary
Automobile Equipment Repair & Services	D
Club	D
Convenience Store	P
Cultural Institution	P
Day Care Centre	P
Financial Institution	P
Food Service	P
Fuel Sales	D
Health Services	P
Lounge	P
Municipal Facility	P
Personal Service	P
Place of Worship	P
Public Works	P
Recreation, Passive	D
Service Station	D
Shopping Centre	P
Accessory Uses	Permitted/Discretionary
Sign, Canopy	P
Sign, Fascia	P
Sign, Projecting	P

Figure 13 – Development Standards in the C1 District

Min. Site Area	570 m ² , no minimum for public utility
Max. Site Area	N/A
Setbacks	
Front Yard	6 m (19.5 ft.)
Side Yard	3 m (10 ft.)
Rear Yard	6 m (20 ft.)
Min. Floor Area	N/A
Max. Height	14 m (46 ft.)
Max. Site Coverage	50%
Min. Frontage	15 m (49 ft.)

Other Regulations

- 5.6.4. Subject to all applicable regulations within Part 3 – General Regulations and Part 4 – Specific Regulations.

5.7. Highway Commercial District (C2)

Intent

- 5.7.1. The intention of the Highway Commercial District is to provide suitable areas adjacent to major streets and highways for commercial uses (including large format retail) which are primarily vehicle oriented.



Regulations

- 5.7.2. The uses that are considered in the C2 District are outlined in Figure 14 - Permitted/Discretionary Uses in the C2 District.
- 5.7.3. The development standards in the C2 District are outlined in Figure 15 - Development Standards in the C2 District .

Figure 14 – Permitted/Discretionary Uses in the C2 District

Principal Uses	Permitted/Discretionary
Agricultural Related Commercial	P
Alcohol Sales	P
Amusement Park	D
Auction Mart	D
Automobile Equipment Repair & Services	P
Automobile Equipment Sales & Rental	P
Club	P
Commercial, Retail	P
Commercial, Large Format	P
Communications Tower Facility	D
Convenience Store	P
Day Care Centre	D
Financial Institution	P
Food Service	P
Fuel Sales	P
Health Services	P
Hotel	P
Motel	P
Municipal Facility	P
Off-street Parking	P
Office	P
Personal Service	P
Place of Worship	D
Public Works	P

Service Station	P
Shopping Centre	P
Sports Arena	D
Theatre	D
Veterinary Clinic	D
Accessory Uses	Permitted/Discretionary
Sign, Billboard	D
Sign, Canopy	P
Sign, Fascia	P
Sign, Freestanding	P
Sign, Projecting	P

Figure 15 – Development Standards in the C2 District

Min. Site Area	570 m ² , no minimum for public utility
Max. Site Area	N/A
Setbacks	
Front Yard	6 m (20 ft.)
Side Yard	3 m (10 ft.)
Rear Yard	6 m (20 ft.)
Min. Floor Area	N/A
Max. Height	14 m (46 ft.)
Max. Site Coverage	50%
Min. Frontage	15 m (49 ft.)

Other Regulations

- 5.7.4. Subject to all applicable regulations within Part 3 – General Regulations and Part 4 – Specific Regulations.
- 5.7.5. Appropriate screening, to the satisfaction of Council, is required when a C1 district is adjacent to a residential area. This can include fencing and vegetation or a combination of the two.
- 5.7.6. Fuel pumps at Gas Bar’s shall be a minimum of 6m from any street or lot line.
- 5.7.7. All automobile parts, dismantled or partially dismantled vehicles and similar articles shall be stored inside or screened from public view by fencing.
- 5.7.8. Minimum development standards for Public Utilities are at the discretion of the Development Authority.
- 5.7.9. The Highway Commercial District provides the first impression of the Town for visitors and should maintain a high quality physical appearance wherever possible.

5.8. Downtown Commercial District (C3)

Intent

- 5.8.1. The intention of the Downtown Commercial District is to provide a high level of servicing and enhanced public realm, consisting primarily of commercial-related mixed use, institutional, residential, utilities and ancillary shops and services and to ensure quality design and enhanced character.



Regulations

- 5.8.2. The uses that are considered in the C3 District are outlined in Figure 16 – Permitted/Discretionary Uses in the C3 District.
- 5.8.3. The development standards in the C3 District are outlined in Figure 17 – Development Standards in the C3 District.

Figure 16 – Permitted/Discretionary Uses in the C3 District

Principal Uses	Permitted/Discretionary
Alcohol Sales	D
Automobile Equipment Repair & Serv.	D
Automobile Equipment Sales & Rental	P
Club	P
Commercial, Retail	P
Community Centre	D
Convenience Store	P
Cultural Institution	P
Day Care Centre	D
Dwelling, Mixed Use	P
Dwelling, Multiple Unit	D
Financial Institution	P
Food Service	P
Fuel Sales	P
Health Services	D
Hotel	P
Lounge	D
Municipal Facility	P
Night Club	D
Off-street Parking	P
Office	P
Personal Service	P
Place of Worship	D
Public Works	P
Service Station	D

Shopping Centre	D
Theatre	D
Accessory Uses	
Sign, Canopy	P
Sign, Fascia	P
Sign, Freestanding	D
Sign, Projecting	P

Figure 17 – Development Standards in the C3 District

Min. Site Area	250 m ² , 930 m ² for service station
Max. Site Area	N/A
Max. Floor Area Ratio	3.0
Setbacks	
Min. Front Yard	0.0 m
Max. Front Yard	3.0 m
Side Yard	0.0 m (0 ft.)
Rear Yard	6 m (19.5 ft.)
Min. Floor Area	N/A
Max. Height	14m (46 ft.)
Max. Site Coverage	N/A
Min. Frontage	7.5 m (24.5 ft.), 30 m (98.5 ft.) for service station

Other Regulations

- 5.8.4. Subject to all applicable regulations within Part 3 – General Regulations and Part 4 – Specific Regulations.
- 5.8.5. No parking areas will be considered in the front yard of a lot unless the lot is vacant and a permit for Off-Street Parking has been approved.
- 5.8.6. Commercial or office or residential uses are permitted on any floor, but no floor may contain a mix of residential and commercial/office uses.
- 5.8.7. No commercial/office use will be permitted above a residential floor.
- 5.8.8. Any building that is to be constructed with metal siding shall be considered a discretionary use.

5.9. Light Industrial District (M1)

Intent

- 5.9.1. The intention of the Light Industrial District is to provide for industrial and office uses that have no associated off-site impacts, with limited outdoor storage and to provide for industrial business sites for transition from heavier industrial uses to other uses.



Regulations

- 5.9.2. The uses that are considered in the M1 District are outlined in Figure 18 – Permitted/Discretionary Uses in the M1 District.
- 5.9.3. The development standards in the M1 District are outlined in Figure 19 – Development Standards in the M1 District.

Figure 18– Permitted/Discretionary Uses in the M1 District

Principal Uses	Permitted/Discretionary
Agricultural Related Commercial	P
Auction Mart	P
Automobile Equipment Repair & Services	P
Automobile Equipment Sales & Rental	P
Cold Storage and Locker Plants	P
Communications Tower Facility	P
Construction Trades	P
Disposal Facility, Liquid	D
Forest Product Processing	D
Fuel Sales	P
Grain Elevator	P
Hotel	P
Industrial, General	P
Kennel	P
Machine & Welding Shop	P
Motel	P
Municipal Facility	P
Night Club	P
Off-Street Parking	P
Office	P
Public Works	P
Recycling Collection Depot	P
Service Station	P
Shipping Container	P
Storage, Indoor	P
Storage, Outdoor	
Veterinary Clinic	P
Warehouse Sales	P
Wholesale Establishment	P

Accessory Uses	
Sign, Canopy	P
Sign, Fascia	P
Sign, Freestanding	P
Sign, Projecting	P
Sign, Billboard	D

Figure 19 – Development Standards in the M1 District

Min. Site Area	
Agricultural Related Commercial	5,000 m ² (53 819.5 ft. ²)
All other uses	1,000 m ² (10 764 ft. ²)
Max. Site Area	N/A
Setbacks	
Front Yard	7.5 m (24.5 ft.)
Side Yard	1.5 m (5 ft.), or 3 m (10 ft.) if abutting a residential district
Rear Yard (with lane)	3 m (10 ft.)
Rear Yard (without lane)	6 m (19.5 ft.)
Min. Floor Area	N/A
Max. Height	20 m (65.5 ft.)
Max. Site Coverage	N/A
Min. Frontage	30 m (98.5 ft.)

Other Regulations

- 5.9.4. Subject to all applicable regulations within Part 3 – General Regulations and Part 4 – Specific Regulations.
- 5.9.5. All outdoor storage will be screened from view of a highway or a residential area.
- 5.9.6. Fuel pumps at Gas Bar's shall be a minimum of 6m from any street or lot line.
- 5.9.7. All automobile parts, dismantled or partially dismantled vehicles and similar articles shall be stored inside or screened from public view by fencing.

5.10. Heavy Industrial District (M2)

Intent

- 5.10.1. The intention of the Heavy industrial District is to provide areas suitable for a wide range of industrial and service activity, including large industrial, processing, and manufacturing whereby the nature and scale of their operations may be offensive and/or negatively impact other land uses.



Regulations

- 5.10.2. The uses that are considered in the M2 District are outlined in Figure 20 – Permitted/Discretionary Uses in the M2 District.
- 5.10.3. The development standards in the N2 District are outlined in Figure 21 – Development Standards in the M2 District.

Figure 20 – Permitted/Discretionary Uses in the M2 District

Principal Uses	Permitted/Discretionary
Auction Mart	P
Communications Tower Facility	P
Construction Trades	P
Disposal Facility, Liquid	D
Disposal Facility, Solid	D
Forest Product Processing	D
Grain Elevator	P
Industrial, General	P
Industrial, Hazardous	D
Lumber and Building Supply Storage	P
Machine & Welding Shop	P
Municipal Facility	P
Off-Street Parking	P
Office	P
Public Works	P
Recycling Collection Depot	P
Salvage Yard	P
Service Station	P
Shipping Container	P
Storage, Indoor	P
Storage, Outdoor	P
Temporary Work Camp	D
Warehouse Sales	P
Wholesale Establishment	P
Wind Energy Conversion System	D
Accessory Uses	
Sign, Canopy	P
Sign, Fascia	P
Sign, Freestanding	P
Sign, Projecting	P

Sign, Billboard	P
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Figure 21 – Development Standards in the M2 District

Min. Site Area	1ha (2.5 acre)
Max. Site Area	N/A
Setbacks	
Front Yard	7.5m (24.5 ft.)
Side Yard	3m (10 ft.)
Rear Yard	7.5m (24.5 ft.)
Min. Floor Area	N/A
Max. Height	20 m (65.5 ft.)
Max. Site Coverage	N/A
Min. Frontage	50 m (164 ft.)

Other Regulations

- 5.10.4. Subject to all applicable regulations within Part 3 – General Regulations and Part 4 – Specific Regulations.
- 5.10.5. Any Hazardous Industry shall ensure at the time of application for a development permit that any risk relating to the proposed development will not affect any adjacent landowners.
- 5.10.6. All automobile parts, dismantled or partially dismantled vehicles and similar articles shall be stored inside or screened from public view by fencing.

5.11. Community Services District (CS)

Intent

- 5.11.1. The intention of the Institutional District is to provide for the location of public institutional facilities such as school, recreational educational institutions, places of worship, health facilities and other community services.



Regulations

- 5.11.2. The uses that are considered in the CS District are outlined in Figure 22 – Permitted/Discretionary Uses in the CS District.
- 5.11.3. The development standards in the CS District are outlined in Figure 23 – Development Standards in the CS District.

Figure 22 – Permitted/Discretionary Uses in the CS District

Principal Uses	Permitted/Discretionary
Cemetery	D
Commercial, Retail	D
Community Centre	P
Cultural Institution	P
Educational Institution	P
Health Services	P
Hospital	P
Institutional Camp	D
Municipal Facility	P
Nursing Home	D
Parks, Plaza	P
Personal Care Home	D
Place of Worship	P
Public Works	P
Recreation, Active	P
Recreation, Passive	P
Residential Care Facility	P
School	P
Sports Arena	D
Accessory Uses	
Sign, Canopy	P
Sign, Fascia	P
Sign, Freestanding	P
Sign, Projecting	P
Sign, Billboard	P

Figure 23 – Development Standards in the CS District

Min. Site Area	N/A
Max. Site Area	N/A
Setbacks	
Front Yard	6 m (20 ft.)
Side Yard	3 m (10 ft.)
Rear Yard	6 m (20 ft.)
Min. Floor Area	N/A
Max. Height	14 m (46 ft.)
Max. Site Coverage	50%
Min. Frontage	30 m (99 ft.)

Other Regulations

- 5.11.4. Subject to all applicable regulations within Part 3 – General Regulations and Part 4 – Specific Regulations.

5.12. Open Space Recreation District (OS)

Intent

- 5.12.1. Open Space zones are intended to preserve and enhance of open space and include limited public facilities.



Regulations

- 5.12.2. The uses that are considered in the OS District are outlined in Figure 24 – Permitted/Discretionary Uses in the OS District.
- 5.12.3. The development standards in the OS District are outlined in Figure 25 – Development Standards in the OS District.

Figure 24 – Permitted/Discretionary Uses in the OS District

	Permitted/Discretionary
Principal Uses	
Campground	D
Municipal Facility	P
Parks, Plaza	P
Public Works	P
Recreation, Commercial	D
Recreation, Passive	P
Tourist Camp	D
Accessory Uses	
Sign, Fascia	P
Sign, Freestanding	D

Figure 25 – Development Standards in the OS District

Min. Site Area	N/A
Max. Site Area	N/A
Setbacks	
Front Yard	6m (19.5 ft.)
Side Yard	6m (19.5 ft.)
Rear Yard	6m (19.5 ft.)
Min. Floor Area	N/A
Max. Height	10m (33 ft.)
Max. Site Coverage	N/A
Min. Frontage	N/A

Other Regulations

- 5.12.4. Subject to all applicable regulations within Part 3 – General Regulations and Part 4 – Specific Regulations.

5.13. Urban Reserve District (UR)

Intent

5.13.1. Urban Reserve zones are intended to maintain undeveloped land so that future urban growth can occur unencumbered.

Regulations

5.13.2. The uses that are considered in the UR District are outlined in Figure 26 – Permitted/Discretionary Uses in the UR District.

5.13.3. The development standards in the UR District are outlined in Figure 27 – Development Standards in the UR District.

Figure 26 – Permitted/Discretionary Uses in the UR District

Principal Uses	Permitted/Discretionary
Agriculture, Extensive	P
Agriculture, Intensive	D
Public Works	P
Recreation, Passive	D
Temporary Work Camp	D
Tourist Camp	D
Tree Nursery	P
Accessory Uses	Permitted/Discretionary
Storage, Indoor	D
Storage, Outdoor	D
Sign, Fascia	P
Sign, Freestanding	D

Figure 27 – Development Standards in the UR District

Min. Site Area	N/A
Max. Site Area	N/A

Setbacks	
Front Yard	20 m (65.5 ft.)
Side Yard	3 m (10 ft.)
Rear Yard	6 m (20 ft.)
Min. Floor Area	N/A
Max. Height	N/A
Max. Site Coverage	N/A
Min. Frontage	N/A

Other Regulations

5.13.4. Subject to all applicable regulations within Part 3 – General Regulations and Part 4 – Specific Regulations.

Part 6: Definitions

- 6.1.1. **Accessory Use** means a use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use building
- 6.1.2. **The Act** means *The Planning and Development Act, 2007*.
- 6.1.3. **Administrator** means the Administrator of the Town of Kipling.
- 6.1.4. **Alteration** means any structural change or addition made to any building.
- 6.1.5. **Ancillary use** means a secondary and subordinate use to the principle use, which is specifically allowed, and may include an associated building that is specifically allowed pursuant to this Bylaw.
- 6.1.6.
- 6.1.7. **Apartment** means a building divided into three or more dwelling units, each of which is occupied or intended to be occupied as the permanent home or residence, not including a hotel or rooming house.
- 6.1.8. **Approved** means approved by the Council of the Town of Kipling.
- 6.1.9. **Agriculture, Extensive** means the use of land or buildings, including the first dwelling or manufactured home, an agricultural operation which require large tracts of land (usually in the order of 32.4 ha (80 ac.) or more), but not including intensive agriculture or confined feeding operations;
- 6.1.10. **Agriculture, Intensive** means a agricultural operation that raises crops on a land-intensive basis. Intensive agriculture includes, greenhouses, silviculture and sod farms, but does not include confined feeding operations;
- 6.1.11. **Agricultural Related Commercial** means grain and seed storage, cleaning and drying; fertilizing mixing sales (subject to provincial regulations) livestock and poultry breeding services abattoirs; and other agriculturally related services.
- 6.1.12. **Alcohol Sales** means premises operated by a person who is licensed by the Saskatchewan Liquor and Gaming Authority to sell beer, wine or spirits for consumption off-site.
- 6.1.13. **Amusement Park** means development including go-cart, paint ball and miniature golf facilities, concessions and arcades, swimming pools, water slides, batting cages and other similar uses.
- 6.1.14. **Auction Mart** means buildings, structure, or lot, or part thereof, used as a premises where goods and material that are sold by public auction.
- 6.1.15. **Automobile Equipment Repair & Services** means means development for the repair, painting and servicing of automobiles, recreational vehicles and similar vehicles or the retail sale, installation, servicing or machining of automotive parts and accessories or auto detailing or drive-through vehicle repair and servicing facilities. This use includes alignment, muffler, automotive glass, transmission repair and vehicle upholstery shops, tire stores, damaged motor vehicle appraisal services and vehicle towing services.
- 6.1.16. **Automobile Equipment Sales & rental** means a development used for the retail sale, lease and/or rental of new or used automobiles and recreational vehicles and may include incidental repair and maintenance services and sales of parts and dispensing of motor fuel to vehicles owned or rented by the vehicle sales and rental service as accessory uses.

- 6.1.17. **Awning** means a canvas or similar flexible material stretched over a frame, plastic, vinyl or lightweight metal shelter projecting from a wall over a window or entrance to a building.
- 6.1.18. **Bed and Breakfast** means a dwelling unit in which the occupants thereof use a portion of the dwelling for the purpose of providing, for remuneration, sleeping accommodation and one meal per day to the members of the general public, for periods of two weeks or less, and in which: not more than three bedrooms within the dwelling are used to provide such sleeping accommodation; the dwelling is the principal residence of the persons receiving the remuneration and providing the sleeping accommodation and one meal per day served before noon.
- 6.1.19. **Beverage Room** means an establishment, licensed by the Province of Saskatchewan, in which alcoholic beverages are served for a fee for consumption on the premises and may include a licensed lounge that is ancillary to a restaurant. Food preparation or serving of food maybe an accessory use to the drinking establishment but is subject to all applicable provincial regulations.
- 6.1.20. **Building** means a structure constructed or placed on, in or over land, but does not include a public roadway, sidewalk or driveway.
- 6.1.21. **Building, Accessory** means a subordinate detached building appurtenant to a principal building or principal use and located on the same lot.
- 6.1.22. **Building Bylaw** means the Bylaw of the Town of Kipling regulating the erection, alteration, repair, occupancy, or maintenance of buildings and structures.
- 6.1.23. **Building Floor Area** means the sum of the habitable gross horizontal area of all floors of a building excluding in the case of a dwelling, the floor area used for and devoted to mechanical equipment, laundry, storage, swimming pools, garage, porch veranda, or sunroom. All dimensions shall be measured between exterior faces of walls or supporting columns, or from the centre line of the walls or supporting columns separating two buildings.
- 6.1.24. **Building Height** means the vertical distance measured from the grade level to the highest point of the roof surface, if a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge for a gable, hip, or gambrel roof.
- 6.1.25. **Building Permit** means a permit, issued under the Building Bylaw of the Town of Kipling authorizing the construction of all or part of any structure.
- 6.1.26. **Campground** means an area used for a range of overnight camping experiences, from tenting to serviced trailer sites, including accessory facilities which support the use, such as administration offices and laundry facilities, but not including the use of mobile homes or trailers on a permanent year-round basis.
- 6.1.27. **Canopy** means a non-retractable, permanent roof-like structure constructed of durable material extending from part or all of a building.
- 6.1.28. **Cemetery** means land that is set apart or used as a place for the interment of the dead or in which human bodies have been buried. "Cemetery" may include a structure for the purpose of the cremation of human remains and may include facilities for storing ashes or human remains that have been cremated or the interment of the dead in sealed crypts or compartments.
- 6.1.29.
- 6.1.30. **Club** means a group of people organized for a common purpose, to pursue common goal, interests or activities,

usually characterized by certain membership qualifications, payment of dues or fees, regular meetings, and a constitution and bylaws, and shall include lodges and fraternal organizations.

- 6.1.31. **Cold Storage and Locker Plant** means a plant with many rental steel lockers, each with a capacity of about 6 cubic feet (0.17 cubic meter) and generally for food storage by an individual family, placed in refrigerated rooms.
- 6.1.32. **Commercial, Large Format** means the sale or display of merchandise to the public including the storage of merchandise on or about the premises in.
- 6.1.33. **Commercial, Retail** means the sale or display of merchandise to the public including the storage of merchandise on or about the premises in quantities sufficient only to supply the public for a reasonable period of time.
- 6.1.34. **Communications Tower Facility** means a structure that is intended for transmitting or receiving television, radio, or telephone communications, excluding those used exclusively for dispatch communications.
- 6.1.35. **Community Centre** means a building or facility used for recreational, social or education and which is owned by either a municipal corporation, non-profit corporation or other non-profit organization.
- 6.1.36. **Comprehensive Development Review (CDR)** means a land use plan created by a land developer for a specific local area that identifies social, environmental, health and economic issues which the proposed development addresses.
- 6.1.37. **Concept Plan** means a plan appended to the Official Community Plan, based upon legislative authority provided

within *The Act* prepared by or for Town Council for the examination of the future land uses, essential services and facilities, transportation systems, development density and sequencing of development for areas of the Town exhibiting common future development opportunities and challenges, subsequent to designating land must be consistent with the Official Community Plan.

- 6.1.38. **Condominium** means a multiple unit dwelling that is registered by condominium plan.
- 6.1.39. **Construction Trades** means offices, shops and warehouses, with or without associated retail sales of plumbing and heating, electrical, carpentry, masonry and other trades associated with construction of buildings.
- 6.1.40. **Convenience Store** means a retail commercial establishment supplying limited groceries and other daily household necessities to the immediate surrounding area.
- 6.1.41. **Corner Lot** means a lot at the intersection or junction of two or more streets.
- 6.1.42. **Correctional Facility** means either a facility for the temporary detention or open custody of persons pursuant to the provisions of The Youth Criminal Justice Act (Canada) or The Summary Offences Procedure Act, 1990 (Saskatchewan); or a facility for the accommodation of persons participating in a community training program pursuant to *The Correctional Services Act*.
- 6.1.43. **Council** means the Council of the Town of Kipling.
- 6.1.44. **Cultural Institution** means an establishment such as a museum, art gallery, library and similar facilities of historical, educational or cultural interest.

- 6.1.45. **Day Care Centre** means a facility for the non-parental care of over four (4) preschool age children on a daily basis and licenced under The Child Care Act.
- 6.1.46. **Day Care Home** means a child care facility located in a building where the principal use is a dwelling unit, and which is licensed by the Province of Saskatchewan pursuant to The Child Care Act.
- 6.1.47. **Deck** means any open structure attached to a building having a height greater than 0.6 m (2.0 ft.) above grade, and thereby requiring stairs and railings.
- 6.1.48. **Development** means the carrying out of any building, engineering, mining or operations in, on, or over land, or the making of any material change in the use of intensity of the use of any building, or land.
- 6.1.49. **Development Officer** means the officer of the Town of Kipling appointed pursuant to Section 2.1 to administer this Bylaw.
- 6.1.50. **Development Agreement** means the legal agreement between a developer and the Town which specifies the obligations and the terms and conditions for the approval of a development pursuant to provisions of *The Act*.
- 6.1.51. **Development Permit** means a permit issued pursuant to this Bylaw that authorizes development but does not include a Building Permit.
- 6.1.52. **Discretionary Use** means a use or development, specified in this Bylaw which may be allowed following application to and approval of, the Council, and which complies with the development standards contained in this Bylaw as required by Council.
- 6.1.53. **Disposal Facility, Liquid** means a facility to accommodate any waste which contains animal, aggregate or vegetable matter in solution or suspension, but does not include a septic system for a single residence or farmstead, or a manure storage area for an intensive livestock operation.
- 6.1.54. **Disposal Facility, Solid** means a facility, not including a waste transfer station or a temporary storage facility, to accommodate discarded materials, substances or objects which originated from residential, commercial, institutional and industrial sources which are typically disposed of in municipal or private landfills, but not including dangerous goods, hazardous waste or biomedical waste.
- 6.1.55. **Dwelling Unit** means a separate set of living quarters, whether occupied or not, usually containing sleeping facilities, sanitary facilities and a kitchen or kitchen components, but does not include boarding houses or rooming units. For the purposes of this definition, "kitchen components" include, but are not limited to, cabinets, refrigerators, sinks, stoves, ovens, microwave ovens or other cooking appliances and kitchen tables and chairs.
- 6.1.56. **Dwelling, Mixed Use** means a building which has commercial or office space at grade and one or more dwelling units above.
- 6.1.57. **Dwelling, Mobile Home** means a factory built home that is manufactured as a whole or modular unit and is designed to be moved on a removable chassis to be used as a one unit dwelling, and is certified by the manufacturer that it complies with the Canadian Standards Association Code CSA-A277 standard.
- 6.1.58. **Dwelling, Modular** mean a transportable, single or multiple section single residential home that has its finished sections built in a factory for transport to the site for installation, built according with the Canadian Standards Association Code CSA-A277 standard.

- 6.1.59. **Dwelling, Multiple Unit** means a building divided into four or more dwelling units as herein defined and shall include town or row houses and apartment houses but not hotels or motels.
- 6.1.60. **Dwelling, Rooming House** means a dwelling unit which includes individual dwelling units which are rented but do not include individual bathrooms and/or kitchens. Bathroom and kitchen facilities are shared.
- 6.1.61. **Dwelling, Row Housing** means a dwelling unit on its own site, attached to three or more other dwelling units, each on their own sites, with a common wall dividing the dwelling units throughout at least 40% of the depth of the entire structure.
- 6.1.62. **Dwelling, Semi-Detached** means a dwelling unit on its own site, attached to another dwelling unit on its own site, with a common wall dividing the two dwelling units throughout at least 40% of the length of the entire structure, measured from the front to the rear building lines.
- 6.1.63. **Dwelling, Single Detached** means a detached dwelling consisting of one dwelling unit, occupied or intended to be occupied as a permanent home or residence but shall not include a Dwelling, Modular or Dwelling, Mobile Home.
- 6.1.64. **Educational Institution** means a post-secondary college, university or technical institution, but shall not include a private school.
- 6.1.65. **Fence** means a structure used to enclose or screen areas of land.
- 6.1.66. **Financial Institution** means a bank, credit union, trust company or similar establishment.
- 6.1.67. **Food Service** means a place where food and beverages are prepared and served to patrons seated at tables or counters, in a motor vehicle on the premises, or for off-site consumption, and may include a drive-through service window.
- 6.1.68. **Forest Product Processing** means a value-added processing operation that manufactures, packages, labels, distributes, or stores any forest products.
- 6.1.69. **Frontage** means the side of a lot abutting the street; in the case of a corner lot, the side abutting other lot frontages shall be considered as the frontage. Where a pie shaped or non-rectangular lot is involved, the average width of the lot shall be considered as the value for calculating the minimum frontage requirement of a lot.
- 6.1.70. **Flood Way** Means the portion of the flood plain adjoining the channel where the waters in the 1:500 year flood are projected to meet or exceed a depth of one metre or a velocity of one metre per second.
- 6.1.71. **Flood Fringe** Means the portion of the flood plain where the waters in the 1:500 year flood are projected to be less than a depth of one metre or a velocity of one metre per second.
- 6.1.72. **Flood Plain** means the area prone to flooding from a water body or watercourse that comprises the combined area of the flood way and flood fringe.
- 6.1.73. **Floor Area** means the maximum habitable area contained within the outside walls of a building, excluding in the case of a dwelling, any private garage, porch, veranda, sunroom, unfinished attic or unfinished basement.
- 6.1.74. **Fuel Sales** means a building or facility used for the retail sale of motor vehicle fuels from fixed pumps.

- 6.1.75. **Garage** means a building or part of a building used or intended to be used for the storage of motor vehicles, which is accessory to a building unit.
- 6.1.76. **Garden Suite** means a detached one unit dwelling, mobile home or modular home, or secondary suite which is temporarily located within or in the yard of an existing residential dwelling unit intended to provide accommodation for a specific person or persons who are physically dependent on the residents of the existing residential dwelling unit or to provide accommodations for a caregiver of whom a specific person or persons residing in the existing residential dwelling unit is physically dependent.
- 6.1.77. **Gas Bar** means a commercial facility predominately for the sale of gasoline, diesel and propane, and may offer for sale other petroleum products and vehicle accessories.
- 6.1.78. **Golf Course** means a public or private area operated for the purpose of playing golf and may include accessory uses and facilities including but not limited to club houses, driving ranges and food and beverage facilities.
- 6.1.79. **Group Care Facility** means a supervised residential dwelling unit, licensed or approved under provincial statute, for the accommodation of persons, excluding staff, referred by hospitals, courts, government agencies or recognized social service agencies or health care professionals.
- 6.1.80. **Grade Level** means the finished ground elevation at the front of the building midway between the corners of the building
- 6.1.81. **Health Services** means a facility or institution engaged in the provision of services for health maintenance, diagnosis or treatment of human pain, injury or other physical condition on an outpatient basis.
- 6.1.82. **Height of the Sign** means the vertical distance measured from the highest point of the sign to grade level at the centre of the sign.
- 6.1.83. **Home Based Business** means a business that is conducted from a residential dwelling unit or an accessory building where residents operate the business and the use is secondary to the residential use of the premises.
- 6.1.84. **Home Based Business, Major** means a business that is conducted from a residential dwelling unit or an accessory building where residents operate the business and the use is secondary to the residential use of the premises as defined by the provisions contained within Section 4.6.13 of this bylaw.
- 6.1.85. **Home Based Business, Minor** means a business that is conducted from a residential dwelling unit or an accessory building where residents operate the business and the use is secondary to the residential use of the premises as defined by the provisions contained within Section 4.6.14 of this bylaw.
- 6.1.86. **Home Occupation** means an accessory use carried on as an occupation conducted for gain in a dwelling unit solely by the resident or residents.
- 6.1.87. **Hospital** means a facility providing room, board, and surgical or other medical treatment for the sick, injured or infirm including outpatient services and accessory staff residences.
- 6.1.88. **Hotel** means a building or part of a building used as a place for sleeping accommodation with or without meals, and which may have a licensed beverage room, but does

not include a motel. Individual units are accessed from a shared entrance.

- 6.1.89. **Industrial, Hazardous** means an industrial use involving the manufacturing, storage, processing, transshipment, collection, treatment or disposal of hazardous materials or chemicals (specifically excluding agricultural fertilizer, herbicide or pesticide warehousing and/or sales facilities, depots for the collection of farm chemical containers, and ethanol and biodiesel plants and associated production facilities).
- 6.1.90. **Industrial, General** means any of the following activities:
- a) the processing of raw or finished materials.
 - b) the manufacturing or assembly of goods, products or equipment.
 - c) the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible with non-industrial development.
 - d) the storage or transshipping of materials, goods and equipment, including warehouses.
 - e) the training of personnel in general industrial operations.
 - f) indoor display, office, technical or administrative support areas or any sales operation accessory to the general industrial use.
- 6.1.91. **Institutional Camp** means an area of land containing sleeping accommodations and facilities which are used to provide short term accommodation for persons engaged in passive or active recreation or leisure, which, without limiting the generality of the foregoing, shall include the following: children's camp or establishment, religious camp, artist's camp, retreat, educational camp, recreational camp, sports camp or other similar camp or establishment.

- 6.1.92. **Intersection** means an area where two or more streets cross, or meet, at grade.
- 6.1.93. **Kenel** means the temporary accommodation of dogs, cats or other domestic animals for commercial purposes but does not include breeding.
- 6.1.94. **Lane** means a public roadway vested in the Crown as a secondary level of access to a lot or parcel of land.
- 6.1.95. **Lot** means an area of land under one title or ownership with fixed boundaries and which is of record in the Land Titles Office by Certificate of Title.
- 6.1.96. **Lot Coverage** means that portion of the lot that is covered by principal and accessory buildings.
- 6.1.97. **Lot Line, Front** means the line that divides the lot from the street. In the case of a corner lot, the front lot line shall mean the line separating the narrowest street frontage of the lot from the street.
- 6.1.98. **Lot Line, Rear** means the line at the rear of the lot and opposite the front lot line.
- 6.1.99. **Lot Line, Side** means a lot line other than a front or rear lot line.
- 6.1.100. **Lounge** means a room or area adjoining a restaurant that permits the sale of beer, wine or spirits for consumption on the premises, with or without food, and where no entertainment or dance floor is permitted.
- 6.1.101. **Lumber and Building Supply Storage** means any building or outside storage of lumber and other building supplies.

- 6.1.102. **Machine and Welding Shops** means any building or machinery required for a welding and/or machining operation.
- 6.1.103. **Mayor** means the Mayor of the Town of Kipling.
- 6.1.104. **Minister** means the member of the Executive Council to whom, for the time being, is assigned the administration of The Act.
- 6.1.105. **Mobile Home Park** means any tract or parcel of land on which two or more occupied mobile homes are permitted to be located whether or not a charge is paid for the use thereof, and includes any building or structure used or intended to be used as part of the equipment of such Mobile Home Park, but does not include an industrial or construction camp or any such tent or trailer coach that is not a mobile home.
- 6.1.106. **Mobile Home Subdivision** means any subdivision of land and the development thereof for the purpose of accommodating mobile homes in such a manner that each home is situated on its own site, which shall contain a minimum site area of 465 m² and in which all such sites, public open spaces, internal streets and lanes, buffer zones and other amenity areas form a contiguous area of development.
- 6.1.107. **Modular Home** means a factory built home that is manufactured as a whole or modular unit and is designed to be moved on a removable chassis to be used as one dwelling unit, and is certified by the manufacturer that it complies with the Canadian Standards Association Code CSA-A277 standard.
- 6.1.108. **Modular Home, Single Wide** means a modular home that is less than 5 metres (16.40 ft.) in width.
- 6.1.109. **Modular Home, Double Wide** means a modular home that is greater than 8 metres (26.25 ft.) in width.
- 6.1.110. **Modular Unit** means a factory built frame or shell which comprises supporting and non-supporting walls, siding, and other components of a prefabricated home representing only a Section of a dwelling and has neither chassis, running-gear, nor its own wheels.
- 6.1.111. **Motel** means an establishment consisting of a group of attached or detached living or sleeping accommodations each with a bathroom, located on a lot or site and designed for use by the public, and may include a restaurant or licensed dining room.
- 6.1.112. **Municipal Facility** means land and/or structures owned by a municipality that are used for:
- a) office and meeting space;
 - b) storage or municipal equipment and supplies;
 - c) recreation; and
 - d) other institutional uses.
- 6.1.113. **Night Club** means an establishment, or portion thereof, where the primary business is the sale of beverage alcohol for consumption on the premises, with or without food, and where no live entertainment or dance floor is permitted.
- 6.1.114. **Non-Conforming Building** means a building:
- a) that is lawfully constructed or lawfully under construction, or in respect to which all required permits have been issued, on the date this Bylaw or any amendment hereto affecting the building or land on which the building is situated or will be situated becomes effective, and
 - b) that on the date this Bylaw or any amendment hereto becomes effective, does not or when constructed, will not comply with this Bylaw.

- 6.1.115. **Non-Conforming Use** means a lawful specific use:
- a) being made of land or a building or intended to make of a building lawfully under construction, or in respect to which all required permits have been issued, at the date this Bylaw or any amendments hereto affecting the land or building becomes effective; and
 - b) that on the date this Bylaw or any amendments hereto becomes effective does not, or in the case of a building under construction or in respect of which all required permits have been issued will not comply with this Bylaw.
- 6.1.116. **Nursing Home** means housing in multiple unit form for semi-independent persons within that is provided living and sleeping facilities, meal preparation, laundry services, and room cleaning.
- 6.1.117. **Office** means a building or part of a building used primarily for conducting the affairs of a business, profession, service, industry or government in which no goods or commodities of business trade are stored, transhipped, sold or processed.
- 6.1.118. **Official Community Plan** means the Town of Kipling Official Community Plan.
- 6.1.119. **Off-Street Parking** means vehicular parking that is not primarily intended for the use of residents, employees, or clients of a particular development. Typical uses include surface parking lots and parking structures above or below grade.
- 6.1.120. **Park** means any public outdoor land specifically for passive or active recreation including tot-lots, playgrounds, walkways, trails, environmentally significant areas, band shells, forest reserve, wildlife sanctuary, greenbelts, conservation areas, buffers, nature interpretation areas, and similar land uses.
- 6.1.121. **Park, Plaza** means any outdoor land intended for the liesure and enjoyment of the public and may include impermeable surfacing and permanent outdoor furniture.
- 6.1.122. **Parking Lot** means open space, other than a street, used for temporary parking of more than four automobiles and available for public use, or as accomodation for clients, employee or customers and is secondary to the principal use.
- 6.1.123. **Parking Space** means a space within a building or parking lot for the parking of one automobile including convenient access to a public land or street.
- 6.1.124. **Permitted Use** means a use or form of development, other than a discretionary use, specifically allowed in a zoning district subject to the regulations applicable to the zoning district.
- 6.1.125. **Personal Care Home** means a facility licensed under The Personal Care Homes Act that provides long term residential, social and personal care, including accommodation, meals, supervision or assistance for persons who have some limits on ability for self-care, and are unrelated to the operator or owner.
- 6.1.126. **Personal Service** means an establishment engaged in providing the care of a person or their clothing, including barber shops, hairstyle salons, laundries, dry cleaners, shoe repair, and photographic studios.
- 6.1.127. **Place of Worship** means a place used for worship and related religious, philanthropic or social activities and includes accessory rectories, manses, meeting rooms and other buildings. Typical uses include churches, chapels, mosques, temples, synagogues and parish halls.
- 6.1.128. **Principal Building** means a building which, in the opinion of the Development Officer:

- a) occupies the major central portion of a site; or
- b) is the main building among one or more buildings on the site; or
- c) constitutes by reason of its use the primary purpose for which the site is used; and
- d) there shall be no more than one principal building on each site unless specifically permitted otherwise in this Bylaw.

6.1.129. **Principal Use** means the main or primary activity for which a site or its buildings are designed, arranged, developed, or intended, or for which it is occupied or maintained. There shall be no more than one principal use on a site unless specifically permitted otherwise in this Bylaw.

6.1.130. **Public Utility** means a system, work, plant, equipment, or service, owned or operated by a corporation under Federal or Provincial statute that furnishes any of the following services and facilities to, or for the use of, the inhabitants of the Municipality:

- a) communication by way of telephone lines, optical cable, microwave, and cable television services;
- b) delivery of water, natural gas, and electricity
- c) public transportation by bus, rail, or other vehicle production, transmission:
- d) collection and disposal of sewage, garbage, and other wastes; and
- e) fire and police services.

6.1.131. **Public Works** means a facility as defined under *The Act*.

6.1.132. **Railway and Ancillary Railway** means buildings, structures, including railway lines and equipment required for the train and railway industry.

6.1.133. **Recreation, Active** means a recreational land use concentrating users and development, and without

restricting the generality of the above, includes beach areas, equestrian facilities, riding stables or race tracks, sports fields, golf courses, campgrounds, picnic areas and other similar uses.

6.1.134. **Recreation, Passive** means a recreational land use that does not require significant development upon the site and does not lessen the natural character of the area, and without limiting the generality of the above, includes viewing areas, hiking trails, skiing trails, canoe launches, observation points, interpretive centres, and other similar uses, and specifically excludes the operation of motor driven vehicles excepting motorized wheelchairs.

6.1.135. **Recreation, Commercial** means a public or private recreation facility or amenity, or a joint-use site that is operated with intent to produce financial gain. Examples include recreation and leisure centres, hockey and skating rinks, curling, swimming pools, bowling alleys, racquet clubs, rifle and pistol ranges, community halls, and community centres.

6.1.136. **Recycling Collection Depot** means a building or structure used for collection and temporary storage of recyclable household material such as bottles, cans, plastic containers and paper. The following shall not be allowed at a recycling collection depot:

- a) processing of recyclable material other than compaction.
- b) Collection and storage of paints, oil, solvents or other hazardous material.
- c) outdoor compaction.

6.1.137. **Residential Care Facility** means a licensed or approved group care facility governed by Provincial regulations that provides, in a residential setting, 24 hour care of persons in need of personal services, supervision or assistance

essential for sustaining the activities of daily living or for the protection of the individual.

6.1.138. **Rooming House** means a building containing more than one rooming unit.

6.1.139. **Rooming Unit** means a room or rooms for accommodation other than a dwelling unit or other form of accommodation defined elsewhere in this Bylaw with sleeping facilities but without private toilet facilities.

6.1.140. **Salvage Yard** means uses including, but not limited to, uses involved in salvaging, storing or selling scrap metal, paper, plastic, glass, wood and other waste material, as well as unlicensed vehicles and used vehicle parts.

6.1.141. **School** means a body of pupils that is organized as a unit for educational purposes, that comprises one or more instructional groups or classes, together with the principal and teaching staff and other employees assigned to such body of pupils, and includes the land, buildings or other premises and permanent improvements used by and in connection with that body of pupils.

6.1.142. **Secondary Suite** means a separate set of living quarters within a principal or secondary residential dwelling unit or accessory building whether occupied or not, containing independent and physically separate sleeping, sanitary and kitchen facilities. Kitchen facilities include but are not limited to cabinets, refrigerators, sinks, stoves, ovens, microwave ovens or any other cooking appliances and kitchen tables and chairs.

Service Station means a building or part of a building used for the retail sale of lubricating oils and gasolines, automobile accessories, and the servicing and minor repairing of motor vehicles, which may include fuel sales, food services or car wash as accessory uses. Painting,

body work and major repair shall not be included in this use class.

6.1.143. **Shipping Container** means a pre-built metal container or structure originally designed and/or constructed for the purpose of cargo storage.

6.1.144. **Shopping Centre** means a building with more than one retail outlet, office and/or commercial establishment that is either a strip mall or enclosed shopping mall structure and must contain only the permitted and discretionary uses for the zone that it is constructed in.

6.1.145. **Should, Shall or May** means:

- a) Shall is an operative word which means the action is obligatory.
- b) Should is an operative word which means that in order to achieve plan objectives, it is strongly advised that the action be taken.
- c) May is an operative word meaning a choice is available, with no particular direction or guidance intended.

6.1.146. **Sight Line Triangle** means the triangular area formed by a line drawn between two points 8.0 m (26.2 ft.) from the point where two roads intersect or 5.0 m (16.4 ft.) from the point where a lane and road or driveway and road intersect;

6.1.147. **Sign** means any device, letter, figure, symbol, emblem, or picture, which is affixed to or represented directly or indirectly upon a building, structure or piece of land and which identifies or advertises any object, product, place, activity, person, organization or business in such a way as to be visible to the public on any street or thoroughfare.

Sign Type	Definition
Billboard Sign	means a private free standing sign, including supporting structures, which advertises goods, products, services, organizations, or facilities that are available from, located on, or refer to, a site other than the site on which the sign is located..
Canopy Sign	means a sign which is part of or attached to the outside edge of a canopy but which does not extend below the bottom edge or surface of the canopy (see Figure 13)
Fascia Sign	means a sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 0.25m (10in) from such building or structure.
Freestanding Sign	means a non-moveable sign not affixed to a building or structure and which is supported by a pole or similar structure.
Projecting Sign	means a sign which is wholly or partially dependent upon a building for support and which projects more than 0.25m (10in) from such building.
Roof Sign	means a sign erected upon, against or directly above the roof of a building or the top of a wall
Temporary Sign	means a sign advertising a message applicable for a defined period of time and not exceeding three months.

6.1.148. **Sign Corridor** means a strip of land parallel and adjacent to a provincial highway; where private signs may be permitted to advertise goods and services of local area businesses and attractions, as provided by regulations of the Department of Highways entitled "*The Erection of Signs Adjacent to Provincial Highway Regulations, 1986*", as may be amended from time to time.

6.1.149. **Sign, Facial Area** means the entire surface area of a sign or, in the case of a painted wall sign, the smallest

geometric figure which describes the area enclosed by the sign face.

6.1.150. **Site** means one or more contiguous lots under one title and used, or intended to be used for a single principal use and principal building.

6.1.151. **Storage, Indoor** means the act of placing goods, materials, or equipment inside of a building on a more or less permanent or continuous basis but shall exclude general household supplies and items on display for commercial purposes.

6.1.152. **Storage, Outdoor** means the act of placing goods, materials, or equipment outside of a building on a more or less permanent or continuous basis;

6.1.153. **Street** means a public thoroughfare which affords the principle means of access to the abutting property.

6.1.154. **Structure** means anything that is built, constructed or erected, located on the ground, or attached to something located on the ground.

6.1.155. **Structural Alteration** means the construction or reconstruction or the supporting elements of a building.

6.1.156. **Temporary Work Camp** means a temporary residential complex used to house camp workers by various contracting firms on a temporary basis of more than 28 days and less than one (1) year. The camp is usually made up of a number of mobile units, clustered in such fashion as to provide sleeping, eating, recreation and other basic living facilities.

6.1.157. **Theatre** means a building or structure for the performing arts or the showing of motion pictures.

- 6.1.158. **Tourist Camp** means a facility which has two or more cabins for the accommodation of the travelling public and may also have provision for the accommodation of trailers, tent trailers, tents and recreational vehicles.
- 6.1.159. **Town** means the Town of Kipling.
- 6.1.160. **Townhouse** means a multiple unit dwelling under one roof in which each unit has its own entrance to the outside and each unit is separated from other units by a common wall which has no openings.
- 6.1.161. **Trailer Coach** means any vehicle used or constructed in such a way as to enable it to be used as a conveyance upon public streets or highways and includes a self-propelled or non-self-propelled vehicle designed, constructed or reconstructed in such a manner to permit the occupancy thereof as a dwelling or sleeping place for one or more persons notwithstanding that its running gear is removed or that it is jacked up.
- 6.1.162. **Tree Nursery** means the use of land for raising shrubs, trees and bedding plants.
- 6.1.163. **Veterinary Clinic** means a place for the care and treatment of small animals involving outpatient care and medical procedures involving hospitalization, but shall not include the keeping of animals in outdoor pens
- 6.1.164. **Warehouse** means a building used primarily for the storage of goods and materials.
- 6.1.165. **Wholesale Establishment** means the sale of commodities to retailers or jobbers and shall include the sale of commodities for the purpose of carrying on any trade or business.
- 6.1.166. **Wind Energy Converter System** means up to one (1) wind energy system consisting of a wind turbine, tower, and associated control or conversion electronics which is

intended to primarily reduce on-site consumption of utility power for a single site. A Wind Energy Converter System may be free standing or attached to a principal or accessory building. For the purpose of this Bylaw the following applies to WECS:






- a) *Blade* means an element of a WECS rotor which acts as a single airfoil, thereby extracting kinetic energy directly from the wind.
 - b) *Blade Clearance* means in reference to a horizontal axis rotor, the distance from grade to the bottom of the rotor's arc.
 - c) *Horizontal Axis Rotor* means a wind energy conversion system, typical of conventional or traditional windmills, where the rotor is mounted on a downward 5 percent angle to the earth's surface.
 - d) *Over speed control* means a device which prevents excessive rotor speed.
 - e) *Rotor's Arc* means the largest circumferential path traveled by a WECS' blade.
 - f) *Total height* means the height from grade to the highest vertical extension of a WECS. In the case of a WECS with a horizontal axis rotor, total height includes the distance from grade to the top of the tower, plus the distance from the top of the tower to the highest point of the rotor's arc.
 - g) *Tower* means the structure which supports the rotor above grade.
 - h) *Vertical axis rotor* means a wind energy conversion system where the rotor is mounted on an axis perpendicular to the earth's surface.
- 6.1.167. **Yard** means any part of a lot unoccupied and obstructed by any principal building.
- 6.1.168. **Yard, Front** means a yard extending across the full width of a lot between the front lot line and the nearest main wall of the principal building or structure on the lot.

- 6.1.169. **Yard, Rear** means a yard extending across the full width of a lot between the rear lot line and the nearest main wall of the principal building or structure on the lot.
- 6.1.170. **Yard, Side** means a yard extending across the full width of a lot between the side lot line and the nearest main wall of the principal building or structure on the lot.
- 6.1.171. **Zoning District** means a specifically delineated area of the Town within which certain uniform requirements and regulations or various combinations thereof govern the use, placement, spacing and size of land and structures.
- 6.1.172. Any other term used in this document that is not identified in this section should be interpreted as interpreted within *The Act*.

Town of Kipling Zoning Bylaw - Appendix A

Land Use District Map

Legend

-  Town of Kipling Boundary
-  Water Body
-  Registered Right-of-way
-  Connectivity
-  Railway Line

Land Use Districts

-  RL - Large Lot Residential
-  R1 - Low Density Residential
-  R2 - Medium Density Residential
-  RMH - Mobile Home Residential
-  C1 - Neighbourhood Commercial
-  C2 - Highway Commercial
-  C3 - Downtown Commercial
-  M1 - Light Industrial
-  M2 - Heavy Industrial
-  OS - Open Space Recreation
-  CS - Community Services
-  UR - Urban Reserve

250 125 0 250 Meters



June, 2013

pA
planningAlliance

Part 7: Effective Date of the Bylaw

7.1.1. Repeal
Bylaw No. 2-2013 is hereby repealed.

7.1.2. Coming Into Force
This Bylaw shall come into force on the date of final approval by the Minister of Municipal Affairs.

Mayor

SEAL

Town Administrator

INTRODUCED AND READ a first time this _____
day of , 20____.

READ A SECOND TIME this ___ day of _____ , 20____.

READ A THIRD TIME and passed this ___ day of _____ ,
20____.

CERTIFIED a true copy of Bylaw No. 9-2013
adopted by Resolution of Council on the ___ day of
_____, 20____.

Town Administrator



PA

planningAlliance ADVOCO Consulting Ltd.