

**TOWN OF KIPLING**

**BYLAW NO. 5-2022**



**A BYLAW TO AMEND ZONING BYLAW 9-2013**

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Pursuant to Section 46(3) of *The Planning and Development Act, 2007*, the Council of the Town of Kipling, in the Province of Saskatchewan, enacts to amend Bylaw No. 9-2013 as follows:

1. 3.1 Accessory Buildings is amended by adding the following directly after clause 3.1.10:
  - 3.1.11 The maximum height for accessory buildings in any residential district shall be 6.0 metres (19.7 feet) for garages and 3.0 metres (9.8 feet) for sheds.
2. Section 3 General Regulations is amended by adding the following directly after subsection 3.14 Metric Conversion:

**3.15 Development in Proximity to Railway Operations**

- a) New developments shall consider the Guidelines for New Development in Proximity to Railway Operations document. The guidelines contained within the document shall be applied to all new developments in proximity to a rail line or rail operation.
- b) Consultation with the rail line company shall be required for any new or expanding development proposed within 30 metres (98.4 feet) of a rail line or railway operation. Consultation shall address or determine:
  - i. The location of the site in relation to the rail corridor.
  - ii. The nature of the proposed development.
  - iii. The frequency, types, and speeds of trains travelling within the corridor.
  - iv. The potential for expansion of train traffic within the corridor.
  - v. Any concerns the rail line company may have with the new development or with specific uses proposed for the new development.
  - vi. The ability to implement standard mitigation measures on the site.
  - vii. Any suggestions for alternate mitigation measures that may be appropriate for the site.
  - viii. Proposed storm water management and drainage.
  - ix. The requirements to be applied to the project.
- c) Any safety measures, nuisance mitigation measures, or other requirements of the rail company shall be a condition of development permit for the new development. The developer shall be responsible for any costs associated with such requirements.
- d) As a condition of development permit approval, Council may require any additional safety measures or nuisance mitigation measures deemed necessary to protect public and environmental safety and to prevent land use conflicts.

- e) Safety measures and nuisance mitigation measures may include, but shall not be limited to: separation distances, berms, soundproof and privacy fencing, and landscaping.

- 3. Section 3 General Regulations is amended by adding directly after subsection 3.15 Development in Proximity to Railway Operations:

### **3.16 Accessible Building Design**

All new community service, commercial, and industrial buildings shall be designed to meet the minimum standards for accessible building design as required by federal and provincial legislation.

- 4. Subsection 4.7 Mobile Storage Containers is amended by adding the following to 4.7.2:

- c) C2 - Highway Commercial District

- 5. Subsection 4.11 Recreational Vehicles is amended by deleting the word “Fences” at the end of clause 4.11.4 and deleting clauses 4.11.5 to 4.11.13, inclusive, in their entirety.

- 6. Section 4 Specific Regulations is amended by adding the following directly after subsection 4.14 Garden Suites:

### **4.15 Fences**

- a) A fence or hedge may be constructed along a boundary line of a site subject to all other provisions within this Bylaw including Section 3.12 Sight Lines.
- b) Unless otherwise provided for in this Bylaw, the height of any fence in the Large Lot Urban (RL), Low Density Residential (R1), Medium Density Residential (R2) or Mobile Home Residential (RMH) Districts, is to be measured from the ground at the base of the fence to the top of the fence or wall. The height of the fence shall not exceed:
  - i. 1.0 metre (3.3 feet) in front yards.
  - ii. 2.0 metres (6.6 feet) in side yards and rear yards.
  - iii. 1.0 metre (3.3 feet) in side yards which are within 1.5 metres (4.9 feet) of any roadway; or
  - iv. 1.0 metre (3.3 feet) within 7.5 metres (24.6 feet) of the intersection of highways and/or roads.
- c) The height of a fence in any Industrial, Commercial or Urban Reserve District shall be as determined by the Development Officer.
- d) Fences constructed exclusively of barbed wire shall not be permitted in the Town unless used for agricultural purposes. Written approval from the Development Officer shall be required.
- e) If required for security purposes, barbed wire may be used at the top of a chain link fence measuring no less than 2.0 metres (6.5 feet) in height and located in the Light Industrial (M1) or Heavy Industrial (M2) District. Written approval from the Development Officer shall be required.
- f) Electric fences may be allowed where in the Development Officer’s opinion, the electric fence is necessary for an agricultural operation provided the site does not abut any Residential District. Written approval is required from the Development Officer.

- g) Council or the Development Officer may require that a fence or other screen be provided to a height of at least 1.5 metres (4.9 feet) surrounding the following where the use would be visible from a road or from an adjacent dwelling.
    - i. Outdoor storage areas;
    - ii. Garbage collection areas; or
    - iii. Loading or vehicle service areas.
  - h) The design, materials used, and transparency of any new fence shall be, in the opinion of the Development Officer, consistent with and complementary to the existing character of the neighbourhood.
7. Section 4 Specific Regulations is amended by adding the following directly after subsection 4.15 Fences:
- 4.16 Solar Panels**
- a) Solar panels may be allowed as an accessory use where they are attached to the roof of a principal or accessory building. Free-standing solar collectors shall not be permitted.
  - b) The solar panel shall be suitably installed according to the manufacturer's design and construction requirements. Council may require a certificate of structural safety from a professional engineer.
  - c) The solar panel shall comply with all regulations and standards of this Bylaw and any applicable provincial requirements.
8. Section 5.2 Large Lot Urban Industrial District (RL) is amended by removing Wind Energy Conversion System from the list of Accessory Uses in Figure 4-Permitted/Discretionary Uses in the RL District.
9. Section 5.8 Downtown Commercial District (C3) is amended by deleting clause 5.8.8 in its entirety.
10. Section 5.9 Light Industrial District (M1) is amended by adding the letter "P" next to Storage, Outdoor in Figure 18-Permitted/Discretionary Uses in the M1 District.
11. Section 5.10 Heavy Industrial District (M2) is amended by removing Wind Energy Conversion System from the list of Principal Uses in Figure 20-Permitted/Discretionary Uses in the M2 District.
12. Section 6 Definitions is amended by adding the following directly after the definition for Accessory Use:
- Accessible Building Design** means a building and its facilities can be approached, entered, and used by persons with physical or sensory disabilities.
13. Section 6 Definitions is amended by adding the following directly after the definition for Site:
- Solar Panel** means a flat panel, often resembling a window, designed to absorb the sun's rays as a source of energy for generating electricity or heating.
14. Section 6 Definitions is amended by deleting the definition for Wind Energy Converter in its entirety.

Read a first time this 12th day of September, 2022.

Read a first time this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Read a first time this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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CAO

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Mayor

Seal

Certified a true copy of Bylaw No. 5-2022 passed  
by resolution of the Council of the Town of Kipling  
on the xx day of xx, 2022.

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