

Town of Alberton



Development Bylaw

Prepared By | Jesse Morton, MCIP & Greg Morrison, MCIP

Approved By Town Council | February 12, 2018

Effective Date | May 1, 2018

TABLE OF CONTENTS

SECTION 1 Scope	I
SECTION 1.1 Title	I
SECTION 1.2 Area Defined	I
SECTION 1.3 Scope	I
SECTION 1.4 Authority of Development Officer	I
SECTION 2 Definitions	2
SECTION 3 Land Use Zones	15
SECTION 3.1 Overview	15
SECTION 3.2 Interpretation of Zone Boundaries	15
SECTION 3.3 Zoning Map	16
SECTION 3.4 Certain Words	16
SECTION 3.5 Units of Measure	16
SECTION 4 General Provisions for All Zones	17
SECTION 4.1 Development Approval	17
SECTION 4.2 Permit Application	18
SECTION 4.3 Payment of Fees	18
SECTION 4.4 Development Permit	18
SECTION 4.5 Site Plan	18
SECTION 4.6 Conditions on Permits	19
SECTION 4.7 Development Restrictions	19
SECTION 4.8 Other Information	20
SECTION 4.9 Permits Posted	21
SECTION 4.10 Construct in Accordance with Application	21
SECTION 4.11 Authorization for Inspection	21
SECTION 4.12 Surveys Required	21

SECTION 4.13 Certificate of Compliance	21
SECTION 4.14 Accessibility	21
SECTION 4.15 Constructions Plans	22
SECTION 4.16 Other Requirements	22
SECTION 4.17 Development Agreement	22
SECTION 4.18 Access	22
SECTION 4.19 Entranceway Permit	23
SECTION 4.20 Sight Distance	23
SECTION 4.21 Intersection Triangle	23
SECTION 4.22 Existing Non-Conforming Lots	23
SECTION 4.23 Existing Non-Conforming Buildings	23
SECTION 4.24 Non-Conforming Uses	24
SECTION 4.25 Accessory Buildings	24
SECTION 4.26 Outdoor Swimming Pool	25
SECTION 4.27 Home Occupations	25
SECTION 4.28 Bed and Breakfast	28
SECTION 4.29 Moving of Buildings	28
SECTION 4.30 Signage	28
SECTION 4.31 Main Building	29
SECTION 4.32 Mixed Use	29
SECTION 4.33 Lot Frontage	30
SECTION 4.34 Subdividing of Attached Dwellings	30
SECTION 4.35 Special Requirements for Semi-Detached or Townhouse Dwellings	31
SECTION 4.36 Height Restrictions	31
SECTION 4.37 Yards	31
SECTION 4.38 Site Work	31
SECTION 4.39 Grade of Site	31
SECTION 4.40 Landscaping	31
SECTION 4.41 Watercourses and Wetlands	32
SECTION 4.42 Permitted Uses in All Zones	32
SECTION 4.43 Travel Trailers	33
SECTION 4.44 Mobile Homes	33

SECTION 4.45 Underground Petroleum Storage Tanks	33
SECTION 4.46 Petroleum Storage	33
SECTION 5 Parking Requirements	34
SECTION 5.1 Preamble	34
SECTION 5.2 Parking Requirements	34
SECTION 5.3 Additional Parking Spaces	35
SECTION 5.4 Other Requirements	35
SECTION 5.5 Loading Zones	36
SECTION 6 Single Unit Residential (R1) Zone	37
SECTION 6.1 General	37
SECTION 6.2 Permitted Uses	37
SECTION 6.3 Discretionary Uses	37
SECTION 6.4 Servicing	37
SECTION 6.5 Lot Requirements	37
SECTION 7 Two Unit Residential (R2) Zone	39
SECTION 7.1 General	39
SECTION 7.2 Permitted Uses	39
SECTION 7.3 Discretionary Uses	39
SECTION 7.4 Servicing	39
SECTION 7.5 Lot Requirements	39
SECTION 8 Multi-Unit Residential (R3) Zone	41
SECTION 8.1 General	41
SECTION 8.2 Permitted Uses	41
SECTION 8.3 Discretionary Uses	41
SECTION 8.4 Servicing	41
SECTION 8.5 Lot Requirements	41
SECTION 8.6 Special Requirements – Grouped Dwellings	42

SECTION 9 Mixed-Use (MU) Zone	44
SECTION 9.1 General	44
SECTION 9.2 Permitted Uses	44
SECTION 9.3 Discretionary Uses	45
SECTION 9.4 Lot Requirements	45
SECTION 9.5 Special Requirements: Commercial Zones Adjacent to Residential Zones	45
SECTION 9.6 Dwellings in Commercial Buildings	46
SECTION 9.7 Transient or Temporary Commercial Permits	46
SECTION 9.8 Automobile Service Station	47
SECTION 9.9 Parking in Front of Building	47
SECTION 10 Industrial (MI) Zone	48
SECTION 10.1 General	48
SECTION 10.2 Permitted Uses	48
SECTION 10.3 Discretionary Uses	48
SECTION 10.4 Lot Requirements	49
SECTION 10.5 Special Requirements: Industrial Zones Adjacent to Residential Zones	49
SECTION 11 Agricultural Reserve (AI) Zone	50
SECTION 11.1 General	50
SECTION 11.2 Permitted Uses	50
SECTION 11.3 Discretionary Uses	50
SECTION 11.4 Lot Requirements	50
SECTION 11.5 Servicing	51
SECTION 11.6 Intensive Livestock Operations	51
SECTION 12 Recreation and Open Space (OI) Zone	53
SECTION 12.1 General	53
SECTION 12.2 Permitted Uses	53

SECTION 12.3 Lot Requirements	53
SECTION 13 Public Service and Institutional (PSI) Zone	54
SECTION 13.1 General	54
SECTION 13.2 Permitted Uses	54
SECTION 13.3 Discretionary Uses	54
SECTION 13.4 Lot Requirements	55
SECTION 13.5 Parking in Front Yard	55
SECTION 14 Variances	56
SECTION 14.1 Minor Variance	56
SECTION 15 Re-zoning Procedures	57
SECTION 15.1 Re-zoning Procedure	57
SECTION 16 General Provisions for Subdividing Land	59
SECTION 16.1 Subdivisions Approval	59
SECTION 16.2 Conveying Interest in a Lot	59
SECTION 16.3 Permission to Subdivide	59
SECTION 16.4 Changes to Existing Lots	60
SECTION 16.5 Special Requirements – Agricultural Reserve (AI) Zone	60
SECTION 16.6 Procedure	61
SECTION 16.7 Parkland Dedications and / or Park Dedication Fees	62
SECTION 16.8 Subdivision Agreement	62
SECTION 16.9 Final Approval	63
SECTION 16.10 Severances / Consolidation	64
SECTION 16.11 Development Permits	64
SECTION 17 Penalties	65
SECTION 17.1 Penalties	65

SECTION 18 Repeal	66
SECTION 18.1 Effective Date	66
SECTION 18.2 Repeal	66

APPENDICES

Appendix A | Zoning Map

Appendix B | Province-Wide Minimum Development Standards Regulations

SECTION I | Scope

I.1 Title

This Bylaw shall be known and may be cited as the Town of Alberton Development Bylaw.

I.2 Area Defined

This Bylaw applies to the geographical area within which the Town of Alberton Council has jurisdiction.

I.3 Scope

No Development shall take place in the Town of Alberton, except in conformity with this Bylaw and subject to the provisions contained herein.

I.4 Authority of Development Officer

Council shall appoint a Development Officer whose duties shall be as provided in this Bylaw. The Development Officer shall have the authority to administer this Bylaw. Notwithstanding the foregoing, the Development Officer shall have the authority to approve or deny development permits in accordance with this Bylaw.

SECTION 2 | Definitions

For the purpose of this Bylaw, all words shall carry their customary meaning except for those defined hereafter.

- 2.1 Accessory Building** | means a separate subordinate building, not used for human habitation which is used or intended for the better or more convenient enjoyment of the main building to which it is accessory, and located upon the parcel of land upon which such building is or is intended to be erected, and is compatible in design to the main buildings and surrounding structures.
- 2.2 Accessory Use** | means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot.
- 2.3 Additional Dwelling Unit** | means a separate dwelling unit located in the same building as an associated principal dwelling unit in a detached dwelling, linked-detached dwelling, semidetached dwelling, duplex dwelling, or townhouse dwelling.
- 2.4 Detached Additional Dwelling Unit or “Garden Suite”** | means a separate additional dwelling unit that is subsidiary to and located on the same lot as an associated principal dwelling unit, but is contained in its own building.
- 2.5 Alter** | means any change in the structural component or physical appearance of a building or any increase in the volume of a building or structure.
- 2.6 Antique Shop** | means a retail store specializing in the display of sale of antiques.
- 2.7 Attached** | means a building or structure which has a common wall and/or common roof line and the building or structure may be considered common as long as a minimum of twenty percent (20%) of the length of the wall or roof line is common with the main building or structure wall or roof.
- 2.8 Automobile Sales Establishment** | means a building or part of a building or a clearly defined space on a lot used for the sale, rental and maintenance of used and/or new automobiles.
- 2.9 Automobile Service Station** | means a building or part of a building or a clearly defined space on a lot used for the sale of lubricating oils and gasolines and may include the sale of automobile accessories and the servicing and repairing essential to the actual operation of automobiles.
- 2.10 Automobile Washing Establishment** | means a building or part thereof used for the operation of automobile washing equipment which is manual, automatic or semi-automatic.

- 2.11 Bed and Breakfast** | means a business operation, which is carried out by the resident(s) of a single unit dwelling, to provide temporary sleeping accommodations to transient paying guests in which breakfast is the only meal served.
- 2.12 Block** | means any unit of land consisting of a grouping of lots bounded on all sides by watercourses, streets or large parcel boundaries or as otherwise defined by the municipality.
- 2.13 Building** | includes any structure having a roof supported by columns or walls intended for the shelter, housing or enclosure of any person, animal or chattel.
- 2.14 Building Height** | means the vertical distance measured from the averaged finished grade to the highest point of roof surface.
- 2.15 Building Line** | means any line regulating the position of a building or structure on a lot.
- 2.16 Building Setback** | means the distance between the street line and the nearest main wall of any building or structure, except fences, and extending the full width of the lot.
- 2.17 Carport** | means a building or structure which is not wholly enclosed and is used for the parking or storage of private passenger vehicles.
- 2.18 Cemetery** | means land used or intended to be used for the burial of the human dead, including columbaria and mausoleums.
- 2.19 Child Care Facility** | means any institution, agency, or place, whether known as a day nursery, nursery school, or play school, which receives for temporary care apart from the parents on a daily or hourly basis, with or without stated educational purposed and during part or all of the day, more than three children under seven years of age.
- 2.20 Club** | means an association of persons, whether incorporated or not, united by some common interest, meeting periodically for co-operation or conviviality. Club shall also mean, where the context requires, premises owned or occupied by members of such association within which the activities of the club are conducted.
- 2.21 Community Care Facility** | means an establishment that provides care services for compensation to five or more residents who are not members of the operator's immediate family but does not, unless otherwise ordered by the Lieutenant Governor in Council, include:
- 1.** A group home recognized as such by the Minister;
 - 2.** A residential school;

3. An establishment providing accommodation only;
4. A hospital;
5. A correctional institution;
6. A facility in which addiction treatment services are provided;
7. A nursing home; or
8. A residential or nursing case home which is operated by or on behalf of the Department of Health and Wellness or Health PEI.

2.22 Condominium | means a building in which each individual unit is held in separate private ownership and all floor space, facilities and outdoor areas used in common by all tenants are owned, administered and maintained by a corporation created pursuant to the provisions of the appropriate statute.

2.23 Council | means the Council for the Town of Alberton.

2.24 Councillor | means any resident of the Town of Alberton who has been duly elected and sworn to office to execute those duties as prescribed by the law.

2.25 Craft Shop | means an establishment where craft products are produced and offered for sale, and/or where craft instruction is offered.

2.26 Cultural Establishment | means a building or part thereof that is used for: the collection, preservation, restoration, storage, or display of works or objects of archaeological, artistic, cultural, historical, literary, or scientific value; and/or artistic, literary, musical, or theatrical performances. Cultural establishments include archives, auditoria, interpretative centres, galleries, museums, studios, and theatres.

2.27 Demolition | means to remove, pull down or destroy a structure.

2.28 Development | means

I. Site alteration, including but not limited to:

- i. Altering the grade of the land;
- ii. Removing vegetation from the land;

- iii. Excavating the land;
- iv. Depositing or stockpiling soil or other material on the land; and
- v. Establishing a parking lot.

- 2. Locating, placing, erecting, constructing, altering, repairing, removing, relocating, replacing, adding to or demolishing structures or buildings in, under, on or over the land;
- 3. Placing temporary or permanent mobile uses or structures in, under, on or over the land; or
- 4. Changing the use or intensity of use of a parcel of land or the use, intensity of use or size of a structure or building.

2.29 Development Officer | means the person charged by the Council with the duty of administering the provisions of this Bylaw.

2.30 Development Permit | means the formal and written authorization for a person to carry out any development.

2.31 Display | includes any item, group of items, sign, or billboard visible to the general public, indicating that items or services are offered for sale or trade, but does not include Premise signs of 2.78 sq ft (0.26 sq m) or less.

2.32 Discretionary Use | means a prescribed land use that is only permitted within a land use zone, subject to Planning Board review and Council approval, in addition to all applicable requirements of this Bylaw.

2.33 Dwelling | means a building or portion thereof designated or used for residential occupancy, but does not include hotels and motels.

- 1. **Dwelling Unit** | means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided.
- 2. **Detached Dwelling** | means a building that contains only one principal dwelling unit.

3. **Duplex Dwelling** | means a building containing two principal dwelling units each of which has at least two independent entrances.
4. **Semi-Detached Dwelling** | means a building divided vertically into two (2) separate principal units, each of which has at least two independent entrances.
5. **Linked-detached Dwelling** | means a building containing two detached dwelling units that are only connected by the foundation, with each unit having lot frontage.
6. **Multi-Unit Dwelling** | means a building containing three or more dwelling units.
7. **Townhouse Dwelling** | means a building that is divided vertically into three (3) or more dwelling units, each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.
8. **Group Dwelling** | means two or more dwellings or two or more dwelling units, which are contained within two or more buildings located on a lot.
9. **Stacked Dwelling** | means building of four or fewer storeys in height containing four or more principal dwelling units where the units are divided horizontally and vertically, and in which each dwelling unit has an independent entrance to the interior.

2.34 Educational Institution | means any building or part thereof designated for learning or instruction, including public, private and commercial schools, trade schools, colleges, and universities.

2.35 Entertainment Establishment | means an establishment providing musical, dancing or cabaret entertainment, gaming opportunities, and/or facilities for alcoholic beverage consumption and supplementary food service. Entertainment establishments include bars, bingo halls, cabarets, cinemas, beverage rooms, bowling alleys, cocktail lounges, nightclubs, performance theatres and venues, pubs, and taverns.

2.36 Equipment Sales Establishment | means a building or part thereof, or a defined space on a lot used for the sale and rental of heavy equipment, machinery, and/or motor vehicles associated with construction, farming, manufacturing, and transportation uses.

- 2.37 Equipment Repair Establishment** | means a building or part thereof where repair services are provided for heavy equipment, machinery, and/or motor vehicles associated with construction, farming, manufacturing, and transportation uses.
- 2.38 Erect** | means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, filling or draining.
- 2.39 Farming** | means the outdoor cultivation of agricultural products, and the raising of farm livestock.
- 2.40 Fence** | means an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
- 2.41 Financial Institutions** | means an establishment that provides financial services to the public, including banks, trust companies, finance companies, mortgage companies, insurance companies, or investment companies.
- 2.42 Fitness Centre** | means an establishment offering equipment, instruction in, or programs for physical fitness and recreation, and may include the supplementary retail sale of associated products. Fitness centres include dance studios, gyms, martial arts clubs, sports courts, and yoga studios.
- 2.43 Floor Area** | means:
- 1.** With reference to “Dwelling” - the area contained within the outside walls excluding any private garage, porch, veranda, sunroom, greenhouse, unfinished attic, unfinished basement, and other rooms not habitable at all seasons of the year.
 - 2.** With reference to “Commercial Building” - the total usable floor area within a building used for commercial purposes excluding washrooms, furnace rooms and common halls between stores.
 - 3.** With reference to ‘Accessory Building’ - the area contained within the outside walls.
- 2.44 Funeral Home** | means an establishment that provides burial and funeral services for the deceased and their families. Funeral homes may include embalming, preparing a wake and funeral, and the provision of a chapel for a wake or funeral.

- 2.45 Frontage** | means the horizontal distance between the side lot lines of a parcel of land that abuts a public street.
- 2.46 Grade** | means the lowest point of elevation of the finished surface of the ground, paving or sidewalks within the area between the building and the property line or when the property line is more than 5 ft (1.52 m) from the building, between the building and a line 5 ft (1.52 m) from the building.
- 2.47 Government Office** | means a building or part thereof that is occupied by the municipal, provincial, or federal government and/or used to provide government services to the public.
- 2.48 Highway, Road or Street** | means all the area within the boundary lines of every road, street or right-of-way which is vested in the Province of Prince Edward Island or the municipality and used or intended for use by the general public for the passage of vehicles and includes any bridge over which any such road, street or right-of-way passes.
- 2.49 Hotel** | means a building other than a motel occupied or intended to be occupied as a temporary lodging place for any individual for a fee.
- 2.50 Hospital** | means an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, and other abnormal physical or mental conditions and including as an integral part of the institution related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.
- 2.51 Inn** | means an establishment, which is occupied by the owner, and used to provide sleeping accommodations for the travelling public or transient guest in exchange for financial remuneration, and may include the serving of breakfast meals.
- 2.52 Kennel** | means a building or part thereof where dogs, cats, and other household pets are boarded, trained, or kept for breeding purpose in exchanged for financial remuneration. Kennels may include an accessory office, retail store and/or grooming services.
- 2.53 Landscaping** | means any combination of trees, shrubs, flowers, grass, other horticultural elements, paving, or other architectural elements, all of which are designed to enhance the visual amenity of a property.
- 2.54 Library** | means a building or part thereof that houses an organized collection of information resources, such as books, periodicals, newspapers, maps, prints, films, music, videos, etc., that are made available for reference or borrowing. A library may also provide internet access the community, and contain facilities that can be used for lectures, exhibits, meetings, social events, youth programming, and presentations.

2.55 Loading Space | means an unencumbered area of land provided and maintained upon the same lot or lots upon which the principal use is located and which area is provided for the temporary parking of one (1) commercial motor vehicle while merchandise or materials are being loaded or unloaded, and such parking space shall not be for the purpose of sale or display.

2.56 Lot or Property | means any parcel of land described in a deed or as shown in a registered subdivision plan.

1. Lot Area | means the total area included within the lot lines.

2. Corner Lot | means a lot situated at an intersection of and abutting on two or more streets.

3. Flankage Lot Line | means the side lot line which abuts the street on a corner lot.

4. Front Lot Line | means the lot line abutting the street upon which the building or structure erected or to be erected has its principal entrance.

5. Interior Lot | means a lot other than a corner lot.

6. Lot Depth | means the depth from the front lot line to the rear lot line.

7. Lot Line | means any boundary of a lot.

8. Rear Lot Line | means the lot line further from and opposite to the front lot line.

9. Side Lot Line | means a lot line other than a front, rear or flankage lot line.

10. Through Lot | means a lot bounded on two opposite sides by streets.

2.57 Lot Consolidation | means the legal incorporation of two or more existing parcels of land to form a single, larger parcel.

2.58 Lounge | means a commercial facility or structure licensed to sell alcoholic beverages to the public.

2.59 Main Building | means that building, the nature of the use of which determines the status of the lot upon which it is authorized to be constructed or upon which it is constructed.

- 2.60 Major Development** | means any development as defined in Section 2.26 that will have a major impact on the Town as a whole or any part thereof including, but so as not to limit the foregoing, any major impact on municipal services, transportation, tax rates, retail outlets, institutions or residential expansion.
- 2.61 Manufacturing** | means a building or part thereof used for the purpose of assembling, fabricating, manufacturing, processing and/or finishing of goods.
- 2.62 Medical Office** | means a building or part thereof where qualified medical practitioners (including chiropractors, counsellors, dentists, eye specialists, nutritionists, osteopaths, physicians, therapists, etc.) and their staff provide diagnosis, consultation, and treatment services to human patients on an outpatient basis.
- 2.63 Mobile Home** | means a transportable dwelling unit suitable for permanent occupancy, designed to be transported with or without its own wheeled chassis and may include a premanufactured dwelling unit.
- 2.64 Motel** | means a building occupied in whole or in part as a temporary lodging place for an individual and for which there is an exit for any room or suite of rooms directly to the outdoors with access to grade level.
- 2.65 Office** | means a building or part thereof used to accommodate the administrative, clerical, professional, managerial, and consulting services of business or organization, and may include the sale of associated goods and/or services. Offices include accountants, professional consulting firms, insurance brokers, lawyers, photographers, and travel agents. Government offices, medical offices, and veterinary establishments shall be separate land uses.
- 2.66 Obnoxious Use** | means a use which, from its nature or operation, creates a nuisance or is offensive by the creation of noise or vibration or by reason of the emission of gases, fumes, dust, and any objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material.
- 2.67 Open Space** | means that portion of a lot which may be used for landscaping, recreational space or leisure activities normally carried on outdoors; but does not include space used for service drive-ways or off-street parking.
- 2.68 Outdoor Storage** | means the outdoor storage and display of goods, equipment, or materials, excluding vehicular parking and loading areas.
- 2.69 Park** | means an outdoor open space devoted to passive recreational or conservation uses, which may include ornamental gardens and lawns, natural vegetated areas, outdoor

furniture, picnic areas, playgrounds, trails, accessory structures, and accessory on-site parking areas that support park uses.

- 2.70 Parking Space** | means an area of land which is suitable for the parking of a vehicle, , accessible to vehicles without the need to move other vehicles on adjacent areas.
- 2.71 Personal Service Shop** | means a building or part thereof means a building in which persons are employed in furnishing services and otherwise administering to the individual needs of a person. Personal service shops include barber shops, beauty parlours, hairdressing shops, salons, tailors, and the cleaning / repair of personal effects and household items.
- 2.72 Phase** | means to develop a parcel of land over time in a series of prescribed stages; or one of such stages.
- 2.73 Place of Worship** | means a building used for religious worship, study, and instruction. Places of worship include churches, monasteries, mosques, synagogues, and temples, and may also incorporate an auditorium, hall, office, child care facility as accessory uses.
- 2.74 Playground** | means an outdoor recreational area with a variety of facilities and/or equipment for children, as well as sport courts, fields, and open spaces.
- 2.75 Private Garage** | means a building or part thereof which is used for the sheltering of private motor vehicles and storage of household equipment incidental to the residential occupancy and in which there are no facilities for repairing or servicing of such vehicles for remuneration or commercial use.
- 2.76 Premise Sign** | means a sign that directs attention to a business, commodity, service, industry, or other activity, which is sold, offered, or conducted on the lot upon which the sign is located, or to which it is affixed.
- 2.77 Public Park** | means a park owned by the Town or some other level of government, which is intended to be used by members of the public.
- 2.78 Recreational Facility** | means an establishment or site that is designed and equipped to support sport, leisure, and recreational activities. Recreational facilities include arenas, community centres, curling rinks, day camps, fitness centres, golf courses, lawn bowling greens, parks, playgrounds, picnic areas, skate parks, spas, sports fields, swimming pools, tennis courts, and other similar uses.
- 2.79 Restaurant** | means buildings or structures or part thereof where food and drink is prepared and offered for sale to the public.

- 2.80 Retail Store** | means a building or part thereof in which articles, goods, foods, merchandise, substances, or wares, or things are rented and/or sold directly to the general public. Retail stores shall not include automobile sales attachments, equipment sales establishments, or wholesales establishments.
- 2.81 Senior Citizen Home** | means any home for Senior Citizens either privately sponsored or administered by any public agency or any service club either of which obtain its financing from federal, provincial or municipal governments or agencies or by public subscription or donations, or by a combination thereof, and shall include auxiliary uses such as lounges and recreation facilities usually associated with senior citizens' developments, and solely for the use of its residents.
- 2.82 Service Shop** | means a building or part thereof used for the sale and repair of household articles and shall include radio, television, and appliance repair shops but shall not include industrial, manufacturing or motor vehicle body repair shops.
- 2.83 Sewerage System** | means a system of pipes for the disposal of sewage controlled by a utility.
- 2.84 Shopping Centre** | means a building or building complex on a lot designed, developed and managed as a unit by a single owner or tenant, or a group of owners or tenants, containing a variety of commercial uses and distinguished from a business area comprising unrelated individual uses and characterized by the sharing of common parking areas and driveways.
- 2.85 Storey** | means that portion of a building between any floor and ceiling or roof next above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least 6 ft (1.83 m) above grade and provided also that any portion of a building between any floor and ceiling or roof next above exceeding 14 ft (4.27 m) in height shall be deemed an additional storey.
- 2.86 Street or Road** | see Highway, Road or Street, Section 2.46.
- 2.87 Structure** | means any construction including a building fixed to, supported by or sunk into land or water, but excludes concrete and asphalt paving or similar surfacing and fencing and includes a swimming pool.
- 2.88 Subdivision** | means a division of a parcel of land by means of a plan of subdivision, plan or survey, agreement, deed or any instrument, including a caveat transferring or creating an estate or interest in part of the parcel.

- 2.89 Swimming Pool** | means any outdoor structure, basin, chamber, or tank used or which may be used for swimming, diving, or recreational bathing and having a depth of 2 ft (0.61 m) or more at any point or with a surface area exceeding 100 sq ft (9.29 sq m).
- 2.90 Survey Plan** | means an appropriately scaled drawing of survey details, certified by a licensed Prince Edward Island land surveyor.
- 2.91 Town or Municipality** | means the area incorporated and known as the Town of Alberton.
- 2.92 Transport Establishment** | means a building, site, or part thereof where a trucking and distribution company houses its vehicles until they're dispatched.
- 2.93 Travel Trailer** | means a vehicle or structure designed to be used as temporary accommodation for travel, recreation, and vacation purposes and intended to be independent of sewage, water and electrical services.
- 2.94 Use** | means any purpose for which a building or other structure or parcel of land may be designed, arranged, intended, maintained or occupied, and includes any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a parcel.
- 2.95 Variance** | means a granted minor deviation from the requirements of the Development Bylaw.
- 2.96 Veterinary Establishment** | means a building or part thereof where veterinarians and staff provide diagnosis, consultation, and treatment services to animals, and may also include the boarding of said animals and the sale of associated goods and/or pet supplies. Hospitals, kennels, and medical offices shall be separate land uses.
- 2.97 Warehouse** | means a building or part thereof used for the receiving and storage of goods and materials. A warehouse includes self-storage units and the storage of goods by a distributor or supplier who sells the goods at other locations.
- 2.98 Watercourse** | means an area which has a sediment bed and may or may not contain water, and without limiting the generality of the foregoing, includes the full length and width of the sediment bed, bank and shore of any stream, spring, creek, brook, river, lake, pond, bay, estuary or coastal body, and water therein, and any part thereof, up to and including the watercourse boundary.
- 2.99 Wetland** | means an area which contains hydric soil, aquatic or water-tolerant vegetation, and may or may not contain water, and includes any water therein and everything up to and including the wetland boundary, and without limiting the generality of the foregoing,

includes any area identified in the Prince Edward Island Wetland Inventory as open water, deep marsh, shallow marsh, salt marsh, seasonally flooded flats, brackish marsh, a shrub swamp, a wooded swamp, a bog or a meadow.

2.100 Wholesale Establishment | means a building or part thereof that is used to sell commodities in large quantities for industrial, institutional or business use, or for commercial resale.

2.101 Yard | means an open, uncovered space on a lot pertinent to a building and unoccupied by buildings or structures except as specifically permitted in this Bylaw and

- 1. Front Yard** | means a yard extending across the width of a lot between the front lot line and nearest wall of any building or structure on the lot.
- 2. Minimum Front Yard** | means the minimum depth of a front yard on a lot between the front lot line and the nearest main wall or any building or structure on the lot.
- 3. Rear Yard** | means a yard extending across the width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot.
- 4. Minimum Rear Yard** | means the minimum depth of a rear yard on a lot between the rear lot line and the nearest main wall of any main building or structure on the lot.
- 5. Side Yard** | means a yard extending from the front yard to the rear yard of a lot between a side lot line and nearest wall of any building or structure on the lot.
- 6. Minimum Side Yard** | means the minimum width of a side yard on a lot between a side lot line and the nearest main wall of any main building or structure on the lot.
- 7. Flankage Yard** | means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest main wall of any building or structure on the lot.

2.102 Zone | means a designated area of land shown on the Official Zoning Map of the Bylaw within which land uses are restricted to those specified by this Bylaw.

SECTION 3 | Land Use Zones

3.1 Overview

For the purpose of this Bylaw, the Town is divided into the following land use zones, the boundaries of which are subject to Section 3.2 as shown in Appendix “A” on the Zoning Map. Such zones may be referred to by the appropriate symbols.

1.	Low-Density Residential Zone	R1
2.	Medium-Density Residential	R2
3.	High-Density Residential	R3
4.	Mixed-Use	MU
5.	Light Industrial	M1
6.	Agricultural Reserve	A1
7.	Public Service and Institutional	PSI
8.	Recreation and Open Space	01

3.2 Interpretation of Zone Boundaries

Boundaries between zones as indicated in Appendix “A” shall be determined as follows:

1. Where a zone boundary is indicated as following a street or highway, the boundary shall be the centre line of such street or highway.
2. Where a zone boundary is indicated as following lot or property lines, the boundary shall be such lot or property.
3. Where a zone boundary is indicated as following the limits of the Municipality, the limits shall be the boundary.
4. Where none of the above provisions apply, the zone boundary shall be scaled from the original zoning map lodged with the municipality.

3.3 Zoning Map

Appendix “A” may be cited as the “Zoning Map” and forms a part of this Bylaw.

3.4 Certain Words

In this Bylaw: words used in the present tense include future; words in the singular number include the plural; and the word “shall” is mandatory and not permissive.

3.5 Units Of Measure

Units of measure and conversion shall be in accordance with either Imperial or Metric standards.

SECTION 4 | General Provision for All Zones

4.1 Development Approval

I. No person shall:

- i. Alter the grade of the land;
- ii. Excavate the land;
- iii. Deposit or stockpile soil or other material on the land;
- iv. Establishing a parking lot;
- v. Locate, place, erect, construct, alter, repair, remove, relocate, replace, add to or demolish structures or buildings in, under, on or over the land;
- vi. Place temporary or permanent mobile uses or structures in, under, on or over the land;
- vii. Change the use or intensity of use of a parcel of land or the use, intensity of use or size of a structure or building;
- viii. Make any water or sewer connection;
- ix. Make any underground installation such as a septic tank, a fuel tank, a foundation wall or the like;
- x. Construct a driveway;
- xi. Subdivide or consolidate a parcel or parcels of land; or
- xii. Construct a fence over four (4) feet high

without first applying for, and receiving a permit from Council.

2. For the purpose of this Bylaw:

- i. Laying paving materials for patios or sidewalks;

- ii. Remove vegetation from the land;
- iii. Constructing fences of four (4) feet in height, or less;
- iv. Installing clotheslines, poles, and radio or television antennae, except satellite dishes;
- v. Making a garden;
- vi. Growing a crop or preparing land for an approved agricultural use;
- vii. Making landscaping improvements or constructing ornamental structures of less than 64 sq ft (5.95 sq m); and
- viii. Conducting routine maintenance which has the effect of maintaining or restoring a structure or any of its elements to its original state or condition.

shall not be interpreted as changing the use of land or a structure or constructing or replacing a structure, and shall not require a permit from Council.

4.2 Development Permit Application

- 1. Any person applying for a permit shall do so on a form prescribed by Council, and shall submit the application to the Chief Administrative Officer.
- 2. Every application form shall be signed by the property owner or the property owner's authorized agent, and shall be accompanied by an application fee in accordance with Appendix "C".

4.3 Payment of Fees

Notwithstanding any Section of this Bylaw, development permits are not valid and will not be recognized until the application fee and any other required fees are paid in full and the said permit is in the applicant's possession.

4.4 Development Permit

A development permit shall be valid for a twelve-month period. If the development permit expires, it may be renewed for an additional twelve-month period upon application to the

Administrator, if the proposal compiles with the Development Bylaw that is in effective at the date of the application.

4.5 Site Plan

Council may require an applicant to submit a site plan drawn to scale certifying the agreement of the applicant to develop the site in accordance with the plan.

4.6 Conditions on Permits

Council or its agent shall have the authority to impose conditions on a permit subject to such conditions being directly related to or consistent with bylaws of the Town, the Official Plan, or other applicable regulations or laws in force.

4.7 Development Restrictions

- I.** Council or the Development Officer shall issue a development permit for a development, excluding a discretionary use, if it is determined that:
 - i.** The proposed development conforms to this Bylaw;
 - ii.** The method of water supply is appropriate;
 - iii.** The method of sanitary waste disposal is appropriate;
 - iv.** There is safe and efficient street access, in accordance with Section 4.18 and 4.19;
 - v.** The applicable authorizations and approvals have been obtained from the Provincial and Federal Government;
 - vi.** The proposed development shall not create unsafe traffic conditions;
 - vii.** The impact of the proposed development is not detrimental to the environment;
 - viii.** The proposed development shall not create a health, fire, accident or hazard;
 - ix.** The proposed development shall not damage neighboring properties by reason of drainage and water run-off;

- x. The proposed development shall not significantly damage neighbouring properties by reason of architectural disharmony; and
 - xi. The proposed development shall not be detrimental to the health or safety of residents in the vicinity or the general public.
- 2.** Council shall issue a development permit for a discretionary use, following a review by Planning Board, if Council determines that:
- i. The criteria listed in Section 4.7.1 are satisfied;
 - ii. The applicable Official Plan objectives are satisfied;
 - iii. The proposed development is compatible with the existing land use(s) in the surrounding area;
 - iv. The proposed development shall not produce detrimental visual impacts on the streetscape and abutting properties; and
 - v. The proposed development shall not introduce obnoxious uses, in accordance with Section 2.66, into the surrounding area.

4.8 Other Information

Council may require an applicant to submit any additional information related to the development, which it deems pertinent to determine whether or not an application meets the requirements of this Bylaw, the Official Plan, other applicable regulations or laws in force, including but not limited to the following:

- 1.** Parking lot layout and internal circulation patterns;
- 2.** Location of garbage containers and description of any screening or fencing;
- 3.** Storm water management plan;
- 4.** Location of open space and amenity areas;
- 5.** Landscaping plan;
- 6.** Buffer zones adjacent to wetland areas or watercourses;
- 7.** Existing vegetation;

8. Easements;
9. Proposed storage areas and description of any screening or fencing;
10. Traffic impact studies; and
11. Any other approvals which may be required.

4.9 Permits Posted

All permits shall be posted by the applicant in a location easily visible for viewing.

4.10 Construct in Accordance with Application

Any person who has been granted a development permit shall agree to develop in accordance with the information given on the prescribed application form and the conditions laid down by the development permit or development agreement and shall comply therewith.

4.11 Authorization for Inspection

An application for a development permit shall constitute authorization for inspection of the building or land in question by an officer or agent of the Town for the purpose of ensuring compliance with the provisions of this Bylaw.

4.12 Surveys Required

Where the Development Officer is unable to determine whether the proposed development conforms to this Bylaw and other bylaws and regulations in force which affect the proposed development, Council may require that the plans submitted under this Bylaw be based upon an actual survey by a licensed Prince Edward Island Land Surveyor.

4.13 Certificate of Compliance

As a condition of any development permit Council may require that any applicant shall not use or occupy, or being the owner thereof, shall not permit any building or premises, or part thereof, to be used or occupied after it has been erected, altered, placed or reconstructed until there has been issued to the owner an official certificate of compliance certifying that the building or premises or part thereof conform to the provisions of this Bylaw including any conditions noted on the development permit or the development agreement and all

applicable authorization and approvals have been obtained from the Provincial and the Federal Government.

4.14 Accessibility

Council may, as a condition of granting a development permit, require the applicant to design and develop a structure or provide such facilities as necessary to permit access to the building or structure by physically challenged persons.

4.15 Construction Plans

Council may require the applicant to submit a Construction Plan for the development addressing such details as construction phasing, stockpiling of soil, temporary screening or fencing, erosion or run-off control measures, heavy truck access and any other item which could in the opinion of Council present a nuisance or hazard during construction.

4.16 Other Requirements

Nothing in this Bylaw exempts any person from the requirement to obtain any permit, license, permission, authority or approval required by any other regulations or laws in force.

4.17 Development Agreement

Council may require any applicant to enter into a Development Agreement. This Agreement shall be a contract binding on both parties, containing but not limited to all conditions which were attached to the development permit. Failure to comply with a Development Agreement shall constitute an offense under this Bylaw.

4.18 Access

- 1.** No development permit shall be issued unless the lot or parcel of land intended to be used or upon which the building or structure is to be erected abuts and fronts upon a public street.
- 2.** Any new development or any change of use to the parcel of land serviced by an existing entranceway shall meet the Minimum Highway Access Standards of the Planning Act Province-Wide Minimum Development Standards Regulations.
- 3.** Notwithstanding Section 4.18.1 above, Council may approve a development permit for a residential or commercial structure which fronts on a private right-of-way, provided that the following criteria are met:

- i. No reasonable provision can be made to provide access to a public street;
- ii. Safe ingress and egress from the lot can be provided;
- iii. An agreement is registered in the P.E.I. Registry Office, binding on all property owners abutting or fronting on the private right-of-way providing for the long term ownership and maintenance of the right-of-way, such agreement shall be binding on all heirs, successors and assigns of the current property owners.

4.19 Entranceway Permit

Where an entranceway permit is required under the Roads Act Highway Access Regulations, its issuance shall be a precondition of the approval of a subdivision or development permit.

4.20 Sight Distance

No person shall construct or use any access driveway except where that access driveway meets the minimum sight distance standards as established under the ***Planning Act*** or the ***Roads Act***.

4.21 Intersection Triangle

On a corner lot, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height greater than two feet above grade of the streets which abut the lot within the triangular area indicated by the street boundary lines for a distance of 20 ft (6.10 m) from their point of intersection.

4.22 Existing Non-Conforming Lots

Notwithstanding any other provisions of this Bylaw, a vacant lot held in separate ownership from adjoining parcels on the effective date of this Bylaw, having less than the minimum width or area required, may be used for a purpose permitted in the zone in which the lot is located and a building may be erected on the lot provided that all other applicable provisions in this Bylaw are satisfied.

4.23 Existing Non-Conforming Buildings

Where a building has been erected on or before the effective date of this Bylaw on a lot having less than the minimum frontage or area, or having less than the minimum setback or

side yard or rear yard required by this Bylaw, the building may be enlarged, reconstructed, repaired or renovated provided that:

1. The enlargement, reconstruction, repair or renovation does not further reduce the front yard or side yard or rear yard which does not conform to this Bylaw; and,
2. All other applicable provisions of this Bylaw are satisfied.

4.24 Non-Conforming Uses

1. Subject to the provisions of this Bylaw, a building or structure, or use of land, buildings or structures lawfully in existence on the effective date of approval of this Bylaw may continue to exist;
2. A building or structure shall be deemed to exist on the effective date of approval of this Bylaw if:
 - i. It was lawfully under construction, or
 - ii. The permit for its construction was in force and effect, but this clause shall not apply unless the construction is commenced within six (6) months after the date of the issue of the permit and is completed in conformity with the permit within a reasonable time;
3. No structural alterations that would increase the exterior dimensions, except as required by statute or bylaw, shall be made to a building or structure while a non-conforming use thereof is continued;
4. If a building which does not conform to provisions of this Bylaw is destroyed by a fire or otherwise to an extent of fifty percent (50%) or more of the assessed value of the building above its foundation, it shall only be rebuilt or repaired in conformity with the provisions of this Bylaw, except if the building or repair work would not be detrimental, in the opinion of Council, to the convenience, health or safety or residents in the vicinity or the general public;
5. Any change of tenants or occupants of any premises or building shall not of itself be deemed to affect the use of the premises or building for the purposes of this Bylaw;
6. A non-conforming use of land, buildings or structures shall not be permitted if it has been discontinued for a period of twelve (12) months consecutively, and

in such event, the land, building or structure shall not thereafter be used except in conformity with this Bylaw, except if the use would not be detrimental, in the opinion of Council, to the convenience, health or safety or residents in the vicinity or the general public;

4.25 Accessory Buildings

1. No accessory building shall be used for human habitation.
2. No accessory building shall be located within the front yard or flanking side yard of a lot.
3. Accessory buildings shall adhere to the following provisions:

	Residential Zones	Industrial Zone, Mixed-use Zone or Agricultural Reserve Zone
Maximum Gross Floor Area per Building	700 sq ft (65.03 sq m)	N/A
Maximum Number of Buildings	Two (2) per property with a gross floor area of 1,000 sq ft (92.90 sq m)	N/A
Minimum Rear Yard	3 ft (0.91 m)	3 ft (0.91 m)
Minimum Side Yard	3 ft (0.91 m)	3 ft (0.91 m)
Maximum Height	12 ft (3.66 m) unless a special permit has been issued by Council allowing a greater height in order to achieve architectural harmony with the main building	35 ft (10.67 m)

4. Satellite dishes greater than two (2) feet in diameter require a development permit.

4.26 Outdoor Swimming Pool

The installation of a swimming pool shall be permitted in any zone, except the Light Industrial (M1) Zone, in accordance with the following provisions:

1. The applicant shall first secure a Development Permit from Council;
2. A 6 ft (1.83 m) fence shall be constructed in such a manner so as to impede unauthorized persons from entering over or under said fence. Such fence shall be aesthetically presentable and preference will be given to wood type fence;

3. Any gate on such fence shall be capable of being locked;
4. Disposal of water after dechlorinating shall be either through the sanitary sewer system or carried off by truck unless otherwise authorized by Council; and;
5. The applicant shall agree that other reasonable initiatives regarding maintenance and safety shall be carried out either at the initiative of the applicant or the Council.

4.27 Home Based Business

- I. Any number of home-based businesses are permitted in the dwelling unit, additional dwelling unit, garage and accessory buildings
 - i. The home occupation shall be one of the following uses:
 - a. Antique Shops;
 - b. Business or Professional Offices;
 - c. Craft Shops;
 - d. Instruction in arts and crafts, dance, music, painting, sculpture or weaving; and
 - e. Personal Service Shops.
 - ii. The dwelling unit shall be the residence of the principal business operator;

The dwelling's exterior shall retain its residential character and appearance, and not be altered by the home occupation;

a maximum of two, on-site, non-resident employees are permitted per dwelling unit.

- iii. The home based business shall occupy a maximum of twenty-five percent (25%) of the dwelling unit's gross floor area;
- iv. Off-street parking shall be provided, in accordance with this Bylaw, for both the dwelling and home based business;

- v. The home based business shall not create or become a public nuisance with respect to dust, light, noise, odor, parking, or traffic;
 - vi. Outdoor storage shall be prohibited; and
 - vii. The home based business shall be permitted to erect one premise sign, which has a maximum area of 2.78 sq ft (0.26 sq m).
2. One home based business may be permitted in an accessory building on any residentially zoned property provided that the following requirements are satisfied:
- i. The home based business shall clearly be accessory or secondary to the principal residential use;
 - ii. The property shall be the residence of the principal business operator;
 - iii. The property and accessory building shall retain its residential character and appearance, and not be altered by the home based business;
 - iv. The home based business shall have a maximum of two non-resident employees;
 - v. The accessory building shall:
 - a. Adhere to Section 4.25 of this bylaw;
 - b. Be located a lot that exceeds 10,000 sq ft (929.03 sq m) in area.
 - c. Have a maximum gross floor area of 1,000 sq ft (92.90 sq m);
 - vi. Off-street parking shall be provided, in accordance with this Bylaw, for both the dwelling and home occupation(s);
 - vii. The home based business shall not create or become a public nuisance with respect to dust, light, noise, odor, parking, or traffic;
 - viii. Outdoor storage and display shall be prohibited in the front yard;
 - ix. Outdoor storage and display in the rear yard shall not be more than fifteen percent (15%) to a maximum of 323 sq ft (30.01 sq m). Such outdoor display shall be maintained in a manner that is not obnoxious

to the public or neighbouring properties and shall be screened and/or fenced from neighbouring residential zoned properties; and

- x. The home based business shall be permitted to erect one premise sign, which has a maximum area of 2.78 sq ft (0.26 sq m).

4.28 Bed and Breakfast

Bed and breakfast establishments shall be permitted to operate in any residential Zone subject to the following:

1. A bed and breakfast shall only be permitted to operate in a single unit dwelling;
2. The dwelling's exterior shall retain a residential character and appearance, and not be changed by the bed and breakfast operation;
3. Off-street parking shall be provided, in accordance with this Bylaw, for both the single unit dwelling and bed and breakfast;
4. Premise signs may be permitted but shall be restricted to a maximum of 6.25 sq ft (0.58 sq m) and shall only be illuminated via an external light source, which shall not be permitted to cause a nuisance or safety hazard to adjoining residences or the traveling public;
5. There shall be no other signage, outdoor storage or visible display area.

4.29 Moving of Buildings

No building shall be moved within or into the area covered by this Bylaw without a development permit and such other permits as may be required by law.

4.30 Signage

Any sign, billboard or poster, temporary or permanently erected in any commercial or industrial zone shall conform to the following provisions:

1. Other than directional signs containing no promotional content, only one (1) free-standing sign shall be erected on a lot; except where the lot is bordered by more than one street in which case one (1) free-standing sign may be permitted along each street line;

2. Free-standing signs shall be permitted if compatible with the building in scale and colour. The area of a free-standing sign shall be no greater 50 sq ft (4.64 sq m). Free-standing signs shall be set back at least 8.5 ft (2.59 m) from the street line;
3. Fascia signs shall be permitted on the building and shall project no more than 1.5 ft (0.46 m) from the wall of the building and shall be no higher than the roof line of the building or part of the building. The area of fascia signs shall not exceed ten percent (10%) of the area of the wall on which the sign is to be located, or 100 sq ft (9.29 sq m) whichever is less;
4. No sign other than a traffic directional sign erected by a public authority shall be on the side or rear of a building, or within a side, flankage or rear yard when such side, flankage or rear yard abuts a residential zone;
5. No signs painted or mounted on sloping roofs shall be permitted;
6. All signs shall be made of durable materials and shall be maintained in good condition;
7. Internally lit signs shall be permitted and shall have the light source concealed by a diffusive material;
8. Signs lit by floodlighting shall have the floodlighting directed at the sign and no floodlighting shall be aimed at the road. No stray illumination from floodlighting shall shine on adjacent residential land;
9. Where there are more than one (1) commercial uses on one lot, all uses on the same lot shall share one (1) sign. The total size of any shared sign shall be no larger than 50 sq ft (4.64 sq m) for each use or a total of 150 sq ft (13.94 sq m), unless a larger size is authorized by Council. Where a sign for a building is shared by more than one (1) commercial use, the signs for all uses must be of similar material and lettering design to produce a uniformity of signs for the common facility. Logos may be incorporated into the common sign;
10. No mobile signs shall be permitted in any zone.

4.31 Principal Building

Except in an R1 or R2 zone, more than one (1) principal building may be placed on a lot in any zone, provided all other provisions of this Bylaw are met.

4.32 Mixed Use

Where any land or building is used for more than one (1) purpose, all provisions of this Bylaw relating to each use shall be satisfied.

4.33 Lot Frontage

- 1.** If a parcel of land in any zone is of such configuration that it cannot reasonably be subdivided in such a way to provide the required minimum frontage on a street, the Council may approve a reduced frontage, provided that the lot width at the building line measures at least as much as the minimum lot frontage for the zone.
- 2.** In any zone, lots designed with a reduced frontage along a bend in a street or facing a cul-de-sac, may be approved by Council if in the opinion of Council adequate and safe access is provided and if the lot width at the building line measures at least as much as the minimum lot frontage for the zone.

4.34 Subdividing of Attached Dwellings

Semi-detached and/or townhouse dwellings may be divided independently for individual sale and ownership provided that:

- 1.** A subdivision of the parcel of land has been approved by Council (such subdivision to provide for appropriate easements or common area to allow entry by an owner of any portion of the building to his back yard area);
- 2.** The units must be separated from the basement floor to the underside of the roof by a vertical fire wall built in accordance with applicable National Building and Fire Code regulations;
- 3.** A separate water and sewer service is provided for each unit in accordance with policies governing water supply and sewerage services for the Town;
- 4.** A separate electrical service is provided for each unit;
- 5.** A separate heating device is provided for each unit;
- 6.** Separate parking to be provided unless Council waives same;
- 7.** A copy of the agreement made between the owners covering the following terms is approved by Council and registered on the title of each unit:

- i. Common walls
- ii. Maintenance
- iii. Fire insurance
- iv. Easements
- v. Parking
- vi. Snow removal; and
- vii. Any other items jointly owned or used.

8. Any other terms and conditions as shall be imposed by Council.

4.35 Height Regulations

The height regulations of this Bylaw shall not apply to church spires, water tanks, flag poles, lighting standards, television or radio antennae, ventilators, skylights, chimneys, clock towers, or utility poles.

4.36 Yards

Except for accessory buildings, every part of any yard required by this Bylaw shall be open and unobstructed by any structure from the ground to the sky.

4.37 Site Work

No person shall carry out any site work that may negatively affect adjacent lots prior to obtaining a development permit from the Town of Alberton.

4.38 Grade of Site

No building shall be erected or placed except in conformance with the finished grade for its site or the road, after its construction.

4.39 Landscaping

1. The provision and maintenance of adequate landscape buffering and/or appropriate fencing shall be required to the satisfaction of the Council between residential zones and new commercial, industrial or other land uses characterized by significant traffic generation, the heavy use of trucks, noise, outdoor storage, congregations of people, other factors that may adversely affect adjacent residential amenity;
2. The provision and maintenance of adequate landscaping shall be required for new development to the satisfaction of the Development Officer;
3. Where a C1 Zone, or an M1 Zone abuts a Residential Zone along a side and/or rear lot line, a strip of not less than 15 ft (4.57 m) in width along the said side and/or rear lot shall be landscaped to the satisfaction of the Development Officer as part of the development for which a development permit has been granted.

4.40 Watercourses and Wetlands

1. Within 49.2 ft (15 m) of any watercourse, intermittent watercourse or wetland, no person shall alter or remove any natural vegetation or remove or deposit any fill or other material without first applying for and receiving a permit from Council and, if required, a Watercourse, Wetland and Buffer Zone Activity Permit from the Provincial Government.
2. Within 49.2 ft (15 m) of any watercourse or wetland no person shall erect or place any structure.
3. Notwithstanding the above provisions, and if all required permits under the Environmental Protection Act have been received, Council may permit development to occur within 49.2 ft (15 m) of a watercourse or wetland where it deems there would be no significant damage to the natural environment and subject to a detailed landscaping plan, erosion control plan and such other conditions as Council may impose.

4.41 Permitted Uses in All Zones

The following uses are permitted in all zones:

1. Temporary construction facilities such as sheds, scaffolds and equipment incidental to building on the premises for so long as work is in progress or for a maximum period of six (6) months, whichever is the shorter period.
2. Public and private utility buildings and structures which are considered by Council to be necessary and appropriate to the municipality.
3. Windmills shall be permitted subject to the Provincial standards as set out in the Subdivision and Development regulations.

4.42 Travel Trailers

No person shall use a travel trailer in any zone for any purpose other than the type of temporary residence for which it is intended.

4.43 Mobile Homes

Mobile Homes shall not be permitted within the municipality except as an accessory use on a farm property within the Agricultural Zone.

4.44 Underground Petroleum Storage Tanks

Underground Petroleum Storage Tanks shall require provincial approval, as per the Environmental Protection Act, and a development permit from the Town before installation may proceed. The Town shall not issue a permit to the applicant until it has received written approval from the appropriate authority. However, the written approval of the latter shall not alone be conclusive of the right to have a permit issued hereunder.

4.45 Petroleum Storage

1. Underground gasoline storage facilities shall not be permitted in any residential zone; and
2. The storage of gasoline on a residential lot shall be limited to 50 litres (13.21 gallons).

4.46 Additional Dwelling Units & Detached Additional Dwelling Unit

1. A detached additional dwelling unit (garden suite) and/or additional dwelling units are permitted on a lot or a portion of a lot containing a detached dwelling, linked-detached dwelling, semi-detached dwelling, townhouse dwelling or duplex dwelling.

2. An additional dwelling unit or garden suite must be located on the same lot, or portion of a lot as its associated principal dwelling unit, whether or not that parcel is severed.
3. In the case of a semi-detached, linked-detached, or townhouse dwelling, the regulations of this section apply to each portion of a lot on which each principal dwelling unit is located, whether that parcel is to be severed.
4. Where permitted, in no case may the sum of all principal dwelling units, additional dwelling units, and garden suites located on a lot, or portion of a lot associated with the principal dwelling unit where the lot is not severed, exceed three units.
5. No more than one unit is permitted as a detached Additional Dwelling Unit.
6. Where a property is not serviced by municipal water, sewerage and drainage systems that have adequate capacity, a maximum of either one additional dwelling unit or one garden suite is permitted.
7. Parking and driveways serving an additional dwelling unit and/or garden suite are subject to the following:
 - i. No additional parking spaces are required under this by-law for Additional Dwelling Units & garden suites
 - ii. In the case of a corner lot, a new driveway may be created in a yard which abuts a street and which does not contain a driveway for the principal dwelling unit.
 - iii. A parking space for an additional dwelling unit or garden suite must be located in a permitted driveway associated with the principal dwelling unit and may be in tandem with the principal dwelling unit's parking space
8. Accessory Dwelling Unit
 - i. Additional dwelling units shall not exceed 50 percent of the floor area of the primary dwelling unit.
 - ii. An Additional dwelling unit shall share the same water and sanitary services as the dwelling.
9. Detached Additional Dwelling Unit
 - iii. Ingress and egress to the garden suite shall be provided by the driveway serving the dwelling unit.
 - iv. The garden suite shall share the same water and sanitary services as the primary dwelling unit.
 - v. The garden suite shall not be greater than 80 sq.m in floor area.
 - vi. The garden suite shall be subject to the same zoning provisions of the zone it is located within.

4.47 Buffer Requirement from Sewage Lagoon

1. New residential and mixed-use developments shall maintain a 150-metre buffer from existing and future sewage treatment lagoon as per the Environmental Protection Act and associated regulations.

SECTION 5 | Parking Requirements

5.1 Preamble

For every building to be erected, placed, used or enlarged, there shall be provided and maintained off-street parking on the same lot to the extent, at least, prescribed in this Section.

5.2 Parking Requirements

Primary Type of Building	Minimum Requirement
Auditorium, Cultural Establishment, Entertainment Establishment, Place of Worship, Recreational Facility, or other places of assembly	Where there are fixed seats, 1 parking space for every four (4) seats; where there are no fixed seats, the seat count will be based on the Fire Marshall's seating capacity rating
Automobile Sales Establishment	1 parking space per 50 sq ft (4.65 sq m) of floor area
Bed and Breakfast, Hotel, Inn, Motel or Tourist Establishment	1 parking space per guest/room or rental unit and 1 parking space for each 250 sq ft (23.23 sq m) of floor area devoted for public use (e.g. banquet rooms, lounge)
Community Care Facilities (excluding Hospitals and Nursing Homes) or Senior Citizens Home	1.25 parking spaces per dwelling unit
Low-density Residential	1 parking space for each principal dwelling unit
Medium-Density Residential,	1 parking spaces for each principal dwelling unit
High-Density Residential,	1.0 parking spaces for each principal dwelling unit
School, elementary	1.5 parking spaces per teaching classroom and 1 parking space for each six seats of seating capacity in the auditorium
School, secondary or college	As determined by Council at the time of application
Funeral Home	1 parking space per four seats of seating capacity
Government Office, Office, Personal Service Shop, or Service Shop	1 parking space per 300 sq ft (27.87 sq m) of floor area
Hospitals and Nursing Homes	0.75 parking spaces per bed

Equipment Sales Establishment, Equipment Repair Establishment, Transport Establishment, Warehouse, Wholesale Establishment, or other industrial uses	1 parking space per 300 sq ft (27.87 sq m) of floor area or 1 parking space per employee, whichever is greater
Other Commercial Uses / Retail Store	1 parking space per 150 sq ft (13.94 sq m) of floor area
Restaurant or Lounge	1 parking space per four seats of seating capacity
Shopping Centre	1 parking space per 200 sq ft (18.58 sq m) of gross floor area

5.3

A parking space may not be less than 9 ft (2.74 m) wide and 18 ft (5.49 m) long

5.4 Other Requirements

Where parking facilities are required or permitted:

1. The parking area shall be maintained with a stable surface;
2. The lights used for illumination of the parking lot or parking station shall be so arranged as to divert the light away from the streets, adjacent lots and buildings;
3. A structure not more than 10 ft (3.05 m) in height and not more than 50 sq ft (4.65 sq m) in area may be erected in the parking area for the use of attendants;
4. The parking area shall be within 300 ft (91.44 m) of the location which it is intended to serve and shall be situated in the same zone;
5. When the parking area is of a permanent hard surfacing, each parking space shall be clearly demarcated with painted lines and maintained on the parking lot;
6. A parking space shall consist of an area of not less than 200 sq ft (18.58 sq m) measuring 9 ft (2.74 m) by 18 ft (5.49 m), exclusive of driveways and aisles, unless otherwise authorized by Council;

7. Entrances and exits to parking areas shall not exceed a width of 30 ft (9.14 m) at the street line and edge of pavement; and
8. The width of a driveway leading to a parking or loading area, or of a driveway or aisle in a parking area, shall be a minimum width of 10 ft (3.05 m) for one-way traffic, and a minimum width of 20 ft (6.10 m) for two-way traffic.

5.5 Loading Zone

1. In any commercial or industrial zone, no person shall erect or use any building or structure for manufacturing, storage, warehouse, department store, retail store, wholesale store, market, freight or passenger terminal, hotel, hospital, mortuary or other uses involving the frequent shipping, loading or unloading of persons, animals, or goods, unless there is maintained on the same premises with every such building, structure or use one (1) off-street space for standing, loading and unloading for every 30,000 sq ft (2,787.09 sq m) or fraction thereof of building floor area used for any such purpose;
2. Each loading space shall be at least 12 ft (3.66 m) wide with a minimum of 14 ft (4.27 m) height clearance.
3. The provision of a loading space for any building with less than 1,500 sq ft (139.35 sq m) shall be optional.
4. No such loading spaces shall be located within any required front yard or be located within any yard which abuts a residential or open space zone, unless in the opinion of Council adequate screening is provided.

SECTION 6 | Low-Density Residential (R1) Zone

6.1 General

Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in an R1 Zone shall conform with the provisions of this Section.

6.2 Permitted Uses

The following uses are permitted in the R1 Zone subject to all applicable requirements of this Bylaw, including Section 4.7.1:

- Accessory Buildings
- Additional Dwelling Units
- Bed and Breakfasts, up to a Maximum of Four (4) Rooms
- Home-based Business
- Single detached Dwellings
- Parks
- Playgrounds

6.3 Discretionary Uses

Notwithstanding Section 6.2, the following discretionary uses are permitted in the R1 Zone subject to all applicable requirements of this Bylaw, including Section 4.7.2:

- Bed and Breakfasts Containing more than four (4) Rooms
- Child Care Facilities
- Group Homes
-

6.4 Servicing

All developments in an R1 Zone shall be serviced by municipal sewer services and municipal water supply where water services exists.

6.5 Lot Requirements

- I. The following regulations shall apply to fully serviced development in an R1 Zone:

Development on Fully Serviced Lots	
Minimum Lot Area	As per the Province-wide Minimum Development Standard Regulations (see Appendix B)
Minimum Frontage	As per the Province-wide Minimum Development Standard Regulations (see Appendix B)
Minimum Front Yard	17 ft (5.18 m)
Minimum Rear Yard	15 ft (4.57 m)
Minimum Side Yard	10 ft (3.05 m)
Minimum Flankage Yard	17 ft (5.18 m)
Maximum Building Height	2.5 stories, up to a maximum of 35 ft (10.67 m)

he following regulations shall apply to development serviced by central sewer and on-site water supply:

Development Serviced by Central Sewer and On-site Water Supply	
Minimum Lot Area	As per the Province-wide Minimum Development Standard Regulations (see Appendix B)
Minimum Frontage	As per the Province-wide Minimum Development Standard Regulations (see Appendix B)
Minimum Circle Diameter <i>(to be contained within the boundaries of the lot)</i>	100 ft (30.48 m)
Minimum Front Yard	17 ft (5.18 m)
Minimum Rear Yard	15 ft (4.57 m)
Minimum Side Yard	10 ft (3.05 m)
Minimum Flankage Yard	17 ft (5.18 m)
Maximum Building Height	2.5 stories, up to a maximum of 35 ft (10.67 m)

IIAll lots shall also conform to the Provincial Minimum Lot Standards (See Appendix “B”).

4. Notwithstanding the above regulations, within existing approved subdivisions, Council may require that new developments conform with the development standards and development character which has been established, even if these standards exceed the minimum standards stated above.

SECTION 7 | Medium-Density Residential (R2) Zone

7.1 General

Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in an R2 Zone shall conform with the provisions of this Section.

7.2 Permitted Uses

The following uses are permitted in the R2 Zone subject to all applicable requirements of this Bylaw, including Section 4.7.1:

- Accessory Buildings
- Additional Dwelling Unit(s)
- Bed and Breakfasts, up to a Maximum of Four (4) Rooms
- Home Based Business
- Single-Detached Dwelling
- Parks
- Playgrounds
- Duplex Dwelling
- Semi-Detached Dwelling
- Linked Detached Dwelling

7.3 Discretionary Uses

Notwithstanding Section 7.2, the following discretionary uses are permitted in the R2 Zone subject to all applicable requirements of this Bylaw, including Section 4.7.2:

- Bed and Breakfasts Exceeding Four (4) Rooms
- Child Care Facilities
- Group Homes

7.4 Servicing

All developments in an R2 Zone shall be serviced by municipal sewer services and municipal water supply where water services exist.

7.5 Lot Requirements

- I. The following regulations shall apply to development in the R2 Zone:

- i. For Single Detached Dwellings, lot requirements shall be the same as Section 6.5, Single Unit Residential.
- ii. For Duplex and Semi-Detached Dwellings the lot requirements shall be as follows:

Development on Fully Serviced Lots	
Minimum Lot Area	As per the Province-wide Minimum Development Standard Regulations (see Appendix B)
Minimum Frontage	As per the Province-wide Minimum Development Standard Regulations (see Appendix B)
Minimum Front Yard	17 ft (5.18 m)
Minimum Rear Yard	15 ft (4.57 m)
Minimum Side Yard	10 ft (3.05 m)
Minimum Flankage Yard	17 ft (5.18 m)
Maximum Building Height	2.5 stories, up to a maximum of 35 ft (10.67 m)

Development Serviced by Central Sewer and On-site Water Supply	
Minimum Lot Area	As per the Province-wide Minimum Development Standard Regulations (see Appendix B)
Minimum Frontage	As per the Province-wide Minimum Development Standard Regulations (see Appendix B)
Minimum Front Yard	17 ft (5.18 m)
Minimum Rear Yard	15 ft (4.57 m)
Minimum Side Yard	10 ft (3.05 m)
Minimum Flankage Yard	17 ft (5.18 m)
Maximum Building Height	2.5 stories, up to a maximum of 35 ft (10.67 m)

2. All lots shall also conform to the Provincial Minimum Lot Standards (See Appendix "B").
3. Notwithstanding the above regulations, within existing approved subdivisions, Council may require that new development conform with the development standards and development character which has been established, even if these standards exceed the minimum standards stated above.

SECTION 8 | High Density Residential (R3) Zone

8.1 General

Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in an R3 Zone shall conform with the provisions of this Section.

8.2 Permitted Uses

The following uses are permitted in the R3 Zone subject to all applicable requirements of this Bylaw, including Section 4.7.1:

- Accessory Buildings
- Additional Dwelling Unit(s)
- Bed and Breakfasts,
- Grouped Dwellings
- Home Based Business
- Multi-Unit Dwellings, up to a Maximum of Twelve (12) Units
- Park
- Playgrounds
- Duplex Dwelling
- Semi-Detached Dwelling
- Single-detached Dwelling
- Stacked Dwelling
- Townhouse Dwellings

8.3 Discretionary Uses

Notwithstanding Section 8.2, the following discretionary uses are permitted in the R3 Zone subject to all applicable requirements of this Bylaw, including Section 4.7.2:

- Bed and Breakfasts Exceeding Four (4) Rooms
- Child Care Facilities
- Group Homes
- Townhouse Dwellings Exceeding Five (5) Units
- Multi-Unit Dwellings Exceeding Twelve (12) Units

8.4 Servicing

All developments in an R3 Zone shall be serviced by municipal sewer services and municipal water supply where they are available.

8.5 Lot Requirements

- I. The following regulations shall apply to development in an R3 Zone:
 - i. For Duplex or Semi-Detached Dwellings, the lot requirements shall be the same as Section 7.5;
 - ii. For Multi-Unit Dwellings, Group Dwellings, Stacked Dwellings, and Townhouse Dwellings the lot requirements shall be as follows:

Multi-Unit Dwellings	
Minimum Lot Area	As per the Province-wide Minimum Development Standard Regulations (see Appendix B)
Minimum Frontage	As per the Province-wide Minimum Development Standard Regulations (see Appendix B)
Minimum Front Yard	25 ft. (7.62 m)
Minimum Rear Yard	15 ft (4.57 m)
Minimum Side Yard	10 ft (3.05 m)
Minimum Flankage Yard	17 ft (5.18 m)
Maximum Building Height	2.5 stories, up to a maximum of 35 ft (10.67 m)

Townhouse Dwellings	
Minimum Lot Area	As per the Province-wide Minimum Development Standard Regulations (see Appendix B)
Minimum Frontage	As per the Province-wide Minimum Development Standard Regulations (see Appendix B)
Minimum Front Yard	17 ft (5.18 m)
Minimum Rear Yard	15 ft (4.57 m)
Minimum Side Yard	10 ft (3.05 m)
Minimum Flankage Yard	17 ft (5.18 m)
Maximum Building Height	2.5 stories, up to a maximum of 35 ft (10.67 m)

lots shall also conform to the Provincial Minimum Standards (See Appendix “B”).

3. Notwithstanding the above lot requirements, Council may authorize reduced lot requirements where the applicant agrees to provide underground parking.

8.6 Special Requirements – Grouped Dwellings

Notwithstanding the R3 Zone requirements or anything else contained in this Bylaw, the following special provisions shall apply to grouped apartment dwellings.

1. The minimum lot area shall meet provincial lot size standards;
2. The minimum distance between grouped dwellings shall be twenty (20) feet;
3. The minimum setbacks from any street line shall be thirty-five (35) feet for each dwelling, the minimum side yard shall be fifteen (15) feet and the minimum rear twenty-five (25) feet;
4. The maximum lot coverage shall be fifty percent (50%);
5. All grouped dwellings and the lot on which they are situated shall be under single ownership;
6. The minimum standards of a zone shall apply to any lot on which grouped dwellings are located, but the minimum lot frontage requirement shall only apply as if one building is being located on the lot.

SECTION 9 | Mixed-Use (MU) Zone

9.1 General

Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in a C1 Zone shall conform with the provisions of this Section.

9.2 Permitted Uses

The following uses are permitted in the MU Zone subject to all applicable requirements of this Bylaw, including Section 4.7.1:

Residential Uses

- Dwelling Unit(s) contained within the second floor of a Mixed-Use Building

Non-Residential Uses

- Accessory Buildings
- Automobile Sales Establishments
- Automobile Services Stations
- Automobile Washing Establishments
- Cemeteries
- Child Care Facilities
- Clubs
- Community Care Facilities
- Cultural Establishments
- Educational Institutions
- Entertainment Establishments
- Financial Institutions
- Funeral Homes
- Government Offices
- Hospitals
- Hotels
- Libraries
- Medical Offices
- Motels
- Offices
- Parks
- Personal Service Shops
- Place of Worship
- Playgrounds
- Recreation Facilities

- Shopping Centres
- Restaurants
- Retail Stores
- Senior Citizen Homes
- Service Shops
- Temporary Commercial
- Veterinary Establishments
- Warehouses

9.3 Discretionary Uses

Notwithstanding Section 9.2, the following discretionary uses are permitted in the MU Zone subject to all applicable requirements of this Bylaw, including Section 4.7.2:

- All Other Commercial Uses
- Multi unit Dwelling
-

9.4 Lot Requirements

1. The following regulations shall apply to development in a MU Zone:

Minimum Lot Area	As per the Province-wide Minimum Development Standard Regulations (see Appendix B)
Minimum Frontage	As per the Province-wide Minimum Development Standard Regulations (see Appendix B)
Minimum Front Yard	17 ft (5.18 m) (if no parking in front of building)
Minimum Rear Yard	15 ft (4.57 m)
Minimum Side Yard	10 ft (3.05 m)
Maximum Building Height	2.5 stories, up to a maximum of 35 ft (10.67 m)

2. Multi-Unit Dwellings shall conform to Section 8.5.

3. All lots shall also conform to the Provincial Minimum Lot Standards (See Appendix "B").

9.5 Special Requirements: Mixed-Use Zones Adjacent to Residential Zones

Notwithstanding any other provision of this Bylaw, where a Mixed-use Development located on lands zoned Mixed-Use (MU) directly abuts on any residential zone, the following conditions shall be complied with:

1. A strip of land not less than 15 ft (4.57 m) in width along the lot line within the MU Zone and adjacent to the residential zone shall be maintained clear of any structure, driveway or parking area and shall be adequately landscaped to provide a visual buffer.
2. Any exterior lighting or illuminated sign shall be so arranged as to deflect light away from the adjacent residential zone; and
3. Outdoor storage shall be prohibited adjacent to a residential zone unless it is hidden from view by means of a landscaped buffer hedge of adequate size or architectural screening such as a wall, fence or other appropriate structure.

9.6 Dwellings Units in Commercial Buildings

Where a dwelling unit is provided in connection with a commercial use the following minimum standards shall apply:

1. The dwelling unit is not above a , automobile service station, dry cleaning establishment or repair shop storing explosive materials;
2. Separate entrances serve the dwelling unit;
3. For each dwelling unit 1 parking space is provided;
4. Each dwelling unit meets the requirements of the Provincial Fire Marshall;
5. The floor area at-grade in residential use does not exceed the commercial floor area.

9.7 Transient or Temporary Commercial Permits

Notwithstanding any other provision of this Bylaw, temporary permits may be issued for a transient-type commercial operation subject to compliance with the following:

1. The development shall not result in any traffic hazard;
2. The development shall not interfere with the parking requirements of permanent users of the lot in which the development will be located;
3. The development shall not create a public nuisance;

4. The temporary permit shall not exceed a twenty (20) week period;
5. The applicant shall provide a letter of approval from the owner of the lot on which the temporary development will be situated;
6. Where required, the applicant shall satisfy Council that such development complies with all health regulations.

9.8 Automobile Service Station

Notwithstanding any other provisions of this Bylaw, the following special provisions shall apply to an Automobile Service Station:

Minimum Frontage	150 ft (45.72 m)
Minimum Pump Setback	20 ft (6.10 m)
Minimum Pump Distance from access or egress	30 ft (9.14 m)
Minimum Width of Driveway	25 ft (7.62 m)

here the service station includes an automobile washing facility, all washing operations shall be carried on inside the building.

9.9 Parking in Front of Building

1. Where parking is provided in front of any building in a MU Zone a 5 ft (1.52 m) landscaped buffer shall be provided between the parking area and the street boundary.
2. Notwithstanding 9.9.1, no parking is permitted in front of any building along Main Street between Church Street and Poplar Street.

SECTION 10 | Light Industrial (MI) Zone

10.1 General

Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in a M1 Zone shall conform with the provisions of this Section.

10.2 Permitted Uses

The following uses are permitted in the M1 Zone subject to all applicable requirements of this Bylaw, including Section 4.7.1:

- Accessory Buildings
- Automobile Sales Establishments
- Automobile Services Stations
- Automobile Washing Establishments
- Equipment Repair Establishment
- Equipment Sales Establishment
- Funeral Homes
- Government Offices
- Manufacturing
- Medical Offices
- Shopping Centres
- Retail Stores
- Service Shops
- Transport Establishments
- Veterinary Establishments
- Warehouses
- Wholesale Establishments

Notwithstanding the foregoing, any use which is deemed by Council to be obnoxious by reason of sound, odor, dust, fumes, smoke or as noted in Section 2.66 shall be denied approval.

10.3 Discretionary Uses

Notwithstanding Section 10.2, the following discretionary uses are permitted in the M1 Zone subject to all applicable requirements of this Bylaw, including Section 4.7.2:

- All Other Industrial Uses

- Outdoor Storage

10.4 Lot Requirements

- I. The following regulations shall apply to development in a M1 Zone:

Minimum Lot Area	As per the Province-wide Minimum Development Standard Regulations (see Appendix B)
Minimum Frontage	As per the Province-wide Minimum Development Standard Regulations (see Appendix B)
Minimum Front Yard	25 ft (7.62 m)
Minimum Rear Yard	25 ft (7.62 m)
Minimum Side Yard	15 ft (4.57 m)
Minimum Flankage Yard	25 ft (7.62 m)
Maximum Building Height	2.5 stories, up to a maximum of 35 ft (10.67 m)

II lots shall also conform to the Provincial Minimum Lot Standards (See Appendix “B”).

10.5 Special Requirements: Industrial Zone Adjacent to Residential Zones

- I. The special requirements as delineated in Section 9.5 of this Bylaw also apply in a M1 Zone.
2. All developments in a M1 Zone shall be serviced by municipal sewer services.

SECTION 11 | Agricultural Reserve (A1) Zone

11.1 General

Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in an A1 Zone shall conform with the provisions of this Section.

11.2 Permitted Uses

The following uses are permitted in the A1 Zone subject to all applicable requirements of this Bylaw, including Section 4.7.1:

- Accessory Buildings
- Additional Dwelling Unit(s)
- Agricultural Uses
- Animal Stables
- Commercial Uses Related to an Agricultural Use
- Farming
- Forestry
- Industrial Uses Related to an Agricultural Use
- Kennels
- Single Unit Dwellings
- Parks

11.3 Discretionary Uses

Notwithstanding Section 11.2, the following discretionary uses are permitted in the A1 Zone subject to all applicable requirements of this Bylaw, including Section 4.7.2:

- All other Agricultural Uses

11.4 Lot Requirements

- I. The following regulations shall apply to development in a A1 Zone:

Minimum Lot Area	As per the Province-wide Minimum Development Standard Regulations (see Appendix B)
Minimum Frontage	As per the Province-wide Minimum Development Standard Regulations (see Appendix B)
Minimum Front Yard	50 ft (15.24 m)
Minimum Rear Yard	25 ft (7.62 m)

Minimum Side Yard	15 ft (4.57 m)
Minimum Flankage Yard	50 ft (15.24 m)
Maximum Building Height	35 ft (10.67 m)

2. A

II lots shall also conform to the Provincial Minimum Lot Standards (See Appendix “B”).

11.5 Servicing

1. Notwithstanding any other provisions of this Bylaw, the A1 Zone is established principally to protect the natural beauty and rural character of the area, and to retain low density uses of land where no central municipal water or sewer services will be provided in the foreseeable future.
2. Accordingly, Council may require that Environmental Impact Assessments be prepared in support of a Comprehensive Site Plan and that water systems and on-site sewage treatment systems be designed and certified by a qualified engineer prior to development approval. Council may consider shared or common servicing systems based on the recommendations of the provincial Department of Housing, Land and Communities. All related costs shall be borne by the applicant.

11.6 Intensive Livestock Operations

1. For the purpose of this Section “Intensive Livestock Operation” means a feedlot, piggery, dairy, fox ranch or similar operation, or a building used for the raising of poultry.
2. The following separation distances shall apply to all new Intensive Livestock Operations or extensions and to new residential development in the vicinity of an Intensive Livestock Operation:

Distance from an dwelling on an adjacent property	500 ft (152.40 m)
Distance from Public Road	150 ft (45.72 m)
Distance from any domestic well	500 ft (152.40 m)
Distance from any lot line	50 ft (15.24 m)

3. All intensive livestock buildings shall have a manure storage facility with a capacity for retention of manure for a period of time for which conditions do not permit spreading.

4. Council may consult with the Department of Agriculture for manure storage capacities and design standards in accordance with the Guidelines for Manure Management for Prince Edward Island.

SECTION 12 | Recreation and Open Space (OI) Zone

12.1 General

Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in a O1 Zone shall conform with the provisions of this Section.

12.2 Permitted Uses

The following uses are permitted in the O1 Zone subject to all applicable requirements of this Bylaw, including Section 4.7.1:

- Accessory Buildings
- Open Spaces
- Parking Lots related to the recreation activity
- Parks
- Playgrounds
- Recreational Facilities

12.3 Lot Requirements for Recreational Facilities in O1 Zone:

- I. The following regulations shall apply to development in a O1 Zone:

Minimum Lot Area	As per the Province-wide Minimum Development Standard Regulations (see Appendix B)
Minimum Frontage	As per the Province-wide Minimum Development Standard Regulations (see Appendix B)
Minimum Front Yard	50 ft (15.24 m)
Minimum Rear Yard	50 ft (15.24 m)
Minimum Side Yard	25 ft (7.62 m)
Maximum Building Height	2.5 stories, up to a maximum of 35 ft (10.67 m)

2. A

II lots shall also conform to the Provincial Minimum Lot Standards (See Appendix “B”).

SECTION 13 | Public Service and Institutional (PSI) Zone

13.1 General

Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in a PSI Zone shall conform with the provisions of this Section.

13.2 Permitted Uses

The following uses are permitted in the PSI Zone subject to all applicable requirements of this Bylaw, including Section 4.7.1:

- Accessory Buildings
- Cemeteries
- Child Care Facilities
- Community Care Facilities
- Cultural Establishments
- Educational Institutions
- Funeral Homes
- Government Offices
- Group Homes
- Hospitals
- Libraries
- Open Spaces
- Parks
- Place of Worship
- Playgrounds
- Recreational Facilities
- Senior Citizen Homes

13.3 Discretionary Uses

Notwithstanding Section 13.2, the following discretionary uses are permitted in the PSI Zone subject to all applicable requirements of this Bylaw, including Section 4.7.2:

- All Other Institutional Uses

13.4 Lot Requirements

- I. The following regulations shall apply to development in a PSI Zone:

Minimum Lot Area	As per the Province-wide Minimum Development Standard Regulations (see Appendix B)
Minimum Frontage	As per the Province-wide Minimum Development Standard Regulations (see Appendix B)
Minimum Front Yard	17 ft (5.18 m) (where there is no parking in the Front Yard)
Minimum Rear Yard	15 ft (4.57 m)
Minimum Side Yard	7.5 ft (2.29 m)
Minimum Flankage Yard	17 ft (5.18 m)
Maximum Building Height	2.5 stories, up to a maximum of 35 ft (10.67 m)

2. A

II lots shall also conform to the Provincial Minimum Lot Standards (See Appendix “B”).

13.5 Parking in Front Yard

Where parking is provided in front of any building in a PSI Zone a 10 ft (3.05 m) landscaped buffer shall be provided between the parking area and the street boundary.

SECTION 14 | Variances

14.1 Minor Variance

1. Council may authorize a minor variance to the provisions of this by-law if the variance is desirable and appropriate, and if the general intent and purpose of this Bylaw is maintained.
2. Authorization for a minor variance shall be documented and recorded in writing.
3. Where Council deems that a variance application could have a significant effect on adjacent properties or properties in the general vicinity, Council may require that a public meeting be held pursuant to the provisions of Section 15.1.

SECTION 15 | Re-zoning Procedures

15.1 Re-zoning Procedures

1. A person who seeks the re-zoning of a lot or to have this Bylaw otherwise amended shall address a written and signed application to Council.
2. An application under this Section shall include such information as may be required for the purpose of adequately assessing the desirability of the proposal.
3. The applicant shall at the time of submitting the application, deposit with the Chief Administrative Officer, money necessary to cover all costs, direct and indirect pertaining to the processing of the application. This shall apply to costs associated with advertising and costs associated with preparing and mailing notifications. Funds deposited with the Chief Administrative Officer shall not be less than \$100.00.
4. The application shall comply with the applicable requirements of the Planning Act;
5. Planning Board shall review each re-zoning request and advise Council accordingly.
6. .
7. Subject to Section 15.1.5 Council shall hold a public meeting to solicit input from residents on the proposed re-zoning request.
 - i. Council shall give seven (7) days clear notice of the public meeting. This notice shall be advertised in a newspaper with circulation in the Town, on the Town of Alberton Website as per the requirements of the Planning Act.
 - ii. Council shall also forward a notification letter to property owners who own parcel(s) of land which are located in whole (or in part) within 200 ft (60.96 m) from any lot line of the parcel being proposed for re-zoning.
 - iii. Council shall place a sign on the land being proposed for re-zoning indicating that a re-zoning request has been received.

8. Following the public meeting, Council shall formulate a decision on the re-zoning proposal. Council shall have the authority to determine whether a re-zoning proposal is approved, modified, or denied.
9. Nothing in this Bylaw restricts the right of Planning Board to initiate its own re-zoning requests.

SECTION 16 | General Provisions for Subdividing Land

16.1 Subdivision Approval

1. No person shall subdivide one or more lots or any portion of a lot until the conditions of this Bylaw have been complied with and the applicant has received final approval from the Council.
2. No person shall consolidate two or more parcels of land until the conditions of this Bylaw have been complied with and the applicant has received final approval from the Council.

16.2 Conveying Interest in a Lot

No person shall sell or convey any interest in a lot in a subdivision before Council has issued a stamp of approval for the subdivision in which the lot is situated.

16.3 Permission to Subdivide

- I. No person shall subdivide land within the Town unless the subdivision:
 - i. Conforms with the requirements of this Bylaw;
 - ii. Is suitable to the topography, physical conditions, soil characteristics, and natural and surface drainage of the land;
 - iii. Will not cause undue flooding or erosion;
 - iv. Has convenient street access;
 - v. Has adequate utilities and services available or can be conveniently provided with such utilities and services;
 - vi. Will reasonably conform with existing land use in the immediate vicinity;
 - vii. Will provide for safe and convenient traffic flow;
 - viii. Is designed so that lots will have suitable dimensions, shapes, orientation and accessibility;

- ix. Is suitable to the use for which it is intended, and the future use of adjacent lands; and,
- x. The parcel of land in respect of which the permit is requested has frontage on a public road or a private right-of-way established pursuant to Section 4.18 of this Bylaw.

16.4 Changes to Existing Lots

- 1. No person shall reduce the dimensions or change the use of any lot in an approved subdivision where Council deems these would be a detrimental effect on neighbouring property owners.
- 2. Where an application to subdivide land would change the dimensions or the use of a lot in an existing approved subdivision, Council shall notify all property owners within 500 ft (152.40 m) of the boundaries of the lot in writing, informing them of the details of the application and soliciting their comments.

16.5 Special Requirements – Agricultural Reserve (A1) Zone

- 1. Within an Agricultural Reserve (A1) Zone, no person shall be permitted to subdivide from any existing parcel of land more than two (2) lots.
- 2. For the purposes of this Section “existing parcel” shall mean a parcel of land which was held in separate ownership as of January 11, 1982.
- 3. No person shall establish more than one access driveway for every ten (10) chains of property frontage on a highway.
- 4. Any lots subdivided pursuant to this Section shall conform to the lot requirements for an A1 Zone and all other relevant provisions of this Bylaw.
- 5. Within an Agricultural Reserve (A1) Zone:
 - i. A residential subdivision shall not be permitted within 500 ft (152.40 m) of an existing intensive livestock operation.
 - ii. Where a residential subdivision is proposed, Council shall notify operators of intensive livestock operations within 1,000 ft (304.80 m) and invite their comments.

- iii. Where a new intensive livestock operation is proposed within 1,000 ft (304.80 m) of an existing residential subdivision Council shall notify the property owners and invite their comments.

16.6 Procedure

- 1.** Any person seeking Council's approval of a subdivision shall first make application for preliminary approval, and shall be required to submit, along with the application, four (4) copies of a preliminary subdivision plan drawn to scale showing:
 - i. The true shape and dimensions of every lot;
 - ii. The location of every existing building or structure on the parcel;
 - iii. Existing and proposed services and utilities;
 - iv. Proposed widths and locations of all streets;
 - v. Location of land proposed for recreation and public open space use; and
 - vi. The existing use of the land and all immediately adjacent properties, showing buildings, fields, streams, rivers, swamps, wooded areas and areas subject to flooding or erosion.
- 2.** Council may also require the applicant to provide additional information required to assist it in evaluating a proposed subdivision, including, but not limited to:
 - i. A soil test conducted in a manner acceptable to Council;
 - ii. Contours and spot elevations; and
 - iii. Traffic surveys.
- 3.** Council may refuse to approve a subdivision which is unsuitable under the provisions of this Bylaw. In formulating its decision, Council may consult with Government officials and private consultants and may conduct a public hearing to consider public opinion.

4. Council shall evaluate any proposed subdivision to determine whether appropriate street design standards and lot configurations have been used to promote the development of safe, convenient and pleasant neighbourhoods.

16.7 Parkland Dedication and/or Park Dedication Fees

1. Council may require, for the purpose of developing parkland, that up to 10% of the lands being subdivided be conveyed to the Town. The physical condition and location of parkland shall be determined by Council.
2. When a dedication of land is not deemed to be appropriate or the exercising of the full ten percent (10%) conveyance is not appropriate, Council may impose a park dedication fee up to a maximum of ten percent (10%) of the value of the lands being subdivided, which sum shall be specifically designated for the purchase, development or maintenance of public parks in the Town. It is understood that the park dedication fee shall be calculated on the then current assessed value of lands being subdivided and shall not take into account value of structures on such lands. Council retains the right to use the Land Valuation and Assessment Division in determining the assessed value of land when such lands are not specifically valued in the Town's assessment roll.

16.8 Subdivision Agreement

- I. Council may require an applicant to enter into a subdivision agreement as a condition of subdivision approval. The subdivision agreement may cover any matters as required by Council and may include, but not be limited to the following:
 - i. Design and construction costs of sidewalks, water supply, sanitary and storm sewers, roads, and street lighting;
 - ii. Dedication of land for recreation and public open space purposes, or payment of a fee in lieu of land;
 - iii. Deeding of roads to the Department of Transportation and Infrastructure;
 - iv. Posting of a financial guarantee satisfactory to Council;
 - v. Provision of a controlled landscape plan and storm water management plan to facilitate the drainage of water and to guard against flooding of lots within the subdivision and adjacent properties;

- vi. Provision of such services, facilities or actions as are necessary to ensure the satisfactory development of the subdivision;
- vii. Provision for the phasing of the subdivision; and,
- viii. Preservation and enhancement of surface water drainage systems.

16.9 Final Approval

- 1.** Final subdivision approval shall be granted by Council after:
 - i. The applicant has complied fully with the requirements of Section 16.6;
 - ii. The design of the public street(s) has been approved by, and the public street(s) have been transferred to the Town of Alberton and/or the Department of Transportation and Infrastructure; and
 - iii. The applicant has submitted five (5) copies of a final subdivision plan showing all lots pinned and certified by a surveyor registered to practice in the province.
- 2.** Council may grant final approval to part of a subdivision which is proposed to be developed in phases.
- 3.** Council shall give notice of final approval of a subdivision in writing, and shall place its seal on the five copies of the survey plan and shall return one copy to the subdivider.
- 4.** Council shall file a copy of the final survey plan with:
 - i. The Registrar of Deeds
 - ii. The Department of Transportation and Infrastructure
 - iii. Council files.

16.10 Severance / Consolidation

Notwithstanding the above provisions, Council may approve applications for single lot subdivisions, separation of a single parcel of land into two or more lots, partial lots or easements and lot consolidations at its discretion, having regard for only those provisions which it deems applicable to each individual application, provided the application conforms with all other Sections of this Bylaw.

16.11 Development Permits

A development permit shall not be issued in a subdivision until all the requirements of the subdivision approval have been fulfilled.

SECTION 17 | Penalties

17.1 Penalties

- I. Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary condition:
 - i. On a first conviction, to a fine not exceeding \$2,000; and
 - ii. On a subsequent conviction, to a fine of not more than \$400 for each day upon which the contravention has continued after the day of the first conviction.

SECTION 18 | Repeal

18.1 Effective Date

This Bylaw shall come into force effective XXXXX, 2025.

APPENDIX “A” | Zoning Map

APPENDIX “B” | Province-Wide Minimum Development Standards Regulations

Cap. P-9 *Planning Act* - Updated 2011

Table I Minimum Lot Size Standards | Residential Lots | On-site water Supply and On-site Sewage Disposal System (*as periodically amended*)

Lot Category	Minimum Lot Frontage	# of Dwelling Units	Minimum Lot Area	Minimum Circle Diameter to be Contained Within Lot Boundaries
I	100ft / 30.5m (or 50ft / 15.25m, where the frontage is on the interior curve of a street)	1	25,000ft ² / 2,322.5m ²	150ft / 45.7m
		2	30,000ft ² / 2,787m ²	160ft / 48.8m
		3	35,000ft ² / 3,251.5m ²	175ft / 53.3m
		4	40,000ft ² / 3,717m ²	200ft / 61m
		>4	40,000ft ² / 3,717m ² , plus 1,500ft ² / 457m ² for each additional unit	200ft / 61m
II	100ft / 30.5m (or 50ft / 15.25m, where the frontage is on the interior curve of a street)	1	35,000ft ² / 3,251.5m ²	175ft / 53.3m
		2	40,000ft ² / 3,717m ²	200ft / 61m
		3	45,000ft ² / 4,180.5m ²	225ft / 68.6m
		4	50,000ft ² / 4,645m ²	250ft / 76.2m
		>4	50,000ft ² / 4,645m ² , plus 1,500ft ² / 457m ² for each additional unit	250ft / 76.2m
III	100ft / 30.5m (or 50ft / 15.25m, where the frontage is on the interior curve of a street)	1	51,000ft ² / 4,738m ²	225ft / 68.6m
		2	56,000ft ² / 5,202m ²	250ft / 76.2m
		3	61,000ft ² / 5,667m ²	275ft / 83.8m
		4	66,000ft ² / 6,131m ²	300ft / 91.4m
		>4	66,000ft ² / 6,131m ² , plus 1,500ft ² / 457m ² for each additional unit	300ft / 91.4m
IV	100ft / 30.5m	1	75,000ft ² / 6,975m ²	300ft / 91.4m

	(or 50ft /15.25m, where the frontage is on the interior curve of a street)	2	80,000ft ² / 7,440m ²	
		3	85,000ft ² / 7,905m ²	
		4	90,000ft ² / 8,370m ²	
		>4	90,000ft ² / 8,370m ² , plus 1,500ft ² / 457m ² for each additional unit	
V	N/A	N/A	Not Developable	N/A

Cap. P-8 *Planning Act* - Updated 2011

Table 2 Province-Wide Minimum Development Standards Regulations | Central Water Supply and On-site Sewage Disposal System (*as periodically amended*)

Lot Category	Minimum Lot Frontage	# of Dwelling Units	Minimum Lot Area	Minimum Circle Diameter to be Contained Within Lot Boundaries
I	50ft / 15.25m	1	20,000ft ² / 1,858m ²	125ft / 38.1m
		2	25,000ft ² / 2,322.5m ²	150ft / 45.7m
		3	30,000ft ² / 2,787m ²	160ft / 48.8m
		4	35,000ft ² / 3,251.5m ²	175ft / 53.3m
		>4	35,000ft ² / 3,251m ² , plus 1,500ft ² / 457m ² for each additional unit	175ft / 53.3m
II	50ft / 15.25m	1	25,000ft ² / 2,322.5m ²	150ft / 45.7m
		2	30,000ft ² / 2,787m ²	160ft / 48.8m
		3	35,000ft ² / 3,251.5m ²	175ft / 53.3m
		4	40,000ft ² / 3,717m ²	200ft / 61m
		>4	40,000ft ² / 3,717m ² , plus 1,500ft ² / 457m ² for each additional unit	200ft / 61m
III	50ft / 15.25m	1	40,000ft ² / 3,717m ²	200ft / 61m
		2	45,000ft ² / 4,180.5m ²	225ft / 68.6m

		3	50,000ft ² / 4,645m ²	250ft / 76.2m
		4	55,000ft ² / 5,110m ²	275ft / 83.8m
		>4	55,000ft ² / 5,110m ² , plus 1,500ft ² / 457m ² for each additional unit	275ft / 83.8m
IV	50ft / 15.25m	1	60,000ft ² / 5,580m ²	275ft / 83.8m
		2	65,000ft ² / 6,450.5m ²	
		3	70,000ft ² / 6,510m ²	
		4	75,000ft ² / 6,975m ²	
		>4	75,000ft ² / 6,975m ² , plus 1,500ft ² / 457m ² for each additional unit	
V	N/A	N/A	Not Developable	N/A

Cap. P-8 *Planning Act* - Updated 2011

Table 3 Province-Wide Minimum Development Standards Regulations | On-site Water Supply and Central Waste Treatment System (*as periodically amended*)

Lot Category	Minimum Lot Frontage	# of Dwelling Units	Minimum Lot Area	Minimum Circle Diameter to be Contained Within Lot Boundaries
I or II	50ft / 15.25m	1	15,000ft ² / 1,393.5m ²	100ft / 30.5m
		2	20,000ft ² / 1,858m ²	125ft / 38.1m
		3	25,000ft ² / 2,322.5m ²	150ft / 45.7m
		4	30,000ft ² / 2,787m ²	160ft / 48.8m
		>4	30,000ft ² / 2,787m ² , plus 1,500ft ² / 457m ² for each additional unit	160ft / 48.8m
III	50ft / 15.25m	1	20,000ft ² / 1,858m ²	125ft / 38.1m
		2	25,000ft ² / 2,322.5m ²	150ft / 45.7m
		3	30,000ft ² / 2,787m ²	160ft / 48.8m

		4	35,000ft ² / 3,251.5m ²	175ft / 53.3m
		>4	35,000ft ² / 3,251.5m ² , plus 1,500ft ² / 457m ² for each additional unit	175ft / 53.3m

Cap. P-8 *Planning Act* - Updated 2011

Table 4 Province-Wide Minimum Development Standards Regulations | Central Water Supply and Waste Treatment System (*as periodically amended*)

Lot Category	Minimum Lot Frontage	# of Dwelling Units	Minimum Lot Area	Minimum Circle Diameter to be Contained Within Lot Boundaries
I, II or III	N/A	Any Number	As Determined by the Minister	As Determined by the Minister

APPENDIX “C” | Fee Schedule

Fee Schedule	
Development Permits	\$5
Lot Consolidations	\$5
Subdivisions	\$5 per lot
Variances	\$50
Re-zonings	\$100