



Zoning and Subdivision Bylaw

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Rural Municipality of



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1 Introduction

1.1 Title

1.1.1 This bylaw shall be known as the Zoning and Subdivision Bylaw for the Rural Municipality of Wellington and shall apply to all lands within the Rural Municipality of Wellington.

1.2 Scope

1.2.1 This bylaw's purpose is to regulate and control the subdivision and use of land and to regulate the location and the use of building and structures, and for this purpose to divide the lands within the Rural Municipality of Wellington into zones pursuant to the provisions of the *Planning Act*, having due regard to:

- (a) the promotion of the health, safety, convenience and welfare of the public;
- (b) the preservation of amenities;
- (c) the value of land and the nature of its present and prospective uses; and
- (d) the promotion of good environmental quality and the implementation of the Wellington Official Plan.

1.3 Effective Date

1.3.1 This bylaw shall take effect when approved by the Minister of Agriculture and Land. Upon this bylaw coming into effect, any previous Zoning and Subdivision Bylaw of the Rural Municipality of Wellington (formerly known as Community of Wellington) is repealed.

1.4 Development Approval

1.4.1 No person shall engage in or undertake any development on any lands within the Rural Municipality of Wellington unless authorized through a development permit as enabled by this bylaw.

1.4.2 Notwithstanding anything else in this bylaw, a person is not required to obtain a Development Permit to:

- (a) lay paving materials for patios, sidewalks or driveways;
- (b) construct fences of less than 1.25 metres (4.1 feet) in height;
- (c) install clotheslines, poles and radio or television antennae, except satellite dishes over 0.6 metres (2 feet) in diameter;

- (d) make a garden;
- (e) grow a crop or prepare land for a crop;
- (f) make landscaping improvements, constructing accessory or ornamental structures not greater than 20 square metres (215 square feet); and
- (g) perform regular maintenance that has the effect of maintaining or restoring a structure or any of its elements to its original state or condition.

1.4.3 Where a development does not require a Development Permit, the requirements of this Bylaw and any other applicable bylaws of the Municipality or any statute, regulation, or other enactment of the Provincial Government or the Government of Canada, shall still apply.

1.4.4 Nothing in this Bylaw shall relieve any person from the obligation to comply with the requirements of any other bylaw of the municipality in force from time to time, or the obligation to obtain any license, Permit, authority, or approval required under any bylaw of the municipality, or statute or regulation of the Province of Prince Edward Island or the Government of Canada.

1.4.5 No Development Permit shall be issued if the proposed development:

- (a) is missing any component(s) required for the application to be adequately assessed;
- (b) conflicts with the Official Plan; or
- (c) does not conform to the Bylaw or other bylaws of the Municipality or any applicable enactments of the Provincial Government or of the Government of Canada.

1.4.6 A person who is dissatisfied by a decision of the Development Officer or Council in respect of a Development Permit or other application made pursuant to this Bylaw under the *Planning Act* may appeal the decision to the Island Regulatory and Appeals Commission in accordance with section 28 of the *Planning Act*.

1.5 Subdivision Approval

1.5.1 No person shall subdivide or consolidate any lands within the Rural Municipality of Wellington unless authorized by this bylaw.

1.6 General Principles

- 1.6.1 The construction, location or alteration of any building or structure in the Municipality shall meet all the requirements of these bylaws and any other applicable bylaws of the Municipality, and shall not:
- (a) be detrimental to the convenience, health and safety of occupants, nearby residents or general public;
 - (b) result in damage to the natural environment;
 - (c) have a detrimental impact on surrounding land uses;
 - (d) result in a fire hazard to occupants, neighbouring residents or neighbouring structures;
 - (e) preclude safe and convenient vehicular access to a public highway or street;
or
 - (f) significantly or permanently injure neighbouring properties by reason of architectural disharmony.
- 1.6.2 Where the provisions of this Bylaw conflict with those of any other bylaw of the Municipality or any statute, regulation, or other enactment of the Provincial Government or the Government of Canada, the highest, strictest, or most stringent provision shall prevail.

1.7 Building Code

- 1.7.1 The Provincial Government oversees all aspects of building permits under the *Building Codes Act* and its Regulations.
- 1.7.2 A Development Permit issued under Section 1.4 of this Bylaw does not substitute or supersede the requirement for a Building Permit for the construction, demolition, occupancy or use of a building under the Building Codes Act, RSPEI 1988, c B-5.1, and applicable regulations. Furthermore, a Building Permit issued under the *Building Codes Act* and applicable regulations does not substitute or supersede the requirement for a Development Permit under this Bylaw.
- 1.7.3 The Provincial Government may withhold the issuance of a Building Permit until satisfied that any and all applicable laws, bylaws, regulations or requirements under the *Planning Act*, the *Building Codes Act* & Regulations and the *Municipal Government Act*, including the Municipality's Zoning & Development Bylaw, the Fire Prevention Bylaw, any lot grading plan and/or Development Agreement, have been complied with; and, all required permits have been issued by the Development Officer.

2 Zones and Zoning Map

2.1 Zones

2.1.1 For the purposes of this bylaw, the Rural Municipality of Wellington may be divided into the following zones, the boundaries of which are shown on the Zoning Map. Such zones may be referred to by the corresponding symbols:

ZONES	SYMBOL
Residential	R1
Mini Home	RM1
Commercial-Mixed	C1
Commercial-General	C2
Light Industrial	M1
Recreation and Open Space	O1
Rural Resource	RR

2.2 Zoning Map

2.2.1 The Zoning Map is shown on Schedule A, which forms an integral part of this bylaw.

2.3 Zones Not on the Map

2.3.1 The Zoning Map of this bylaw may be amended, in conformance with the Official Plan, to use any zone in this bylaw, regardless of whether or not such zone had previously appeared on any Zoning Map.

2.4 Wetland Indication Overlay

2.4.1 The Wetland Indication Overlay on the Zoning Map is not a zone and has no legal authority. It is a graphic intended to create awareness of probable or suspected locations of wetlands and shown on a 'for your information' basis. Areas marked with this overlay do not necessarily fit the definition of a wetland. Conversely, the absence of the Wetland Indication Overlay on a property does not waive any duties under the Environmental Protection Act nor under Section 4.27 of this bylaw.

2.4.2 Due diligence is required for any property suspected to be a wetland, regardless whether or not such a property is marked with the overlay. In unclear cases the Provincial Department of Environment, Water and Climate Change shall be contacted.

3 Interpretation

3.1 Symbols

3.1.1 The symbols used on the Zoning Map refer to the corresponding zones established by this bylaw.

3.2 Interpretation of Zoning Boundaries

3.2.1 The extent and boundaries of zones are shown on the Zoning Map and shall be determined as follows:

- (a) where a zone boundary is indicated as following a street, the boundary shall be the centre line of the street unless otherwise indicated;
- (b) where a zone boundary is indicated as approximately following lot lines, the boundary shall follow the lot lines;
- (c) where a utility right-of way, trail right of way or watercourse shown on the Zoning Map serves as a zone boundary, a line midway between the outside limits of the right-of-way or the centreline of the watercourse shall be considered the boundary between the zones unless otherwise indicated;
- (d) where none of the above applies, and where appropriate, the zone boundary shall be scaled by the Development Officer from the Zoning Map.

3.3 Certain Words

3.3.1 In this bylaw:

- (a) the word "shall" means mandatory compliance;
- (b) the word "may" means discretionary compliance or a choice in applying a policy or regulation;
- (c) words used in the present tense include future;
- (d) words in the singular number include the plural;
- (e) words in the plural include the singular number;
- (f) gendered words shall be interpreted to mean any gender; and
- (g) the word "used" includes "arranged to be used", "designed to be used" or "intended to be used".

3.4 Units of Measure

- 3.4.1 This bylaw uses the metric system of measurement. Numerical measurements in this document may also be presented in other units; however, this is for convenience only. If a metric measurement conflicts with its conversion in another unit, the metric measurement shall take priority.

3.5 Permitted Uses

- 3.5.1 In the bylaw, any use not listed as a permitted use in a zone is prohibited in that zone unless otherwise indicated.
- 3.5.2 Where a permitted use within any zone is defined in Section 17 'Definitions', the uses permitted within that zone include any similar uses that satisfy such a definition except where a definition specifically excludes any similar uses.

3.6 Schedules

- 3.6.1 All schedules and figures attached hereto or included herein form part of this bylaw.

3.7 Planning Board

- 3.7.1 Council may appoint a Planning Board and may delegate any or all duties to the Planning Board enabled by the Planning Act.
- 3.7.2 Where Council has delegated duties to the Planning Board, any reference to "Council" made in reference to those duties in this Bylaw shall be interpreted to mean "Planning Board".

4 General Provisions for All Zones

4.1 Accessory Buildings and Structures

4.1.1 An accessory building or structure shall be permitted in any zone, but it shall not:

- (a) be used for human habitation except where an accessory suite is permitted as an accessory use;
- (b) be built closer to a street on which the main building fronts than the main building is to that street;
- (c) be built closer than 1.5 metres (4.9 feet) to any lot line except for:
 - i. common garages for semi-detached dwelling units may be centred on the mutual side lot line;
 - ii. boat houses and boat docks may be built to the lot line when the lot line corresponds to the water's edge
- (d) be built within 3 metres of the main building;
- (e) except in a Light Industrial, Commercial-Mixed, Commercial-General or Rural Resource Zone, exceed 4.5 metres (14.8 feet) in height or the height of the main building, whichever is less;
- (f) except in a Light Industrial, Commercial-Mixed, Commercial-General or Rural Resource Zone, exceed a maximum of two accessory buildings per property, with a maximum total floor area of 100 square metres (1,076 square feet).

4.1.2 Unless otherwise stated in this bylaw, no accessory building or structure shall be constructed:

- (a) prior to the time of construction of the main building to which it is accessory;
or
- (b) prior to the establishment of the main use of the land where no main building is required.

4.2 Accessory Uses Permitted

4.2.1 Where this bylaw provides that any land may be used or a building or structure may be erected or used for a purpose, the purpose shall include any accessory use.

4.3 Building to be Erected on a Lot

4.3.1 No building shall be erected or used unless it is erected on a single lot.

4.4 Building to be Moved

4.4.1 No building shall be moved within or into the area covered by this bylaw without first obtaining a development permit.

4.5 Driveway Access Provisions

4.5.1 No person shall construct any access driveway to a street or change the use of such a driveway unless the requirements of the *Roads Act* and its *Highway Access Regulations* are complied with and, where necessary, an Entrance Way Permit was obtained from the Department of Transportation, Infrastructure and Energy.

4.5.2 As an additional condition of this bylaw, a driveway accesses shall comply with the following minimum widths depending on the land use on the lot:

Land Use	One-Lane	Two-Lane
Dwellings and Residential- Commercial Mixed Uses	2.75 m (9ft)	5.50 m (18ft)
Commercial	3.80 m (12.5ft)	7.60m (25ft)
Industrial	3.80 m (12.5ft)	7.60m (25ft)
Public	3.65 m (12ft)	7.30m (24ft)
Other	2.75 m (9ft)	5.50m (18ft)

4.5.3 A through lot shall have one driveway access only.

4.6 Existing Buildings

4.6.1 Where a building has been legally erected before the effective date of this bylaw on a lot having less than the minimum frontage or area, or both required by this bylaw, or having less than the minimum front yard or side yard or rear yard or separation distance required by this bylaw, the building may be enlarged, reconstructed, repaired or renovated, provided that:

- (a) the enlargement, reconstruction, repair or renovation does not further reduce the conformity of the front yard, side yard, rear yard or separation distance that does not conform to this bylaw;
- (b) the building contains a use permitted in the zone, or a use permitted pursuant to Section 4.16; and
- (c) all other applicable provisions of this bylaw are satisfied.

4.7 Existing Lots

- 4.7.1 Notwithstanding anything else in this bylaw, an existing vacant lot having less than the minimum frontage or area or both, 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 provisions in this bylaw are satisfied.
- 4.7.2 Notwithstanding anything else in this bylaw, two or more lots, having less than the minimum frontage or area or both, may undergo subdivision and consolidation as long as the resulting number of lots is not larger and the undersized frontages or areas are not further reduced.
- 4.7.3 Notwithstanding anything else in this bylaw, where an existing development component of a permanent nature such as a structure, driveway, well, or on-site sewage disposal system is encroaching in or upon an immediately adjacent area of land, the Development Officer may approve a plan of subdivision to the extent necessary and practical to remove the encroachment.

4.8 Fencing

- 4.8.1 Unless otherwise provided for in this bylaw, no fence shall be erected to a height greater than 3 metres (9.8 feet) and no development permit shall be required for fences less than 1.25 metres (4.1 feet) in height.

4.9 Frontage on a Street

- 4.9.1 No development permit shall be issued unless the lot intended to be used or upon which a building or structure is to be erected, abuts and fronts upon a street.
- 4.9.2 Notwithstanding Subsection 4.9.1, Council may approve a development permit on an existing lot that does not have frontage on a public street if:
- (a) access to a street is by way of a legally defined driveway and utility access easement at least 7 metres (23 feet) in width crossing no more than two other lots; and
 - (b) the lot size conforms to the requirements of this bylaw.

4.10 Government Uses

- 4.10.1 A government (federal, provincial or municipal) owned building, and facility shall be permitted in any zone provided that such use conforms with the applicable standards of the Commercial-Mixed (C1) Zone.

4.11 Height Regulation Exemptions

- 4.11.1 A maximum height requirement set out in this bylaw shall not apply to a church spire, lightning rod, water tank, monument, elevator enclosure, silo, flagpole, television or radio antenna, telecommunication tower, ventilator, skylight, barns (constructed on farm properties), fire tower, drive-in theatre screen, chimney, clock tower, solar collector, photovoltaics or a wind power generator.

4.12 Illumination

- 4.12.1 Lighting fixtures shall be directed away from adjoining properties and any adjacent streets to keep nuisance for neighbours and road users to a minimum.

4.13 Licenses, Permits and Compliance with Other Bylaws

- 4.13.1 Nothing in the bylaw shall exempt any person from complying with any other bylaw in force within the Rural Municipality of Wellington or from obtaining any license, permission, permit or approval required by any other municipal bylaw or any statute or regulation of the Province of Prince Edward Island or Government of Canada.
- 4.13.2 Where any provisions of this By-law conflict with those of any other Municipal, Provincial or Federal law, regulation, by-law or code, including but not limited to the *Province-Wide Minimum Development Standards Regulations of the Planning Act*, the more stringent requirement shall prevail.

4.14 Loading Space

- 4.14.1 In any zone, no person shall erect or use any building or structure for commercial or industrial purposes 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 off-street space for standing, loading and unloading for every 2,800 square metres (30,140 square feet) or fraction thereof of building floor area used for any such purpose to a maximum of 6 loading spaces.
- 4.14.2 Each loading space shall be a minimum of 3.65 metres by 12 metres (12 feet by 40 feet) with a minimum of 4.25 metres (14 feet) in height clearance.
- 4.14.3 A loading space is not required for any building less than 200 square metres (2,153 square feet) in area.
- 4.14.4 No loading space shall be located within any required front yard or be located within any yard that abuts a residential, mini home or recreation and open space zone.

4.14.5 A loading space area, including driveways leading to the loading area, shall be constructed with pavement or concrete. Ingress and egress, to the required loading space area shall be provided by means of unobstructed driveways of a minimum width of 3 metres (9.8 feet) for one-way traffic or a minimum width of 6 metres (19.7 feet) for two-way traffic.

4.15 Multiple Uses

4.15.1 In any zone, where any land or building is used for more than one use, all provisions of the bylaw relating to each use shall be satisfied.

4.15.2 Where there is a conflict such as in the case of lot size or lot frontage, the higher or more stringent standard shall prevail.

4.16 Non-Conforming Uses

4.16.1 Any use of land permitted and commenced before the effective date of this bylaw that does not conform to the requirements of this bylaw shall be permitted to continue, subject to the provisions of this bylaw.

4.16.2 Notwithstanding any other provision, should such a non-conforming use cease to operate for a period of one year, the permitted uses of the land shall revert to those permitted in this bylaw.

4.16.3 Non-conforming uses out of operation for a time longer than outlined in 4.16.2 may be still permitted to resume operations, but the owner shall be required to enter into a development agreement with Council.

4.17 One Main Building on a Lot

4.17.1 No person shall erect more than one main building (i.e. building which serves the principal purpose for which the lot is used) on a lot.

4.17.2 Notwithstanding Subsection 4.17.1, lots in Commercial-Mixed (C1), Commercial-General (C2) or Light Industrial (M1) Zones may be used for the development of more than one main building.

4.17.3 For greater certainty, accessory buildings and accessory suites are not deemed to be main buildings for the purposes of this bylaw.

4.18 Parking Requirements

4.18.1 For every building or structure to be erected or enlarged, off-street parking within the same zone as the use and having unobstructed access to a street shall be provided and maintained in conformity with the following schedule:

Types of Building	Parking Spaces required
dwelling	1 parking space for each dwelling unit
boarding and rooming houses	1 parking space for the proprietor plus 1 parking space for every 2 rooms available for rent.
churches, church halls, auditoria, theatres, arenas, stadia, private clubs and other places of assembly	where there are fixed seats, 1 parking space for every 5 seats, or 15 feet of bench space. Where there are no fixed seats, 1 parking space each 100 square metres floor area devoted to public use.
hospitals and nursing homes	1 parking space for each 2 beds or each 60 square metres of floor area, whichever is greater.
senior citizens housing	1 parking space for every two residents
hotels, staff houses, motels and tourist cabins	1 parking space per suite or rental unit, plus 1 additional parking space for each 30 square metres of floor area devoted to public use (taverns, restaurants and auditoria) exclusive of lobbies and halls
offices	1 parking space per 60 square metres of floor area.
funeral homes	1 parking space for every 15 square metres of floor area in an assembly room.
all other commercial uses	1 parking space for each 45 square metres of floor area.
schools	2 parking spaces for each teaching classroom.
Industrial uses	1 parking space for each 100 square metres of floor area

4.18.2 A parking space shall not be less than 15.4 square metres (165.8 square feet) in area measuring 2.8 metres by 5.5 metres (9.2 feet by 18 feet) exclusive of driveways or manoeuvring aisles.

4.18.3 Where the number of parking spaces required are calculated according to a formula in this bylaw, the results of such calculation shall be rounded up to the next whole number.

4.19 Parking Area Standards

- 4.19.1 Where a parking lot for more than four vehicles is required or permitted:
- (a) the parking lot shall be constructed with a stable surface that is treated to prevent the raising of dust or loose particles;
 - (b) the light used for illumination of the parking lot shall be so arranged as to divert the light away from streets, adjacent lots and buildings;
 - (c) a structure not more than 4.5 metres (14.8 feet) in height and not more than 10 square metres (108 square feet) in area may be erected in the parking lot for the use of attendants;
 - (d) a parking lot shall be within 100 metres (328 feet) of the location it is intended to serve, and shall be situated in the same zone;
 - (e) when the parking lot is a permanent hard surface, each parking space shall be clearly demarcated and maintained as such;
 - (f) approaches or driveways to any parking lot, other than that required for a single or two-unit dwelling shall be defined by a curb of concrete or rolled asphalt and the limits of the parking lot shall be defined by a fence, curb or other suitable obstruction designed to provide a neat appearance;
 - (g) the location of approaches or driveways shall in conformance with provincial requirements;
 - (h) the width of a driveway leading to a parking lot, or a driveway or aisle in a parking area, shall be consistent with the provisions set out in this bylaw;
 - (i) parking spaces for small cars may be permitted provided they do not exceed twenty-five (25) % of the total parking spaces provided and such spaces shall be a minimum of 2.45 metres by 5.2 metres (8 feet by 17 feet);
 - (j) where possible, there shall be parking at side and rear of property only.

4.20 Permitted Encroachments in Yards

- 4.20.1 In the case of existing buildings, the addition of any type of accessibility features such as ramps, lifts, walkway bump-outs or elevators that facilitate the access to a building for persons with disabilities shall be permitted to encroach upon any required yard to the lot line of the property.

4.21 Public and Private Utilities

4.21.1 Unless otherwise stated, a utility that is essential for the actual provision of a service, including but not limited to a sewer collection and treatment facility, a water supply and distribution facility, a transportation facility, an electrical power facility, a telephone facility and a cable television facility shall be permitted in any zone and zone standards for minimum frontage and lot area shall not apply.

4.22 Restoration to a Safe Condition

4.22.1 Nothing in this bylaw shall prevent strengthening or restoring to a safe condition any building or structure.

4.23 Side Yard Waiver

4.23.1 Notwithstanding anything else in this bylaw, where buildings on adjacent lots share a common wall, the applicable side yard requirements shall be zero subject to the requirements of the Building Code.

4.24 Swimming Pools

4.24.1 No person shall construct an outdoor swimming pool without first obtaining a Development Permit, except if the pool is an inflatable, temporary structure located completely above grade or if it is less than 0.5 metres (1.6 feet) deep;

4.24.2 The following conditions shall be complied with to receive a Development Permit for an outdoor swimming pool:

- (a) the pool is enclosed by a fence having a minimum height of 2 metres (6.6 feet) from the established grade and located a minimum of 1.25 metres (4.1 feet) from the water surface perimeter, suitable to impede unauthorized persons from entering the pool area;
- (b) any gate on such fence shall be capable of being locked and shall be locked when the pool is unattended;
- (c) the pool is not to be located within a required yard that abuts a street.

4.24.3 Regardless of the type and structure of a pool, the property owner shall take reasonable cautions and measures to ensure the safe use of the pool.

4.24.4 Disposal of water after de-chlorination shall be either through the sanitary sewer system or carried off by a truck to a lawful place of disposal.

4.25 Temporary Uses Permitted

- 4.25.1 Nothing in this bylaw shall prevent the temporary use of a building or structure incidental to a construction project for which a development permit has been issued. The temporary use shall be discontinued and removed within 30 days following completion of the main construction project.
- 4.25.2 Nothing in this bylaw shall prevent the temporary use of a building or structure erected for a special occasion or holiday, as long as the temporary use does not exceed 14 consecutive days and is discontinued and removed afterwards.

4.26 Visibility at Street Intersections

- 4.26.1 On a corner lot, no structure or vegetation shall be erected or permitted to grow to a height greater than 0.6 metres (2 feet) above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of 6 metres (20 feet) from their point of intersection.

4.27 Watercourses and Wetlands

- 4.27.1 No development shall occur within 15 metres (50 feet) of a watercourse or wetland as measured from the watercourse or wetland boundary, except for municipal structures related to water supply, wastewater, recreation or floodproofing.
- 4.27.2 Municipal works within the 15-metre buffer zone shall respect provincial requirements for necessary licenses or activity permits.

4.28 Yard Requirements Concerning Natural Hazards

- 4.28.1 Where a front, side or rear yard is required by this bylaw, and part of the area of the lot:
- (a) is usually covered by water or marsh;
 - (b) is beyond the rim of a river bank or watercourse; or
 - (c) is between the top and toe of a cliff or embankment having a slope of 15 percent or more from the horizontal.
- 4.28.2 the required yard shall be measured from the nearest main wall of the main building or structure on the lot, to the edge covered by water or marsh, or to the rim of the riverbank or watercourse, or to the top of the cliff if such "edge" is closer than the lot line.

4.29 Travel Trailers

- 4.29.1 No person shall use a travel trailer, or any similar mobile unit that does not match the definition of a mini home dwelling, in any zone for any purpose other than the type of transient and temporary accommodation for which it is intended.

4.30 Requirement of Centralized Sewer

- 4.30.1 No new development that includes washrooms or kitchen facilities shall be permitted unless it is connected to the municipal centralized sewer system.

5 General Provisions for All Residential Zones

5.1 Home Occupations Permitted in All Residential Zones

5.1.1 Nothing in this bylaw shall prevent the use of a dwelling in any residential zone for home occupations provided that:

- (a) The home occupations consist of one or several of the following uses:
 - i. a business office
 - ii. a domestic and household art workshop
 - iii. a catering establishment
 - iv. a beauty salon or barbershop
 - v. a photographic studio
 - vi. a day nursery for six or fewer children
- (b) the dwelling is occupied as a residence by the operators of the home occupations and the external appearance of the dwelling is not changed by the home occupations;
- (c) there are not more than two (2) on-site assistants/employees employed in the home;
- (d) not more than 25 per cent of the total floor area of the dwelling to a maximum of 50 square metres (538 square feet) is devoted to the home occupations;
- (e) one off-street parking space, other than that required for the dwelling, is provided for every 25 square metres (269 square feet) of floor space occupied by the home occupation;
- (f) there is not more than one business identification sign advertising each business, it is not more than 0.4 square metres (4.3 square feet) in area, and is not illuminated;
- (g) no mechanical equipment is used except that reasonably consistent with the use of a dwelling; and
- (h) there is no outdoor storage or display.

5.2 Conformity with Existing Setbacks

- 5.2.1 Notwithstanding anything else in this bylaw, in any residential zone, a structure built between existing buildings within 75 metres (246 feet) on the same block may be built with a setback equal to smallest setback of the adjacent buildings, but this depth shall not be less than 3 metres (9.8 feet) from the front lot line and need be no greater than a maximum setback set out in the zone in which it is situated.

5.3 Parking of Commercial Motor Vehicles

- 5.3.1 For the purposes of this section of the bylaw, a "Commercial Motor Vehicle" shall mean any motor vehicle having permanently attached thereto a truck or delivery body and includes an ambulance, hearse and motor bus.
- 5.3.2 No commercial motor vehicle shall be kept in any residential zone except for one commercial vehicle used by the occupant of the lot.
- 5.3.3 Commercial motor vehicles parked in a residential zone shall not include an operating refrigeration unit or be carrying hazardous goods.
- 5.3.4 No commercial motor vehicle shall be kept or parked on any vacant lot in any residential zone.

5.4 Satellite Dish Antennae

- 5.4.1 Satellite dishes greater than 0.6 metres (2 feet) in diameter shall not be erected in any residential zone in the Municipality.

5.5 Special Requirements for Bed-and-Breakfast Establishments

- 5.5.1 A bed-and-breakfast establishment shall be permitted within any residential zone provided that:
- (a) the single-unit dwelling is occupied as a residence by the operator of the business;
 - (b) parking is provided at the side and/or rear of the lot, but not within the required yard setbacks;
 - (c) the external appearance of the dwelling shall not be changed by the bed-and-breakfast operation; and
 - (d) there is only one sign not greater than 0.4 square metres (4.3 square feet) in area that is constructed of wood and illuminated in a manner as to not contravene Section 4.12.

6 Residential (R1) Zone

6.1 R1 Zone Permitted Uses

6.1.1 The following uses shall be permitted in a Residential (R1) Zone:

- (a) bed-and-breakfast establishments
- (b) boarding and rooming houses
- (c) day nurseries
- (d) duplexes or semi-detached dwellings
- (e) multi-unit dwellings with up to 12 dwelling units
- (f) parks and playgrounds (subject to the Recreation and Open Space (O1) Zone requirements)
- (g) private garages
- (h) residential care facilities up to 10 beds
- (i) schools and churches (subject to the Commercial-Mixed (C1) Zone requirements)
- (j) single detached dwellings

6.2 R1 Zone Conditionally Permitted Uses

6.2.1 Accessory suites, subject to the special requirements of Section 6.5.

6.2.2 Grouped dwellings, notwithstanding section 4.17 and subject to the special requirements of Section 6.4.

6.2.3 Multi-unit dwellings above 12 units and residential care facilities above 10 beds may be permitted by Council through a Development Agreement, subject to enabling policies of the Official Plan.

6.3 R1 Zone General Requirements

6.3.1 The following requirements shall apply to all uses, except grouped dwellings, permitted in the Residential (R1) Zone:

Requirement	Value	
minimum lot area	1,393.5 m ² (15,000SF)	Please see the minimum lot size standards of the 'Province-Wide Minimum Development Standards Regulations' under the Planning Act. The more stringent of Municipal and Provincial rules shall apply.
minimum circle diameter	30.5 m (100ft)	
minimum lot frontage	15 m (49.2ft)	
minimum front yard	4 m (13.1ft)	
minimum rear yard	4 m (13.1ft)	
minimum side yard	3 m (9.8ft)	
maximum height of main building	10 m (32.8ft)	

6.4 Grouped Dwellings Special Requirements

6.4.1 In addition to the general requirements of the Residential (R1) Zone, each grouped dwelling shall comply with the following:

6.4.2

Requirement	Value
minimum lot area exclusively dedicated to the dwelling's first four dwelling units	3,251.5 m ² (35,000SF)
minimum lot area exclusively dedicated to the dwelling for each additional unit	457 m ² (4,919SF)
minimum circle diameter of area exclusively dedicated to the dwelling	53.3 m (175ft)
minimum separation distance to other dwellings on the same lot	10 m (32.8ft)

6.5 Accessory Suite Special Requirements

6.5.1 One accessory suite (one secondary, garden or garage suite) shall be permitted in the Residential (R1) Zone as an accessory use to a single detached dwelling, semi-detached dwelling or duplex dwelling subject to the following requirements:

- (a) On lots that exceed the minimum lot frontage of the zone by a factor of 1.8 or more, accessory suites shall have sewer laterals independent of the main building.
- (b) Accessory suites are not subject to the requirements of accessory buildings.
- (c) Accessory suites must comply with the requirements shown in the following table:

	Secondary Suite	Garage Suite	Garden Suite
Maximum accessory suite floor area including a habitable basement	80% of the floor area of the main dwelling up to 80 m ² (861SF)	80% of the floor area of the main dwelling up to 95 m ² (1,022SF)	80% of the floor area of the main dwelling up to 95 m ² (1,022SF)
Maximum Building Height	As per zone requirements	Equal to the height of the main dwelling up to 6.5 m (21.3ft)	Equal to the height of the main dwelling up to 3.5 m (11.5ft)
Minimum Setback from other Buildings	2 m (6.6ft) from non-habitable structures on the same lot 3 m (9.8ft) from all other structures		
Accessory Suite Entrance, Main Windows, and Entry	Must be oriented towards the main dwelling, flankage yard, or front yard		
Accessory Suite Exterior	Must be designed to mimic the main dwelling		

7 Mini Home (RM1) Zone

7.1 RM1 Zone Permitted Uses

7.1.1 The following uses shall be permitted in a Residential (RM1) Zone:

- (a) single detached dwellings in conformance with the R1 zone standards

7.2 RM1 Zone Conditionally Permitted Uses

- (a) mini home dwellings

7.3 RM1 Zone General Requirements

7.3.1 The following requirements shall apply to all uses permitted in a Residential (RM1) Zone:

Requirement	Value	
minimum lot area	929 m ² (10,000SF)	Please see the minimum lot size standards of the 'Province-Wide Minimum Development Standards Regulations' under the Planning Act. The more stringent of Municipal and Provincial rules shall apply.
minimum circle diameter	30.5 m (100ft)	
minimum lot frontage	15 m (49.2ft)	
minimum front yard	4 m (13.1ft)	
minimum rear yard	4 m (13.1ft)	
minimum side yard	3 m (9.8ft)	
maximum height of main building	10 m (32.8ft)	

7.4 Mini Home Dwelling Special Requirements

- 7.4.1 Mini home dwellings require Development Permits as any other type of development.
- 7.4.2 Any mini home dwelling to be located in the zone shall be placed on an individual lot.
- 7.4.3 The mini home dwelling must not have been fabricated before July 01, 2009.
- 7.4.4 Mini home dwellings with two sides of the building being one third or less in length of the other two sides shall be oriented with the longer side of the building facing the street.
- 7.4.5 Mini home dwellings shall be connected to municipal sewer.

8 General Provisions for Commercial Zones

8.1 Abutting Zone Requirements

8.1.1 Where a lot located within a commercial zone abuts a lot in a residential or open space zone, the following standards shall apply:

- (a) the minimum setback of the commercial use from the abutting lot line shall be 6 metres (20 feet);
- (b) no open storage or outdoor display shall be permitted in a yard abutting a residential property zone;
- (c) no portion of any parking space within a commercial zone shall be permitted in any abutting yard except where an opaque fence of 2 metres (6.6 feet) or more is provided in which case there shall be no parking within 3 metres (9.8 feet) of the side or rear lot line in the commercial zone.

8.1.2 In addition to the provisions of any municipal sign bylaw that may be put in place, a sign which abuts a lot in a residential or open space zone shall be subject to the following requirements:

- (a) it shall not be illuminated;
- (b) it shall only be a directional or business identification sign;
- (c) the maximum sign area shall be 0.6 square metres (2 square feet) in area;
- (d) the maximum height of a ground sign from the established grade to the highest part of the sign (including the sign structure) shall be 2.5 metres (8.2 feet); and
- (e) it shall be setback at least 3 metres (9.8 feet) from the abutting property line.

8.2 Storage and Screening of Refuse Containers

8.2.1 No portion of any lot in a commercial zone shall be used for the collection or storage of refuse unless an opaque fence or similar structure screens the refuse container.

9 Commercial-Mixed (C1) Zone

9.1 C1 Zone Permitted Uses

9.1.1 The following uses shall be permitted in a Commercial-Mixed (C1) Zone:

- (a) business and professional offices
- (b) commercial schools, colleges and universities
- (c) community centres
- (d) farm markets
- (e) hotels and tourist accommodation
- (f) institutional uses
- (g) licensed liquor establishments
- (h) microbreweries and micro-distilleries
- (i) parks subject to the requirements of the O1 Zone
- (j) restaurants
- (k) retail and rental shops
- (l) service and personal service shops

9.2 C1 Zone Conditionally Permitted Uses

9.2.1 Dwelling units are permitted within buildings with commercial uses as long as the residential use does not occupy the ground floor.

9.2.2 Notwithstanding Section 9.3, buildings above 200 square metres (2,153 square feet) of floor area may be permitted by Council through a Development Agreement, subject to enabling policies of the Official Plan.

9.3 C1 Zone General Requirements

9.3.1 The following requirements shall apply to all uses permitted in the Commercial-Mixed (C1) Zone:

Requirement	Value	
minimum lot area	929 m ² (10,000SF)	Please see the minimum lot size standards of the 'Province-Wide Minimum Development Standards Regulations' under the Planning Act. The more stringent of Municipal and Provincial rules shall apply.
minimum circle diameter	30.5 m (100ft)	
minimum lot frontage	15 m (49.2ft)	
minimum front yard	1.5 m (4.9ft)	
maximum front yard	6 m (20ft)	
minimum rear yard	4 m (13.1ft)	
minimum side yard	3 m (9.8ft)	
maximum height of main building	10 m (32.8ft)	
maximum floor area	200 m ² (2,153SF)	
minimum surface of windows on ground floor building walls facing a street	25% of the building wall	

9.4 C1 Zone Abutting Zone Requirements

9.4.1 Where a yard in the Commercial-Mixed (C1) Zone abuts any residential zone an opaque fence of a minimum of 2 metres (6.6 feet) in height shall be erected at least 0.6 metres (2 feet) inside the abutting yard as a condition of the development permit.

10 Commercial-General (C2) Zone

10.1 C2 Zone Permitted Uses

10.1.1 The following uses shall be permitted in a Commercial-General (C2) Zone:

- (a) automobile service stations
- (b) car washes
- (c) funeral homes
- (d) gas bars
- (e) hotels and tourist accommodation
- (f) institutional buildings
- (g) public garages
- (h) retail

10.2 C2 Zone Conditionally Permitted Uses

10.2.1 Notwithstanding Section 10.3, buildings above 200 square metres (2,153 square feet) of floor area may be permitted by Council through a Development Agreement, subject to enabling policies of the Official Plan.

10.3 C2 Zone General Requirements

10.3.1 The following requirements shall apply to all uses permitted in the Commercial-General (C2) Zone:

Requirement	Value	
minimum lot area	1,393.5 m ² (15,000SF)	Please see the minimum lot size standards of the 'Province-Wide Minimum Development Standards Regulations' under the Planning Act. The more stringent of Municipal and Provincial rules shall apply.
minimum circle diameter	30.5 m (100ft)	
minimum lot frontage	30.5 m (100ft)	
minimum front yard	5 m (16.4ft)	
minimum rear yard	12 m (39.4ft)	
minimum side yard	10 m (32.8ft)	
maximum height of main building	10 m (32.8ft)	
maximum floor area	200 m ² (2,153SF)	

10.4 C2 Zone Abutting Zone Requirements

10.4.1 Where a yard in the Commercial-General (C2) Zone abuts any residential zone an opaque fence of a minimum of 2 metres (6.6 feet) in height shall be erected at least 0.6 metres (2 feet) inside the abutting yard as a condition of the development permit.

11 Light Industrial (M1) Zone

11.1 M1 Zone Permitted Uses

11.1.1 The following uses shall be permitted in the Light Industrial (M1) Zone:

- (a) building supply dealers
- (b) commercial uses accessory to the main use
- (c) logistics businesses
- (d) municipal sewage plant
- (e) recycling depots
- (f) storage and warehouses (including data warehouses and similar IT facilities, but excluding storage of chemicals that may render the land use 'heavy industrial')
- (g) trucking depots
- (h) utilities
- (i) wholesale establishments

11.2 M1 Zone Conditionally Permitted Uses

11.2.1 The following uses may be permitted by Council through a Development Agreement in the Light Industrial (M1) Zone, subject to enabling Policies of the Official Plan:

- (a) Manufacturing, assembling and processing plants, excluding heavy industrial uses
- (b) Greenhouses and similar indoor growing facilities

11.3 M1 Zone General Requirements

11.3.1 The following requirements shall apply to all uses permitted in the Light Industrial (M1) Zone:

Requirement	Value	
minimum lot area	1,393.5 m ² (15,000SF)	Please see the minimum lot size standards of the 'Province-Wide Minimum Development Standards Regulations' under the Planning Act. The more stringent of Municipal and Provincial rules shall apply.
minimum circle diameter	30.5 m (100ft)	
minimum lot frontage	30.5 m (100ft)	
minimum front yard	10 m (32.8ft)	
minimum rear yard	25 m (82ft)	
minimum side yard	10 m (32.8ft)	
maximum height of main building	10 m (32.8ft)	

11.4 M1 Zone Outdoor Storage and Parking Requirements

11.4.1 Outdoor storage and parking shall be landscaped to be screened from adjacent properties.

12 Recreation and Open Space (O1) Zone

12.1 O1 Zone Permitted Uses

12.1.1 The following uses shall be permitted in the Recreation and Open Space (O1) Zone:

- (a) Municipal campgrounds
- (b) cemeteries
- (c) conservation of natural habitat
- (d) open space
- (e) parks and similar recreational uses
- (f) public works and utilities
- (g) recreation administrative offices

12.1.2 Within an O1 Zone, no person shall cut down trees or disturb the natural ground cover without first submitting to the Municipality a landscape plan documenting all proposed changes to the topography and vegetation and measures to control erosion and siltation.

12.2 01 Zone General Requirements

12.2.1 The following requirements shall apply to all uses permitted in the Recreation and Open Space (O1) Zone:

Requirement	Value
minimum lot area	As per minimum lot size standards of the 'Province-Wide Minimum Development Standards Regulations'
minimum circle diameter	
minimum lot frontage	
minimum front yard	15 m (49.2ft)
minimum rear yard	15 m (49.2ft)
minimum side yard	7.5 m (24.6ft)
maximum height of main building	10 m (32.8ft)

13 Rural Resource (RR) Zone

13.1 RR Zone Permitted Uses

13.1.1 The following uses shall be permitted in the Rural Resource (RR) Zone:

- (a) Commercial uses accessory to a use permitted in accordance with Section 13.2.
- (b) Single detached dwellings in conformance with R1 requirements
- (c) Forestry uses and tree nurseries

13.2 RR Zone Conditionally Permitted Requirements

13.2.1 The following uses shall be permitted in the Rural Resource (RR) Zone:

- (a) Agricultural uses, Barns, stables and kennels subject to the following conditions:
 - i. Setback distance from dwellings existing at the time of application for a development permit shall be 100 metres (328 feet), as measured from the closest building wall of the dwelling to the boundary of the proposed agricultural use.

13.3 RR Zone General Requirements

13.3.1 The following requirements shall apply to all uses permitted in the this zone:

Requirement	Value	
minimum lot area	4,000 m ² (43,056SF)	Please see the minimum lot size standards of the 'Province-Wide Minimum Development Standards Regulations' under the Planning Act. The more stringent of Municipal and Provincial rules shall apply.
minimum circle diameter	50 m (164ft)	
minimum lot frontage	50 m (164ft)	
minimum front yard	15 m (49.2ft)	
minimum rear yard	15 m (49.2ft)	
minimum side yard	7.5 m (24.6ft)	
maximum height of main building	10 m (32.8ft)	

14 Building and Development

14.1 Development Officer

- 14.1.1 Council shall appoint a Development Officer(s) whose duties shall be as provided in this Bylaw.
- 14.1.2 A Development Officer shall have the authority to administer this Bylaw.
- 14.1.3 Notwithstanding the foregoing, a Development Officer shall have the authority to approve or deny lot severances, lot consolidations, and development permits in accordance with this Bylaw in all areas except for the following:
 - (a) New public utility structures or existing utility structures wishing to expand.
 - (b) Variances of more than five percent (5%).
 - (c) Rezoning applications.
 - (d) Development agreements.
 - (e) Subdivisions for non-residential purposes, or of more than one lot for residential purposes.

14.2 Development Permit

- 14.2.1 Unless otherwise stated in this bylaw, no person shall undertake a development on a lot within the Rural Municipality of Wellington without first obtaining a development permit from the Development Officer.

14.3 Building Permit

- 14.3.1 No person shall erect a building or structure unless in full compliance with the *Building Codes Act* and its subordinate regulations. The *Building Codes Act* specifies the procedure to obtain a Building Permit.
- 14.3.2 A building permit does not exempt any person from obtaining a development permit or complying with all requirements of this bylaw. A building permit may be withheld by the issuing authority if no development permit has been issued.

14.4 Enforcement

14.4.1 Any person who violates any provision of the Zoning and Subdivision Bylaw is guilty of an offense and liable on summary conviction:

- (a) In the case of a first offense, to a fine not exceeding two thousand (\$2,000) dollars in each case together with the cost of prosecution;
- (b) Where the offense is a continuing offence, a fine not exceeding four hundred (\$400) dollars for every day the said offence continues, together with the prosecution;
- (c) The judge presiding on any prosecution under the bylaw may fix the costs of prosecution to be paid by the person found guilty hereunder.

14.4.2 Any prosecution of an offense may be instituted within one (1) year after the time the contravention occurred.

14.5 Application Form

14.5.1 Any person applying for a development permit shall do so on a form prescribed by Council and shall submit the application to the Development Officer.

14.6 Application Fee

14.6.1 Every application for a development permit shall be accompanied by an application fee.

- (a) The fee must be paid before the application is processed.
- (b) A schedule of fees will be established by resolution of Council and may from time to time be amended to reflect the costs related to processing the applications.
- (c) The schedule of fees shall form part of this Bylaw.

14.7 Application Units of Measure

14.7.1 All measurements on permit applications shall be indicated in metric to two decimal places.

14.8 Application for a Development Permit

- 14.8.1 Every application for a development permit shall be accompanied by a sketch or plan(s), in duplicate, drawn to an appropriate scale and showing:
 - (a) the true shape and dimensions of the lot to be used, and upon which it is proposed to erect any building or structure;
 - (b) the location, height and dimensions of the building, structure, or work proposed to be erected;
 - (c) the location of every building or structure already erected on the lot and the general location of buildings on abutting lots;
 - (d) the proposed location and dimensions of any parking spaces, loading spaces, driveways and landscaped areas;
 - (e) the proposed use of the lot and each building or structure to be developed;
 - (f) the location and type of any proposed chemical substance storage;
 - (g) any other information which the development officer deems necessary to determine whether or not the proposed development conforms with the requirements of this bylaw.

14.9 Signature of Applicant

- 14.9.1 The application for a development permit shall be signed by the registered owner of the lot or by the owner's agent, duly authorized in writing to act for the owner.

14.10 Notification of Applicant

- 14.10.1 Upon receipt of the application, the development officer shall determine whether the application is complete with all pertinent documentation, signatures and fees, and shall, within 10 business days, notify the applicant, in writing, if the application is incomplete.

14.11 Environmental Impact Assessment

- 14.11.1 Where it is determined that a proposed development may have a significant impact on the environment, Council shall refer the application to the Department of Environment, Water and Climate Change. In cases where a full Environmental Impact Assessment is required, the proponent is responsible for the assessment and its associated costs.

14.12 Watercourse and Wetland Impact Assessment

14.12.1 Where it is determined that a proposed development may require a License or Buffer Zone Activity Permit in accordance with the Watercourse and Wetland Protection Regulations under the Environmental Protection Act, or where it suspected that a proposed development may be in violation of the same, Council shall refer the application to the Department of Environment, Water and Climate Change. The Development Officer shall require verification of a Provincial License or Permit prior to issuing a Development Permit in such cases.

14.13 Development Agreement

14.13.1 As guided by the various policies of the Official Plan and provisions of this bylaw, Council may prepare terms of reference for and require an applicant for a development permit to enter into a development agreement with Council respecting the development.

14.13.2 An application for a development agreement may address but shall not be limited to the following matters:

- (a) site design;
- (b) the design and construction cost of sidewalks, pathways and other pedestrian access matters;
- (c) landscaping and screening;
- (d) vehicular ingress and egress;
- (e) signage;
- (f) security and safety lighting;
- (g) architectural harmony;
- (h) methods of waste disposal;
- (i) payments of additional costs relating to the drafting or execution of the development agreement;
- (j) fencing; and
- (k) any other matters that Council deems necessary to ensure the health, safety and convenience of the Municipality’s residents and the traveling public.

14.13.3 When rendering a decision on an application for a development agreement, Council shall make a decision in compliance with the Official Plan and in particular abide by the policies listed under Subsection ‘6.6 – Development Agreements’ of the Official Plan.

14.14 Permit Validity

14.14.1 A permit shall be valid for 12 months from the date of issue, after which time, if work on the proposed building or structure is not complete, the permit holder shall apply for and receive, at no additional cost, a renewal of the permit before work is continued. If building construction has not commenced within the 12-month period, the applicant must reapply under the provisions of the bylaws of the day.

14.15 Variances

- 14.15.1 An applicant may request a variance to enable a development proposal that would not otherwise comply with this Bylaw.
- 14.15.2 The Development Officer may consider a variance of up to 5% from the requirements of this Bylaw.
- 14.15.3 Council may consider a variance of more than 5% but not more than 10% from the requirements of this Bylaw.
- 14.15.4 A variance shall only be granted if the general intent of the bylaws will be upheld and there are compelling reasons why the requirements of the bylaws cannot be precisely met.

14.16 Notification of Outcome

- 14.16.1 The Development Officer shall notify the applicant that a development permit application has been approved, approved with conditions, or has been denied.
- 14.16.2 Where a development permit application has been approved or approved with conditions, the development officer shall notify the applicant that the approved development permit may be had upon presentation of any documentation required as a condition of approval and payment of any fees that may be owing.
- 14.16.3 When an issued development permit is handed over or mailed to the applicant, it shall be posted on the municipal web site.
- 14.16.4 Where a development permit application has been denied, the Development Officer shall notify the applicant, in writing, that the development permit has been denied and stating the reason(s) for the denial.

14.17 Inspection

14.17.1 Prior to issuance of any development permit, as well as during the construction process, the Development Officer may inspect the building site or the building or structure to which the development permit application applies.

14.18 Appeal

- 14.18.1 Any person who is dissatisfied with a decision of Council or the Development Officer in the administration of the Official Plan or the Zoning and Subdivision Bylaw may appeal that decision within 21 days from the date of the decision to the Island Regulatory and Appeals Commission in accordance with the *Planning Act*.
- 14.18.2 That person will, in writing, register an appeal within the time period prescribed by the *Planning Act*.

15 Provisions for Subdivision

15.1 Requirements for Subdivision

15.1.1 No person shall subdivide land within the boundaries of the Rural Municipality of Wellington unless the subdivision:

- (a) has final approval from the Development Officer or Council, whichever is applicable in accordance with Section 14.1;
- (b) conforms with the requirements of any bylaw in the Municipality and any other laws that may be in force;
- (c) conforms with the dimensions stipulated under minimum lot requirements in the Zone or the Province-Wide Minimum Development Standards Regulations under the Prince Edward Island Planning Act, whichever requirement is more stringent;
- (d) is suitable to the topography, physical conditions, soil characteristics and natural drainage patterns of the land being subdivided;
- (e) will not cause undue flooding or erosion;
- (f) has convenient safe street access;
- (g) has adequate utilities and services available, or can be conveniently provided with such utilities and services;
- (h) will reasonably conform with existing land use in the immediate vicinity;
- (i) will provide for convenient traffic flow;
- (j) is designed so that lots will have suitable dimensions, shapes, orientation and accessibility;
- (k) is suitable to the use for which it is intended, and it does not make impractical the future subdivision of the land within the proposed subdivision or of any adjacent lands;
- (l) ensures that all parcels of land for which the permit is issued have frontage on a street;
- (m) will not be detrimental to the convenience, health or safety of residents in the vicinity or the general public;
- (n) will not precipitate premature development, necessitate unnecessary public expenditure, or would place undue pressures on the Municipality or Province to provide services; and,
- (o) will not result in undue damage to the natural environment.

15.2 Minimum Street Standards

- 15.2.1 All new streets to be created by subdivision shall be public streets to be transferred into provincial ownership.
- 15.2.2 The minimum street standards for design and construction shall be established by the Department of Transportation, Infrastructure and Energy.

15.3 Evaluation

- 15.3.1 The Development Officer on behalf of Council shall evaluate each subdivision to determine whether appropriate street design standards and lot configurations have been used to promote the development of safe, convenient and pleasant neighbourhoods. The Development Officer may consult Council, Provincial Government officials and private consultants and may request that Council hold a public hearing to hear public opinions.

15.4 Forwarding of application to relevant authorities

- 15.4.1 The Development Officer shall forward any application for a subdivision to the following entities and consider any resulting comments when making a decision:
 - (a) the Department of Environment, Water and Climate Change to be screened for an Environmental Impact Assessment.
 - (b) For any resulting lots fronting a public street, to the Department Transportation, Infrastructure and Energy
 - (c) Where an application to subdivide, for purposes other than agriculture, is received, Council shall notify the owners of all livestock operations within 300 metres of the proposed subdivision, to request comments.

15.5 Recreation Dedication

- 15.5.1 Except for the severing of a single lot for residential purposes, any person who severs two (2) or more lots within the Municipality shall, at the time of subdivision, dedicate and deed to the Municipality, free of all encumbrances, ten percent (10%) of the land included in the subdivision to the Municipality for recreation and public open space purposes.
- 15.5.2 Council shall have the power to choose what land within the subdivision shall be deeded.

15.5.3 In the case of a single-lot subdivision for residential purposes, Council shall require a cash payment of one hundred dollars (\$100). Where no dedication of land is deemed appropriate with respect to the severing of two (2) or more lots, Council shall require a cash payment equivalent to ten percent (10%) of the assessed value of the land prior to subdivision. Any moneys so collected shall be designated for the purchase or maintenance of recreational and public open space lands within the Municipality.

15.6 Subdivision Agreement

15.6.1 Council shall require the developer to enter into a subdivision agreement with respect to any residential subdivision creating two (2) or more new lots, or any commercial/industrial/agricultural/forestry subdivision as a condition of final approval of a subdivision. Any subdivision agreement negotiated may cover any matters relating to:

- (a) the design and construction costs of sidewalks, water supply, sewerage and street lighting;
- (b) the dedication of land for public recreation purposes, or payment of a fee in lieu of land;
- (c) the dedication and deeding of land within the subdivision to the Municipality for recreation and public open space use, or the payment of cash in lieu of such a dedication;
- (d) the deeding of streets to the Province;
- (e) the posting of a financial guarantee satisfactory to Council;
- (f) assignment of costs associated with the drafting and execution of this agreement; and
- (g) any other matter(s) that Council deems necessary to ensure the health, safety and convenience of residents and the traveling public.

15.7 Subdivision Approval

15.7.1 All subdivision or consolidation of land within the Municipality shall require a subdivision approval signed by the Development Officer, as authorized by Council.

15.7.2 Any person applying for a subdivision approval shall do so on a prescribed form to be submitted to the Development Officer. The application form shall be signed by the applicant or by the applicant's authorized agent.

- 15.7.3 Upon receipt of the application, the Development Officer shall determine whether the application is complete with all pertinent documentation, signatures and fees, and shall, within ten (10) working days of receipt of the application, notify the applicant, in writing, if the application is incomplete or lacking in plan attachments.
- 15.7.4 The Development Officer shall submit all subdivision applications for non-residential purposes or for the creation of more than one new residential lot to Council for interpretation and instruction.
- 15.7.5 The Development Officer, before dealing with an application for a subdivision made by a person other than the owner, may require that such other person produce satisfactory evidence of being duly authorized by the owner to make such an application.
- 15.7.6 The subdivision permit application shall be accompanied by four (4) copies of a properly scaled drawing showing the proposed subdivision with estimated dimensions of lots, location of structures and any significant natural or man-made features, and all streets and service, both existing and proposed. The Development Officer may also request any or all of the following:
- (a) a topographic survey;
 - (b) a professional engineer's report on the effect on water run-off patterns and conditions for as much of the year as is considered necessary; and
 - (c) a sketch showing that the parcels into which the land is subdivided by the plan can conveniently be further subdivided, but this shall only be demanded if the situation of the land is such that there is a reason to anticipate its further subdivision.

15.8 Subdivision Application Fee

- 15.8.1 Every application for subdivision shall be accompanied by an application fee.
- 15.8.2 The fee must be paid before the application is processed.
- 15.8.3 A schedule of fees will be established by resolution of Council and may from time to time be amended to reflect the costs related to processing the applications.
- 15.8.4 The schedule of fees shall form part of this Bylaw.

15.9 Approval in Principle

- 15.9.1 The Development Officer shall consult with the appropriate Provincial Government officials regarding any Provincial requirements for development of the proposed subdivision.

- 15.9.2 The Development Officer shall, within thirty (30) days of receiving a complete application, advise the subdivider in writing that the subdivision can be approved in principle, approved in principle with certain specific conditions, or that the subdivision permit application has been denied. In the case of a subdivision permit denial, the reason(s) for the denial shall be stated.
- 15.9.3 Any approval in principle given by the Development Officer or Council shall be effective for a period not exceeding six (6) months from the date of the approval notice. The applicant may make application, in writing, to the Development Officer requesting an extension to the six (6) month period. Any new application for approval in principle will be assessed by the Development Officer or Council—in conformance with their respective roles as outlined in this Bylaw—under the Municipality’s Zoning and Subdivision Bylaw existing at the time of the new application.

15.10 Final Approval

- 15.10.1 An application for final approval must be made to the Development Officer within the six (6) month (or extended) period; if not, the approval in principle shall be considered null and void, and a new application for approval in principle must be submitted.
- 15.10.2 Any subdivider seeking final approval of a subdivision plan shall submit to the Development Officer twelve (12) printed copies and one (1) digital copy of a survey plan, certified by a Prince Edward Island land surveyor and tendered for final approval.
- 15.10.3 The survey plan being submitted for final approval shall conform substantially to the plan that was approved in principle, but the application for final approval need not be for the whole subdivision identical to the proposal described in the application for approval in principle. However, application for final approval of the remainder or any part of the remainder of the proposed subdivision must be made and granted prior to the development of the remaining property within the subdivision.
- 15.10.4 Final approval of a subdivision plan shall not be given by Council until:
 - (a) the survey plan has been submitted for recommendations to any appropriate provincial government departments;
 - (b) all agreements and other pertinent documents have been prepared and concluded to the satisfaction of Council;
 - (c) all transactions involving the transfer of money or land in conjunction with the subdivision have been secured to the satisfaction of Council;

- (d) and, the subdivision has been surveyed and the survey plan has been certified by a Prince Edward Island land surveyor.
- 15.10.5 The Development Officer shall notify the applicant, in writing, of final approval of a subdivision to the applicant, and shall note that a subdivision permit made be had from the Municipality's Administrative Office upon payment of the subdivision fee set out in the schedule of fees.
- 15.10.6 The Development Officer shall place the Municipality's seal on all twelve (12) copies of the approved survey plan, retain one (1) copy for the Municipality's files, return one (1) copy to the applicant and file the remaining copies with:
- (a) Registry of Deeds;
 - (b) Planning and Inspection Services;
 - (c) Highway Maintenance Division, Department of Transportation, Infrastructure and Energy (4 copies are required if a new street is constructed or an existing street altered);
 - (d) Taxation and Property Records Division, Provincial Treasury; and
 - (e) in the case of a multiple-lot subdivision, additional copies to telecommunication companies servicing the area.
- 15.10.7 No person shall sell, convey interest in or transfer title of any lot within the Municipality before Council has granted final approval for the subdivision.

16 Rezoning /Amendments

16.1 Application for Amendment

- 16.1.1 Any person desiring an amendment(s) to the provisions of these bylaws, including but not limited to a rezoning on the Zoning Map, shall apply to the Development Officer, in writing, describing, in detail, the reasons for the desired amendment(s) and requesting Council to consider the proposed amendment(s).
- 16.1.2 Any application to amend shall include a legal description of and the location of the subject property(ies), the name and address of the owners of the property(ies), if the applicant is not the owner, a statement as to the applicant's interest in the property, and a description of the proposed development to be enabled by the amendment.

16.2 Amendment Application Fee

- 16.2.1 Any application for an amendment shall be made, in writing, along with a non-refundable application fee.
- (a) The fee must be paid before the application will be processed.
 - (b) A schedule of fees will be established by resolution of Council and may from time to time be amended to reflect the costs related to processing the applications;
 - (c) The schedule of fees shall form part of this Bylaw.
- 16.2.2 If the amount paid by the applicant is not sufficient to cover the costs of notifying affected property owners and other related expenses, the applicant shall pay to the development officer the additional amount required, before Council gives final approval to the amendment.

16.3 Notice to Property Owners

- 16.3.1 When an application has been received for a rezoning, all affected property owners within a 300-metre radius of the subject property shall be notified of the application by the Chief Administrative Officer or designate.
- 16.3.2 This notification of affected property owners shall be in addition to the advertisements for the public hearing, and shall be delivered to all affected property owners by mail prior to the public hearing.

16.4 Council's Review

- 16.4.1 Council shall determine whether or not to pursue such an amendment, and before making any decision shall examine the Official Plan to ensure that the proposed amendment will not be contrary to any policy within the Official Plan and in particular abide by the policies listed under Subsection '6.5 – Amendments to Zoning and Subdivision Bylaw' of the Official Plan.
- 16.4.2 No amendment shall be made in these bylaws that would be contrary to any policy of the Official Plan without a review and amendment of the Official Plan in accordance with the requirements of the Planning Act.
- 16.4.3 Council shall not entertain any new application for the same proposed amendment(s) to these bylaws for a period of one (1) year from the date of previous application of proposed amendment to these bylaws.
- 16.4.4 Council shall, within seven (7) working days of the notification of the Minister's approval of the amendment(s) to these bylaws, instruct the Development Officer to notify the applicant that the proposed amendment to these bylaws has been approved or denied. Where a proposed amendment to these bylaws has been denied by Council, the reasons for the denial shall be stated, in writing to the applicant.

16.5 Public Hearing

- 16.5.1 No amendment shall be made to the provisions of this Bylaw unless Council provides for adequate public notice and a public hearing pursuant to the provisions of the *Planning Act*.
- 16.5.2 At any public hearing called in respect of a proposed amendment(s) to these bylaws, Council shall preside, the person proposing the amendment or their designate shall describe and defend the proposed amendment, and the opinions of any person shall be heard for consideration by Council.

17 Definitions

17.1.1 In this bylaw, words carry their customary meaning except for following words defined in this Chapter:

ACCESSORY BUILDING means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use, but does not include a building attached in any way to the main building;

ACCESSORY SUITE means one dwelling unit accessory to a detached, semi-detached or duplex dwelling intended as an independent and separate unit which contains its own sleeping, living, cooking and sanitary facilities, and its own independent entrance. Accessory suites may be contained within the primary dwelling or located in a detached structure;

- (a) **ACCESSORY SUITE, GARAGE** means one accessory suite built above a detached garage and located behind the primary dwelling;
- (b) **ACCESSORY SUITE, GARDEN** means one free-standing, single-story accessory suite located in the rear yard of the primary dwelling;
- (c) **ACCESSORY SUITE, SECONDARY** means one self-contained accessory suite fully contained within and subordinate to a detached, semi-detached or duplex dwelling;

ACCESSORY USE means a use subordinate and incidental to and exclusively devoted to a main use of land or building and located on the same lot;

AGRICULTURAL USE means a use of land and buildings for farming, dairying, pasturage, agriculture, apiculture, floriculture, horticulture, and animal and poultry husbandry and the necessary accessory uses for packing, storing or treating the produce;

ALTER means any change in a structural component of a building or any increase in the volume of a building or structure;

AMENITY SPACE means on the site outdoor space designed for active or passive recreational use;

AUTOMOBILE SERVICE STATION means a building or a clearly defined space on a lot used for the sale of lubricating oils and gasoline and may include the sale of automobile accessories and the servicing and minor repairing of motor vehicles and may include an automobile car wash or convenience store, or both, but does not include an automobile body shop;

BED-AND-BREAKFAST means a single detached dwelling in which there is a resident owner or resident manager who provides overnight accommodation and meals (usually breakfast, but occasionally other meals as well) for the traveling public, notably tourists;

BOARDING OR ROOMING HOUSE means a single unit dwelling in which the resident supplies either room or room and board for compensation for more than two (2) but not more than four (4) bedrooms exclusive of the resident and family and which is not open to the general public;

BUILDING means any structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, material or equipment;

BUILDING LINE means any line regulating the position of a building or structure on a lot;

BUSINESS OFFICE means a room where a business may be transacted, a service performed or consultation given but does not include the manufacturing of any product or the on-site retailing or selling of goods;

CAMPGROUND means an area of land for the temporary accommodation of travel trailers, motorized homes, tents and trailers used for travel, recreational and vacation purposes but does not include a mobile home park;

CHURCH means a building dedicated to religious worship and includes a church hall, church auditorium, Sunday School, parish hall, rectory, manse and day nursery operated by the church;

CLINIC means a building used for medical, dental, surgical or therapeutic treatment of human patients that does not include overnight facilities and does not include a professional office of a doctor located in his or her residence;

COMMERCIAL SCHOOL means a school conducted for compensation and includes a secretarial school, language school and driving school but does not include a day nursery;

COMMUNITY CENTRE means any building or part thereof used for community activities, whether used for commercial purposes or not, the control of which is vested in the municipality, a local board or agent thereof, or a non-profit organization;

CONVENIENCE STORE means a building used as a store that serves the primary needs of the adjacent neighbourhood and includes the sale of magazine, confectionery items, grocery items and a delicatessen or snack bar, provided that any eating facility is within a wholly enclosed building;

COUNCIL means the Council of the Rural Municipality of Wellington;

DAY NURSERY means a place where children are cared for on a temporary daily basis for compensation without overnight accommodation but does not include a school;

DEVELOPER means a person who, directly or indirectly, is authorized to apply for approval of a development or subdivision or to enter into an agreement regarding a development or subdivision;

DEVELOPMENT means:

- (a) site alteration, including but not limited to altering the grade of the land, removing vegetation from the land, excavating the land, depositing or stockpiling soil or other material on the land, and establishing a driveway or parking lot,
- (b) locating, placing, erecting, constructing, altering, repairing, removing, relocating, replacing, adding to or demolishing structures or buildings in, under, on or over the land,
- (c) placing temporary or permanent mobile uses or structures in, under, on or over the land,
- (d) 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,
- (e) the installation of water or sewer connections,
- (f) the construction of fences over 1.25 metres high;

DEVELOPMENT AGREEMENT means an agreement between a developer and Council respecting the terms and conditions under which a development may be carried out;

DEVELOPMENT OFFICER means the development officer appointed by the Rural Municipality of Wellington in accordance with the Planning Act and charged with the duty of administering the provisions of this bylaw;

DEVELOPMENT PERMIT means the formal and written authorization for a person to carry out any development;

DISPLAY means 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 0.25 square metres or less;

DOMESTIC AND HOUSEHOLD ARTS includes dressmaking, tailoring, hairdressing, instruction in music, dancing, arts and crafts, weaving, painting, sculpturing, molding or otherwise making or repairing garden or household ornaments, articles of clothing, personal effects or toys;

DWELLING means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units, and shall not include a hotel, a motel, apartment hotel or a travel trailer;

- (a) **DWELLING, SINGLE DETACHED** means a completely detached building containing one (1) dwelling unit;
- (b) **DWELLING, DUPLEX** means a building that is divided horizontally into two (2) dwelling units, each of which has an independent entrance either directly from outside or through a common vestibule;
- (c) **DWELLING, GROUPED** means three or more dwelling units that are contained within two or more buildings located on the same lot;
- (d) **DWELLING, MINI HOME** means a transportable dwelling unit suitable for occupancy upon completion of setup, complying with the standards of the CSA Z240 MH Series 'Manufactured Homes' and does not include a recreational vehicle;
- (e) **DWELLING, MULTI-UNIT** means a building that contains three (3) or more dwelling units;
- (f) **DWELLING, SEMI-DETACHED** means a building that is divided vertically into two (2) dwelling units, each of which has an independent entrance;

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 for the exclusive use of such individual or individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building;

ERECT means to build, construct, reconstruct, alter or relocate, and without limiting the generality of the foregoing shall include any preliminary physical operation such as excavating, grading, piling, cribbing, filing or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension;

ESTABLISHED GRADE means, when used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of the front of such building exclusive of any artificial embankment or entrenchment, or when used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding such structures exclusive of any artificial embankment or entrenchment;

EXISTING means legally existing as of the effective date of this bylaw;

FARM MARKET means a building in which farm produce comprises the major portion of goods offered or kept for sale directly to the public at retail value;

FILL means material deposited on a lot to alter the land level of the lot;

FLOOR AREA means the following:

- (a) For residential uses: total floor area contained within the outside walls of a building excluding any private garage, porch, veranda, sunroom, unfinished attic, or basement and cellar or other room that is not habitable during all the season of the year;
- (b) For commercial uses: means the total floor area within a building used for commercial purposes but excludes washrooms, furnace and utility rooms, and common walls between stores;

FORESTRY means any activity related to the commercial harvesting of trees. Mills shall not be considered a forestry use;

GAS BAR means a facility offering service to automobiles, principally limited to the sale of gasoline, diesel fuel and lubricating oil;

GREENHOUSE means a building or structure used primarily to raise and store trees, shrubs, flowers and other plants for sale or for transplanting;

HEAVY INDUSTRIAL USES means a use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing process that potentially involve hazardous materials, substances or commonly recognized obnoxious conditions.

HEIGHT means, when used with reference to a building, the vertical distance of a building between the established grade and:

- (a) the highest point of the roof or the parapet, whichever is the greater, of a flat roof;
- (b) the deck line of a mansard roof; or
- (c) the main level between eaves and ridges of a gabled, hip, gambrel or other type of pitched roof.

HOME OCCUPATION means an accessory use of a dwelling for gainful employment involving the provision or sale of goods and/or services;

KENNEL means a building or premise where domestic household animals and birds are boarded for breeding or otherwise;

LANDSCAPING means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property or to provide a screen between properties in order to mitigate objectionable features between them;

LICENSED LIQUOR ESTABLISHMENT means an establishment serving alcoholic beverages, eligible to be licensed by the Prince Edward Island Liquor Control Commission;

LOADING SPACE means an area of land provided for use for the temporary parking of a commercial motor vehicle where merchandise or materials are loaded or unloaded from the vehicles;

LOGISTICS BUSINESS means a premise used for the storage, distribution and shipment of goods and materials and does not include manufacturing, assembly or processing;

LOT means a parcel of land described in a deed or as shown on a registered plan subdivision;

- (a) **LOT, CORNER** means a lot situated at the intersection of and abutting on two (2) or more streets;
- (b) **LOT, THROUGH** means a lot, which is not a corner lot, with frontage on more than one street;

LOT AREA means the total horizontal area within the lot lines of a lot;

LOT COVERAGE means the percentage of the lot that is covered by buildings excluding projecting eaves, balconies and similar features;

LOT FRONTAGE means the distance between the side lot lines of a lot measured along the street(s) the lot fronts on.

LOT LINE means a boundary line of a lot;

- (a) **LOT LINE, FLANKING** means a side lot line that abuts the street on a corner lot;
- (b) **LOT LINE, FRONT** means the lot line dividing the lot from the street; in the case of a corner lot, the shorter lot line abutting the street; or in the case of a through lot, the lot line abutting the street providing the primary access;
- (c) **LOT LINE, REAR** means the lot line farthest from or opposite to the front lot line;
- (d) **LOT LINE, SIDE** means a lot line other than a front or rear lot line;

MAIN BUILDING means a building which serves the principal purpose for which the lot is used;

MAIN WALL means the exterior front, side or rear wall of a building and all structural members essential to the support of a full or partially enclosed space or roof;

MICROBREWERY means a brewery that sells its product on-site to patrons of an adjacent pub or restaurant and does not include a brewery that is only a production facility;

MICRODISTILLERY means a distillery that sells its product on-site to patrons of an adjacent pub or restaurant and does not include a distillery that is only a production facility;

MOBILE HOME PARK means a lot on which spaces are provided for more than one (1) mini home dwelling unit but does not include a campground;

MOTEL/HOTEL means a building or buildings used to accommodate the traveling public for compensation, by supplying them with sleeping accommodation and accessory services such as restaurants, cooking facilities and licensed liquor establishments;

MUNICIPALITY means the Rural Municipality of Wellington;

NURSING HOME means a building where nursing care and room and board are provided to individuals incapacitated in some manner for medical reasons and is duly licensed by the Province of Prince Edward Island;

OBNOXIOUS 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 gas, fumes, dust, oil or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other materials;

OPEN SPACE means an area of land used for parks, playgrounds, ball fields, outdoor skating rinks, tennis courts, athletic fields, picnic areas and similar uses but excluding enclosed structures;

OUTDOOR DISPLAY means an area of land where goods are displayed and available for sale to the general public from a retail outlet located on the same lot;

OUTDOOR STORAGE means the storage of merchandise, goods, inventory, materials or equipment or other items not intended for immediate sale, by locating them outside;

PARKING LOT means an open area of land other than a street on an area within a structure for the parking of vehicles;

PARKING SPACE means an area of land for the temporary parking or storage of motor vehicles;

PERSON includes an individual, association, firm, partnership, corporation, incorporated company, organization, trustee or agent and the heirs, executors or other legal representatives of a person to whom the context can apply according to law;

PERSONAL SERVICE SHOP means a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, and includes barber shops, automatic laundry shops, hairdressing shops, shoe repair shops, depots for collecting dry cleaning and laundry and similar uses, but excludes any manufacturing or fabrication of goods for sale;

PLANNING BOARD means the Planning Board of the Rural Municipality of Wellington established under the provisions of the Planning Act;

PREMISES mean an area of land with or without buildings or structures;

PRIVATE CLUB means a building used as a meeting place for members of an organization and may include a fraternity, a labour union hall, a lodge, a service club and a sorority house;

PRIVATE GARAGE means an enclosed or partially enclosed structure for the storage of one or more vehicles, in which no business, occupation or service is conducted for profit;

PRIVATE STORAGE BUILDING means an enclosed or partially enclosed structure for the storage of material goods in which no business, occupation or service is conducted for profit;

PUBLIC GARAGE means a building or place other than a private garage where motor vehicles are kept or stored for enumeration or repair, or a building or place used as a motor vehicle repair shop that does not include an automatic car washing establishment, a motor vehicle sales establishment or an automobile service station;

RECREATIONAL USE means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, athletic fields, golf courses, picnic areas, swimming pools, day camps and similar uses but does not include a track for the racing of animals or any form of motorized vehicles;

RECYCLING DEPOT means premises on which recoverable materials such as newspaper, glassware and metal cans are separated prior to shipment but does not include any processing of the material or a salvage yard;

RECYCLING PLANT means a building in which recoverable resources, such as newspapers, magazines, books and other paper products, glass, metal cans and other products are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production but it does not include a salvage yard;

RESIDENTIAL CARE FACILITY means a building or premises licensed by the Province of Prince Edward Island, where accommodation and supervisory and/or personal care is provided or made available for more than three (3) persons and includes group homes and nursing homes;

RESOURCE USE means the use of land or buildings for production and harvesting or extraction of any agricultural, forestry or fisheries product;

RESTAURANT means a building where food and drink is served to the public primarily for consumption within the building;

RETAIL STORE means a building in which goods, merchandise, substances, and articles are offered for sale to the ultimate consumer for personal or household consumption;

RURAL TOURISM USE means the use of a building or land for non-recreational commercial uses related to tourism, including rental accommodations and campgrounds;

SALVAGE YARD means an area of land used for the storage, handling or processing of and sale of scrap material, and without limiting the generality of the foregoing, may include waste paper, rags, bones, used bicycles, vehicles, tires, metals or other scrap material or salvage, but shall not include a hazardous waste material storage or disposal site or recycling depot;

SCREENING means the method by which a view of one (1) site from another adjacent site is shielded, concealed or hidden;

SENIOR CITIZEN HOUSING means multiple unit housing designed for occupation by senior citizens, and constructed and maintained by a public housing authority or non-profit organization;

SERVICE SHOP means a building used for the sale or repair of household articles and may include radio, television and appliance repair shops but does not include industrial, manufacturing or motor vehicle repair shops;

SERVICE STATION CANOPY means a permanent roofed structure open on all sides, except where attached to a service station building, and used to provide shelter for service station fuel pumps;

SIGN means a structure, device, light or natural object including the ground itself, or any part, or any device attached, or painted or represented on which shall be used to advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which display or include any letter, work, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement, and which is intended to be seen from off the premises or from a parking lot;

- (a) **SIGN, BILLBOARD** means a large ground sign or facial wall sign that is not related to any business or use located on the lot or premises;

- (b) **SIGN, FACIAL WALL** means a sign that is attached to and supported by a wall of a building;
- (c) **SIGN, GROUND** means a sign supported by one or more uprights, poles or braces placed in or upon the ground;
- (d) **SIGN, ILLUMINATED** means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light focused, upon or chiefly directly at the surface of the sign;
- (e) **SIGN, MOBILE** means any sign fixed to a wheel structure and designed to be movable;
- (f) **SIGN, PROJECTING WALL** means a sign that projects from and is supported by a wall of a building;
- (g) **SIGN, ROOF** means any sign erected upon, against or directly above a roof, or on top of, or above the parapet of a building;
- (h) **SIGN, SANDWICH** means a two-sided A-frame style self-supporting sign that is not permanently affixed to the ground and designed to be movable;

SIGN, AREA means the area of the smallest triangle, rectangle, or circle or semi-circle that can wholly enclose the surface area of the sign; and all visible faces of a multi-faced sign are counted separately and then totaled in calculating sign area and three dimensional signs are treated as dual-faced signs, such that the total area is twice the area of the smallest triangle, rectangle or circle or semi-circle that can totally circumscribe the sign in the plane of its largest dimension;

SIGN, NUMBER OF means a single display surface or display containing elements organized, related and composed to form a unit; and when matter is displayed in a random manner without organized relationship or elements, or when there is reasonable doubt about the relationship of elements, then each element is considered to be a single sign;

STREET means any street, road or highway owned and maintained by the Province of Prince Edward Island or the Rural Municipality of Wellington, or a private road showing on a plan of subdivision that was approved prior to the effective date of this bylaw;

STREET LINE means the boundary line of a street;

STRUCTURE means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure;

SUBDIVISION means the following:

- (a) the division of a parcel of land to create two or more new parcels of land
- (b) the consolidation of two or more contiguous parcels of land to create a new parcel of land, or
- (c) the attachment of a part of a parcel of land to another parcel of land contiguous to that part to create a new parcel of land,

by means of a plan of subdivision, a plan of survey, an agreement, a deed or any other instrument, including a caveat, that transfers or creates an estate or interest in the new parcels of land created by the division, or in the new parcel of land created by the consolidation or the attachment, as the case may be;

SUBDIVISION AGREEMENT means an agreement between Council and a Developer, whereby the developer undertakes to provide basic services in order to develop a plan of subdivision.

SURVEY PLAN means an appropriately scaled drawing of survey details, certified by a licensed Prince Edward Island land surveyor;

SWIMMING POOL means any outdoor structure, basin, chamber or tank used or that may be used for swimming, diving or recreational bathing and having a depth of 0.5 metres or more at any point or with a surface area exceeding 10 square meters;

UTILITY means any public or private system, works, plant, equipment or services that furnishes services at approved rates to or for the use of the general public;

VETERINARY CLINIC means a facility for the medical care and treatment of animals and includes provisions for their overnight accommodation but does not include any outdoor facilities such as kennels, pen runs and enclosures;

WAREHOUSE means a building used primarily for the storage of goods and materials and does not include manufacturing, assembly or processing;

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, any water therein, and any part thereof, up to and including the watercourse boundary;

WATERCOURSE BOUNDARY means

- (a) in a non-tidal watercourse, the edge of the sediment bed, and
- (b) in a tidal watercourse, the top of the bank of the watercourse, and where there is no discernible bank, means the mean high water mark of the watercourse

WETLAND means

- (a) 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
- (b) 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;

WETLAND BOUNDARY means where the vegetation in a wetland changes from aquatic or water-tolerant vegetation to terrestrial vegetation or water-intolerant vegetation;

YARD means an open uncovered space on a lot appurtenant to a building (except a court) and unoccupied by building or structures except as specifically permitted elsewhere in this bylaw;

- (a) **YARD, FLANKAGE** 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 main building or structure on the lot;
- (b) **YARD, FRONT** means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot; and a "minimum" front yard means the minimum depth allowed by this bylaw of a front yard on a lot between the front lot line and the nearest main wall of any main building or structure on the lot;
- (c) **YARD, REAR** means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot; and "minimum" rear yard means the minimum depth allowed by this bylaw 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;
- (d) **YARD, SIDE** means a yard extending from the front to the rear yard of a lot between a side lot line and the nearest wall of any building or structure on the lot; and "minimum" side yards means the minimum width allowed by this bylaw

as a side yard on a lot between a side lot and the nearest main wall of any main building or structure on the lot;

ZONE means a designated area of land shown on the Zoning Map of the bylaw within which land uses are restricted to those specified by this bylaw.

Schedule A – Zoning Map

Wellington: Zoning

SCHEDULE

A

LAST UPDATED

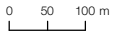
2022.06.24

DATA SOURCE

Canvec,
Gov't of PEI,
Town of Wellington

This map is a graphical representation of property boundaries which approximate the size, configuration and location of properties. This map is not a land survey and is not intended to be used for legal descriptions.

SCALE










PROJ.





NAD83 CSRS
PEI

NORTH



LEGEND

-  R1 Residential
-  RM1 Mini Home
-  C1 Commercial - Mixed
-  C2 Commercial - General
-  M1 Light Industrial
-  O1 Recreation and Open Space
-  RR Rural Resource

-  Wetland Indication Overlay *)
-  Rural Municipality of Wellington
-  Parcel Boundary
-  Waterbody

(* The Wetland Indication Overlay on the Zoning Map is not a zone and has no legal authority. It is a graphic intended to create awareness of probable or suspected locations of wetlands and shown on a "for your information" basis. See Section 2.4 of the bylaw for details.

