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## RURAL MUNICIPALITY OF NORTH SHORE — PLANNING REPORT

REPORT FOR: Rural Municipality of North Shore  
DATE: June 3, 2026  
PREPARED BY: Darian Shakerinia, LPP MCIP  
FILE NUMBER: ?  
SUBJECT: Official Plan & Bylaw Amendments, Resort Zone

### PURPOSE

This report initiates concurrent amendments to the *Rural Municipality of North Shore Official Plan (2021)* and the *Rural Municipality of North Shore Land Use Bylaw (2021)* to introduce a Resort land use designation and a Resort (RES) Zone, and to make related amendments to both documents necessary to support resort-oriented mixed-use development within the Municipality.

The amendments also include updates to the Zoning Map and Future Land Use Map to apply the Resort (RES) and Environmental Conservation (EC) zones and future land use designations to the lands included within PIDs 141853, 141937, 142133, 421834, 430421, 534891, 696740, 723932, 730986, 781377, 793786, 793802, 863902, 900043, 1004795, 1148246, 1148253, 1179019, 1179027, and 1179035. The lands are bounded to the east by the coastal shoreline and Harbour Road, and to the west by Route 6 / Pleasant Grove Road (Route 220).

### BACKGROUND

The *Official Plan (2021)* and *Land Use Bylaw (2021)* were approved by the Minister of the Province of Prince Edward Island and came into effect on April 7, 2022. Since coming into effect, both documents have been amended on ten prior occasions, primarily to rezone individual parcels from Agriculture to Residential, and in two instances to rezone parcels from Institutional to Commercial and from Parks and Recreation to Residential.

The existing *Official Plan* and *Land Use Bylaw* do not contain a Resort land use designation or a Resort zone. Prior to these amendments, resort-oriented development in the Municipality could only be considered under the Tourism Establishment Zone (TE), which does not contemplate the range of mixed uses, subdivision configurations, private road arrangements, or comprehensive planning expectations appropriate for a large-scale resort development. This gap in the planning framework necessitates the introduction of a dedicated Resort policy and zone.

Specifically, the Blackbush Resort lands have a planning history that predates the incorporation of the Rural Municipality of North Shore. Prior to the Municipality's amalgamation, which brought

conventional residential subdivision and require any residential component to be integrated with, and secondary to, a broader resort-oriented development.

#### *Future Land Use Direction*

The Future Land Use Map objectives are amended to recognize resort-oriented mixed-use development as an appropriate form of development in certain areas, if land use conflicts can be mitigated and servicing, access, environmental protection, and infrastructure maintenance can be demonstrated. The boundaries of the EC designation on the Blackbush properties have been updated to reflect current environmental mapping, which provides a more accurate delineation of environmentally sensitive areas than was available at the time the original documents were adopted.

#### *Transportation and Private Roads*

The transportation and road policies are amended to clarify that new private roads are generally not permitted but may be considered where expressly allowed by the Official Plan and Land Use Bylaw. The amendments add specific policy direction for private roads within lands designated Resort and zoned Resort (RES). These provisions address road design, engineering certification, legal access, ownership, maintenance, emergency access, drainage, snow clearing, civic addressing, solid waste collection, notice to purchasers, and municipal non-assumption.

#### *Water and Wastewater Servicing*

The servicing policies are revised to recognize that properties generally rely on privately owned on-site systems, while allowing for privately owned communal or central sewage disposal and water supply systems where permitted by provincial requirements.

The changes align the Official Plan with the servicing approach needed for larger or more integrated resort-oriented development, while maintaining the requirement that servicing comply with applicable provincial legislation and standards.

#### *Housekeeping Amendments*

Language around marine access has been updated to align the Official Plan with the related Land Use Bylaw amendments addressing marine access and marine access structures.

The Non-Resource Commercial and Industrial Development Policy is updated to use the current Land Use Bylaw zone names. References to “General Commercial (C)” and “Light Industrial (M1)” are replaced with “Commercial (C)” and “Industrial (I).”

#### *Future Land Use Map*

The Resort designation has been applied to the entirety of the Blackbush resort outside of the Environmental Conservation (EC) designation. The boundaries of the EC designation on the Blackbush properties have been updated to reflect new environmental mapping.

### **Scope of Land Use Bylaw Amendments**

The amendments revise selected parts of the Land Use Bylaw to add a new Resort Zone and update related provisions so that resort-oriented development, private-road access, subdivision design, marine access, parking, servicing, and definitions are addressed consistently throughout the bylaw.

#### *Resort Zone*

The amendments add a new Resort (RES) Zone to the bylaw. This includes adding the zone to the list of zones, incorporating it into the zoning map structure, and creating a new Part 8A with permitted uses and development standards.

The new zone provides for a mix of resort, tourism, recreational, commercial, marine, community, and limited residential uses. It also establishes specific standards for lot area, frontage, setbacks, lot coverage, and building height. The amendments also include a site-specific height provision for tourism establishment development on PID 1148253.

#### *Private Road Access and Subdivision Standards*

The amendments add specific rules for development in the Resort Zone where access is provided by private road. These provisions address legal access, safe ingress and egress, registration of access rights, road ownership and maintenance, emergency access, drainage, snow clearing, civic addressing, solid waste collection, and municipal non-assumption.

Related subdivision provisions are also amended to allow private roads in the Resort Zone, subject to municipal review, engineering requirements, construction certification, and agreements or other instruments required by the Municipality.

#### *Marine Access and Coastal Provisions*

The amendments clarify the distinction between general marine access and marine access structures. They also identify where marine-related structures may be permitted and where they remain excluded.

The coastal and watercourse-related provisions are amended to recognize limited exceptions for approved fisheries, aquaculture, marine access structures, and non-habitable structures required for permitted water-dependent uses.

#### *Housekeeping*

The amendments clarify that where more than one use on a lot requires parking, the total parking requirement is calculated cumulatively. Servicing provisions are also updated to recognize shared or common water and sewer services across two or more lots.

The secondary suite provisions are revised so that they apply where single detached dwellings are permitted in the applicable zone.

### *Definitions*

Schedule B is expanded with new or revised definitions to support the Resort Zone and related amendments. These include definitions for resort development, marina, marine access structure, commercial recreation use, event venue, craft brewery or distillery, art gallery, and related tourism establishment terminology.

### *Zoning Map*

The Resort Zone has been applied to the entirety of the Blackbush resort outside of the Environmental Conservation (EC) zone. The boundaries of the EC zone on the Blackbush properties have been updated to reflect new environmental mapping.

## PROCESS

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The amendments have been prepared as concurrent amendments to the *Official Plan* and *Land Use Bylaw* pursuant to the *Planning Act*, R.S.P.E.I. 1988, Cap. P-8. The amendment process includes public notification, a public meeting, Council consideration, and submission to the Minister of the Province of Prince Edward Island for approval.

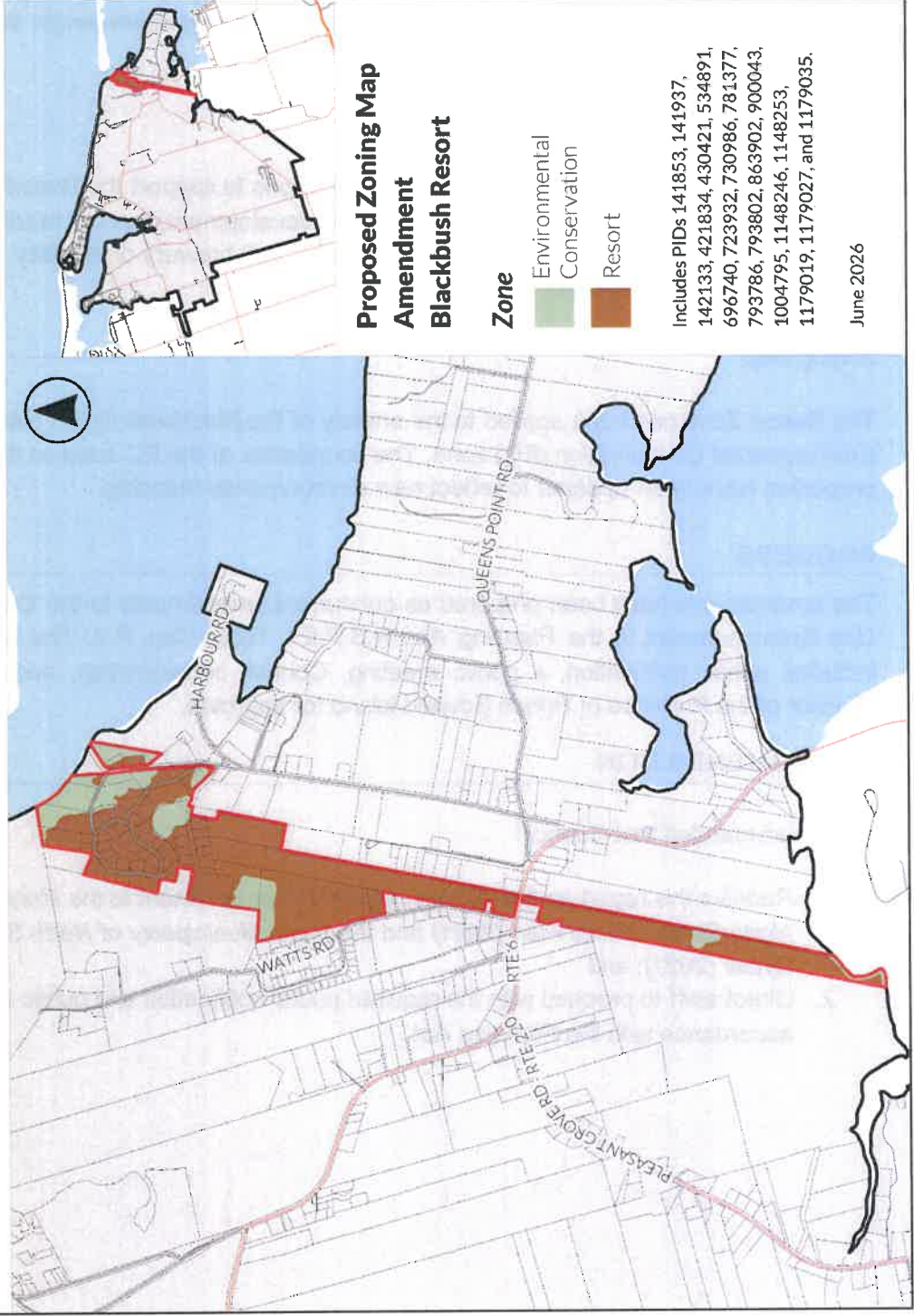
## RECOMMENDATION

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It is recommended that Council:

1. Receive this report as the initiation of the 11<sup>th</sup> amendment to the *Rural Municipality of North Shore Official Plan (2021)* and the *Rural Municipality of North Shore Land Use Bylaw (2021)*; and
2. Direct staff to proceed with the required public notification and public meeting process in accordance with the *Planning Act*.

# Rural Municipality of North Shore Land Use Bylaw Proposed Zoning Map Amendment



# Official Plan Amendment **OPA-2026-05** To amend the Rural Municipality of North Shore 2021 Official Plan

## Effective Date: 2026-6-9

The effective date of the Official Plan Amendment **OPA-2026-05** amending the 2021 Official Plan is the date as signed below by the minister responsible for the *Planning Act*.

## Authority

This Official Plan Amendment is made under the authority of the *Planning Act* R.S.P.E.I. 1988, Cap. P-8 and the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1.

BE IT ENACTED by the Council of the Rural Municipality of North Shore that the 2021 Official Plan is amended as follows:

- 1 Section 3.7 of the Official Plan is amended by striking out text and adding text as shown below in bold and strikeout:

### 3.7 Transportation Network

The Municipality does not own or have direct responsibility for any of the public or private roads; however, through the provision of land use planning the Municipality does have an important role in transportation planning. Council currently works with the provincial department responsible for transportation and infrastructure to ensure the existing public transportation network is safe and well maintained. However, most residential subdivisions within the Municipality are currently serviced by private roads, ~~over which the Province and the Municipality have no authority~~ **that are not owned or maintained by the Province or the Municipality**. Provincial services such as snow clearing, garbage collection and school buses are not offered to properties serviced by private roads. As such, the development of new private roads is ~~no longer~~ **generally not permitted within the Municipality, except where expressly permitted by this Plan and the Land Use Bylaw, such as within lands designated Resort and zoned Resort (RES), where long-term ownership, maintenance, emergency access, and municipal non-assumption responsibilities are clearly established.**

- 2 Subsection 6.2, clause iii of the Official Plan is amended by striking out text and adding text as shown below in bold and strikeout:
  - iii. Support new resource-related commercial and industrial development, ~~as well as services related to the tourism sector, and resort-oriented mixed-use development~~ in appropriate areas, **where potential land use conflicts can be mitigated and adequate servicing, access, environmental protection, and infrastructure maintenance can be demonstrated.**
- 3 Clause 7.2.5(b) of the Official Plan is amended by striking out text and adding text as shown below in bold and strikeout:

- b. All land currently in a non-resource commercial or industrial use will be zoned as ~~General Commercial (C) or Light Industrial (M1)~~ **Commercial (C) or Industrial (I)** respectively on the Zoning Map.

4 Section 7.2 of the Official Plan is amended by adding a new Section 7.2.7 after Section 7.2.6 as shown below in bold:

**7.2.7 Resort Designation Policy**

**Resort-oriented mixed-use development may be supported where it contributes to the Municipality’s tourism economy, provides recreational or visitor-serving amenities, and is designed to be compatible with the Municipality’s rural, coastal, agricultural, and environmental context.**

**The Resort designation is intended to accommodate land uses that may include tourism establishments, resort residential uses, restaurants, retail stores, health and wellness services, event venues, active and commercial recreation uses, parks, trails, marine access where appropriate, and other complementary uses that support a resort-oriented mixed-use area.**

**The Resort designation is not intended to enable conventional residential subdivisions or primarily residential development on private roads. Private residential uses within the Resort designation shall be integrated with and complementary to a resort-oriented mixed-use development, and shall not be the primary purpose of a Resort designation or Resort (RES) Zone amendment.**

**Lands shall only be designated Resort where Council is satisfied that the lands are suitable for the intended scale and form of development, and that the development can be supported without undue negative impact on neighbouring properties, agricultural lands, environmentally sensitive areas, public safety, municipal finances, or the broader rural character of the Municipality.**

**Plan Actions:**

a.	<b>The Land Use Bylaw will establish a Resort (RES) Zone to support resort-oriented mixed-use development within the Resort designation.</b>
b.	<b>The Resort (RES) Zone may permit a range of resort-oriented tourism, residential, commercial, recreational, marine access, open space, and supporting infrastructure uses.</b>
c.	<b>The Land Use Bylaw will establish development standards for lands in the Resort (RES) Zone, including lot size, frontage, lot coverage, setbacks, building height, parking, servicing, access, and other matters necessary to ensure compatibility with adjacent land uses.</b>
d.	<b>Resort development shall be subject to all applicable provincial and federal approvals, including requirements related to subdivision, roads, water supply, wastewater treatment, wetlands, watercourses, coastal areas, dunes, environmental buffers, public safety, building standards, and tourism licensing, as applicable.</b>

	<p>x. a description of measures proposed to avoid or mitigate impacts on adjacent land uses, agricultural lands, natural areas, public access, traffic safety, municipal services, and municipal finances;</p> <p>xi. any proposed covenants, easements, subdivision agreements, development agreements, utility agreements, or other instruments intended to implement or maintain the resort development; and</p> <p>xii. any additional information required by Council or the Development Officer to determine whether the proposed Resort designation and/or Resort (RES) rezoning is consistent with the objectives and policies of this Plan.</p>
b.	Council may refuse an application to designate lands as Resort and/or rezone lands to the Resort (RES) Zone where Council is not satisfied that the proposed development can be adequately serviced, accessed, phased, maintained, and developed in a manner that is compatible with adjacent lands, environmental constraints, municipal finances, public safety, and the policies of this Plan.
c.	Where lands are designated Resort and/or rezoned to the Resort (RES) Zone, subdivision and development shall proceed in accordance with the Land Use Bylaw and any applicable subdivision approval, development approval, subdivision agreement, development agreement, restrictive covenant, easement, servicing agreement, utility agreement, road maintenance agreement, or other implementing instrument.
d.	Council may require agreements or other instruments as a condition of redesignation, rezoning, subdivision approval, or development approval, where such agreements or instruments are authorized by law and are necessary to address matters including private infrastructure, common areas, roads, services, environmental protection measures, phasing, long-term maintenance, and municipal non-assumption.
e.	Council may refuse an application to designate lands as Resort and/or rezone lands to the Resort (RES) Zone where Council determines that the proposed development is primarily a conventional residential subdivision, that private residential uses are not sufficiently integrated with or functionally related to a resort development, or that the proposed resort, tourism, recreation, accommodation, visitor-serving, commercial, open space, or resort amenity components are speculative, incidental, or insufficient to support the Resort designation.
f.	Where application to designate lands as Resort and/or rezone lands to the Resort (RES) Zone on lands that are adjacent and under shared ownership with existing Resort designated property(RES) Zone Council will consider existing Resort plans and allow for amendments to plans as necessary.
g.	During the next comprehensive review of this Plan and the Land Use Bylaw, Council shall consider whether to establish a more formal planning and implementation framework for comprehensively planned resort development, which may include the use of development agreements, subdivision agreements,

- 5 Section 7.2 of the Official Plan is amended by adding a new Section 7.2.8 after Section 7.2.7 as shown below in bold:

**7.2.8 Resort Redesignation and Rezoning Policy**

**Applications to amend the Future Land Use Map to designate lands as Resort, and to rezone lands to the Resort (RES) Zone, shall be reviewed in accordance with the policies of this Plan and the amendment review process established in the Land Use Bylaw.**

**When reviewing future applications to designate lands as Resort and/or rezone lands to the Resort (RES) Zone, Council may consider whether the proposed designation and rezoning are appropriate having regard to the scale, nature, location, servicing, access, environmental conditions, compatibility, and long-term management of the proposed resort-oriented mixed-use development.**

**Plan Actions:**

<p>a.</p>	<p><b>In reviewing an application to designate lands as Resort and/or rezone lands to the Resort (RES) Zone, Council may consider the following, as applicable:</b></p> <ul style="list-style-type: none"><li><b>i. a written description of the proposed resort development, including the intended tourism, residential, commercial, recreational, open space, marine access, and supporting infrastructure uses;</b></li><li><b>ii. a concept plan showing the general location of proposed land uses, development areas, lots or development blocks, roads, private roads or rights-of-way, trails, parking areas, open space, environmental features, buffers, and servicing infrastructure;</b></li><li><b>iii. the proposed number and general type of lots, dwelling units, accommodation units, commercial buildings, recreational facilities, and other major development components;</b></li><li><b>iv. the proposed phasing of subdivision and development;</b></li><li><b>v. the proposed means of water supply, wastewater treatment, stormwater management, and utility servicing;</b></li><li><b>vi. the proposed road, private road, access, emergency access, parking, pedestrian circulation, and active transportation network;</b></li><li><b>vii. the proposed ownership, maintenance, and management structure for private roads, private services, open space, trails, recreational amenities, and other common infrastructure;</b></li><li><b>viii. whether the proposed development includes a meaningful tourism, recreation, accommodation, visitor-serving, commercial, open space, or resort amenity component sufficient to establish the development as a resort-oriented mixed-use development rather than a conventional residential subdivision;</b></li><li><b>ix. identification of wetlands, watercourses, dunes, coastal areas, environmental buffers, flood-risk areas, erosion-risk areas, and any other environmentally sensitive features;</b></li></ul>
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<b>special zoning tools, or other mechanisms authorized by the Planning Act or other applicable legislation.</b>
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- 6 Subsection 8.2.3 of the Official Plan is amended by striking out the existing policy statement and replacing it with the text shown below in bold and strikeout:

~~All new roads constructed shall meet minimum development standards as established by the Province, at the developer's expense, and shall be deeded to the Province.~~

**Public roads constructed in the Municipality shall meet minimum development standards established by the Province and shall be deeded to the Province where required by legislation, regulation, or bylaw. Private roads may be considered only where expressly permitted by this Plan and the Land Use Bylaw, and where long-term ownership, maintenance, emergency access, engineering certification, and municipal non-assumption responsibilities are clearly established.**

- 7 Clause 8.2.3(a) of the Official Plan is amended by striking out the existing wording and replacing it with the text shown below in bold and strikeout:

~~a. All new roads constructed shall meet minimum development standards as established by the Province, and the road will be deeded to the Province as a public right-of-way prior to the approval of any development applications for properties with access to the new road. No new private or seasonal roads will be permitted.~~

**a. Except as otherwise provided in this Plan, all new roads constructed as part of a subdivision shall meet minimum development standards established by the Province and shall be deeded to the Province as a public right-of-way prior to the approval of development applications for properties with access to the new road.**

- 8 Subsection 8.2.3 of the Official Plan is amended by adding new clauses after clause 8.2.3(b) as shown below in bold:

**c. Private roads may be permitted within lands designated Resort and zoned Resort (RES), where the private road is part of a resort development, provides safe and convenient access to a public road, is designed by, constructed under the supervision of, and certified by a professional engineer to the satisfaction of the Municipality, and is subject to legal agreements or other instruments addressing ownership, maintenance, repair, snow clearing, drainage, emergency access, civic addressing, solid waste collection, and municipal non-assumption.**

**d. Where a property is served by a private road, the Municipality shall not be deemed responsible for the construction, maintenance, repair, grading, ditching, snow clearing, replacement, or upgrading of the private road unless such road has been formally accepted as a public road suitable for year-round use.**

**e. The Land Use Bylaw may establish standards and application requirements for private roads in the Resort (RES) Zone, including requirements for rights-of-way, road width, emergency access, legal access, engineering design, construction supervision, engineer certification, as-built drawings,**

**registration of agreements, notice to purchasers, and independent engineering review where required by the Municipality.**

- 9 Subsection 8.2.6 of the Official Plan is amended by striking out the existing policy statement and replacing it with the text shown below in bold and strikeout:

~~Properties will operate on privately owned on-site sewage disposal systems.~~

**Properties will generally operate on privately owned on-site sewage disposal systems. Privately owned communal or central sewage disposal systems may be considered where such systems are permitted by provincial legislation and are designed, approved, constructed, operated, maintained, and monitored in accordance with all applicable provincial requirements.**

- 10 Subsection 8.2.7 of the Official Plan is amended by striking out the existing policy statement and replacing it with the text shown below in bold and strikeout:

~~Properties will operate on privately owned water supply systems.~~

**Properties will generally operate on privately owned water supply systems. Privately owned communal or central water supply systems may be considered where such systems are permitted by provincial legislation and are designed, approved, constructed, operated, maintained, and monitored in accordance with all applicable provincial requirements.**

- 11 Clause 10.2.5(e) of the Official Plan is amended by adding marine access structures as shown below in bold:

- e. Fishing sheds, aquaculture facilities, boat launching facilities and wharves, **and other Marine Access Structures** will be permitted, according to municipal, provincial, and federal regulations.

12 Appendix A: Future Land Use Map of the Official Plan is amended by replacing the Future Land Use Map with the revised Future Land Use Map shown below:

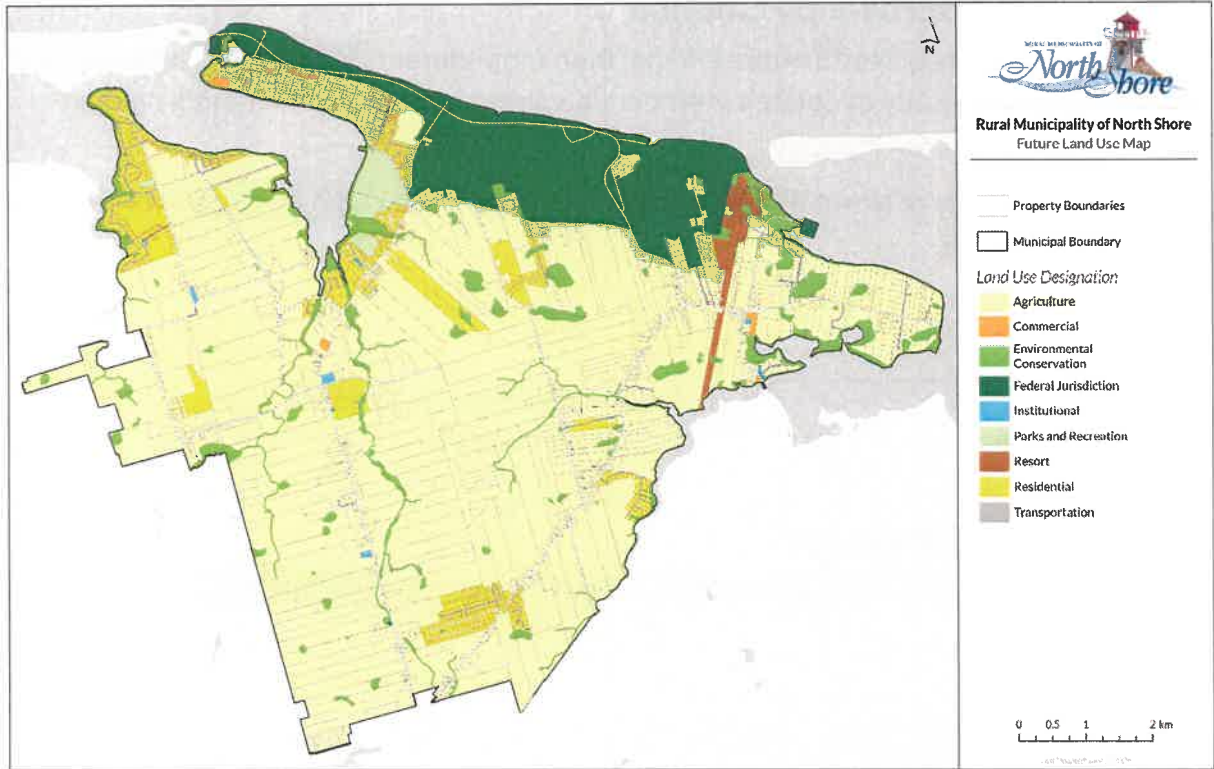


Figure 1 - Revised Future Land Use Map

## Adoption and Approval by Council

The Rural Municipality of North Shore Official Plan Amendment OPA-2026-01 was approved and adopted by a majority of council members present at the Council meeting held on DATE.

The Rural Municipality of North Shore Official Plan Amendment OPA-2026-01 was declared to be passed on DATE.

\_\_\_\_\_  
Mayor  
(signature sealed)

\_\_\_\_\_  
Chief Administrative Officer  
(signature sealed)

## Ministerial Approval

The Rural Municipality of North Shore Official Plan Amendment OPA-2026-01 is hereby approved.

\_\_\_\_\_  
Hon. Darlene Compton  
Minister of Land and Environment

\_\_\_\_\_  
Date

**RURAL MUNICIPALITY OF NORTH SHORE**  
**A BYLAW TO AMEND THE NORTH SHORE 2021 LAND USE BYLAW**  
**BYLAW #2021-E**

**Effective Date**

The effective date of Bylaw #2021-\_\_\_, a bylaw to amend the North Shore 2021 Land Use Bylaw, is the date as signed by the Minister of Land and Environment.

**Authority**

This Bylaw is made under the authority of the Planning Act R.S.P.E.I. 1988, Cap. P-8 and the Municipal Government Act R.S.P.E.I. 1988, Cap. M-12.1.

BE IT ENACTED by the Council of the Rural Municipality of North Shore that the 2021 Land Use Bylaw is amended as follows:

- 1 Part 2, subsection 2.1(1) of the Bylaw is amended by adding a new Resort zone after the Tourism Establishment Zone as shown below in bold:

d.	Tourism Establishment Zone	TE
<b>d.1</b>	<b>Resort</b>	<b>RES</b>
e.	Commercial Zone	C

- 2 Part 2, subsection 2.3(2)(d) of the Bylaw is amended by utilizing available Provincial delineations to confirm the boundary of the Environmental Conservation Zone :

(d) In the event of an application in relation to a lot located within or within 30m (98.43 ft) of the Environmental Conservation Zone, the boundary shall be identified on a plan of survey, ~~delineated by a professional authorized to do so by the Province, which shall be dated no more than 12 months from the date of the application~~ **delineated and matching the boundary as determined by the Province through publicly available mapping, or otherwise identified by the Province.**

- 3 Part 3, subsection 3.4(8) of the Bylaw is amended by replacing six (6) month maximum extension length to twelve (12) months as show below in bold:

(8) Council may grant an extension on an approved development permit for up to ~~six (6)~~ **twelve (12)** months from the date of expiry, if the applicant requests the extension prior to the date of expiry. After such time, an application for a new development permit must be submitted.

- 4 Part 4, clause 4.1(4)(e) of the Bylaw is amended by striking out text and adding text as shown below in bold and strikeout:

e. The applicant shall be required to enter into a development agreement with the municipality, registered in accordance with the provisions of the Registry Act at the applicant's expense, acknowledging the following: "The private right-of-way serving PID \_\_\_\_\_ is not owned or maintained by ~~either the Province of Prince Edward Island or the Rural Municipality of North Shore and therefore properties located on this private road are not entitled to any provincial or municipal services including the Rural~~

**Municipality of North Shore and therefore properties located on this private road may not be entitled to any services such as grading, ditching, snowplowing, gravelling, school busing, or solid waste collection."**

- 5 Part 4, section 4.1 of the Bylaw is amended by adding a new subsection after subsection 4.1(4) as shown below in bold:

- (5) Notwithstanding subsection 4.1(4), a development permit may be issued for a lot in the Resort (RES) Zone that has legal access to a private road, provided that:**
- a. The private road has legal access to a highway;**
  - b. Safe ingress and egress is provided from the lot to the private road and from the private road to a highway;**
  - c. The applicant establishes legal entitlement to use the private road for access to the lot;**
  - d. Any legal entitlement established through an agreement with the owner of the private road is registered in accordance with the Registry Act; and**
  - e. The owner enters into any agreement required by the Municipality respecting ownership, maintenance, repair, snow clearing, drainage, emergency access, civic addressing, solid waste collection, and municipal non-assumption.**

- 6 Part 4, subsection 4.4(2) of the Bylaw is amended by adding an exception for the Resort (RES) Zone as shown below in bold:

- (2) Notwithstanding the minimum front yard requirements, the minimum building setback from a private road shall be 15 m (49.2 ft) from the centre line of the private road, except in the Resort (RES) Zone, where the minimum front yard requirements will apply.**

- 7 Part 4, clause 4.9(1)(c) of the Bylaw is amended by striking out the existing wording and replacing it as shown below in bold and strikeout:

- ~~Marine access (not including wharfs or structures)~~ Marine access, excluding marine access structures**

- 8 Part 4, section 4.17 of the Bylaw is amended by adding a new subsection after subsection 4.17(4) as shown below in bold:

- (5) If there is more than one use requiring parking, as listed in Subsection 4.17(1), then the amount of parking required on-site shall be the cumulative total of what is required for each use.**

- 9 Part 4, subsection 4.20(1) of the Bylaw is amended by striking out the existing wording and replacing it as shown below in bold and strikeout:

~~(1) One (1) secondary suite may be constructed on a residential lot with a single detached dwelling.~~

- (1) One (1) secondary suite may be constructed on a lot containing a single detached dwelling, where a single detached dwelling is a permitted use in the applicable**

zone.

10 Part 4, subsection 4.21(2) of the Bylaw is amended by striking out "adjacent" and replacing it with "two or more" as shown below in bold and strikeout:

- (2) Shared or common services may be approved between ~~adjacent~~ **two or more** lots if the proposed system complies with section 3.7 of this bylaw; all costs associated with the design and approval of a shared or common system shall be borne by the owner(s); and legal agreements are registered across all applicable properties with regards to ownership, maintenance and access.

11 Part 4, subsection 4.25(3) of the Bylaw is amended by striking out the existing subsection and replacing it with the text shown below in bold and strikeout:

- (3) ~~No building or structure on a lot near a coastal area, wetland, watercourse or shoreline shall be erected or placed where the elevation of the grade of the lot is 3.0 m CGVD 2013 (3.846 chart datum) or less, to avoid potential coastal flood risk, except where the structure will be used for fishing or bait sheds, aqua-culture operations, boat launches, wharfs, or structures or buildings on a property in which a wharf is located.~~

- (3) **Provided that all applicable municipal, provincial, and federal approvals have been obtained, no building or structure on a lot near a coastal area, wetland, watercourse or shoreline shall be erected or placed where the elevation of the grade of the lot is 3.0 m CGVD 2013 (3.846 chart datum) or less, to avoid potential coastal flood risk, except where the structure is:**

- a. **used for fisheries, bait storage, or aquaculture operations;**
- b. **a marine access structure permitted in the applicable zone; or**
- c. **a non-habitable building or structure directly necessary for a permitted water-dependent use.**

12 Part 5, clause 5.2(1)(j) of the Bylaw is amended by striking out the existing permitted use and replacing it as shown below in bold and strikeout:

- j. ~~Marine access, including wharfs, buildings and structures related to fisheries. Marine access and marine access structures related to fisheries, including wharfs and fisheries-related buildings and structures.~~

13 The Bylaw is amended by adding the new Part 8A, Resort Zone (RES), after Part 8 as shown below in bold:

## **8A. Resort Zone (RES)**

### **8A.1 General Requirements**

- (1) **The purpose of the Resort (RES) Zone is to accommodate a range of compatible resort, visitor-serving, and community-serving uses in locations designated for resort use in the Official Plan, provided that applicable servicing, access, environmental, and development standards are satisfied.**

- (2) All buildings and parts thereof erected, placed or altered or any land used in the Resort (RES) Zone shall conform to the provisions of this Part.
- (3) Lots in the Resort (RES) Zone may have frontage on a highway or legal access to a private road where permitted by Section 4.1 and Section 16.5 of this Bylaw.

**8A.2 Permitted Uses**

- (1) A building or lot in the Resort Zone shall be used for no other purpose than:

a.	Tourism Establishment
b.	Single detached dwelling, as a part of a resort development
c.	Secondary suite, as a part of a resort development
d.	Home occupation, as a part of a resort development
e.	Accessory building
f.	Dwelling above a commercial use, as a part of a resort development
g.	Restaurant, as a part of a resort development
h.	Retail store, as a part of a resort development
i.	Health and wellness services, as a part of a resort development
j.	Event venue, as a part of a resort development
k.	Craft brewery or distillery, as a part of a resort development
l.	Active recreation uses
m.	Commercial recreation use, as a part of a resort development
n.	Parks
o.	Trails and pathways
p.	Marina, as a part of a resort development
q.	Marine access structure, as a part of a resort development
r.	Marine access
s.	Business or professional office, as a part of a resort development
t.	Personal services, as a part of a resort development
u.	Commercial childcare facility, as a part of a resort development
v.	Art gallery, as a part of a resort development
w.	Solar panel/solar array, as a part of a resort development
x.	Excavation pit, for on-site private use only.

**8A.3 Lot size and Development Standards**

- (1) All development shall conform to the following lot size and development standards:

a.	Lot area (minimum)	0.4 ha (1 acre)
b.	Lot frontage (minimum)	45.7 m (150 ft)
c.	Lot coverage (maximum)	25%
d.	Front yard setback (minimum)	6 m (19.6 ft)
e.	Side yard setback (minimum)	3 m (9.8 ft)
f.	Rear yard setback (minimum)	6 m (19.6 ft)
g.	Flankage yard setback (minimum)	6 m (19.6 ft)
h.	Height (maximum)	14.63 m (48 ft)

- (2) All lots shall conform with the Minimum Lot Size Standards in the *Province-Wide Minimum Development Standards Regulations* prescribed under the *Planning Act*, as may be amended (See Schedule D).

- (3) Where a development is to be serviced by a central water supply and central sewerage disposal system, the following reduced lot size standards may be permitted:

a.	Lot area (minimum)	0.121 ha (0.30 acres)
b.	Lot frontage (minimum)	15 m (49.2 ft)
c.	Lot coverage (maximum)	45%

**Note:** The front yard setback, side yard setback, rear yard setback, flankage yard setback, and height (maximum) regulations are not changed from those stated in Subsection 8A.3(1).

- (4) Where a development is to be serviced by either a central water supply system or a central waste treatment system but not both, Council may authorize a reduced lot area and/or frontage for a subdivision consistent with subsection (3) above, where all other requirements of the Minimum Lot Size Standards in the *Province-Wide Minimum Development Standards Regulations* can be satisfied.
- (5) Notwithstanding Clause 8A.3(1)(h), a Tourism Establishment on PID 1148253 shall not exceed a maximum height of 18 m (52.4 ft), provided it is located on a property serviced by a central water supply and central sewerage disposal system and meets all other applicable provisions of this Bylaw.

- 14 Part 12, clause 12.2(1)(d) of the Bylaw is amended by adding marine access structures and revising the width wording as shown below in bold and strikeout:

- d. ~~Marine access, including wharfs 3.7m (12 ft) wide or less and marine access structures, including wharfs not exceeding 3.7 m in width.~~

- 15 Part 13, clause 13.2(1)(d) of the Bylaw is amended by striking out the existing wording and replacing it as shown below in bold and strikeout:

- d. ~~Marine access (not including wharfs and structures)~~ **Marine access, excluding marine access structures.**

- 16 Part 16, clause 16.4(1)(c) of the Bylaw is amended by adding private road access for the Resort (RES) Zone as shown below in bold:

- c. is designed so that all lots will have lot frontage on a highway, **or, in the Resort (RES) Zone, will have lot frontage on or legal access to a private road where permitted by this Bylaw;**

- 17 Part 16, clause 16.4(1)(d) of the Bylaw is amended by adding private road access and municipal review wording as shown below in bold:

- d. has safe and convenient highway access **or private road access, as applicable,** and will provide for safe and convenient traffic flow as determined and approved by **the Municipality and, where required,** the government department responsible for the administration of the *Roads Act*;

- 18 Part 16, subsection 16.5(1) of the Bylaw is amended by adding an exception clause as shown below in bold:
- (1) **Except as provided in this Section**, no subdivision shall be permitted on a lot served by a private road.
- 19 Part 16, subsection 16.5(3) of the Bylaw is amended by adding an exception for Resort (RES) Zone private roads as shown below in bold:
- (3) **Except where private roads are permitted in the Resort (RES) Zone**, all new roads shall be highways.
- 20 Part 16, section 16.5 of the Bylaw is amended by adding a new subsection after subsection 16.5(3) as shown below in bold:
- (4) **Notwithstanding Subsection 16.5(1), a subdivision in the Resort (RES) Zone may be served by one or more private roads where:**
    - a. **The private road is part of a resort development;**
    - b. **The private road has legal access to a highway;**
    - c. **The private road is designed by, constructed under the supervision of, and certified by a professional engineer, at the applicant's expense, to the satisfaction of the Municipality;**
    - d. **Safe access is provided for emergency vehicles, service vehicles, and users of the subdivision;**
    - e. **Legal access to the private road is granted to all lots intended to be served by the private road; and**
    - f. **Agreements or other instruments required by the Municipality are registered to address ownership, maintenance, repair, snow clearing, drainage, emergency access, civic addressing, solid waste collection, and municipal non-assumption.**
- 21 Part 16, subclause 16.11(1)(d)(iv) of the Bylaw is amended by adding private road and legal access information as shown below in bold:
- (iv) proposed widths and locations of all streets, **private roads, rights-of-way, and legal access connections, where applicable;**
- 22 Part 16, subsection 16.11(2) of the Bylaw is amended by adding a new clause after clause 16.11(2)(d) as shown below in bold:
- e. **For a subdivision in the Resort (RES) Zone proposed to be served by a private road, information respecting the proposed private road layout, right-of-way width, legal access, connection to a highway, emergency access, civic addressing, drainage, utility corridors, and the lots to be served by the private road.**
- 23 Part 16, subsection 16.11(7) of the Bylaw is repealed as shown below in bold and strikeout:

(7) ~~The total number of lots approved in any one phase of a subdivision shall not exceed twenty (20).~~ **Repealed**

**24** Part 16, clause 16.12(1)(a) of the Bylaw is amended by adding reference to private roads where permitted as shown below in bold:

- a. Design and construction costs of highways, **private roads where permitted by this Bylaw**, sidewalks, street lighting, water services, sewerage disposal system and storm drainage;

**25** Part 16, clause 16.12(1)(c) of the Bylaw is amended by adding an exception for private roads permitted in the Resort (RES) Zone as shown below in bold:

- c. Building of highways to provincial standards and deeding of highways to the provincial government, **except where private roads are permitted in the Resort (RES) Zone;**

**26** Part 16, subsection 16.12(1) of the Bylaw is amended by adding a new clause after clause 16.12(1)(c) as shown below in bold:

- c.1 **Design by a professional engineer, construction under the supervision of a professional engineer, as-built drawings where required by the Municipality, ownership, maintenance, repair, grading, gravelling, ditching, drainage, snow clearing, emergency access, civic addressing, solid waste collection arrangements, and municipal non-assumption of private roads permitted in the Resort (RES) Zone;**

**27** Part 16, clause 16.13(4)(c) of the Bylaw is amended by adding alternate requirements for a subdivision served by a private road permitted in the Resort (RES) Zone as shown below in bold:

- c. the applicant has completed any necessary conditions of agreements with the provincial department responsible for transportation respecting highway construction and the highway has been accepted as public, **except where the subdivision is served by a private road permitted in the Resort (RES) Zone, in which case the applicant shall have completed any required private road construction, professional engineer certification, as-built drawings, registration, security, agreement, easement, or other condition to the satisfaction of the Municipality.**

**28** Schedule A - Zoning Map of the Bylaw is amended by adding the Resort (RES) Zone to the Zoning Map as shown on the revised Zoning Map below:

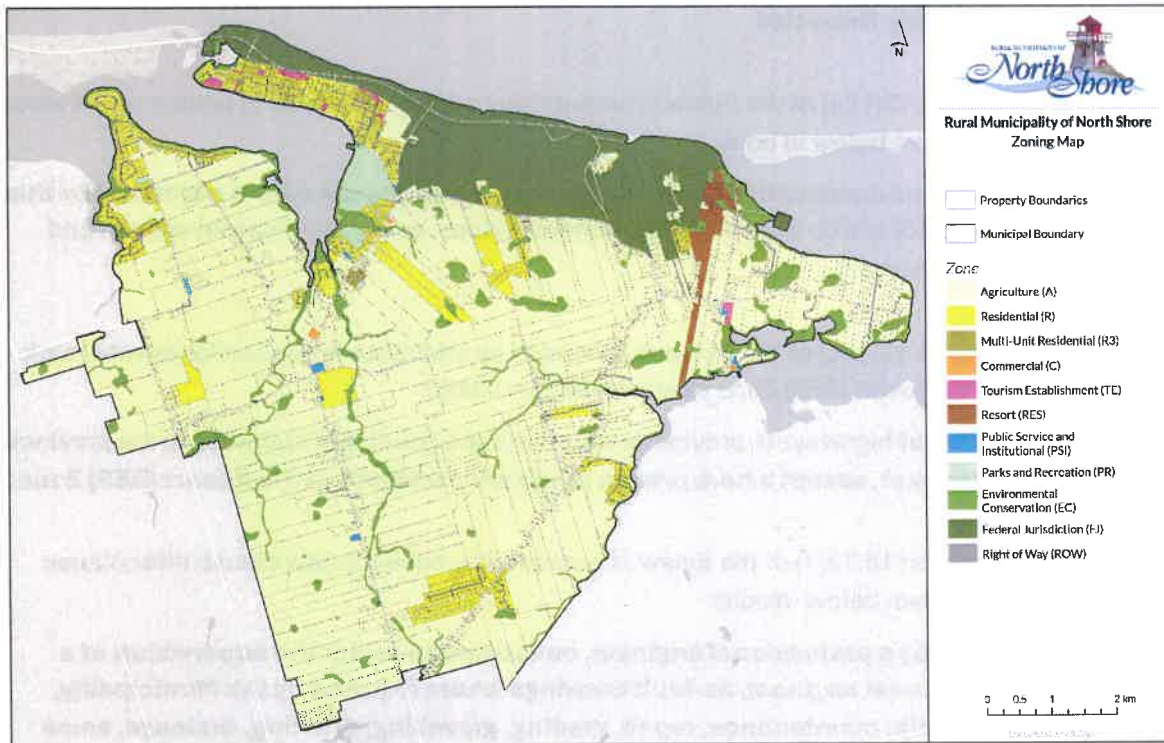


Figure 1 - Revised Zoning Map

29 Schedule B of the Bylaw is amended by adding a new definition after Section 4 as shown below in bold:

(4A) **Art gallery means a building or portion of a building used for the exhibition, display, interpretation, production, or sale of works of art, craft, design, or cultural material, and may include accessory retail sales, workshops, events, or educational programming.**

30 Schedule B of the Bylaw is amended by adding a new definition after Section 16 as shown below in bold:

(16A) **Commercial recreation use means the use of land, buildings, or structures for recreational, leisure, fitness, adventure, cultural, or entertainment activities operated as a business, and may include indoor or outdoor recreation, guided activities, instructional programming, equipment rental, and accessory retail sales.**

31 Schedule B of the Bylaw is amended by adding a new definition after Section 20 as shown below in bold:

(20A) **Craft brewery or distillery means a small-scale facility used for the production, bottling, tasting, and sale of beer, cider, spirits, or similar beverages, and may include an accessory restaurant, retail store, tasting room, event space, or outdoor patio.**

32 Schedule B of the Bylaw is amended by adding a new definition after Section 34 as shown below in bold:

(34A) **Event venue means a building, structure, or outdoor area used for conferences, weddings, meetings, retreats, banquets, public assembly, cultural events, or similar gatherings, and may include accessory food and beverage service.**

33 Schedule B of the Bylaw is amended by adding a new definition after Section 59 as shown below in bold:

(59A) **Marina means a facility located on or adjacent to a coastal area, watercourse, or waterbody that provides docking, mooring, launching, or storage for multiple boats as a principal use, and may include accessory boat rental, marine equipment rental, parking, minor boat servicing, accessory retail, and accessory food or beverage service. A marina shall be subject to all applicable municipal, provincial, and federal approvals.**

34 Schedule B, Section 60 of the Bylaw is amended by striking out text and adding text as shown below in bold and strikeout:

(60) ~~Marine access means a designated location where persons and/or vehicles have clear and unobstructed access to a watercourse, route, or area used to provide~~ **pedestrian, vehicular, or recreational access to a coastal area, shoreline, beach, wetland, watercourse, or waterbody, but does not include a marine access structure, wharf, dock, marina, boat launch, building, or commercial marine facility unless otherwise permitted in the applicable zone.**

35 Schedule B of the Bylaw is amended by adding a new definition after Section 60 as shown below in bold:

(60A) **Marine access structure means a structure designed to provide pedestrian, accessibility, recreational, or marine-related access to or along a shoreline, beach, coastal area, or watercourse, and may include a boardwalk, ramp, stairway, accessibility structure, viewing platform, boat launch, dock, floating dock, wharf, or similar structure, but does not include a building used for accommodation, commercial sales or service, storage, boat repair, boat storage, or a marina unless otherwise permitted in the applicable zone. A marine access structure shall be subject to all applicable municipal, provincial, and federal approvals.**

36 Schedule B, Section 75 of the Bylaw is amended by adding text to the definition of "Private road" as shown below in bold:

(75) **Private road means a road, street or right-of-way which is not a highway, and that provides vehicular access to one or more lots, but which is not owned, maintained, or assumed by the Province or the Municipality.**

37 Schedule B of the Bylaw is amended by adding four new professional definitions after Section 75 as shown below in bold:

- (75A) **Professional Architect means an architect licensed to practice in the Province.**
- (75B) **Professional Engineer means an engineer licensed to practice in the Province.**
- (75C) **Professional Landscape Architect means a landscape architect licensed to practice in the Province.**
- (75D) **Professional Land Surveyor means a land surveyor licensed to practice in the Province.**

38 Schedule B, Section 76 of the Bylaw is amended by striking out the existing definition and replacing it as shown below in bold and strikeout:

- (76) ~~Provincial government or Province means the Government of Prince Edward Island.~~
- (76) **Province means the Province of Prince Edward Island and Provincial government means the Government of Prince Edward Island.**

39 Schedule B of the Bylaw is amended by adding a new definition after Section 80 as shown below in bold:

- (80A) **Resort development means a resort-oriented mixed-use development located on lands designated for resort use in the Official Plan and zoned Resort (RES) in this Bylaw, which is intended to function as an integrated area for tourism, recreation, accommodation, resort residential, commercial, open space, servicing, and related uses. Where a use is permitted only "as a part of a resort development," the use shall be located within, support, or be functionally related to the resort-oriented mixed-use area.**

40 Schedule B, Section 97 of the Bylaw is amended by adding examples to the definition of "Tourism Establishment" as shown below in bold:

- (97) Tourism Establishment shall have the same meaning as defined in the Tourism Industry Act as may be amended, and, in the case of any dispute, the final determination shall be made by the provincial government department having responsibility for enforcement of such regulations. **For the purposes of this Bylaw, a Tourism Establishment may include a hotel, inn, lodge, cabin, bunkie, tiny home, guest suite, fractional accommodation unit, multi-unit seasonal accommodation, or similar building, dwelling unit, or group of buildings or units used for temporary, seasonal, fractional, or visitor accommodation. This definition shall exclude a short term rental, as is otherwise defined.**

## Adoption and Approval by Council

### First Reading:

Bylaw #2021-\_, a bylaw to amend the North Shore 2021 Land Use Bylaw, was read and approved a first time at the Council meeting held on DATE.

### Second Reading:

Bylaw #2021-\_, a bylaw to amend the North Shore 2021 Land Use Bylaw, was read and approved a second time at the Council meeting held on DATE.

### Adoption and Approval by Council:

Bylaw #2021-\_, a bylaw to amend the North Shore 2021 Land Use Bylaw, was adopted by a majority of council members present at the Council meeting held on DATE

Bylaw #2021-\_, a bylaw to amend the North Shore 2021 Land Use Bylaw, was declared to be passed on DATE.

\_\_\_\_\_  
Mayor  
(signature sealed)

\_\_\_\_\_  
Chief Administrative Officer  
(signature sealed)

## Ministerial Approval

Bylaw #2021-\_, a bylaw to amend the North Shore 2021 Land Use Bylaw, is hereby approved.

\_\_\_\_\_  
Hon. Darlene Compton  
Minister of Land and Environment

\_\_\_\_\_  
Date

