



NOTICE OF ADOPTION

Second reading and adoption of the By-law to Amend the Land Use By-law 25-06 took place on Wednesday, June 25th, 2025.

The purpose of the adopted By-law is to:

Rezone PIDs 25171232, 25466319, 25489733, 25171471 adjacent to Fox Harb’r Resort from Agriculture (AG) Zone to Commercial Recreation (CRec) Zone.

Any aggrieved person, the Provincial Director of Planning, or the Council of any adjoining municipality may, within fourteen days of the publishing of this notice, appeal to the Nova Scotia Utility and Review Board (1-855-442-4448 / board@novascotia.ca) in accordance with the provision of the municipal government act.

Amanda Janes-Kinnear
Deputy Clerk



COUNCIL MEETING

RFD

Date: June 25th, 2025

TO: Mayor and Council

FROM: Glen Boone, Director of Development and Planning

DATE: June 19th, 2025

SUBJECT: **Second Reading – By-law to Amend the Land Use By-Law 25-06 to rezone multiple PIDs adjacent to Fox Harb’r Resort from Agriculture (AG) Zone to Commercial Recreation (CRec) Zone.**

ORIGIN: On April 23rd, staff received a rezoning application from Fox Harb’r Resorts to rezone multiple PIDs from Agriculture (AG) to Commercial Recreation (CRec) Zone to enable the expansion of the Fox Harb’r Resort.

PID	Location	Current Zone	Proposed Zone	Proposed Use
25171232	Fox Harbour	Agriculture (AG) Zone	Commercial Recreation (CRec) Zone	Golf Resort Expansion
25466319				
25489733				
25171471				

LEGISLATIVE AUTHORITY: MGA PART VIII PLANNING AND DEVELOPMENT

MGA Section 205: Requirements for Adoption of Planning Documents

MPS Policy 5-35 Council shall consider proposals to rezone lands in the Resource designation to any other zone permitted in that designation. Council shall not approve a rezoning unless council is satisfied;

- (a) If the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104;*
- (b) If the proposed change is not prohibited by any other policy in this Plan;*
- (c) The purposed of the proposed zone as described in the respective policy creating that zone, is consistent with the location and characteristics of the lands and with the proposed use of the lands*
- (cA) the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards; and*
- (d) The proposal meets the general criteria for amending the land use bylaw, set out in Policy 6-19.*

RECOMMENDATION: THAT Council approve Second Reading of the By-Law to Amend the Land Use By-Law 25-06 to rezone PIDs 25171232, 25466319, 25489733, 25171471 adjacent to Fox Harb’r Resort from Agriculture (AG) Zone to Commercial Recreation (CRec) Zone.

BACKGROUND:

The Subject Properties consists of 4 properties, cumulating to approximately 239 acres of land zoned Agriculture (AG). Subject Properties are not currently being used for a specified purpose, with the lands being immediately adjacent to Fox Harb’r Resort, the current land would not make suitable farmland or reserve farmland.



COUNCIL MEETING

RFD

Date: June 25th, 2025

Fox Harbour Community is a largely commercial recreation area with a heavy tourism industry, with Fox Harb'r Resort making up a very large portion of the community. The current property owner, Fox Harb'r Resort, is looking to expand their development to provide more residential buildings lots and infrastructure to serve their expanded resort amenity offerings.

DISCUSSION:

Rezoning the subject properties would to Commercial Recreation Zone would enable the proposed development and resort expansion. The proposed expansion to Fox Harb'r Resort would provide infrastructure and amenities to support an existing multi-story residential building on the North-Eastern portion of the Fox Harb'r Resorts property. The supporting infrastructure and amenities would include parking, pools and patios. The proposed expansion would also include the creation of new roads and the provision of a new service entrance. All internal road networks to the proposed development will be private roads and are subject to Municipal Approval at the subdivision stage. As a private road, the responsibility for design, certification, construction and maintenance is the responsibility of the property owner. Private roads are also not eligible for municipal services such as grading, ditching, snow plowing, graveling, school busing, and garbage collection.

The proposed expansion would create a total of 29 new residential building lots. Any land not used as a part of the expansion will be accessible to guests and residents for soft recreational activities such as walking and biking. All lots being proposed as part of the Fox Harb'r expansion will be subject to municipal approval at the subdivision stage.

During the First Reading presentation, Councilor Redmond noted the need to ensure the Wallace Fire Department is equipped to support development at Fox Harb'r. Planning staff have consulted with the Director of Protective Services, in this regard. In relation to emergency services for Fox Harbour, the Wallace Fire Department is the emergency service provider for that area. The Wallace Fire Department is one of the best trained, managed and equipped departments in the municipality. This department is capable of dealing with Fire (both structure and aviation), medical calls, motor vehicle accidents, water rescue, wellness checks during emergencies as well as search and rescue operations.

FINANCIAL IMPLICATIONS:

As a large taxpayer, the expansion of the Fox Harb'r Resort would create a substantial increase in tax revenue. Furthermore, an increase in the number of available units will result in an increase in immigration to the Fox Harbor area and stimulating the local economy.

ENVIRONMENTAL IMPLICATIONS:

No environmental implications of concern. At the permitting stage, stormwater drainage plans are required and must be to the satisfaction of the municipal staff.

The proposed expansion would be services with a wastewater management system that is currently in place at the resort. The expansion of the system requires approval from the NS Environment and Climate Change (NSECC). Approval of the expansion of the wastewater system has been issued by the NSECC. Due to the scale of the development, the wastewater system is required to be built to the Municipal Service System standard and requires approval from the Municipality. Approval from the Municipality on the expansion of the wastewater system is in progress and anticipation to be approved prior to the completion of the amendment process.



COUNCIL MEETING

RFD

Date: June 25th, 2025

COMMUNITY ENGAGEMENT:

A Public Hearing was duly advertised and held, in accordance with MGA. Notices were placed on the municipal website two weeks prior to the scheduled date, June 4th, 2025. Furthermore, a notice was placed in the Chronicle Herald, a locally circulated newspaper for June 11, 2025, more than one week prior to the public hearing. Additionally, a Planning Notice sign was posted on the subject property, at a location that is visible from the public highway.

One inquiry from the public was received by front desk staff prior to the Public Hearing and forwarded Planning staff. This inquiring pertaining to the time and date of the public hearing and when Council report will be made available to the Public. Contact was made with the resident providing information on the hearing via email. At the Public Hearing, the Director of Development for Fox Harb'r spoke to Council regarding the intention in the request zoning change to support existing development and create buffer space from existing and proposed development activities. The purpose for the rezoning request is largely to create a consistency in zoning across the entirety of the Fox Harbr Resort and to utilize these additional lands for passive recreational activities. These lands, with the exception of the new 29 lot housing development, will create additional green space from adjacent property owners. One member of the Public attended the hearing to gather information on the proposed development. They spoke with Staff after the hearing and inquired to how close development activities to existing adjacent properties. The property they were concerned for was identified as an adjacent parcel, however not directly impacted by the new housing development. This resident was satisfied with the response to their inquiry and are having direct conversations with Fox Harb'r.

ALTERNATIVES:

Council may defer the issue to a later date,

Request further information or

Reject the proposed amendment based on conflict with a policy in the Municipal Planning Strategy.

ATTACHMENTS:

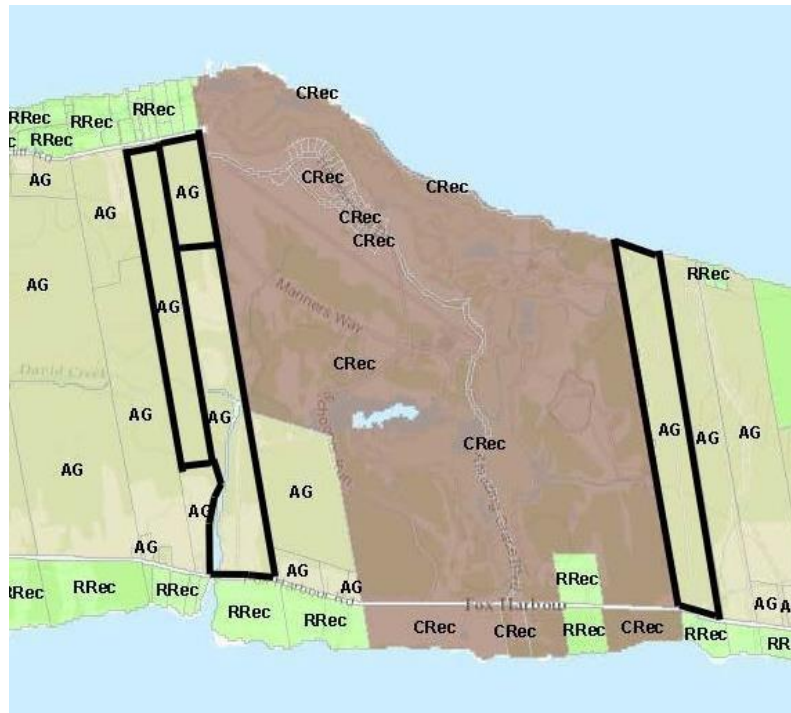
Attachment A: Zoning Map Change

Attachment B: Aerial and Street Images

Attachment C: Concept Site Plan

Attachment D: Policy Review

Attachment A: Zoning Map Change



Changes To:



Attachment B: Aerial and Street Images



Attachment C: Concept Site Plan





COUNCIL MEETING

RFD

Date: June 25th, 2025

Attachment D: Policy Review

<p>MPS Policy 5-24 Council shall, on Schedule A, the Future Land Use Map, permit the following in zones within the Resource designation. (a) Agriculture (AG) Zone (b) Commercial Recreation (CRec) Zone</p>
<p>Comment:</p> <p>Both zones are permitted within the Resource Designation, therefore a MPS amendment would not be required for this amendment.</p>

<p>LUB 12.4.1 The Commercial Recreation (CRec) zone is intended to permit commercial recreation activities such as Campgrounds, RV Parks, Golf Courses, and driving ranges.</p>
<p>Comment</p> <p>Fox Harb'r is a leisure resort, containing golf courses, spa services, dining facilities, and provides various commercial recreation activities and opportunities to its guests. This use is in alignment with the Commercial Recreation Zone and is the current assigned zoning for the existing resort development, adjacent to the subject properties.</p>

<p>MPS Policy 5-35 Council shall consider proposals to rezone lands in the Resource designation to any other zone permitted in that designation. Council shall not approve the rezoning unless council is satisfied.</p>	
Requirement	Comment
<i>(a) if the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104.</i>	Not applicable
<i>(b) The proposed change is not prohibited by any other policy in this plan.</i>	No identified conflicts
<i>(c) the purpose of the proposed zone is consistent with the location and the characteristics of the lands;</i>	Proposed project aligns with the characteristics of the land
<i>(cA) the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards</i>	No wildlife corridors or geohazards present.
<i>(d) The Proposal meet the general criteria for amending the Land Use Bylaw, set out in Policy -19</i>	See Below



COUNCIL MEETING

RFD

Date: June 25th, 2025

MPS 6-19 Council shall not amend the Land Use Bylaw or approve a development agreement unless Council is satisfied the proposal;	
Requirement:	Comment:
(a) <i>Is consistent with the intent of this Municipal Planning Strategy</i>	Is consistent
(b) <i>Does not conflict with any Municipal or Provincial Programs, by-laws, or regulations in effect in the Municipality.</i>	No conflicts have been identified
(c) <i>Is not premature or inappropriate due to:</i>	
(i) <i>The ability of the Municipality to absorb the public costs related to the project.</i>	N/A
(ii) <i>Impacts on existing drinking water supplies, both private and public.</i>	No impacts identified
(iii) <i>the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services</i>	Development is serviced by a private wastewater system, built to the Municipal System Standard. Expansion of such system requires the approval of the Municipality, And the approval of NS Environment and Climate Change (NSECC).
(iv) <i>The creation of any excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal</i>	No hazards or excessive congestion anticipation. Road networks are privately owned and maintained but require municipal approval to the construction of the road. Approval for the creation of the roads is in progress and anticipated to be approved prior to the completion of the amendment process.
(v) <i>The adequacy of fire protective services and equipment;</i>	Adequate fire services and equipment available. Subject Property is located within 30m travel time the Wallace Volunteer Fire Dept and 3 water sources to support firefighting have been identified to be within the immediate vicinity
(vi) <i>The adequacy and proximity of schools and other community facilities.</i>	Adequate community facilities. Proximity to schools is not applicable.



COUNCIL MEETING

RFD

Date: June 25th, 2025

(vii) <i>The creation of a new or worsening of a known pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses.</i>	No
(viii) <i>The potential to create flooding or serious drainage issues including within the proposal site and in nearby areas</i>	No flooding or drainage concerns. Storm water drainage plans are required at the permitting stage.
(ix) <i>Impacts on sensitive environments, as identified on Schedule B</i>	Not identified on Schedule B as a Sensitive Environment
(ixA) <i>Impacts on wildlife corridors</i>	No impacts identified
(x) <i>Impacts on known habitat for species at risk</i>	No impacts identified
(xA) <i>risks presented by geohazards</i>	No risks presented by geohazards identified.
(xi) <i>the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility right-of-way</i>	Site is suitable. All watercourse/shoreline buffers are respected and maintained.
(xii) <i>negative impacts on the viability of existing businesses in the surrounding community, including, but not limited to, the risk of land use conflicts that could place limits on existing operational procedures.</i>	No negative impacts identified



COMMITTEE OF THE WHOLE
Public Hearing
Date: June 18th 2025

TO: Mayor and Council
FROM: Glen Boone, Director of Development and Planning
DATE: June 10th, 2025
SUBJECT: **Public Hearing – By-law to Amend the Land Use By-Law 25-06 to rezone multiple PIDs adjacent to Fox Harb’r Resort from Agriculture (AG) Zone to Commercial Recreation (CRec) Zone.**

ORIGIN: On April 23rd, staff received a rezoning application from Fox Harb’r Resorts to rezone multiple PIDs from Agriculture (AG) to Commercial Recreation (CRec) Zone to enable the expansion of the Fox Harb’r Resort.

PID	Location	Current Zone	Proposed Zone	Proposed Use
25171232	Fox Harbour	Agriculture (AG) Zone	Commercial Recreation (CRec) Zone	Golf Resort Expansion
25466319				
25489733				
25171471				

LEGISLATIVE AUTHORITY: MGA PART VIII PLANNING AND DEVELOPMENT

MGA Section 205: Requirements for Adoption of Planning Documents

MPS Policy 5-35 Council shall consider proposals to rezone lands in the Resource designation to any other zone permitted in that designation. Council shall not approve a rezoning unless council is satisfied;

- (a) If the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104;*
- (b) If the proposed change is not prohibited by any other policy in this Plan;*
- (c) The purposed of the proposed zone as described in the respective policy creating that zone, is consistent with the location and characteristics of the lands and with the proposed use of the lands*
- (cA) the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards; and*
- (d) The proposal meets the general criteria for amending the land use bylaw, set out in Policy 6-19.*

RECOMMENDATION: No motions to consider at this stage.

BACKGROUND:

The Subject Properties consists of 4 properties, cumulating to approximately 239 acres of land zoned Agriculture (AG). Subject Properties are not currently being used for a specified purpose, with the lands being immediately adjacent to Fox Harb’r Resort, the current land would not make suitable farmland or reserve farmland.



COMMITTEE OF THE WHOLE

Public Hearing

Date: June 18th 2025

Fox Harbour Community is a largely commercial recreation area with a heavy tourism industry, with Fox Harb'r Resort making up a very large portion of the community. The current property owner, Fox Harb'r Resort, is looking to expand their development to provide more residential buildings lots and infrastructure to serve their expanded resort amenity offerings.

DISCUSSION:

Rezoning the subject properties would to Commercial Recreation Zone would enable the proposed development and resort expansion. The proposed expansion to Fox Harb'r Resort would provide infrastructure and amenities to support an existing multi-story residential building on the North-Eastern portion of the Fox Harb'r Resorts property. The supporting infrastructure and amenities would include parking, pools and patios. The proposed expansion would also include the creation of new roads and the provision of a new service entrance. All internal road networks to the proposed development will be private roads and are subject to Municipal Approval at the subdivision stage. As a private road, the responsibility for the design, certification, construction and maintenance is the responsibility of the property owner. Private roads are also not eligible for municipal services such as grading, ditching, snow plowing, graveling, school busing, and garbage collection.

The proposed expansion would create a total of 29 new residential building lots. Any land not used as a part of the expansion will be accessible to guests and residents for soft recreational activities such as walking and biking. All lots being proposed as part of the Fox Harb'r expansion will be subject to municipal approval at the subdivision stage.

FINANCIAL IMPLICATIONS:

As a large taxpayer, the expansion of the Fox Harb'r Resort would create a substantial increase in tax revenue. Furthermore, an increase in the number of available units will result in an increase in immigration to the Fox Harbor area and stimulating the local economy.

ENVIRONMENTAL IMPLICATIONS:

No environmental implications of concern. At the permitting stage, stormwater drainage plans are required and must be to the satisfaction of the municipal staff.

The proposed expansion would be services with a wastewater management system that is currently in place at the resort. The expansion of the system requires approval from the NS Environment and Climate Change (NSECC). Approval of the expansion of the wastewater system has been issued by the NSECC. Due to the scale of the development, the wastewater system is required to be built to the Municipal Service System standard and requires approval from the Municipality. Approval from the Municipality on the expansion of the wastewater system is in progress and anticipation to be approved prior to the completion of the amendment process.

COMMUNITY ENGAGEMENT:

This Public Hearing was duly advertised, in accordance with Section 206 of the MGA. Notices were placed on the municipal website two weeks prior to the scheduled date, on June 4th, 2025. Furthermore, a notice was placed in the Chronicle Herald, a locally circulating newspaper for June 11, 2025, more than one week prior to the public hearing and a Planning Notice sign was posted on the subject property.



COMMITTEE OF THE WHOLE

Public Hearing

Date: June 18th 2025

One inquiry from the public was received by front desk staff and forwarded Planning staff, inquiring as to when the public hearing Council report will be made available to the Public.

ALTERNATIVES:

Council may defer the issue to a later date, request further information or reject the proposed amendment based on conflict with a policy in the Municipal Planning Strategy.

ATTACHMENTS:

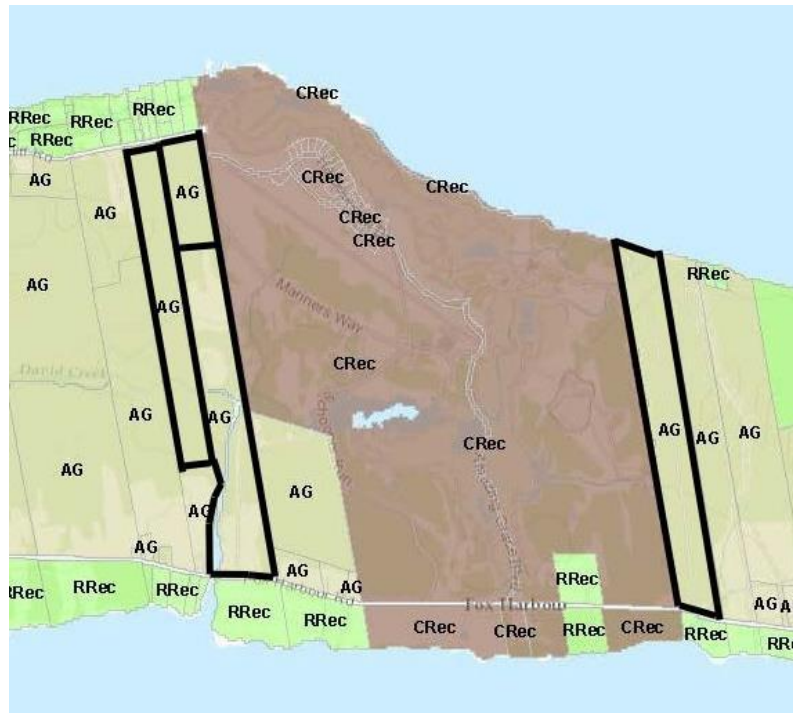
Attachment A: Zoning Map Change

Attachment B: Aerial and Street Images

Attachment C: Concept Site Plan

Attachment D: Policy Review

Attachment A: Zoning Map Change



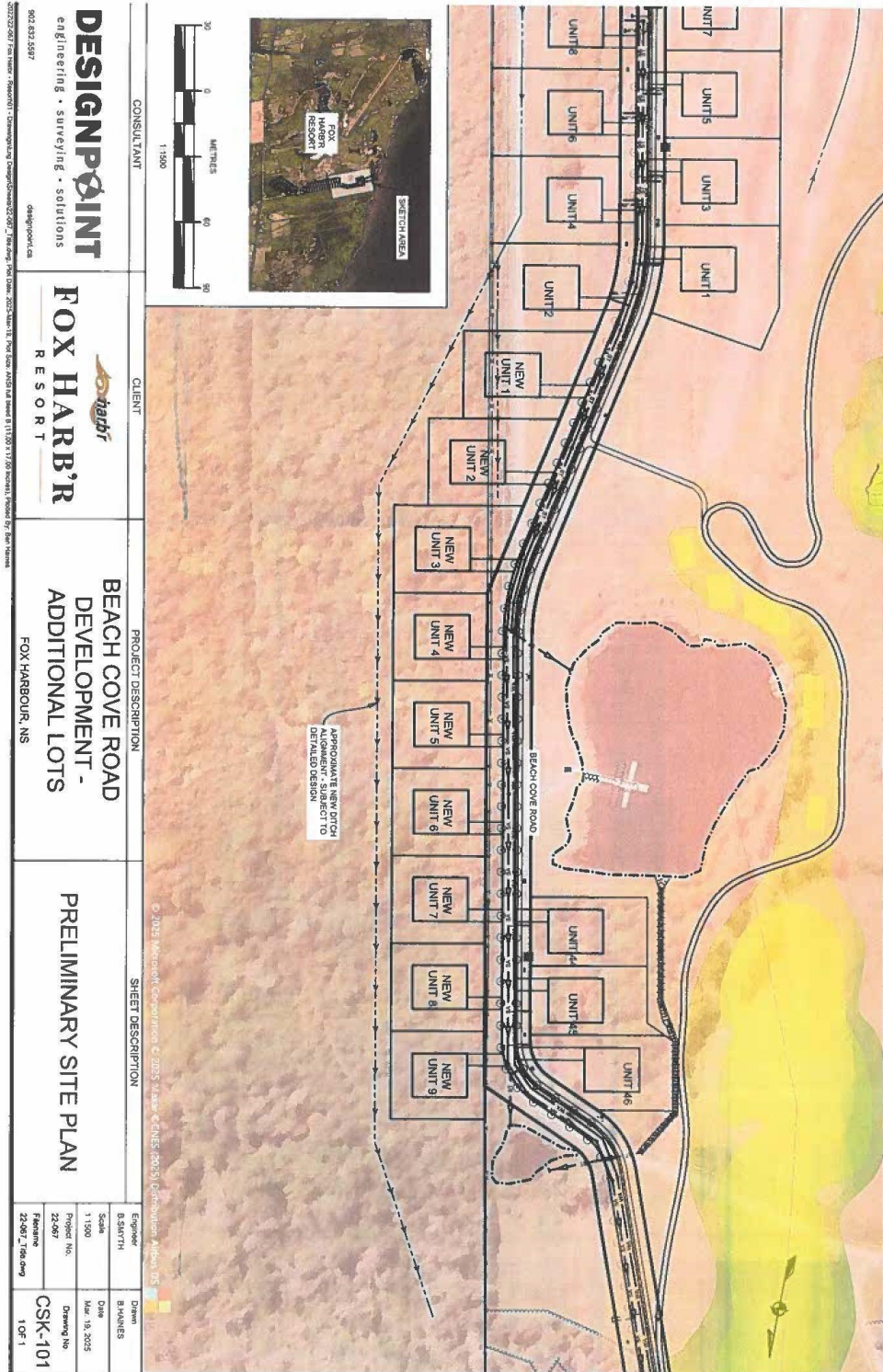
Changes To:



Attachment B: Aerial and Street Images



Attachment C: Concept Site Plan





Attachment D: Policy Review

<p>MPS Policy 5-24 Council shall, on Schedule A, the Future Land Use Map, permit the following in zones within the Resource designation. (a) Agriculture (AG) Zone (b) Commercial Recreation (CRec) Zone</p>
<p>Comment:</p> <p>Both zones are permitted within the Resource Designation, therefore a MPS amendment would not be required for this amendment.</p>

<p>LUB 12.4.1 The Commercial Recreation (CRec) zone is intended to permit commercial recreation activities such as Campgrounds, RV Parks, Golf Courses, and driving ranges.</p>
<p>Comment</p> <p>Fox Harb’r is a leisure resort, containing golf courses, spa services, dining facilities, and provides various commercial recreation activities and opportunities to its guests. This use is in alignment with the Commercial Recreation Zone and is the current assigned zoning for the existing resort development, adjacent to the subject properties.</p>

<p>MPS Policy 5-35 Council shall consider proposals to rezone lands in the Resource designation to any other zone permitted in that designation. Council shall not approve the rezoning unless council is satisfied.</p>	
Requirement	Comment
<i>(a) if the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104.</i>	Not applicable
<i>(b) The proposed change is not prohibited by any other policy in this plan.</i>	No identified conflicts
<i>(c) the purpose of the proposed zone is consistent with the location and the characteristics of the lands;</i>	Proposed project aligns with the characteristics of the land
<i>(cA) the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards</i>	No wildlife corridors or geohazards present.
<i>(d) The Proposal meet the general criteria for amending the Land Use Bylaw, set out in Policy -19</i>	See Below



COMMITTEE OF THE WHOLE

Public Hearing

Date: June 18th 2025

MPS 6-19 Council shall not amend the Land Use Bylaw or approve a development agreement unless Council is satisfied the proposal;	
Requirement:	Comment:
(a) <i>Is consistent with the intent of this Municipal Planning Strategy</i>	Is consistent
(b) <i>Does not conflict with any Municipal or Provincial Programs, by-laws, or regulations in effect in the Municipality.</i>	No conflicts have been identified
(c) <i>Is not premature or inappropriate due to:</i>	
(i) <i>The ability of the Municipality to absorb the public costs related to the project.</i>	N/A
(ii) <i>Impacts on existing drinking water supplies, both private and public.</i>	No impacts identified
(iii) <i>the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services</i>	Development is serviced by a private wastewater system, built to the Municipal System Standard. Expansion of such system requires the approval of the Municipality, And the approval of NS Environment and Climate Change (NSECC).
(iv) <i>The creation of any excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal</i>	No hazards or excessive congestion anticipation. Road networks are privately owned and maintained but require municipal approval to the construction of the road. Approval for the creation of the roads is in progress and anticipated to be approved prior to the completion of the amendment process.
(v) <i>The adequacy of fire protective services and equipment;</i>	Adequate fire services and equipment available. Subject Property is located within 30m travel time the Wallace Volunteer Fire Dept and 3 water sources are identified to be within the immediate vicinity
(vi) <i>The adequacy and proximity of schools and other community facilities.</i>	Adequate community facilities and proximity to schools is not applicable.



COMMITTEE OF THE WHOLE

Public Hearing

Date: June 18th 2025

(vii) <i>The creation of a new or worsening of a known pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses.</i>	No
(viii) <i>The potential to create flooding or serious drainage issues including within the proposal site and in nearby areas</i>	No flooding or drainage concerns. Storm water drainage plans are required at the permitting stage.
(ix) <i>Impacts on sensitive environments, as identified on Schedule B</i>	Not identified on Schedule B as a Sensitive Environment
(ixA) <i>Impacts on wildlife corridors</i>	No impacts identified
(x) <i>Impacts on known habitat for species at risk</i>	No impacts identified
(xA) <i>risks presented by geohazards</i>	No risks presented by geohazards identified.
(xi) <i>the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility right-of-way</i>	Site is suitable. All watercourse/shoreline buffers are respected and maintained.
(xii) <i>negative impacts on the viability of existing businesses in the surrounding community, including, but not limited to, the risk of land use conflicts that could place limits on existing operational procedures.</i>	No negative impacts identified

Notice of Public Hearing

Details

 Published: 04 June 2025

A Public Hearing for the By-law to Amend the Land Use By-law 25-06 for the Municipality of Cumberland will be held at **4 pm, Wednesday, June 18, 2025** in the Council Chambers of the Upper Nappan Service Centre.

Note that this meeting may be rescheduled or conducted online, visit cumberlandcounty.ns.ca to verify meeting schedule.

The purpose of the proposed amendment is as follows:

- to rezone multiple PIDs adjacent to Fox Harbour Resort from Agriculture (AG) Zone to Commercial Recreation (CRec) Zone.

Hearing documents can be viewed at plancumberland.ca/hearings or by contacting our office at 902-667-1142. Public Hearings are open to the public. You may participate by submitting comments by email to: Planning@cumberlandcounty.ns.ca or by mail to: Planning Dept, Upper Nappan Service Centre, 1395 Blair Lake Rd, Upper Nappan, NS B4H 3Y4



COUNCIL
FIRST READING
Date: May 26th, 2024

TO: Mayor and Council
FROM: Glen Boone, Director of Development and Planning
DATE: May 16th, 2025
SUBJECT: **First Reading – By-law to Amend the Land Use By-Law 25-06 to rezone multiple PIDs adjacent to Fox Harb’r Resort from Agriculture (AG) Zone to Commercial Recreation (CRec) Zone.**

ORIGIN: On April 23rd, staff received a rezoning application from Fox Harb’r Resorts to rezone multiple PIDs from Agriculture (AG) to Commercial Recreation (CRec) Zone to enable the expansion of the Fox Harb’r Resort.

PID	Location	Current Zone	Proposed Zone	Proposed Use
25171232	Fox Harbour	Agriculture (AG) Zone	Commercial Recreation (CRec) Zone	Golf Resort Expansion
25466319				
25489733				
25171471				

LEGISLATIVE AUTHORITY: MGA PART VIII PLANNING AND DEVELOPMENT

MGA Section 205: Requirements for Adoption of Planning Documents

MPS Policy 5-35 Council shall consider proposals to rezone lands in the Resource designation to any other zone permitted in that designation. Council shall not approve a rezoning unless council is satisfied;

- (a) If the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104;*
- (b) If the proposed change is not prohibited by any other policy in this Plan;*
- (c) The proposed of the proposed zone as described in the respective policy creating that zone, is consistent with the location and characteristics of the lands and with the proposed use of the lands*
- (cA) the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards; and*
- (d) The proposal meets the general criteria for amending the land use bylaw, set out in Policy 6-19.*

RECOMMENDATION: THAT Council approve First Reading of the By-Law to Amend the Land Use By-Law 25-06 to rezone PIDs 25171232, 25466319, 25489733, 25171471 adjacent to Fox Harb’r Resort from Agriculture (AG) Zone to Commercial Recreation (CRec) Zone, AND schedule a Public Hearing.

BACKGROUND:

The Subject Properties consists of 4 properties, cumulating to approximately 239 acres of land zoned Agriculture (AG). Subject Properties are not currently being used for a specified purpose, with the lands being immediately adjacent to Fox Harb’r Resort, the current land would not make suitable farmland or reserve farmland.



COUNCIL

FIRST READING

Date: May 26th, 2024

Fox Harbour Community is a largely commercial recreation area with a heavy tourism industry, with Fox Harb'r Resort making up a very large portion of the community. The current property owner, Fox Harb'r Resort, is looking to expand their development to provide more residential buildings lots and infrastructure to serve their expanded resort amenity offerings.

DISCUSSION:

Rezoning the subject properties would to Commercial Recreation Zone would enable the proposed development and resort expansion. The proposed expansion to Fox Harb'r Resort would provide infrastructure and amenities to support an existing multi-story residential building on the North-Eastern portion of the Fox Harb'r Resorts property. The supporting infrastructure and amenities would include parking, pools and patios. The proposed expansion would also include the creation of new roads and the provision of a new service entrance. All internal road networks to the proposed development will be private roads and are subject to Municipal Approval at the subdivision stage. As a private road, the responsibility for the design, certification, construction and maintenance is the responsibility of the property owner. Private roads are also not eligible for municipal services such as grading, ditching, snow plowing, graveling, school busing, and garbage collection.

The proposed expansion would create a total of 29 new residential building lots. Any land not used as a part of the expansion will be accessible to guests and residents for soft recreational activities such as walking and biking. All lots being proposed as part of the Fox Harb'r expansion will be subject to municipal approval at the subdivision stage.

FINANCIAL IMPLICATIONS:

As a large taxpayer, the expansion of the Fox Harb'r Resort would create a substantial increase in tax revenue. Furthermore, an increase in the number of available units will result in an increase in immigration to the Fox Harbor area and stimulating the local economy.

ENVIRONMENTAL IMPLICATIONS:

No environmental implications of concern. At the permitting stage, stormwater drainage plans are required and must be to the satisfaction of the municipal staff.

The proposed expansion would be services with a wastewater management system that is currently in place at the resort. The expansion of the system requires approval from the NS Environment and Climate Change (NSECC). Approval of the expansion of the wastewater system has been issued by the NSECC. Due to the scale of the development, the wastewater system is required to be built to the Municipal Service System standard and requires approval from the Municipality. Approval from the Municipality on the expansion of the wastewater system is in progress and anticipation to be approved prior to the completion of the amendment process.

COMMUNITY ENGAGEMENT:

If Council approves, a Public Hearing could be held on the above matter, at a date of Council's choosing. In accordance with MGA Section 206, notices will be placed on the municipal website two weeks prior to the scheduled date. Furthermore, a notice will be placed in a locally circulated newspaper at least one week prior to the public hearing and a Planning Notice sign will be placed on the property.



COUNCIL

FIRST READING

Date: May 26th, 2024

ALTERNATIVES:

Council may defer the issue to a later date, request further information or reject the proposed amendment based on conflict with a policy in the Municipal Planning Strategy.

ATTACHMENTS:

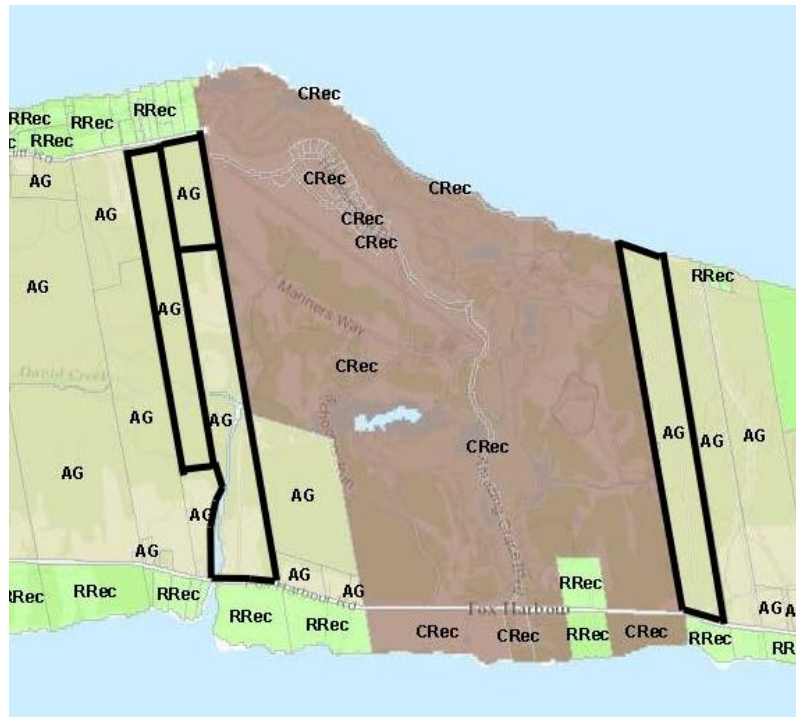
Attachment A: Zoning Map Change

Attachment B: Aerial and Street Images

Attachment C: Concept Site Plan

Attachment D: Policy Review

Attachment A: Zoning Map Change



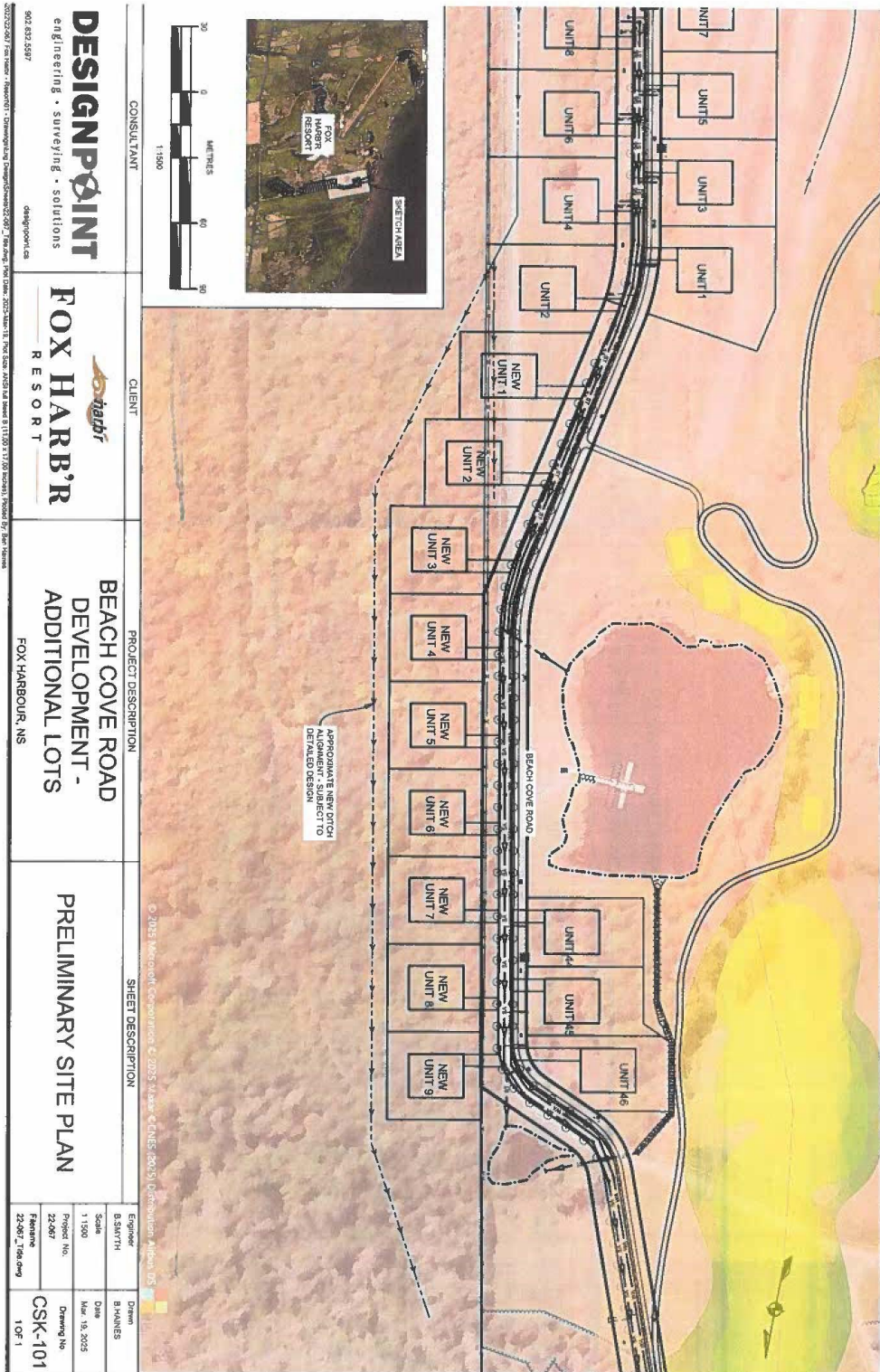
Changes To:



Attachment B: Aerial and Street Images



Attachment C: Concept Site Plan



DESIGNPOINT engineering • surveying • solutions 902.833.5587 designpoint.ca		CLIENT  FOX HARB'R RESORT		PROJECT DESCRIPTION BEACH COVE ROAD DEVELOPMENT - ADDITIONAL LOTS FOX HARBOUR, NS		SHEET DESCRIPTION PRELIMINARY SITE PLAN		
CONSULTANT 1:1500 METERS 0 20 40 60 80	© 2025 Microsoft Corporation © 2025 Maxar © CNES 2025 Distribution Africa, US						Engineer B.SMITH	Drawn B.HAINES
Scale 1:1500		Date May 15, 2025		Project No. 22-067		Drawing No. CSK-101		
Reference 22-067_150.dwg		Scale 10" = 1'						



Attachment D: Policy Review

<p>MPS Policy 5-24 Council shall, on Schedule A, the Future Land Use Map, permit the following in zones within the Resource designation. (a) Agriculture (AG) Zone (b) Commercial Recreation (CRec) Zone</p>
<p>Comment:</p> <p>Both zones are permitted within the Resource Designation, therefore a MPS amendment would not be required for this amendment.</p>

<p>LUB 12.4.1 The Commercial Recreation (CRec) zone is intended to permit commercial recreation activities such as Campgrounds, RV Parks, Golf Courses, and driving ranges.</p>
<p>Comment</p> <p>Fox Harb'r is a leisure resort, containing golf courses, spa services, dining facilities, and provides various commercial recreation activities and opportunities to its guests. This use is in alignment with the Commercial Recreation Zone and is the current assigned zoning for the existing resort development, adjacent to the subject properties.</p>

<p>MPS Policy 5-35 Council shall consider proposals to rezone lands in the Resource designation to any other zone permitted in that designation. Council shall not approve the rezoning unless council is satisfied.</p>	
Requirement	Comment
<i>(a) if the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104.</i>	Not applicable
<i>(b) The proposed change is not prohibited by any other policy in this plan.</i>	No identified conflicts
<i>(c) the purpose of the proposed zone is consistent with the location and the characteristics of the lands;</i>	Proposed project aligns with the characteristics of the land
<i>(cA) the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards</i>	No wildlife corridors or geohazards present.
<i>(d) The Proposal meet the general criteria for amending the Land Use Bylaw, set out in Policy -19</i>	See Below



COUNCIL
FIRST READING
Date: May 26th, 2024

MPS 6-19 Council shall not amend the Land Use Bylaw or approve a development agreement unless Council is satisfied the proposal;	
Requirement:	Comment:
(a) <i>Is consistent with the intent of this Municipal Planning Strategy</i>	Is consistent
(b) <i>Does not conflict with any Municipal or Provincial Programs, by-laws, or regulations in effect in the Municipality.</i>	No conflicts have been identified
(c) <i>Is not premature or inappropriate due to:</i>	
(i) <i>The ability of the Municipality to absorb the public costs related to the project.</i>	N/A
(ii) <i>Impacts on existing drinking water supplies, both private and public.</i>	No impacts identified
(iii) <i>the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services</i>	Development is serviced by a private wastewater system, built to the Municipal System Standard. Expansion of such system requires the approval of the Municipality, And the approval of NS Environment and Climate Change (NSECC).
(iv) <i>The creation of any excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal</i>	No hazards or excessive congestion anticipation. Road networks are privately owned and maintained but require municipal approval to the construction of the road. Approval for the creation of the roads is in progress and anticipated to be approved prior to the completion of the amendment process.
(v) <i>The adequacy of fire protective services and equipment;</i>	Adequate fire services and equipment available. Subject Property is located within 30m travel time the Wallace Volunteer Fire Dept and 3 water sources are identified to be within the immediate vicinity
(vi) <i>The adequacy and proximity of schools and other community facilities.</i>	Adequate community facilities and proximity to schools is not applicable.

(vii)	<i>The creation of a new or worsening of a known pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses.</i>	No
(viii)	<i>The potential to create flooding or serious drainage issues including within the proposal site and in nearby areas</i>	No flooding or drainage concerns. Storm water drainage plans are required at the permitting stage.
(ix)	<i>Impacts on sensitive environments, as identified on Schedule B</i>	Not identified on Schedule B as a Sensitive Environment
(ixA)	<i>Impacts on wildlife corridors</i>	No impacts identified
(x)	<i>Impacts on known habitat for species at risk</i>	No impacts identified
(xA)	<i>risks presented by geohazards</i>	No risks presented by geohazards identified.
(xi)	<i>the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility right-of-way</i>	Site is suitable. All watercourse/shoreline buffers are respected and maintained.
(xii)	<i>negative impacts on the viability of existing businesses in the surrounding community, including, but not limited to, the risk of land use conflicts that could place limits on existing operational procedures.</i>	No negative impacts identified