

Staff Report – Rezoning Request for a Portion of PID 37503547

SUMMARY

The purpose of this report is to clarify the Public Hearing process regarding an application to amend the Municipality of the District of St. Mary's Land Use By-law by rezoning an 18-acre portion of **PID 37503547** from **Rural Resource (RR)** to **General Commercial (GC)**.

The Municipality received a request from Wilson Cove Estates requesting amendments to the Land Use By-law to rezone portions of PID 37503547. The application requested that approximately 18 acres be rezoned from Rural Resource (RR) to General Commercial (GC), and approximately 5 acres be rezoned from Rural Resource (RR) to Mixed Use (MU). The application has since been amended to move forward only with the 18-acre portion of the PID.

This Public Hearing provides members of the public with an opportunity to comment on the proposed amendment before Council considers the application.

BACKGROUND

On July 5, 2026, the Municipality received an application from Wilson Cove Estates requesting to rezone portions of PID 37503547. Specifically, to:

- rezone approximately 18 acres from Rural Resource (RR) to General Commercial (GC); and
- rezone approximately 5 acres from Rural Resource (RR) to Mixed Use (MU).

The application requested to rezone portions of the property rather than the entire parcel. Rezoning portions of a PID is permissible under the Municipal Planning Strategy (MPS) and Land Use By-Law (LUB).

The requested uses for the new General Commercial portion of the PID are Retail, Offices and Professional Services, and Construction Supply Yards, etc. The requested use of the Mixed-Use portion of the PID is for multi-unit dwellings.

PID 37503547 is currently zoned Rural Resource. A review of the Land Use By-Law was carried out, and it was determined that the Rural Resource zone permits many types of commercial and residential uses as well as light industrial uses, however, the Rural Resource zone does not permit the requested uses. Rezoning the portions of the PID to GC and MU is required in order for the land to be used for the intended purposes.

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A recommendation was made to Committee of the Whole, acting in the capacity of the Planning Advisory Committee, to amend the Land Use By-Law by rezoning the two sections of PID 37503547 to General Commercial (GC) and Mixed Use (MU) as requested.

On July 15, 2026, COTW met in their capacity as Planning Advisory Committee (PAC) to review the rezoning application. PAC recommended that Council approve the request. At a meeting of Council on July 15, 2026, a motion was approved directing staff to proceed with the application and schedule a Public Hearing at 5pm on July 30th 2026 to amend the Land Use By-Law for this rezoning request, in accordance with the requirements of the Municipal Government Act.

CONSIDERATIONS

Subsequent to the meeting of Council on July 15th, it was determined that in order to rezone the 5-acre portion of PID 37503547 to Mixed Use, an amendment to the Municipal Planning Strategy's Future Land Use Map will also be required, either prior to or concurrently with the amendment to the Land Use By-Law. Amendment of the MPS is not required to rezone the 18-acre portion of the PID to General Commercial, and the amendment to the Land Use By-Law can proceed as planned.

The applicant was informed of this information and presented with options to proceed. They have requested to proceed as planned with the 18-acre portion of the PID being rezoned to General Commercial, and not to proceed at this time with rezoning the 5-acre portion of the PID to Mixed Use, pending further review.

This public hearing is being held regarding the request to rezone the 18-acre portion of PID 37503547 as shown in **Appendix A to General Commercial**.

The Municipal Planning Strategy **Policy 3-65** identifies the **General Commercial** zone as permitted within the applicable land use designation, which is **Rural Designation**. The *Municipal Government Act* permits amendments to the Land Use By-law at the request of a property owner.

Section 4.3, Subsection 4.1.1 states that the Land Use By-Law may be amended (rezoning) following the procedures outlined in the MGA and can be initiated by a request from the property owner.

Section 4.4 of the Municipal Planning Strategy outlines those things that Council must consider in making amendments to the Land Use Bylaw as follows:

Policy 4-12: In considering amendments to the Land Use Bylaw and processing development agreements, Council shall:

- a) Request a policy report and recommendation from the Planning Department or Development Officer;
- b) Refer the matter, where applicable, to the appropriate Municipal, Provincial, and/or Federal Departments and Boards and agencies where special expert advice and/or recommendations are required;
- c) Comply with all legal requirements concerning amendments to the Land Use Bylaw as set out in the Municipal Government Act;
- d) Ensure the applicable public participation policies have been satisfied; and
- e) Ensure the applicable fees have been paid by the applicant to cover the cost(s) for advertising with respect to public notice as provided for in the Municipal Government Act.

Policy 4-13: In considering amendments to the Land Use Bylaw or when considering entering into a development agreement, Council shall have regard for the follow matters:

- 1. That the proposal is in conformity with the intent of this strategy and with the requirements of all other municipal bylaws and regulations;
- 2. That the proposal is not premature or inappropriate by reason of:
 - a) The ability of the Municipality to absorb public costs related to the proposal;
 - b) Impacts on existing drinking water supplies, both private and public;
 - c) 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;
 - d) The creation of excessive traffic hazards or congestion on road, cycling and pedestrian networks within, adjacent to, or leading to the proposal;
 - e) The adequacy of fire protection services and equipment;
 - f) The adequacy of and proximity of schools and other community facilities;
 - g) 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;
 - h) Site-specific climate change risks;
 - i) The potential to create flooding or serious drainage issues, including within
 - j) Impacts on known habitat for species at risk;
 - k) The suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility rights of ways; and
 - l) Any other matters pursuant to the Municipal Government Act that may be addressed in a Land Use Bylaw which Council feels is necessary to ensure the general compatibility of the use and structures with adjacent areas.

The Development Officer reviewed the application and determined that the proposed LUB amendment is consistent with the MPS. The Development Officer therefore recommended that the request proceed

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through the process at Figure 1.D of the Land Use By-Law, which is the LUB Amendment Process (rezoning), including the statutory public consultation process.

Following the close of this Public Hearing, Council will have the opportunity to make a decision regarding this rezoning request during the subsequent meeting of Council. Factors for consideration will include the details of the application as well as all written and verbal submissions received. Council will have three options as follows:

1. Adopt the proposed amendment to the Land Use By-law to rezone an 18-acre portion of PID 37503547 from Rural Resource (RR) to General Commercial (GC).
2. Deny the application.
3. Delay the decision and request more information.

Following the staff presentation of this Staff Report, the meeting Chair will invite any members of the public present to speak, one at a time. Members of the gallery who wish to speak must provide their name for the record, and have five minutes each to speak. Responses are not required to be provided to questions from the public, but will be considered by Council in decision-making.

The Chair will also ask the Clerk or designate to confirm if any written submissions were received, and if so, the Clerk will read aloud any written submissions.

If there are no members of the public present, and no written submissions received, the Public Hearing will be deemed concluded within 10 minutes of the meeting being called to order.

RECOMMENDATIONS

For information.

Attachments:

Appendix A – Portion of PID 37503547 to be rezoned to General Commercial

Appendix B – Summary of Policy

Appendix A – Portion of PID 37503547 to be rezoned to General Commercial



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Appendix B – Summary of Policy

Policy 3-65 - Zones permitted within the Rural Designation	General Commercial	Complies
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Policy 4-12

In considering an amendment to the Land Use Bylaw and processing development agreements, Council shall:

Request a report and recommendation from the Planning Department or Development Officer	Completed
Refer the matter, where applicable, to the appropriate Municipal, Provincial, and/or Federal Departments and Boards and agencies where special expert advice and/or recommendations are required.	N/A
Comply with all legal requirements concerning amendments to the Land Use Bylaw as set out in the Municipal Government Act.	Complies
Ensure the applicable public participation policies have been satisfied.	Staff must follow MGA requirements for public consultation
Ensure the applicable fees have been paid by the applicant to cover the cost(s) for advertising with respect to public notice as provided for in the Municipal Government Act.	TBD

Policy 4-13

In considering amendments to the Land Use or when considering entering into a development agreement, Council shall have regard for the following matters:

1. That the proposal is in conformity with the intent of this strategy and with the requirements of all other municipal bylaws and regulations.	Complies
2. That the proposal is not premature or inappropriate by reason of:	
a. The ability of the Municipality to absorb public costs related to the proposal;	Cost recovery of expenses to be determined by MODS

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b. Impacts on existing drinking water supplies, both private and public;	N/A
c. 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;	NSECC – On-site sewer approval
d. The creation of excessive traffic hazards or congestion on road, cycling and pedestrian networks within, adjacent to, or leading to the proposal;	DOPW
e. The adequacy of fire protection services and equipment;	Building to meet Building/Fire Codes
f. The adequacy of and proximity of schools and other community facilities;	N/A
g. 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;	None Identified
h. Site-specific climate change risks;	None Identified
i. The potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;	Unknown
j. Impacts on known habitat for species at risk;	N/A
k. The suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility rights of ways; and	Unknown – buildings will meet applicable setbacks to property lines and watercourses where applicable. To be determined through building and development permit process.
l. Any other matters pursuant to the Municipal Government Act that may be addressed in a Land Use Bylaw which Council feels is necessary to ensure the general compatibility of the use and structures with adjacent areas.	TBD