

## Municipality of the County of Kings Report to the Planning Advisory Committee

Application to rezone 1184 Parkway Drive (PID 55037063), Port Williams from the General Commercial (C1) Zone to the Light Industrial Commercial (M1) Zone.

(File #25-08)

November 12, 2025

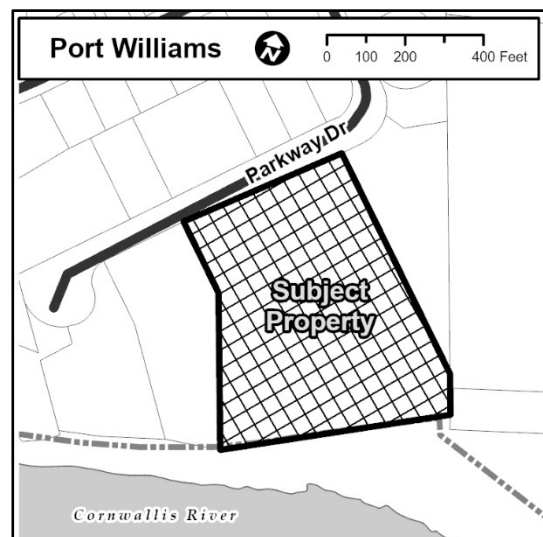
Prepared by: Planning Services

<b>Applicant</b>	Nick Levy
<b>Land Owner</b>	Orin Levy Fuels Ltd
<b>Proposal</b>	Rezoning from the General Commercial (C1) Zone to the Light Industrial Commercial (M1) Zone
<b>Location</b>	1184 Parkway Drive (PID 55037063), Port Williams
<b>Lot Area</b>	7.5 Acres
<b>Designation</b>	Commercial Designation
<b>Zone</b>	General Commercial (C1) Zone
<b>Surrounding Uses</b>	Commercial, Industrial and Agricultural
<b>Neighbour Notification</b>	21 letters were sent to neighbouring property owners

### 1. PROPOSAL

Nick Levy, on behalf of Orin Levy Fuels Ltd, has applied for a Land Use By-Law Map Amendment to rezone 1184 Parkway Drive (PID 55037063), Port Williams from the General Commercial (C1) Zone to the Light Industrial Commercial (M1) Zone to permit Bulk Mineral Storage (salt).

The applicant has advised they intend to store approximately 100 tons of salt.



## 2. OPTIONS

In response to the application, the Planning Advisory Committee may:

- A. Recommend that Council approve the amendment as drafted;
- B. Provide alternative direction, such as requesting further information on a specific topic, or recommending changes to the draft amendment;
- C. Recommend that Council refuse the amendment as drafted.

## 3. STAFF RECOMMENDATION

Staff recommend that the Planning Advisory Committee forward a positive recommendation by passing the following motion.

**The Planning Advisory Committee recommends that Municipal Council give First Reading to and hold a Public Hearing regarding the application to rezone 1184 Parkway Drive (PID 55037063), Port Williams from the General Commercial (C1) Zone to the Light Industrial Commercial (M1) Zone as described in Appendix C of the report dated November 12, 2025.**

## 4. BACKGROUND

Prior to October 14, 2010, the subject site was zoned the Light Industrial Commercial (M1) Zone under the Municipality's former Land Use By-Law (Repealed by-law 75). When the Port Williams Secondary Plan was adopted on October 14, 2010 the land was rezoned to the General Commercial (C1) Zone under repealed Land Use By-Law 75. The General Commercial (C1) Zone was carried forward on the land when the current Land Use By-Law (By-Law 106) and Municipal Planning Strategy (By-Law 105) were adopted on November 21, 2019.

The subject site is located in a larger non-residential subdivision undertaken by Starrs Point Development Limited. Prior development on the land in the subdivision, led to a provincial exemption from the Agricultural Marshland Conservation Act when it was enacted in 2000. This enables development to occur on a large portion of the subject site without obtaining a variance from the Provincial Department of Agriculture. However, the exemption from the need to obtain a variance does not remove the subject site from the marsh.

The site was purchased by Orin Levy Fuels Limited in July of 2009 and the current sheet metal workshop was constructed in 2016.

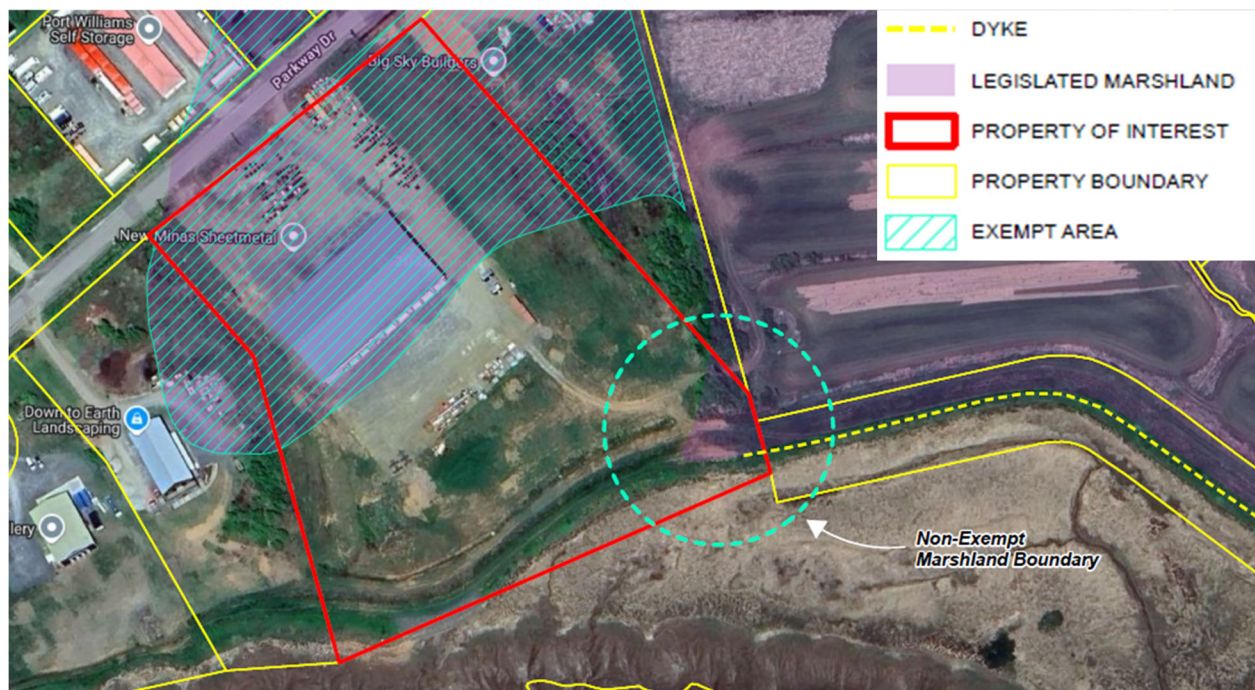
In February of 2025, Nick Levy applied to rezone the subject site from the General Commercial (C1) Zone back to the Light Industrial Commercial (M1) Zone in order to permit bulk mineral storage (salt) which is not a permitted use under the General Commercial (C1) Zone.

## 5. SITE INFORMATION

The subject site is located within the Growth Centre of Port Williams. The subject site has an overall area of 7.5 acres, with approximately 439 feet of street frontage on Parkway Drive. The subject site abuts properties to the east and west. The site abuts the Cornwallis River to the south. A large dyke snakes its way along the rear of the subject site to help limit water intrusion into the site. The land to the rear of the dyke on the eastern end of the subject site is identified as wetland.

The subject site and surrounding properties fronting Parkway Drive, with the exception of the property directly to the north east (1200 Parkway Drive) are located in the General Commercial (C1) Zone. In 2022, 1200 Parkway Drive was rezoned from the General Commercial (C1) Zone to the Light Industrial Commercial (M1) Zone. The existing uses occurring on properties with frontage and access from Parkway Drive include uses a distillery, self storage, building and construction contractor office and workshop, and retail. The subject site has an existing building which is used as a sheet metal workshop, which is classified in the LUB as a Professional Trade which is permitted in the Light Industrial Commercial (M1) Zone. The subject site is irregular in shape and the very eastern boundary of the subject site sits on the boundary of the Port Williams Growth Centre. The land to the east is located in the Environmental Constraints (O1) Zone and contains the Farnham Marsh and agricultural lands.

As discussed above the subject site is partially located in the Farnham Marsh. The northern half of the site is identified as being in the marsh but is exempt from obtaining a variance from the Provincial Department of Agriculture for development. The eastern most corner of the site is also located in the marsh and development in this area would require a variance from the Provincial Department of Agriculture. The bulk mineral storage (salt) is not proposed to be located in an area identified as legislated marshland.



As the subject site abuts the Cornwallis River it is subject to two overlays relating to the threat of flooding and storm surge. The Environmentally Sensitive Area (ESA) Overlay and Urban Floodplain Overlay (UF1)

both completely cover the subject site. They do not prevent development but do require new development to be designed and constructed for flood resistance.

The subject site is also partially located in the Zone C of the Port Williams Wellfield Protection Overlay. Approximately 3 acres at the front of the subject site are located in the Wellfield Protection Overlay. The bulk salt storage is not proposed to be located within the wellfield overlay.

The subject site has minimal slope with the exception of the dyke along the southern boundary.

The subject site is currently within the Commercial Designation. In accordance with the Land Use By-Law (LUB) Section 5.3.2.1 (permitted uses), the LUB does not permit the use of the land for bulk mineral storage as-of-right. As such, the applicant has applied to rezone the land to permit the development of a bulk mineral storage (salt) building.

## **6. CONSULTATION WITH THE PUBLIC, VILLAGE COMMISSION AND BODIES WITH JURISDICTION**

Public Consultation: Under the Planning Policies of the Municipality of the County of Kings, PLAN-09-004 (formerly PLAN-09-001), a Public Information Meeting (PIM) was required because the application concerned a Land Use By-Law Map Amendment for an area greater than 1 acre in size.

A recording of the PIM slide deck with voiceover from the Planner was made available on the Municipal website in April of 2025 and has been available since that time.

A total of 21 property owners within 500 feet of the subject site were notified of the planning application and the associated presentation via letter mail on March 24<sup>th</sup>, 2025. An advertisement providing notice of the planning application was also placed on the planning application page of the Municipal website and the Municipality's social media pages.

On April 8<sup>th</sup>, 2025 a Public Information Meeting was held at the Port Williams Community Centre at 1045 Main Street, with 3 members of the public and the Applicant in attendance.

During the meeting, a range of questions were asked about the rezoning process, if partial rezoning was an option and why the site was rezoned from the Light Industrial Commercial (M1) Zone to the General Commercial (C1) Zone. Generally, the comments were positive and supportive of the application.

Consultation with the Port Williams Village Commission: As per recent amendments made to the planning policies, planning applications for properties located within a Village boundary are now required to be presented to the respective Village Commission for their input. The application was presented to the Port Williams Village Commission on September 16<sup>th</sup>, 2025. The Village Commission did not have any comments on the application.

Consultation with other bodies with jurisdiction: Comments were requested from the Nova Scotia Department of Public Works (DPW), the Port Williams Fire Chief, the Nova Scotia Department of Agriculture and the Municipality's Building and Enforcement Division and Department of Engineering and Public Works (EPW).

EPW advised that the proposal is not premature or inappropriate in regard to the potential to create flooding or serious drainage problems. EPW advised that the ESA report and Stormwater Management Plan would be reviewed at the time of permitting.

DPW advised that they did not have any concern with the proposal at the time of the request but did highlight the gross weight limit of the road for bulk salt deliveries to the site. Parkway Drive has since been redesignated to a higher weight class road.

The Nova Scotia Department of Agriculture was consulted regarding the protected marshland on the property. As the proposed development is outside of the marshland, a variance request is not required.

The Port Williams Fire Chief advised there are adequate fire services and equipment available to service the proposal.

## 7. POLICY REVIEW

### 7.1 Enabling Policy

The proposed rezoning is from the General Commercial (C1) Zone to the Light Industrial Commercial (M1) Zone. Section 5.3, Development Agreements and Amending the Land Use By-Law in the Municipal Planning Strategy (MPS) enable Council to consider this application.

*Council shall:*

***Policy 5.3.3*** Consider amendments to any one of the zoning maps of the Land Use By-Law provided the application is for a specific development and:

- a. *Is to rezone land to another zone enabled within the same designation, unless the zone change is specifically prohibited within this Strategy;*

The subject site is located in the Commercial Designation. On this basis, Council can consider rezoning the land from the General Commercial (C1) Zone to the Light Industrial Commercial (M1) Zone since the Light Industrial Commercial (M1) Zone is enabled within the Commercial Designation in Policy 3.2.3 of the MPS.

MPS Policy 5.3.5 provides more detailed guidance for Council when considering rezoning applications:

*Council shall:*

***Policy 5.3.5*** Consider, in relation to all applications to rezone land:

- a. *The applicable zone placement policies, including any specific policy criteria for applying the proposed zone set out within this Strategy;*
- b. *The impact of both the specific development proposal and of other possible uses permitted in the proposed zone; and*
- c. *The general criteria for amending the Land Use By-Law set out in section 5.3 Development Agreements and Amending the Land Use By-Law.*

Section 3.3.2 of the MPS sets out the zone placement policy:

*Council shall:*

***Policy 3.3.2*** establish the following Industrial Zones in the Land Use By-Law:

- a. *Light Industrial Commercial (M1): lands within this zone are intended to recognize and provide for the development of industrial uses with light impact. The Light Industrial Commercial (M1) Zone will also permit development of non-retail commercial uses serving the industrial sector as well as commercial uses requiring large areas of land for outdoor storage, outdoor commercial displays or warehousing;*

The subject site is located in a commercial/industrial subdivision on the eastern side of Port Williams, on the boundary of the Growth Centre between Commercial, Industrial and Agricultural uses. The Parkway Drive Subdivision is not a high traffic area but has good access to Starrs Point Road and Highway 358. The proposed bulk salt storage will have minimal impact on neighbouring properties, beyond an increase in traffic during the autumn and winter months, when access to salt is required. Other industrial and commercial uses sit between the subject site and the closest residential properties fronting Starrs Point Road. The proposed bulk salt storage will blend in with the existing array of industrial uses (self storage) and Commercial uses within the subdivision.

With regard to the uses permitted and their impacts (policy 5.3.5 criteria (b)), the Light Industrial Commercial (M1) Zone permits a range of additional uses which are not solely focused on sales or providing a service directly to the public. These uses include but are not limited to abattoirs, animal boarding facilities, bulk chemical storage, bulk fuel storage, bulk mineral storage, correctional centres, drive-in movie theatres, dry-cleaning facilities, fishing uses, greenhouses, self storage facilities, transportation services, warehouses and wildlife rescue and rehabilitation centres. Staff consider this zone placement ideal as it would acknowledge the existing industrial and commercial nature of the area, and would not impact residential properties in proximity to the site due to the buffer of existing industrial uses. The wellfield overlay also aids in increasing the setback of certain industrial uses to the rear of the site.

Criteria (c) of policy 5.3.5 is discussed in section 7.4 of this report and reviewed in detail in Appendix B.

## **7.2 Municipal Planning Strategy - Supporting Goals, Objectives and Policies**

From the outset of land use regulation, Council has directed urban development (which includes commercial and industrial development) to specific areas termed Growth Centres in order to protect agricultural lands and to maintain efficient infrastructure. This intention is discussed within various sections of the MPS. Section 2.1 Growth Centres, the objective related to the theme of agriculture/rural areas and natural areas states *“To protect agricultural land and rural character by directing development to clearly defined Growth Centres”*. The intended development is proposed within the Growth Centre of Port Williams and aligns with Council’s intention to direct urban development to Growth Centres. Within the Growth Centre, the development will also be consistent with Council’s objective to maximize

infrastructure efficiencies which is stated within section 2.3 Infrastructure where the objective related to the theme of settlement states, *“To make effective use of existing infrastructure located within Growth Centres”*.

Section 2.4 Environmental Protection set the goal *“To minimize the impact of development on floodplains, areas with steep slopes, and drainage ways, while also reducing the impact of flooding on residents, property and infrastructure”*. This is echoed in the objectives of Section 2.4 which work to ensure development and the environment alike do not have an adverse impact on one another. The Settlement objective is *“to direct development away from areas of high flood risk and steep slopes”*. The Rural and Natural Areas objective is *“To preserve natural floodplains and protect watercourses from the impacts of development”*. The economic development objective is *“to reduce the financial impacts of flood damage on business and development”*. The subject property, and those in the surrounding vicinity, are located in the Environmentally Sensitive Area (ESA), which has been applied to properties that are not located within the Environmental Open Space (O1) Zone but have been identified as flood risk areas by 2012 AGRG mapping. This includes areas with steep slopes, around or near watercourses, or those that could be susceptible to erosion and flooding.

**Policy 2.4.6** *within the Environmentally Sensitive Area (ESA) overlay:*

- a. require new structures to incorporate flood resistant building techniques;*
- b. require engineered design, to the satisfaction of the Municipal Engineer, for development that requires land level alteration; and*
- c. require uses permitted in the underlying zone to meet the Environmentally Sensitive Area Overlay in the Land Use By-law;*

New structures permitted as a result of the proposed rezoning would be required to incorporate flood resistant building techniques at the time of permitted and any development requiring land level alteration would be subject to approval by the Municipal Engineer at the time of permitting.

Within Port Williams Urban Floodplain Overlay (UF1) Property owners are required to provide written acknowledgement indicating that the subject property is located within an area identified as being vulnerable to the predicted worst case storm surge and sea level rise scenario prior to development occurring. Property owners are responsible for all risks associated with development, including the effectiveness of flood resistant measures, and the impacts of development on neighbouring properties.

Section 2.6 Drinking Water includes the objective *“to minimize risks of ground water contamination from inappropriate land uses*. The subject property is partially located within Wellfield Protection Overlay Cone C. The use and development of bulk salt storage is proposed to be located outside of the wellfield overlay, therefore the total weight of salt is not restricted and the stormwater management plan required at the time of permitting will minimize any risk to the nearby Wellfield Protection Overlay.

### **7.3 Port Williams Secondary Plan**

**Policy 4.5.4** of the Port Williams Secondary Plan identifies that Council shall *ensure rezoning and development agreement application within the Growth Centre are consistent with the Port Williams*

*wellfield policies*. The area of the subject site proposed for development is outside of the wellfield overlay. Municipal Policy DBS-03-006 requires a stormwater management plan to be submitted at the time of permitting for any new industrial development. Therefore, stormwater on the subject site will need to be managed so that there is no impact on the Wellfield Overlay from runoff.

Policy 4.5.7 and Policy 4.5.8 of the Port Willimas Secondary Plan relate to the urban floodplain and the associated risks.

**Policy 4.5.7** Council shall:

*Require the following in addition to the requirements of the underlying urban zoning in the Urban Floodplain (UF1) Overlay:*

- a. new buildings and additions shall use flood resistant construction methods to a height of 28.2 feet above mean sea-level, the approximate height of nearby dyke walls; and*
- b. flood resistant construction requirements contained in (a) above may be reduced or waived for additions to existing buildings, as well as small accessory structures;*

**Policy 4.5.8** Council shall:

*Encourage, but not require, developers to use flood resistant construction methods on buildings to a height of 34 feet above mean sea-level, the estimated height of the 1869 Saxby Gale plus a sea-level rise of 25 inches, representing the predicted worst case storm surge scenario;*

The Port Williams Secondary Plan outlines objectives relating to commercial growth within the Village, including “to allow for commercial, residential and light industrial mixed use development proposals within the commercial core”. Further to this the Industrial goal is to “to provide industrial development opportunities without negatively impacting the environment or other land uses”, with the objective “to minimize risks to groundwater resources by ensuring industrial development is consistent with wellfield protection measures”.

Both the above policies, goals and objectives are dealt with through the Land Use By-Law at the permitting stage. The applicant will be required to provide a report and plans (completed by a licensed engineer) addressing any unique environmental site conditions and flood resistant techniques to a storm surge height of 28.2 feet and provide the formal acknowledgement required under the UF1. This information will be provided to EPW for review at the time of permitting. The maximum weight of salt permitted within Zone C of the Wellfield Overlay, is 100 tons, so staff consider the proposal for bulk salt storage of approximately 100 tons outside of the wellfield overlay will have limited impact on the wellfield overlay.

#### **7.4 General Criterial**

Municipal Planning Strategy Policy 5.3.7 contains the criteria to be used when considering all applications for rezoning and development agreement proposals. These criteria considers the proposal’s impact on the flood risk, wellfields, road network, development pattern, environment, finances, and the proposal’s consistency with the intent of the Municipal Planning Strategy. It is Staff’s opinion that the proposal meets the general criteria. There are no costs to the Municipality due to the proposed development and the

development raises no concerns regarding emergency services, wellfields, traffic hazards/congestion and pollution. These criteria are reviewed in detail in Appendix B.

## **8. CONCLUSION**

The proposed rezoning is in keeping with the intent of the Municipal Planning Strategy, including the general criteria for all Land Use By-Law Map Amendments. The proposal will help to promote economic growth in a manner that is sensitive to the environmental features and constraints of the land. As a result, Staff are forwarding a positive recommendation to the Planning Advisory Committee.

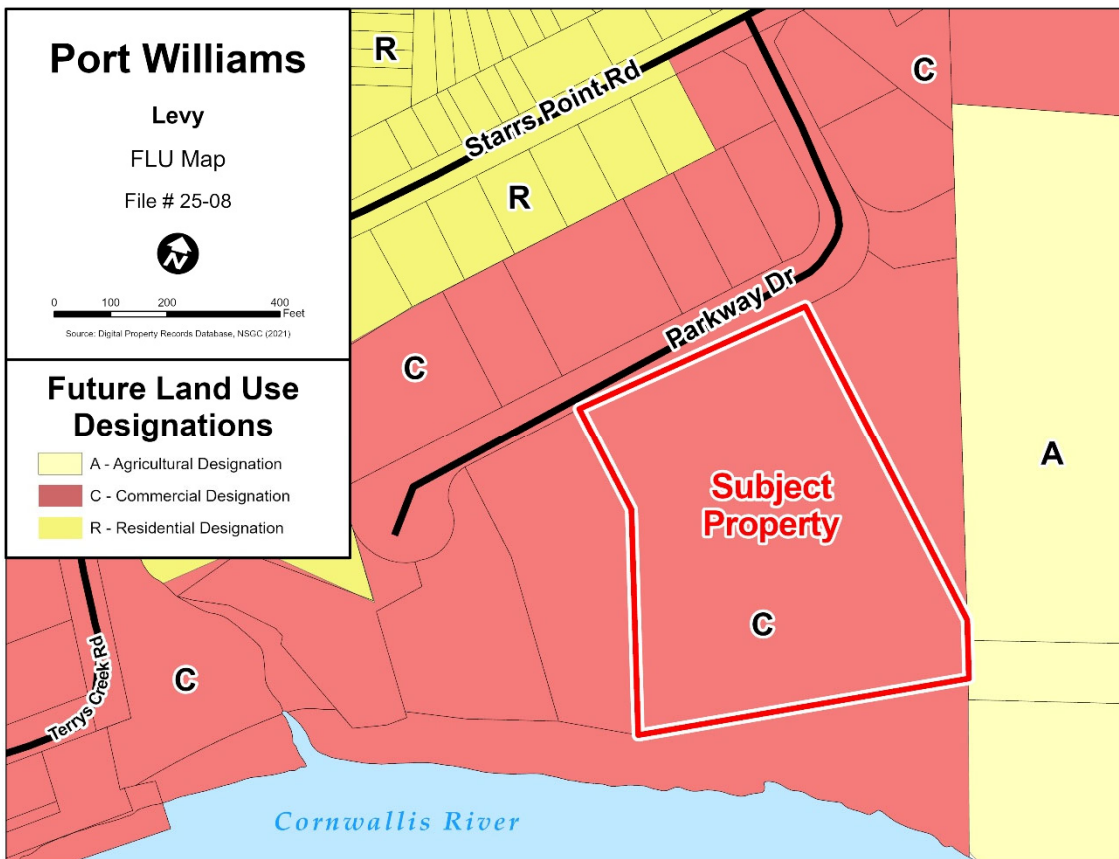
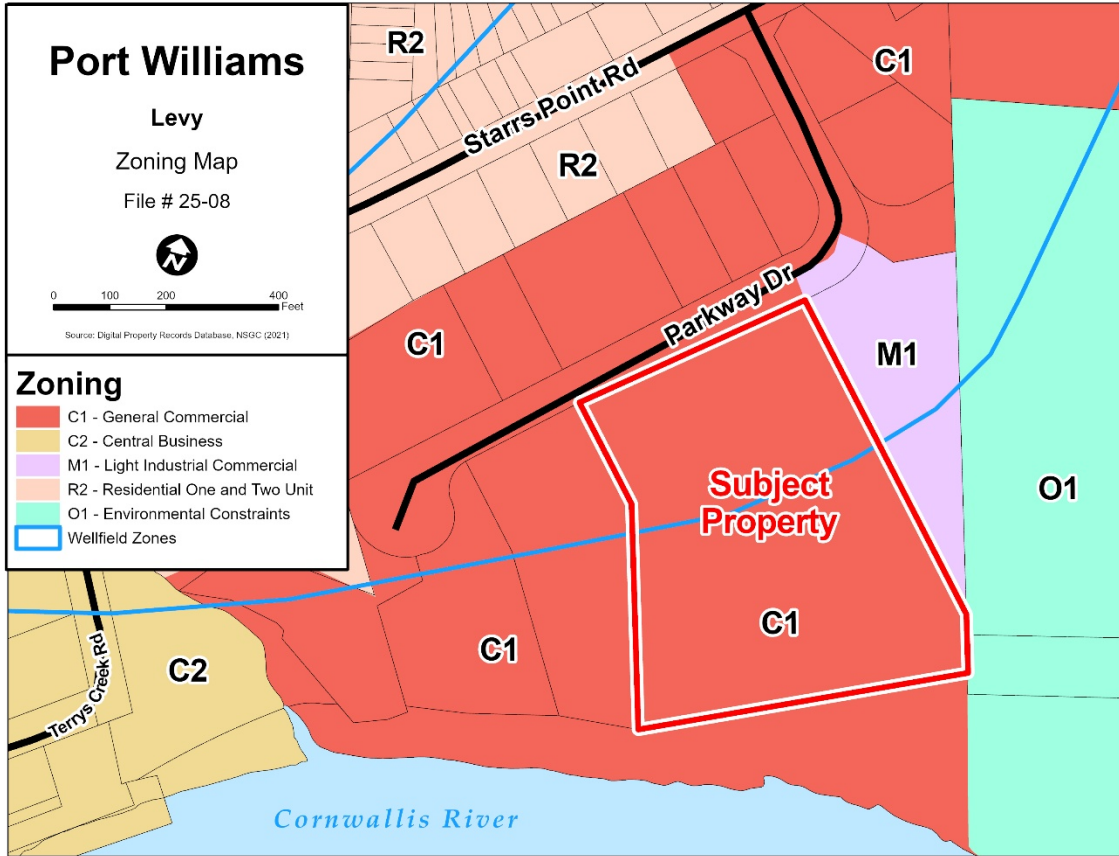
## **9. APPENDIXES**

**Appendix A – Hamlet Maps**

**Appendix B – Municipal Planning Strategy (By-Law #105), Section 5.3 – General Criteria for Development Agreements and Amending the Land Use By-Law**

**Appendix C – Proposed Land Use By-Law Map Amendment (By-Law #106)**

Appendix A – Maps



# Port Williams

Levy

Environment Map

File # 25-08

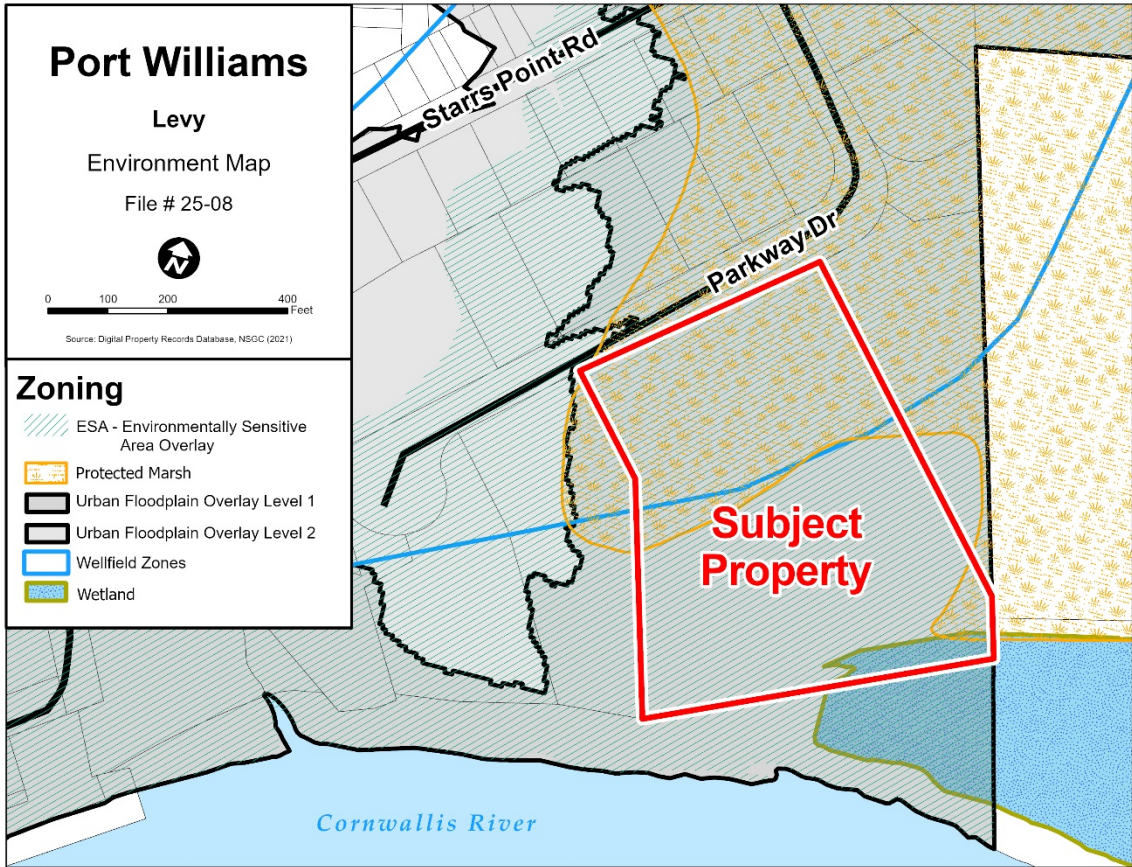


0 100 200 400 Feet

Source: Digital Property Records Database, NSGC (2021)

## Zoning

-  ESA - Environmentally Sensitive Area Overlay
-  Protected Marsh
-  Urban Floodplain Overlay Level 1
-  Urban Floodplain Overlay Level 2
-  Wellfield Zones
-  Wetland



**Appendix B – Section 5.3.7 General Criteria to consider for all Development Agreements and Land Use By-Law Amendments**

**Policy 5.3.7**

*Council expects to receive applications to amend the Land Use By-Law or enter into a development agreement for development that is not permitted as-of-right in the Land Use By-Law. Council has established criteria to ensure the proposal is appropriate and consistent with the intent of this strategy.*

*Council shall be satisfied that a proposal to amend the Land Use By-Law or to enter into a development agreement:*

<b>Criteria</b>	<b>Comments</b>
<i>a. is consistent with the intent of this Municipal Planning Strategy, including the Vision Statements, relevant goals, objectives and policies, and any applicable goals, objectives and policies contained within a Secondary Plan;</i>	The proposed Land Use By-law map amendment is consistent with the intent of the Municipal Planning Strategy, and the applicable goals, objectives and policies contained within the Municipal Planning Strategy.
<i>b. is not in conflict with any Municipal or Provincial programs, By-laws, or regulations in effect in the Municipality;</i>	The proposed amendment is not in conflict with any Municipal or Provincial programs, By-laws, or regulations.
<i>c. that the proposal is not premature or inappropriate due to:</i>	
<i>i. the Municipal or village costs related to the proposal;</i>	The proposal does not involve any development costs to the Municipality.
<i>ii. land use compatibility with surrounding land uses;</i>	The directly surrounding uses are industrial and commercial, with residential uses in proximity but not directly abutting. The proposed bulk salt storage use will not conflict with the existing industrial, commercial and agricultural uses on abutting properties or the wider residential community.
<i>iii. the adequacy and proximity of school, recreation and other community facilities;</i>	Not applicable
<i>iv. the creation of any excessive traffic hazards or congestion due to road or pedestrian network adequacy within, adjacent to, and leading to the proposal;</i>	The Nova Scotia Department of Public Works has confirmed the adequacy of road networks and did not indicate any concerns with the proposal relating to traffic hazards, or congestion.
<i>v. the adequacy of fire protection services and equipment;</i>	The Port Williams Fire Chief has confirmed the adequacy of fire services and equipment for the property.
<i>vi. the adequacy of sewer and water services;</i>	Not applicable. The site is already connected to sewer and water services, and no additional capacity is required to service this proposal.
<i>vii. the potential for creating flooding or serious drainage problems either within</i>	EPW have advised that a stormwater management plan will be required at the time of permitting. The

<p><i>the area of development or nearby areas;</i></p>	<p>use permitted through the proposed rezoning are not expected to generate flooding or drainage issues after a storm water management plan is approved by EPW. Flood resistant materials are also required to be used in the development of a new building on the land.</p>
<p><i>viii. negative impacts on identified wellfields or other groundwater supplies for the area;</i></p>	<p>The location of the proposed development is outside of the Port Williams Wellfield Overlay. The Stormwater Management Plan required at permitting will also help to manage runoff from the proposal.</p>
<p><i>ix. pollution, in the area, including but not limited to, soil erosion and siltation of watercourses; or</i></p>	<p>The property owner is required to follow provincial guidelines related to soil erosion during development.</p>
<p><i>x. negative impacts on lake water quality or nearby wetlands;</i></p>	<p>A dyke is located between the proposed development and the wetland abutting the Cornwallis River. A stormwater management plan will be required at the time of permitting to manage water on the site and is not expected to have any impact on the wetlands.</p>
<p><i>xi. negative impacts on neighbouring farm operations;</i></p>	<p>The proposal is not expected to impact any area farming operations.</p>
<p><i>xii. the suitability of the site regarding grades, soils and geological conditions, location of watercourses, marshes, bogs and swamps, and proximity to utility rights-of-way.</i></p>	<p>The subject property is considered suitable in terms of grades, soils, geological conditions, and proximity to natural features</p>

**Appendix C – Draft Land Use By-Law Map Amendment (By-Law 106)**  
**THE MUNICIPALITY OF THE COUNTY OF KINGS**

**AMENDMENT TO BY-LAW 106**  
**COUNTY OF KINGS LAND USE BY-LAW**

**By-Law Map Amendment to rezone 1184 Parkway Drive (PID 55037063), Port Williams from the General Commercial (C1) Zone to the Light Industrial Commercial (M1) Zone.**

1. Amend Map 11 – Port Williams Zoning, to rezone 1184 Parkway Drive (PID 55037063), Port Williams from the General Commercial (C1) Zone to Light Industrial Commercial (M1) Zone as shown on the copy of a portion of Map 11 below.

