



## **BACKGROUND**

EDM Planning Services Ltd. is applying on behalf of the property owner, to rezone 538 Pleasant Street, Dartmouth, from the C-2 (General Business) Zone to the I-2 (General Industrial) Zone to allow a concrete ready-mix facility.

<b>Subject Site</b>	538 Pleasant Street, Dartmouth (PID 00228361)
<b>Location</b>	At the corner of Station Road and Pleasant Street, adjacent to the location of the former Imperial Oil refinery.
<b>Regional Plan Designation</b>	Urban Settlement, Harbour
<b>Community Plan Designation (Map 1)</b>	Commercial, Dartmouth Municipal Planning Strategy
<b>Zoning (Map 2)</b>	C-2 (General Business Zone) of the Dartmouth Land Use By-law
<b>Size of Site</b>	Approximately 6583 sq. m (70,859 sq. ft.)
<b>Street Frontage</b>	Approximately 156 m (511.8 ft.)
<b>Current Land Use(s)</b>	An existing, vacant building. Previously operated as a propane storage and truck distribution facility.
<b>Surrounding Use(s)</b>	Adjacent properties to 538 Pleasant Street include automotive repair, oil terminal, laundry and dry-cleaners, pizza shop/take out restaurant, South Woodside Elementary School, and Automotive sales. Low density residential is located across Pleasant Street on side streets.

### **Proposal Details**

The applicant proposes to rezone 538 Pleasant Street, Dartmouth, from the C-2 (General Business) Zone to the I-2 (General Industrial) Zone to allow a concrete ready-mix facility.

The major aspects of the proposal are as follows:

- An existing building located on the site that fronts Pleasant Street is proposed to remain, along with an existing driveway entrance and parking lot for office users and the public;
- Industrial structures are proposed in the rear of the lot which include a batch plant, reclaiming, and cement storage tanks;
- Two driveway entrance/exits are proposed on Station Road (a private road) for industrial vehicles;
- The site is also proposed to have a wash station for trucks, sand and aggregate piles, and appropriate stormwater management; and
- Fencing around the industrial site and site landscaping 10 feet in depth along Station Road is proposed. Also proposed is site landscaping 10 feet in depth along Pleasant Drive as per Dartmouth LUB requirements.

### **Enabling Policy and LUB Context**

Implementation Policy IP-1(b) of the Dartmouth Municipal Planning Strategy (MPS) allows Council to consider zoning amendments for any permitted use within each generalized land use category without a plan amendment. Additionally, an area immediately adjacent to a piece of land assigned a given generalized future land use designation may be considered for a zoning amendment to a use permitted within the adjacent designation without requiring a plan amendment, provided that the policies of the plan are respected.

Implementation Policy IP-1(c) of the Dartmouth MPS requires Council to have regard to a number of matters when considering zoning amendments. Some of these considerations include that the proposal is compatible and consistent with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale of the proposal, that there are provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries, that the proposal is not an obnoxious use, and that there are proper controls to ensure compliance with approved plans and coordination between adjacent or nearby land uses and public facilities.

Policies EC-5, EC-12, EC-13, EC-14, and EC-22 of the Regional Municipal Planning Strategy (RMPS) refer to the protection of the Harbour Designation. The Harbour Designation supports a range of development opportunities including marine-dependent industrial and commercial uses, transportation uses and facilities including ferries, recreational uses, residential uses, institutional uses and matters related to environmental improvement and protection.

The existing C-2 (General Business) zone that applies to the property allows all business and commercial enterprises, except obnoxious uses, hazards to the public, adult entertainment uses, cabarets, and pawnshops. Industrial uses are not permitted.

## **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area, and a staff presentation on the HRM Shape Your City webpage. The HRM webpage was viewed 594 times of which 464 were unique views and had an average visit of 2 minutes 38 seconds. Staff received 0 phone calls, and 1 email from the public.

The public comments received include the following topics:

- Concerns regarding the current and projected growth of vehicular traffic on Station Road;
- Concerns about wait times for turning left onto Pleasant Street for other industrial vehicles in the area; and
- Concerns about impacts on efficient and safe access to existing industrial facilities in the area.

A public hearing must be held by Harbour East Marine Drive Community Council before they can consider approval of the proposed LUB amendment. Should Community Council decide to proceed with a public hearing on this application, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

## **DISCUSSION**

Staff has reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the Dartmouth MPS. Attachment A contains the proposed amendments that would allow the subject site to be rezoned from the C-2 (General Business) Zone to the I-2 (General Industrial) Zone to allow a concrete ready-mix facility on the site.

### **LUB Amendment Review**

Attachment B provides an evaluation of the proposed rezoning in relation to relevant MPS policies. Of the matters reviewed to satisfy the MPS criteria, the following have been identified for more detailed discussion:

#### **Compatibility with Adjacent Uses**

Applicable policies within the MPS require that Council consider compatibility and consistency with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale.

The subject site was previously a commercial propane storage and truck distribution facility. Adjacent and to the east is the former location of the oil refinery, now a large swath of vacant land zoned I-3 (Harbour-Oriented Industrial). There are C-2 zoned lands to the west across Station Road, and across Pleasant Street is the South Woodside Elementary School. The existing development form in the general area is mixed. Uses in the area include commercial retail/service (laundry, dry cleaners), takeout restaurant, automotive repair, vehicle sales, industrial oil company lands, a school, and low-density residential development. Industrial and commercial zones line Pleasant Street, however there are existing low-density residences within the C-2 zone.

The bulk and scale of buildings resulting from regulations within the I-2 zone in comparison with the existing C-2 zone are similar in terms of minimum lot sizes (5,000 sq ft), lot coverage (100% max) and building setbacks (determined by building code standards). The land owner has stated an intent to re-use the existing commercial office building on the site and proposes additional industrial uses and structures that are well under 100% lot coverage. With this said, any proposal consistent with the rules of the I-2 zone could be approved if Council were to approve this rezoning application. A variety of general and harbour industrial uses are located adjacent to residential and commercial uses in the area. A concrete ready-mix facility provides an opportunity for a buffer to higher intensity industrial uses, like those found in the adjacent I-3 zone. Lower intensity industrial uses provide the opportunity for transition between the residential and commercial uses nearby.

Additional uses permitted in the I-2 zone include C-3 uses (commercial, warehousing, and distribution), industrial enterprises and specifically excludes obnoxious uses, uses creating hazard to the public, cabarets, pawn shops, and cannabis production facilities. While the only use being currently proposed is the concrete ready-mix facility, these uses are all considered appropriate for an I-2 zone. The relatively limited size of the site would not produce facilities that would be considered any more intensive than other general industrial uses.

#### Buffering, Screening, and Site Access

The Dartmouth MPS requires that Council also consider adequacy of provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries.

Landscaping is regulated within the I-2 zone and include requirements for a landscaped area of at least ten (10) feet in depth abutting any street, except where driveway or sidewalk access is required. There are no provisions in the land use by-law for screening or buffering beyond the ten-foot buffer requirement, unless the property abuts residential or institutional uses, which this site does not. However, the applicant has indicated an intent to fence the entire length of the rear and side yards for security and screening.

The site is located on Station Road across from two commercially zoned but residentially used properties. These properties are owned by a sister company of the property owner of this site. A 10 foot landscaped buffer and fence is proposed along Station Road to reduce incompatibilities between land uses.

HRM Engineering has reviewed the proposal and commented that the existing access proposed on Pleasant Street would only be approved for non-industrial vehicles, and that this would occur during the permitting process. The access is proposed to be used by office workers/public only and will not be used for large industrial vehicles. There are two other site accesses proposed off Station Road which are to be used by large industrial vehicles. Station Road is a private road, owned by Canadian National Railway. The property owner and CN have a lease/licensing agreement allowing the property owner to use Station Road.

#### Environmental Considerations

MPS policy requires that Council consider existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation and that controls are placed on the site for emissions including air, water, and noise.

There are environmental site controls required by the Municipality, Halifax Regional Water Commission (HRWC), and Nova Scotia Environment (NSE) for the proposed industrial development on the lands. The concrete ready-mix facility would be required to meet all HRM and HRWC requirements pertaining to drainage both natural and sub-surface, as well as soil-stability. A stormwater management plan and grading plan is required during permitting that will be reviewed by the HRM Development Engineering department. Municipal By-law *N-200 Respecting Noise* will regulate noise on site.

Operation of the proposed concrete ready-mix facility would be regulated by Nova Scotia Environment under the Industrial Approval Process. The Industrial Approval process sets site-specific requirements

including noise, dust control, stormwater management and controls for groundwater/surface water protection from facility operations. The industrial approval contains requirements in excess of HRWC requirements. A stormwater management pond may be required by HRWC or NSE during detailed design either at permitting stage or as identified through the Industrial Approval process, and therefore the applicant has included a location for a potential stormwater management pond on the site plan. The proposal also includes a purpose-built wash out location, and a washing station for trucks, to prevent dust particles from entering air and water streams.

There are no watercourses or flood prone areas present on the site. The Industrial Approval Process addresses environmental features such as slope, soil conditions, and watercourses. The proposed site is an existing commercial property that has been fully cleared and developed. There are no concerns regarding steepness of slope, soil conditions, or rock outcroppings on the site.

#### Traffic Generation

HRM Development Engineering has reviewed the provided traffic study and commented that no operational issues are expected. Truck traffic leading to and from the site will be along Pleasant Street, an existing truck route. The traffic study reviewed turning and site circulation traits specifically for concrete trucks, as well as trip generation, stopping sight distances, and the impacts of slow-moving vehicles. The traffic study concluded that the vehicle trips associated with the proposed facility can be accommodated on Pleasant Street with negligible impact on traffic operations and that the facility and Station Road can accommodate all passenger car and concrete truck turning movements in and out of the proposed site.

#### **Conclusion**

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the MPS. A lower intensity industrial use provides the opportunity for transition between the residential and commercial uses nearby to the large scale industrial. The land use by-law provides adequate provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries. There are environmental site controls required by the Municipality, Halifax Regional Water Commission (HRWC), and Nova Scotia Environment (NSE) for the proposed development. The Industrial Approval process through NSE sets site-specific requirements including noise, dust control, stormwater management and controls for groundwater/surface water protection from facility operations that are in excess of those of the Municipality. Therefore, staff recommend that Harbour East- Marine Drive Community Council approve the proposed LUB amendment.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications. The HRM cost associated with processing this planning application can be accommodated with the approved 2022-2023 operating budget for C310 Urban and Rural Planning Applications.

#### **RISK CONSIDERATION**

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed LUB amendment are contained within the Discussion section of this report.

#### **ENVIRONMENTAL IMPLICATIONS**

No additional concerns were identified beyond those raised in this report.

### **ALTERNATIVE**

1. Harbour East Marine Drive Community Council may choose to refuse the proposed LUB amendment, and in doing so, must provide reasons why the proposed amendment does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Harbour East Marine Drive Community Council may choose to approve the proposed LUB amendment subject to modifications, and such modifications may require a supplementary staff report. A decision of Council to approve this proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

### **ATTACHMENTS**

Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Attachment A:	Proposed LUB Amendment
Attachment B:	Review of Relevant MPS Policies

---

A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.


Report Prepared by: Brittney MacLean, Planner II, 902.223.6154

---



**Map 1 - Generalized Future Land Use**

538 Pleasant Street  
Dartmouth

 Subject Property

**Designation**

C	Commercial
I	Industrial
R	Residential

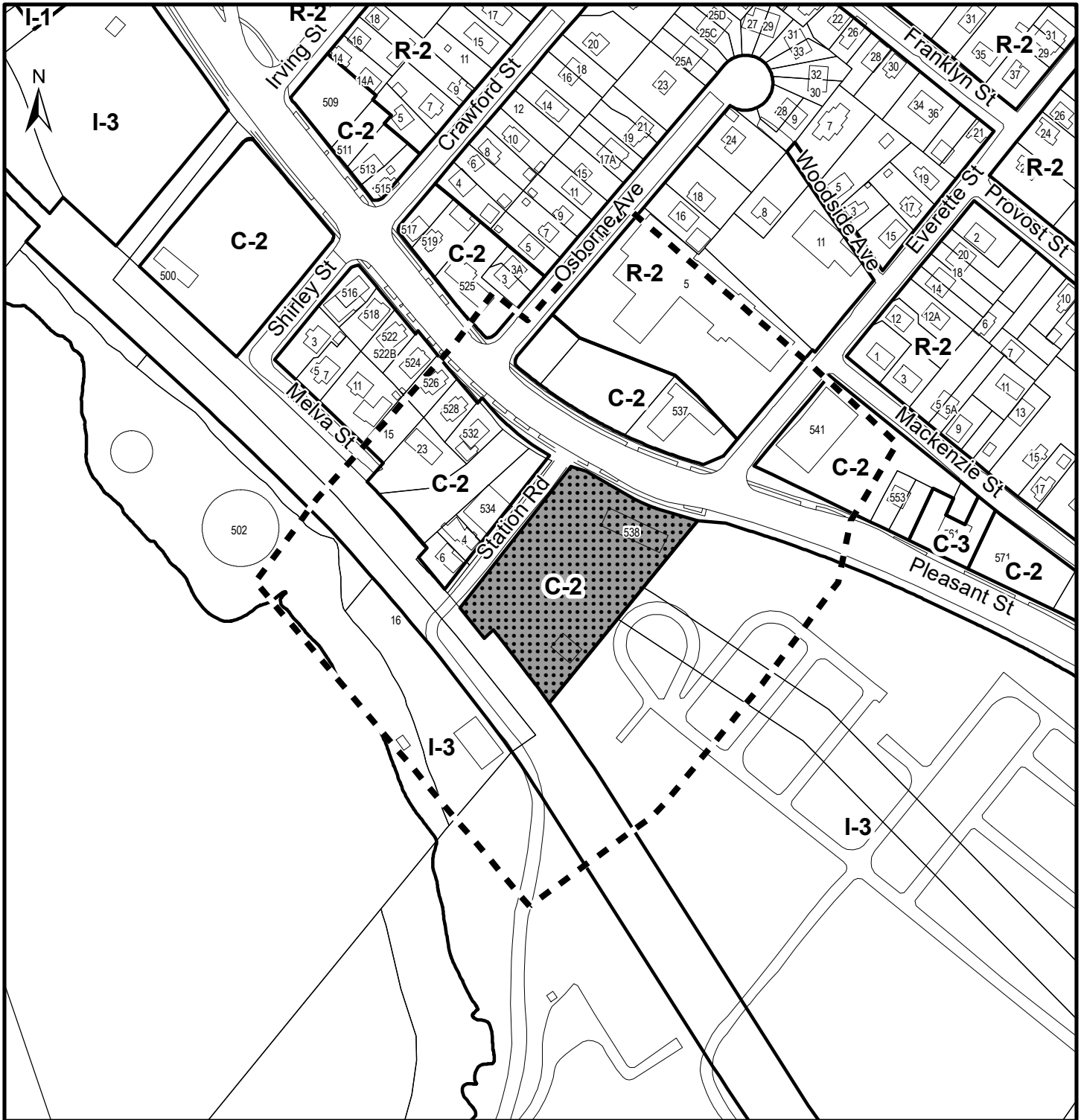


This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.



Dartmouth  
Plan Area

**HALIFAX**

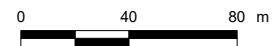


**Map 2 - Zoning and Notification**

538 Pleasant Street  
Dartmouth

-  Subject Property
-  Area of Notification

Zone	
C-2	General Business
C-3	General Business
I-1	Light Industrial
I-3	Harbour-Oriented Industrial
R-2	Two Family Residential



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

Dartmouth  
Land Use By-Law Area



## ATTACHMENT A

### Proposed Amendment to the Land Use By-law for the Dartmouth Land Use By-law

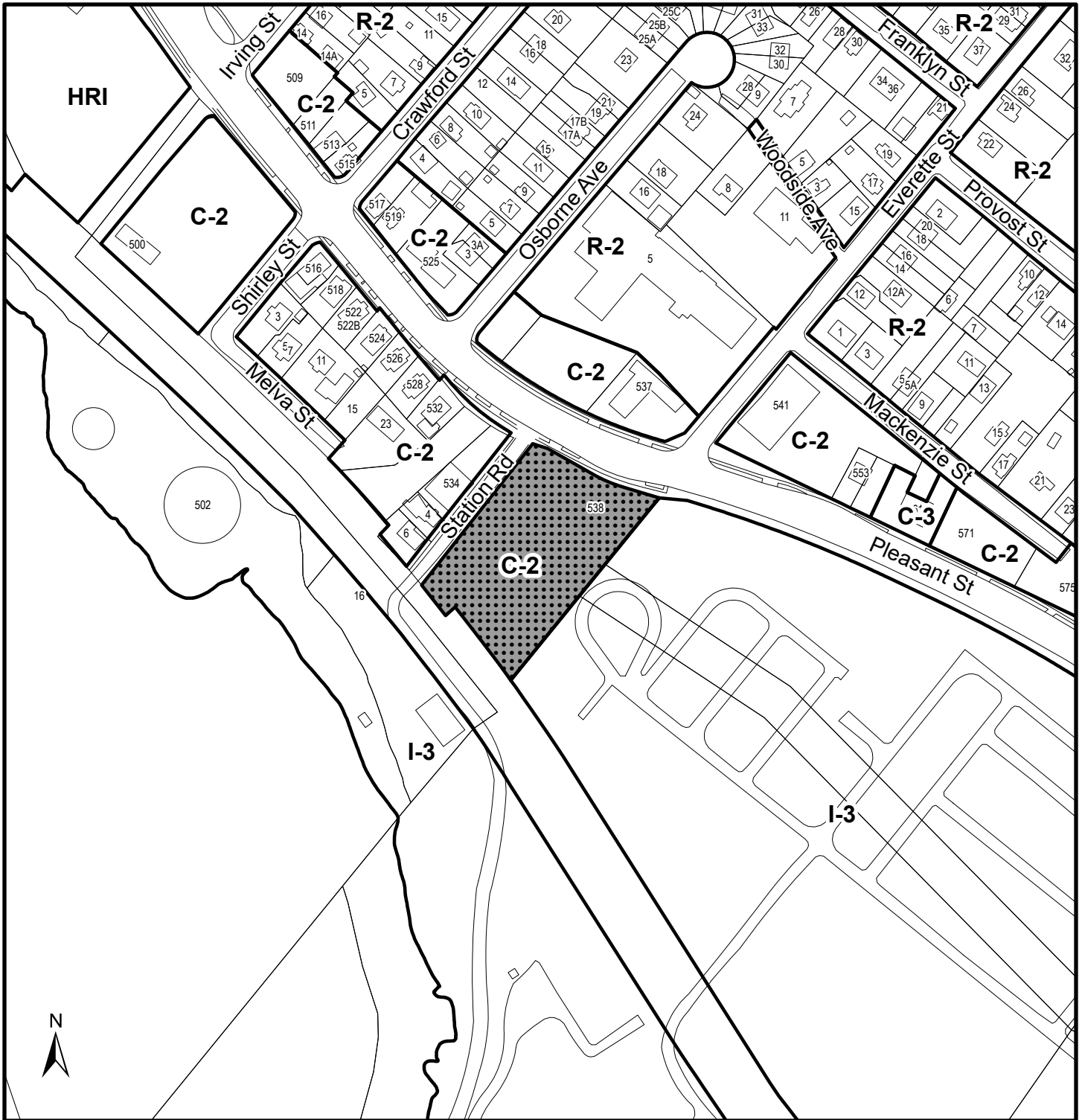
BE IT ENACTED by the Harbour East Marine Drive Community Council of the Halifax Regional Municipality that the Land Use By-law for Dartmouth is hereby further amended as follows:

1. Amend Map Schedule 1, the Zoning Map for Dartmouth, by rezoning the property identified as 538 Pleasant Street (PID 00228361) from the C-2 (General Business) Zone to the I-2 (General Industrial) Zone, as shown on the attached Schedule A.

I, Iain MacLean, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Harbour East Marine Drive Community Council held on [DATE], 201[#].


---

Iain MacLean  
Municipal Clerk



**Schedule A**

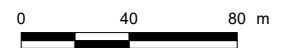
538 Pleasant Street  
Dartmouth

 Area proposed to be rezoned from C-2 (General Business) to I-2 (General Industrial)

**Zone**

- C-2 General Business
- C-3 General Business
- I-1 Light Industrial
- I-3 Harbour-Oriented Industrial
- R-2 Two Family Residential

**HALIFAX**



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

Dartmouth  
Land Use By-Law Area

## Attachment B: Review of Relevant MPS Policies

<b>Dartmouth Municipal Planning Strategy</b>	
<b>Policy</b>	<b>Provided</b>
<p>Policy IP-1(b)</p> <p><i>Zoning amendments may be considered for any permitted use within each generalized land use category without a plan amendment provided that they do not conflict with the policies of this plan.</i></p> <p><i>An area immediately adjacent a given generalized land use designation may be considered for a zoning amendment to a use permitted within the adjacent designation without requiring a plan amendment, provided that the policies of this plan are not violated.</i></p>	<p>The property immediately adjacent to the site is designated Industrial under the Dartmouth MPS. The industrial zones within the generalized Industrial land use category include the I-2 (General Industrial) Zone.</p>
<p>Policy IP-1(c)</p> <p><i>In considering zoning amendments and contract zoning, Council shall have regard to the following:</i></p> <p><i>(1) that the proposal is in conformance with the policies and intent of the Municipal Development Plan</i></p>	<p>See below.</p>
<p><i>(2) that the proposal is compatible and consistent with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale of the proposal</i></p>	<p>The site was previously a commercial propane storage and truck distribution facility and now contains a vacant commercial/office building. It is directly adjacent to a large swath of Industrial I-3 Zoned lands, zoned for harbour related industrial uses to the East (previously an oil refinery), and C-2 zoned lands to the West. Opposite Pleasant Street from the site are C-2 zoned lands, and South Woodside Elementary School. Opposite Station Road from the site are C-2 zoned lands, however two properties are used as low density residential. The rear of the proposed site abuts Canadian Railway tracks. Located on the opposite side of the tracks are more I-3 zoned lands with Halifax Harbour access, used for an Industrial oil facility. The existing development form in the general area is mixed. Uses in the area include commercial retail/service (laundry, dry cleaners), takeout restaurant,</p>

automotive repair, vehicle sales, industrial oil company lands, a school, and low-density residential development. Industrial and commercial zones line Pleasant Street, however there are existing low density residences within the C-2 zone. A transition into low density residential development is prevalent on side streets on the opposite side of Pleasant Street. The South Woodside Elementary School is across Pleasant Street. The school building is set back from the street, however outdoor fenced-in play areas are closer to the street.

The bulk and scale of the I-2 zone in comparison with the existing C-2 zone is similar in terms of minimum lot sizes (5,000 sqft), lot coverage (100% max) and building setbacks (building code). The proposal re-uses the existing commercial office building on the site, and proposes additional industrial uses and structures that are well under 100% lot coverage.

A variety of general and harbour industrial uses are located adjacent to residential and commercial uses in the area. A concrete ready-mix facility provides an opportunity for a buffer to higher intensity industrial uses, like those found in the adjacent I-3 zone. Having lower intensity industrial uses provides the opportunity for transition between the residential and commercial uses nearby.

The site is across from two commercially zoned but residentially used properties on Station Road. These properties are owned by a sister company of the property owner of this site. A 10 foot landscaped buffer is proposed along Station Road to reduce incompatibilities between land uses.

<p><i>(3) provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries</i></p>	<p>Provisions for landscaping exist in the I-2 Zone that include:</p> <ul style="list-style-type: none"> <li>- 42(5) A landscaped area of at least ten (10) feet in depth measured at right angles from the property boundary abutting any street(s) shall be provided, except where driveway or sidewalk access is required.</li> </ul> <p>There are no provisions in the Land Use By-law required for screening or buffering beyond section 42(5) unless the property abuts residential or institutional uses, which this site does not directly abut.</p>
<p><i>(4) that the proposal is not premature or inappropriate by reason of:</i></p> <p><i>(i) the financial capability of the City is to absorb any costs relating to the development</i></p> <p><i>(ii) the adequacy of sewer and water services and public utilities</i></p> <p><i>(iii) the adequacy and proximity of schools, recreation and other public facilities</i></p> <p><i>(iv) the adequacy of transportation networks in adjacent to or leading to the development</i></p> <p><i>(v) existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas</i></p> <p><i>(vi) preventing public access to the shorelines or the waterfront</i></p>	<p>(i) There are no costs associated with this rezoning applicable to HRM.</p> <p>(ii) Site is within the serviced boundary. Halifax water has not flagged any issues, however has provided comment that developments may be required to prove capacity exists in the local wastewater/combined system at the building/development permit stage.</p> <p>(iii) The site is proposed Industrial with no residential that would rely on school/recreation facilities.</p> <p>(iv) Engineering has reviewed the provided Traffic Study and commented that no operational issues are expected to result. The existing access proposed on Pleasant Street will only be approved for non-industrial vehicles during the permitting process. There are two other site accesses proposed off Station Road which are to be used by large industrial vehicles. Station Road is a private road, owned by Canadian National Railway.</p>

<p><i>(vii) the presence of natural, historical features, buildings or sites</i></p> <p><i>(viii) create a scattered development pattern requiring extensions to truck facilities and public services while other such facilities remain under utilized</i></p> <p><i>(ix) the detrimental economic or social effect that it may have on other areas of the City.</i></p>	<p>(v) Operation of the proposed concrete ready-mix facility would be regulated by Nova Scotia Environment under the Industrial Approval Process. The Industrial Approval process sets site-specific requirements including noise, dust control, stormwater management and controls for groundwater/surface water protection from facility operations. Additionally, there are no watercourses on the site.</p> <p>(vi) The site does not prevent public access to the waterfront as it does not have waterfront/shoreline access.</p> <p>(vii) N/A</p> <p>(viii) The site is located along an existing truck route and on existing services.</p> <p>(ix) Presently no known economic or social effects that the proposal may have on other areas of the City.</p>
<p><i>(5) that the proposal is not an obnoxious use</i></p>	<p>The I-2 Zone does not permit obnoxious uses or uses creating a hazard to the public.</p> <p>Truck traffic leading to and from the site will be along Pleasant Street, an existing truck route. Other site operations will be regulated by Nova Scotia Environment, and the site will continue to be subject to standard HRM by-laws including for noise. A wash station is proposed on the site to reduce dust from vehicles entering/ exiting the site.</p>
<p><i>(6) that controls by way of agreements or other legal devices are placed on proposed developments to ensure compliance with approved plans and coordination between adjacent or nearby land uses and public facilities. Such controls may relate to, but are not limited to the following:</i></p>	<p>(i) The I-2 Zone of the Dartmouth Land Use By-law controls the types of use permitted on the site.</p>

<p><i>(i) type of use, density, and phasing</i></p> <p><i>(ii) emissions including air, water, noise</i></p> <p><i>(iii) traffic generation, access to and egress from the site, and parking</i></p> <p><i>(iv) open storage and landscaping</i></p> <p><i>(v) provisions for pedestrian movement and safety</i></p> <p><i>(vi) management of open space, parks, walkways</i></p> <p><i>(vii) drainage both natural and sub-surface and soil-stability</i></p> <p><i>(viii) performance bonds.</i></p>	<p>(ii) Municipal By-law N-200 Respecting Noise will regulate noise on site.</p> <p>Operation of the proposed concrete ready-mix facility would be regulated by Nova Scotia Environment under the Industrial Approval Process. The Industrial Approval process sets site-specific requirements including noise, dust control, stormwater management and controls for groundwater/surface water protection from facility operations.</p> <p>The proposal includes a purpose built wash out location, and a washing station for trucks, to prevent dust particles from entering air and water streams.</p> <p>(iii) The Dartmouth Land Use By-law regulates parking for industrial warehousing and manufacturing at a rate of one parking space for 2,000 square feet of floor area. Parking for office space area shall be provided at the rate of one parking space per 200 square feet of floor area.</p> <p>Engineering has reviewed the provided Traffic Study and commented that no operational issues are expected to result. The existing access proposed on Pleasant Street will only be approved for non-industrial vehicles during the permitting process. There are two other site accesses proposed off Station Road which are to be used by large industrial vehicles. Station Road is a private road, owned by Canadian National Railway.</p> <p>(iv) Provisions for landscaping exist in the I-2 Zone that include:</p> <ul style="list-style-type: none"> <li>- 42(5) A landscaped area of at least ten (10) feet in depth measured at right angles from the property boundary abutting any street(s) shall be provided, except where driveway or sidewalk access is required.</li> </ul>
--	--

There are no provisions in the Land Use By-law required for open storage on this site.

(v) HRM Engineering has provided comments that at this time pedestrian needs have been met. Existing pedestrian walkways along Pleasant Street connect by way of an intersection crossing provide a connection from the sidewalk that ends at the edge of this property, to the continuing sidewalk on the opposite side of Pleasant Street. This application requires no change to the existing pedestrian infrastructure.

(vi) There is no open space as part of this application, nor would the use require open space under the Land Use By-law.

(vii) A stormwater management plan and grading plan is required during permitting that will be reviewed by the HRM Engineering Department.

Operation of the proposed concrete ready-mix facility would be regulated by Nova Scotia Environment under the Industrial Approval Process. The Industrial Approval sets site-specific controls for groundwater/surface water protection.

The facility would be required to meet all HRM/HRWC requirements pertaining to drainage both natural and sub-surface, as well as soil-stability. The industrial approval may contain requirements in excess of HRWC requirements. If required by HRWC or NSE during detailed design/permitting or identified through the Industrial Approval process, the applicant has included a location for a potential stormwater management pond on the site plan.

(viii) N/A



<p><i>(7) suitability of the proposed site in terms of steepness of slope, soil conditions, rock outcroppings, location of watercourses, marshes, swamps, bogs, areas subject to flooding, proximity to major highways, ramps, railroads, or other nuisance factors.</i></p>	<p>There are no watercourses or flood prone areas present on the site.</p> <p>The Industrial Approval Process addresses environmental features such as slope, soil conditions, and watercourses. The proposed site is an existing commercial property that has been fully cleared and developed.</p> <p>There are no concerns regarding steepness of slope, soil conditions, or rock outcroppings on the site.</p> <p>The proposal was submitted to CN Rail for their information as the site is adjacent to rail, and no comments/concerns were received regarding the proposal.</p>
--	---

**Regional Municipal Planning Strategy**

<p>Policy E-C5</p> <p><i>Where HRM has identified lands that may be suitable for industrial uses, amendments to secondary planning strategies and land use by-laws shall be initiated to allow for the intended uses and to ensure that these lands remain available while minimizing conflicts with existing or future incompatible uses in the vicinity.</i></p>	<p>The site is adjacent to Industrial Harbour properties.</p>
<p>Policy EC-12</p> <p><i>HRM shall establish a Halifax Harbour Designation which extends from Hartlen Point in Eastern Passage to Chebucto Head, including Northwest Arm and Bedford Basin, and extends inland generally to the first major roadway paralleling the Harbour, as shown on the Generalized Future Land Use Map (Map 2). The Designation shall support a range of development opportunities including marine-dependent industrial and commercial uses, transportation uses and facilities including ferries, recreational uses, residential uses, institutional uses and matters related to environmental improvement and protection.</i></p>	<p>A rezoning of the site to I-2 does not appear to impact the Harbour Designation intent.</p>

<p>Policy EC-13</p> <p><i>Within the Halifax Harbour Designation, HRM shall establish zoning under applicable land use by-laws and apply the zone on lands where existing harbour related industrial uses are located and lands or water lots determined by HRM to be suitable for these uses in the future. Corresponding land use regulations will be established under the applicable land use bylaws.</i></p> <p><i>Amendments to applicable land use by-laws may be made to:</i></p> <p><i>(a) allow for additional lands or water lots for harbour related industrial uses that have not previously been identified where such lands are considered appropriately situated for these uses;</i></p> <p><i>(b) implement regulations that mitigate potential negative impacts of existing and potential marine-dependent industrial and commercial areas on adjacent uses, while maintaining the economic viability of marine-dependent uses; and</i></p> <p><i>(c) discourage new residential development from locating in areas that abut lands designated for intensive marine dependent industrial and commercial uses.</i></p>	<p>Zoning of 538 Pleasant Street as I-2 would continue to mitigate potential negative interactions from Harbour Industrial uses to adjacent properties while maintaining the economic viability of marine-dependent uses.</p>
<p>Policy EC-14</p> <p><i>When considering an amendment to secondary planning strategies, land use by-laws or development agreements to permit new residential development in proximity to harbour related industrial uses, consideration shall be given to the potential for nuisances and compatibility issues and the importance to HRM in protecting the viability of the marine related industrial uses.</i></p>	<p>The proposal is for rezoning from commercial to industrial. There is no new residential development proposed.</p>

Policy E-22

*HRM shall, through the applicable land use by-law, prohibit all residential development on the coast within a 3.8 metre elevation above Canadian Geodetic Vertical Datum (CGVD 28). Provisions shall be made within the by-law to permit residential accessory structures, marine dependant uses, open space uses, parking lots and temporary uses within the 3.8 metre elevation. Consideration may be given to amending the bylaw requirements where an updated system of measurement has been adopted or studies have been undertaken which recommend that such amendments are deemed prudent to provide a reasonable level of safety or to conform with guidelines or statements of interest adopted by the Province.*

The site is not able to be developed residentially. The 3.8 metre elevation requirement does not apply to industrial proposals.