

Environmental Constraints (O1) Zone



The purpose of the Environmental Constraint (O1) Zone is to restrict land uses and development in areas which have an increased risk of flooding, erosion, slope failure or other unique features which cause them to be environmentally sensitive to development pressures..

Permitted Uses with Special Conditions:

The following uses shall be permitted in the zone subject to all applicable requirements of this By-law, including Section 14 – General Regulations and specific additional requirements.

EXISTING USES	SPECIAL CONDITIONS
Existing Residential Uses	See additional requirements
Home-based Business – Level 1	Section 14.4

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Agricultural Uses	See additional requirements
Fishing Uses	See additional requirements
Forestry Uses	See additional requirements

Zone Requirements:

REQUIREMENT	ALL PERMITTED USES
Minimum Front/Flankage Setback: (main and accessory structures)	40 feet
Minimum Side Setback:	
(i) General	20 feet
(ii) Accessory structure	10 feet
Minimum Rear Setback:	
(i) General	40 feet
(ii) Accessory structure	20 feet
Maximum Building Height:	
(i) Main Building	35 feet
(ii) Accessory structure	20 feet

Additional Requirements:

Requirements for all Development

All new structures buildings, and additions shall be prohibited, with the exception of the following:

- (a) Residential accessory structures with a maximum building footprint of 215 square feet;
- (b) Agricultural, forestry or fishing structures with a maximum building footprint of 215 square feet;
- (c) Open air park and recreational structures that may require a permit, such as, but not limited to, trails, picnic areas and play equipment;
- (d) Public utilities; or
- (e) additions to existing residential uses shall not extend beyond the building footprint in existence on the date this By-law is adopted.

In no event, shall an alteration or change of the natural grade be permitted with the exception of minor surface re-grading related to farming, public park uses, or permitted development.

Engineer Review Requirements

All permitted development in the Environmental Constraint (O1) Zone must:

- (a) implement design techniques designed by an engineer licensed to practice in Nova Scotia to address any unique environmental site conditions such as erosion and slope failure; and
- (b) where there is an increased risk of flooding, implement adequate flood resistant building techniques as designed by an engineer licensed to practice in Nova Scotia.

Acknowledgement of Flood and Erosion Risks

The Environmental Constraint (O1) Zone identifies lands at risk of flooding and erosion based on the best information available to the Municipality. The Municipality does not make any representations about the accuracy of this information or provide any assurances that flooding and erosion risks will not exceed these predictions or occur in other areas. Property owners are responsible for all risks associated with development, the effectiveness of flood resistant measures, and the impacts of development on neighbouring properties.

Overlays:

NAME OF OVERLAY	PURPOSE	SECTION
Environmentally Sensitive Area (ESA)	Overlay is applied to lands that were <u>not</u> previously located within an Environmental Constraints (O1) Zone, but were identified as flood risk areas by the 2012 AGRG mapping. This Overlay also includes generalized areas with steep slopes greater than 20% around watercourses, ravines within Growth Centres and where development could contribute to erosion, sedimentation and flooding issues. This overlay is intended to provide flexibility regarding development in recognition of the pre-existing development patterns and the hardship that strict limitations would place on property owners.	Section 12.5
Town Water Supply	Overlay is to limit development within public water supply areas and thereby protect the surface water supply from contamination.	Section 12.6
Port Williams Urban Floodplain	Overlay is to delineate lands located below the height of nearby dykes.	Section 12.7
Port Williams Urban Floodplain Warning (UF2)	Overlay is to delineate land having an elevation between the height of nearby dykes and the estimated level of the 1869 Saxby Gale.	Section 12.8
Wellfield	Overlays for Berwick, Canning, Greenwood, Kentville, New Minas and Port Williams	Section 13