

Section 12 - ENVIRONMENTAL CONSTRAINT ZONE AND OVERLAYS

12.1 Zone Names and Symbols

Zone Name	Symbol
Environmental Constraints Zone	O1

12.2 Overlay Names and Symbols

Overlay Name	Symbol
Environmentally Sensitive Area	ESA
Town Water Supply Overlay	TWS
Port Williams Urban Floodplain Overlay	UF1
Port Williams Urban Floodplain Warning Overlay	UF2

12.3 Summary of Uses Permitted within Environmental Constraints Zone

The following summarizes the primary uses permitted in the Environmental Constraints Zone subject to all the requirements set out in this By-law. Please see the specific zone section for an exact list of permitted uses and special conditions.

Note: The Overlays are not listed because the permitted uses are controlled by the underlying zoning or restricted within the overlay.

Use	O1
NON-RESIDENTIAL	
Agricultural Uses	O1
Fishing Uses	O1
Forestry Uses	O1
Remote-controlled Aircraft Fields - Existing	O1

12.4 ENVIRONMENTAL CONSTRAINTS (O₁) ZONE

12.4.1 Zone Purpose

The purpose of the Environmental Constraints (O1) Zone is to restrict land uses and development in areas that have been identified as having an increased risk of flooding, erosion, slope failure or other unique features that cause them to be environmentally sensitive to development pressures, in accordance with policy 2.4.1 of the Municipal Planning Strategy.

12.4.2 Uses

12.4.2.1 Permitted Uses with Special Conditions

The following uses shall be permitted in the Environmental Constraints (O1) Zone subject to all applicable requirements of this By-law, including Section 14 – General Regulations and specific additional requirements.

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Agricultural Uses	
Remote-controlled Aircraft Fields - Existing	
Fishing Uses	
Forestry Uses	

12.4.3 Zone Requirements

The following requirements shall apply to all development located in the Environmental Constraints (O1) Zone.

	Requirement	All Permitted Uses
(a)	Minimum Front/Flankage Setback: (main and accessory buildings)	40 ft.
(b)	Minimum Side Setback: (i) Main Buildings (ii) Accessory Buildings	20 ft. 10 ft.
(c)	Minimum Rear Setback: (i) Main Buildings (ii) Accessory Buildings	40 ft. 20 ft.
(d)	Maximum Building Height: (i) Main Buildings (ii) Accessory Buildings	35 ft. 20 ft.

12.4.4 Additional Requirements

12.4.4.1 Requirements for all Development

All new buildings, additions, and associated parking, shall be prohibited with the exception of those noted below. *(Amended October 1, 2024, File P21-01)*

- (a) Residential accessory buildings with a maximum building footprint of 215 square feet.
- (b) Agricultural, forestry or fishing buildings with a maximum building footprint of 600 square feet.
- (c) Open air park and recreational buildings or structures with a maximum footprint of 215 square feet.
- (d) Public utilities.
- (e) Additions to existing residential uses provided the addition does not extend beyond the building footprint in existence on the date this By-law is adopted.

12.4.4.2 Alteration of Natural Grade

There shall be no alteration or change of the natural grade with the exception of minor surface re-grading related to the cultivation of land, public park uses, or permitted development.

12.4.4.3 Engineer Review Requirements

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

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

12.4.4.4 Acknowledgement of Flood and Erosion Risks

The Environmental Constraints (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.

12.5 ENVIRONMENTALLY SENSITIVE AREA (ESA) OVERLAY

12.5.1 Overlay Purpose

The Environmentally Sensitive Area (ESA) Overlay is applied to lands that were not previously located within an Environmental Constraints (O1) Zone, but were identified as flood risk areas by the 2012 Applied Geomatics Research Group mapping. This Overlay also includes generalized areas with steep slopes greater than 20 per cent around watercourses, ravines within Growth Centres and where development could contribute to erosion, sedimentation and flooding issues. This Overlay is intended to provide flexibility to recognize the pre-existing development patterns and the hardship of strict limitations on property owners. This section is in accordance with policy 2.4.5 of the Municipal Planning Strategy.

12.5.2 Application of Overlay

In addition to the underlying zone requirements, the requirements of the ESA Overlay shall apply to all development.

12.5.3 Engineer Review Requirements

In accordance with policy 2.4.6 of the Municipal Planning Strategy, all new buildings and expansions of building footprints in the ESA Overlay shall be subject to the requirements below.

- (a) New buildings and additions shall be designed and constructed to address any unique environmental site conditions such as erosion and slope failure, as designed by an engineer licensed to practice in Nova Scotia.
- (b) Implementation of adequate flood resistant techniques where there is an increased risk of flooding, as designed by an engineer licensed to practice in Nova Scotia.
- (c) Notwithstanding Clause 12.5.3(b), above, accessory buildings with a maximum building footprint of 215 square feet shall be exempt from engineer review requirements. *(Amended October 1, 2024, File P21-01)*

12.5.4 Residential Units

Notwithstanding the provisions of the underlying zone, no new residential units located entirely below grade shall be permitted in the Environmentally Sensitive Area (ESA) Overlay area identified for reasons related to flooding. *(Amended October 1, 2024, File P21-01)* For clarity, residential units located below established grade that existed on the date this By-law is adopted shall be permitted.

12.5.5 Acknowledgement of Risk

The Environmentally Sensitive Area (ESA) Overlay identifies lands at risk of flooding, erosion, slope failure or at risk due to other unique features 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 the risk will not exceed these predictions or occur in other areas. 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.

12.6 TOWN WATER SUPPLY OVERLAYS (TWS)

12.6.1 Overlay Purpose

The purpose of the Town Water Supply Overlay (TWS) is to limit development within public water supply areas and thereby protect the surface water supply from contamination, in accordance with policy 2.6.1 of the Municipal Planning Strategy.

12.6.2 Application of Overlays

All Town Water Supply Overlays are shown on the Land Use By-law Zoning Map. In addition to the underlying zone requirements, the requirements of the Overlays shall apply to all development, including accessory uses and home-based businesses, within the Town Water Supply Overlays. For clarity, all accessory uses and home-based businesses shall be permitted within the Town Water Supply Overlay unless otherwise prohibited by this By-law. *(Amended October 1, 2024, File P21-01)*

12.6.3 Permitted Uses

No development permit shall be issued on a lot subject to the Town Water Supply Overlay except one or more of the following uses and subject to the requirements of the underlying zone and the following additional requirements:

- Agricultural Uses
- Forestry Uses
- Mobile Homes
- One Unit Dwellings
- Public Utilities
- Residential Uses – Existing

In the case of conflict between the requirements of this Overlay and the underlying zone, the more restrictive requirements shall prevail.

12.6.4 Agricultural and Forestry Uses

No agricultural or forestry use which may contribute to excessive flooding, erosion, contamination or other detrimental consequences shall be permitted within 100 feet of a surface water supply or a watercourse draining into the water supply.

12.7 PORT WILLIAMS URBAN FLOODPLAIN OVERLAY (UF₁)

12.7.1 Purpose

The purpose of the Port Williams Urban Floodplain Overlay is to delineate lands located below the height of nearby dykes, in accordance with policy 4.5.6 of the Municipal Planning Strategy.

12.7.2 Requirements

In addition to the requirements of the underlying zoning, the Urban Floodplain Overlay shall require the following:

- (a) New buildings and additions shall be designed and constructed for flood resistance to a storm surge height of 28.2 feet above mean sea level, the approximate height of nearby dyke. These requirements, however are waived for the items noted below.
 - (i) Vertical additions that do not expand the building footprint.
 - (ii) Accessory structures with a maximum building footprint of 150 square feet.
 - (iii) Additions to buildings that existed on October 14, 2010. The addition, however, shall not extend beyond the property boundary that existed on October 14, 2010. The grade of the ground floor must be no lower than the ground floor of the existing building. Basements shall not be permitted.

Prior to any development taking place, regardless of the scale, the property owner shall provide written acknowledgement indicating that the development is located within an area identified as being vulnerable to the predicted worst case storm surge and sea level rise scenario of 34 feet above mean sea level, representing the estimated extent of the 1869 Saxby Gale plus an estimated sea level rise of 25 inches.

12.8 PORT WILLIAMS URBAN FLOODPLAIN WARNING (UF2) OVERLAY

12.8.1 Purpose

The purpose of the 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, in accordance with policy 4.5.9 of the Municipal Planning Strategy.

12.8.2 Requirements

Prior to any development taking place, regardless of the scale, the property owner shall provide written acknowledgement indicating that the development is located within an area identified as being vulnerable to the predicted worst case storm surge and sea level rise scenario of 34 feet above mean sea level, representing the estimated extent of the 1869 Saxby Gale plus an estimated sea level rise of 25 inches.

