



PART 10

Environmental Zones

PART 10: ENVIRONMENTAL ZONES

10.1. Environmental Zones Permitted Uses

The table below summarizes the uses permitted in all Environmental Zones. For conditions associated with the uses, see the specific section referencing that zone.

- HF - High Risk Floodplain Zone
- MF - Moderate Risk Floodplain Overlay Zone
- WG - Water Course Greenbelt Zone
- WI - Water Intake Overlay Zone
- WP - Watershed Protection Overlay Zone
- SAP - Shubenacadie Aquifer Protection Overlay Zone
- WS - Water Supply Zone
- MGW - Milford Groundwater Overlay Zone

| Environmental Zone Uses | HF | MF | WG | WI | WP | SAP | WS | MGW |
|--|----|----|----|----|----|-----|----|-----|
| Conservation Related Uses | P | - | SP | - | - | - | - | - |
| Passive and Seasonal Recreation Uses | P | - | SP | - | - | - | - | - |
| Public or Private Parks | P | - | - | - | - | - | - | - |
| Agriculture Grazing and Pasturage | P | - | - | - | - | - | - | - |
| Public Work Structures for provision of Piped Services | P | - | - | - | - | - | - | - |
| Municipal Supply and Drainage Facilities | P | - | SP | - | - | - | - | - |
| Underlying zone uses subject to MF restrictions | - | P | - | - | - | - | - | - |
| Underlying zone uses subject to WI restrictions | - | - | - | P | - | - | - | - |
| Underlying zone uses subject to WP restrictions | - | - | - | - | P | - | - | - |
| Underlying zone uses subject to SAP restrictions | - | - | - | - | - | P | - | - |
| Underlying zone uses subject to MGW restrictions | - | - | - | - | - | - | - | C |
| Underlying Zone uses subject to FF restrictions | - | - | - | - | - | - | - | - |
| Underlying zone uses subject to FE restrictions | - | - | - | - | - | - | - | - |

P - Permitted as-of-right through a development permit.

SP - Permitted by site plan approval.

DA - Permitted to apply to Council for a development agreement: note that other restrictions may apply.

C - Conditionally permitted: discretionary approval may apply, view zone requirements.

10.2. High Risk Floodplain (HF) Zone

10.2.1. Permanent Structures

No permanent structures shall be permitted in a High Risk Floodplain (HF) Zone except for Public Works structures associated with the provision of piped services or unless the structure is accessory to the lawfully existing main use of the property. Accessory structures shall comply with the setback from watercourses provisions of this Bylaw.

10.2.2. Altering Land Levels

Significant alteration of topography means cutting or filling of more than 10% of the lot area zoned HF or in excess of 93 m² of HF zoned land, whichever is more stringent. Placing fill or significant alteration of topography shall not be permitted in the HF Zone unless:

- a) An environmental study conforming to the format in Appendix D has been conducted and clearly shows that there will be no increase in flood elevation affecting other lands or areas, and no impairment of flood flows, flood water storage or ice passage and no constriction likely to cause ice jamming that will deleteriously affect development on adjacent properties.
- b) Non-structural agriculture or gardening, non-structural recreation uses, road and utility construction and impoundments for fire fighting purposes are not subject to this requirement.
- c) The alteration is associated with a current or expanded resource extraction operation including but not limited to clay, sand, gravel and peat which is not subject to this requirement.

10.2.3. No Development Permit

No development permit is required in an (HF) Zone for one or more of the following:

- a) Structures incidental to proper road or utility construction.

10.2.4. No Disturbance to Normal High Water Mark

Notwithstanding any part of this section, no alteration of land levels (filling-in nor excavation) shall occur within 30 m of the normal high water mark of a watercourse.

10.2.5. Public Works Structures

Public works structures shall be permitted within the 30 m setback from the normal high water mark of a watercourse, subject to completing an environmental study conforming to Appendix D.

10.2.6. Non-Conforming Uses

Where there is a non-conforming use in a structure in the HF Zone, the non-conforming use may change to a single unit residential use. The existing non-conforming use may not change to the single unit residential use if the original non-conforming use had discontinued for a continuous period of 2 years. Any existing basements shall not form part of the habitable space.

10.3. Moderate Risk Floodplain (MF) Overlay Zone

10.3.1. Restrictions on Permitted Uses

In the Moderate Risk Floodplain (MF) Overlay Zone, permitted uses shall include all uses permitted in the underlying zones with the following exceptions:

- a) Residential institutions such as hospitals, senior citizen homes, homes for special care and similar facilities where flooding could pose a significant threat to the safety of residents if evacuation became necessary; and
- b) Any use associated with the warehousing or the production of hazardous materials.

10.3.2. Floodproofing

All buildings in the MF Overlay Zone, except for public works structures, must be flood proofed in accordance with the following requirements: No development permit shall be issued, with the exception of Public Works structures, for reconstruction or additions to existing main buildings or construction of permitted main buildings unless the following requirements are met:

- a) Environmental Study has been completed by a qualified Nova Scotia engineer in conformance with the format outlined in Appendix D and clearly shows that there will be no increase in flood elevation affecting other lands or areas;
- b) Minimum height of the new building slab shall be equal to 0.1 m above the established 1:100 year flood elevation indicated on mapping prepared by CBCL in 2013. The flood elevation shall be established by using the nearest floodplain point identified on the future conditions floodplain mapping;
- c) Minimum setback for a permanent structure and the nearest normal high water mark of a watercourse shall be 30 m;
- d) Fill material used shall not consist of waste products or refuse, such as auto bodies, garbage, or wood fibre waste;
- e) Basements shall not be permitted and any proposed buildings shall be built with a slab at grade; and
- f) After the footing stage of construction, the property owner shall provide the Development Officer with a location certificate prepared by a Professional Surveyor indicating, in addition to the location of the buildings or structures on the lot, the minimum slab level.

10.3.3. Altering Land Levels

Significant alteration of topography means cutting or filling of more than 10% of the lot area zoned MF or in excess of 93 m² of MF zoned land area, whichever is more stringent. Placing of fill or significant alteration of topography shall not be permitted in the MF Zone unless:

- a) An environmental study in conformance with the format in Appendix D has been conducted and clearly shows that there will be no increase in flood elevation affecting other lands or areas, and no impairment of flood flows, flood water storage or ice passage, and no constriction likely to cause ice jamming that will deleteriously affect development on adjacent properties.
- b) Non-structural agriculture and gardening, and accessory recreation uses, road and utility construction and impoundments for fire fighting purposes are not subject to this requirement.
- c) The alteration is associated with a current or expanded resource extraction operation including but not limited to clay, sand, gravel and peat which is not subject to this requirement.

10.3.4. Setbacks

No development permit shall be issued for a permanent building within 30 m of the normal high water mark of a watercourse with the exception of Public Works structures subject to completion of an environmental study conforming to Appendix D.

10.3.5. No Development Permit

No development permit is required in an MF Overlay Zone for one or more of the following:

- a) Structures incidental to proper road or utility construction.

PUBLIC INFORMATION: Please acknowledge that minimum floodproofing does not guarantee prevention of damage or loss in the event of a major flood.

10.4. Watercourse Greenbelt (WG) Zone

10.4.1. Permanent Structures

No permanent structures shall be permitted in a WG Zone unless the structure is accessory to the lawfully existing main use of the property. Accessory structures shall comply with the setback from watercourses provisions of this Bylaw.

10.4.2. Vegetation Retention

To permit the control and management of subsurface and surface runoff, sedimentation and erosion lands within the WG Zone shall be maintained with existing vegetation. Where it is not practicable to maintain existing vegetation, a landscaped buffer shall be substituted. An environmental study completed by a qualified professional must demonstrate the ability of the buffer to provide for sedimentation and erosion control and management of subsurface and surface runoff.

10.4.3. Site Plan Approval

All permitted uses are subject to the approval of a site plan. The Development Officer shall approve a site plan where the following matters have been addressed:

- a) Site design and layout shall take into consideration the soil conditions and shall minimize the amount of clearing and grubbing on steep slopes or erosive soils.
- b) A minimum of 60% of the vegetation shall be retained.
- c) Measures including lot grading shall be required to adequately dispose of storm and surface water from the site. This may also include measures to direct overland flows away from downslope development areas.
- d) All items required by this policy shall be adequately maintained in a manner which will not have adverse impacts on the adjacent aquatic environment.

Application for site plan approval shall be in the form specified in Appendix C and shall be accompanied by a sketch in sufficient detail to address all of the matters identified above. The refusal or approval of a site plan is appealable to Council in the same manner as an appeal for a variance.

10.4.4. Altering Land Levels

Other than for the permitted uses in this section, placing of fill or significant alteration of topography shall not be permitted in the (WG) Zone unless:

- a) An environmental study in conformance with the format in Appendix D has been conducted and clearly shows that there will be no increase in flood elevation affecting other lands or areas, and no impairment of flood flows, flood water storage or ice passage, and no constriction likely to cause ice jamming that will deleteriously affect development on adjacent properties.
- b) Significant alteration of topography means cutting or filling of more than 10% of the lot area zoned WG or in excess of 93 m² of WG zoned land area, whichever is more stringent. Non-structural agriculture and gardening, and accessory recreation uses, road and utility construction and impoundment for fire fighting purposes are not subject to this requirement.

10.5. Water Intake (WI) Overlay Zone

10.5.1. Permitted Uses

No development permit shall be issued in a WI Overlay Zone except for the following:

- a) Underlying zone uses subject to the WI Overlay Zone restrictions.

10.5.2. Restrictions on Permitted Uses

All permitted uses are subject to the following restrictions:

- a) No use of land is permitted which results in the escape or disposal of a waste product which would constitute a toxic substance harmful to the sustained purity and flow of water in the Water Intake (WI) Overlay Zone.
- b) No use of land is permitted which results in the storage of materials which produces a leachate which would constitute a toxic substance harmful to the sustained purity and flow of water in the Water Intake (WI) Overlay Zone.
- c) The following underlying zone uses shall be prohibited in the Water Intake (WI) Overlay Zone:
 - i) HC and IC uses.
 - ii) Any industrial development engaged in the production, wholesale storage, or distribution of dangerous goods.
 - iii) Any business development or storage facility intended to hold liquid or gaseous substances such as hydrocarbons, or chemicals; except facilities intended to hold water or food.
 - iv) Intensive livestock operations.
- d) Private sewage treatment facilities shall be permitted in the Water Intake (WI) Overlay Zone, in accordance with approval from Nova Scotia Environment.

10.6. Watershed Protection (WP) Overlay Zone

10.6.1. Permitted Uses

No development permit shall be issued in a WP Overlay Zone except for the following:

- a) Underlying zone uses subject to the WP Overlay Zone restrictions.

10.6.2. Restrictions on Permitted Uses

All permitted uses are subject to the following restrictions:

- a) No use of land is permitted which results in the escape or disposal of a waste product which would constitute a toxic substance harmful to the sustained purity and flow of water in the Water Protection (WP) Overlay Zone.
- b) No use of land is permitted which results in the storage of materials which produces a leachate which would constitute a toxic substance harmful to the sustained purity and flow of water in the Water Protection (WP) Overlay Zone.
- c) The following underlying zone uses shall be prohibited in the Water Protection (WP) Overlay Zone:
 - i) Any industrial development engaged in the production, wholesale storage, or distribution of dangerous goods.
 - ii) Any business developments for the chemical treatment of timber resources.
 - iii) Licensed scrap or salvage yard business developments.
 - iv) Dry cleaning and laundry services.
 - v) Any business development or storage facility intended to hold liquid or gaseous hydrocarbons; except heating fuel used to heat any buildings on the site.
 - vi) Automobile service station.
 - vii) Truck and vehicle service stations.
 - viii) Automobile Vehicle Repair & Maintenance.
 - ix) Recycling facilities.
 - x) Intensive livestock operations.
- d) Private sewage treatment facilities shall be permitted in the Water Protection (WP) Overlay Zone, in accordance with approval from Nova Scotia Environment.
- e) Lawfully existing uses per the assessment records as of January 25th, 2012, are permitted uses subject to the underlying zone.

10.7. Shubenacadie Aquifer Protection (SAP) Overlay Zones 1, 2, & 3

10.7.1. Permitted Uses

No development permit shall be issued in a (SAP-1, SAP-2 or SAP-3) Overlay Zones except for the following:

- a) Underlying zone uses subject to the (SAP-1, SAP-2 or SAP-3) Overlay Zones restrictions.

10.7.2. Restrictions on Permitted Uses

All permitted uses are subject to the following restrictions:

- a) No use of land is permitted which results in the escape or disposal of a waste product which would constitute a toxic substance harmful to the sustained purity and flow of water in the Shubenacadie Aquifer (SAP-1, SAP-2, & SAP-3) Overlay Zones.
- b) No use of land is permitted which results in the storage of materials which produces a leachate which would constitute a toxic substance harmful to the sustained purity and flow of water in the Water Protection (WP) Overlay Zones.
- c) Nothing in this Bylaw shall prevent non-intensive farm uses, including the use of the lands for the grazing of animals and the growing of crops in the Shubenacadie Aquifer (SAP-1, SAP-2, & SAP-3) Overlay Zones.
- d) The following underlying zone uses shall be prohibited in all the Shubenacadie Aquifer (SAP-1, SAP-2, & SAP-3) Overlay Zones:
 - i) Any industrial development engaged in the production, wholesale storage, or distribution of dangerous goods.
 - ii) Any business developments for the chemical treatment of timber resources.
 - iii) Licensed scrap or salvage yard business developments.
 - iv) Dry cleaning and laundry services.
 - v) Any business development or storage facility intended to hold liquid or gaseous hydrocarbons; except heating fuel used to heat any buildings on the site.
 - vi) Automobile service station.
 - vii) Truck and vehicle service stations.
 - viii) Automobile Vehicle Repair & Maintenance.
 - ix) Recycling facilities.
- e) Intensive agricultural uses and buildings shall not be permitted in the Shubenacadie Aquifer (SAP-1) Overlay Zone.
- f) Intensive agricultural uses and buildings shall be permitted in the Shubenacadie Aquifer (SAP-2 & SAP-3) Overlay Zones if the agricultural operation has an Environmental Farm Plan for their farming operation. A copy of the Environmental Farm Plan has to be provided to the Development Officer at time of application for Development Permit.
- g) Private sewage treatment facilities shall be permitted in the Shubenacadie Aquifer (SAP-1, SAP-2, & SAP-3) Overlay Zones, in accordance with approval from Nova Scotia Environment.
- h) Lawfully existing uses per the assessment records as of June 30th, 2016, are permitted uses subject to the underlying zone.

10.8. Water Supply (WS) Zone

10.8.1. Permitted Uses

No development permit shall be issued in a WS Zone except for one or more of the following:

- a) Public works associated with flood control and water supply.
- b) Existing agricultural uses.

10.8.2. Environmental Impact Study

Any change of use or the expansion of existing agricultural operations may be considered pending the findings of a study prepared by a qualified professional on behalf of the applicant which demonstrates that there will be no substantial negative impacts on water quality.

10.9. Milford Groundwater (MGW) Overlay Zone

10.9.1. Subdivision in Milford Groundwater (MGW) Overlay Zone

In the Milford Groundwater (MGW) Overlay Zone, the subdivision of an area of land shall be limited to the creation of four lots, unless approval has been given through a development agreement.

10.9.2. Multiple Dwelling Units

In the Milford Groundwater (MGW) Overlay Zone, the maximum number of dwelling units permitted in a multiple unit building and townhouse building shall be four units.

10.9.3. Development Agreements

The following use shall be considered only by development agreement in the MGW Zone.

- a) The subdivision of an area of land of more than four lots where the underlying zone permits the subdivision of land.
- b) developments having more than four units, where the underlying zone permits the development of lands having more than four units.
- c) water intensive commercial uses.

| Regulation | Amendment Date | Description |
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