

# Part 11 | Environmental Zones

## 11.1 Zone Names and Symbols

| Table 11.1 – Environmental Zones |             |
|----------------------------------|-------------|
| Zone Name                        | Zone Symbol |
| <b>Environmental Zones</b>       |             |
| i) Environmental Protection 1    | EP1         |
| ii) Environmental Protection 2   | EP2         |
| iii) Environmental Protection 3  | EP3         |

## 11.2 Permitted Uses

No person shall *erect, alter, enlarge, reconstruct, locate, or use any building or structure* in whole or in part, nor use any *lot* in whole or in part, for any purpose other than one or more of the following *permitted uses* denoted by the symbol “•” in the column applicable to that *zone* and corresponding with the row in Table 11.2.

| Table 11.2 – Permitted Uses in the Environmental Zones |         |         |         |
|--|---------|---------|---------|
| Use  | EP1 (7) | EP2 (7) | EP3 (8) |
| <b><i>Agricultural-related use</i></b>                 |         | •       |         |
| <b><i>Agricultural use (1)</i></b>                     |         | •       |         |
| <b>Beekeeping</b>                                      | •       | •       | •       |
| <b><i>Conservation area</i></b>                        |         | •       |         |
| <b><i>Conservation use</i></b>                         | •       | •       | •       |
| <b><i>Existing use (2)</i></b>                         | •       | •       | •       |
| <b><i>Fish habitat</i></b>                             | •       | •       | •       |
| <b><i>Fish and wildlife management use</i></b>         | •       | •       | •       |
| <b><i>Flood control</i></b>                            | •       | •       | •       |
| <b><i>Forestry and resource management use</i></b>     | •       | •       | •       |

| <b>Table 11.2 – Permitted Uses in the Environmental Zones</b> |                |                |                |
|---|----------------|----------------|----------------|
| <b>Use</b>  | <b>EP1 (7)</b> | <b>EP2 (7)</b> | <b>EP3 (8)</b> |
| <i>Infrastructure (3)</i>                                     | •              | •              | •              |
| <i>Mineral aggregate operation (4)</i>                        | •              | •              | •              |
| <i>Municipal drain (3)</i>                                    | •              | •              | •              |
| <i>Natural hazard lands</i>                                   | •              | •              | •              |
| <i>Natural heritage features and areas</i>                    | •              | •              | •              |
| <i>On-farm diversified use (5)</i>                            |                | •              |                |
| <i>Passive recreational trail</i>                             | •              | •              | •              |
| <i>Single detached dwelling (6)</i>                           |                | •              | •              |
| <i>Specific wildlife habitats of concern</i>                  | •              | •              | •              |
| <i>Wildlife habitat areas</i>                                 | •              | •              | •              |
| <b>Specified Accessory Uses</b>                               |                |                |                |
| <i>Bed and breakfast (5)</i>                                  |                | •              |                |
| <i>Farm produce stand (5)</i>                                 |                | •              |                |
| <i>Home occupation (5)</i>                                    |                | •              |                |
| <i>Second dwelling unit (5)</i>                               |                | •              | •              |
| <i>Short term accommodation rental</i>                        |                | •              |                |

**Footnotes for Table 11.2 Permitted Uses:**

(1) This use is subject to regulations outlined in Part 9- Agricultural and Rural Zones.

(2) EP1 zone

*Existing uses* may not be physically expanded or enlarged in the EP1 zone.

EP2 zone

*Existing uses* may be expanded or enlarged in the EP2 zone if there will be no negative impact on the *natural heritage feature(s)* or its ecological function. An Environmental Impact Study (EIS) may be required to be prepared in accordance with Policy C5 of the City's Official Plan.

EP3 zone

Where expansions or *alterations to existing buildings or structures* are proposed in the EP3 zone, the proponent must demonstrate through an application for an expansion to a legal *non-conforming use*, that there is no reasonable alternative, that negative impacts on the natural feature and ecological functions have been minimized, and the expansion is directed away from the feature as much as possible.

*Existing uses* may not expand in a Provincially Significant Wetland (PSW) or Life Science Area of Natural and Scientific Interest (ANSI), or the habitat of endangered species and threatened species in the EP3 zone.

Where development is proposed, the City's Official Plan Policy B3.4.4.3 must be followed.

Any expansion of an *existing legal building or structure* in the EP3 zone will require an application to the *Committee of Adjustment* to expand a *legal non-conforming use*. An Environmental Impact Study (EIS) may be required.

- (3) New or expanding *infrastructure* is not permitted in the EP1 or EP2 zone, unless constructed by a *public authority* or agency through an Environmental Assessment process. *Municipal drains* may be established within the EP1 or EP2 zone as per the *Ontario Drainage Act, R.S.O. 1990*, as amended.
- (4) *Mineral aggregate operations* may be permitted subject to proposals meeting the applicable City's Official Plan policy: Policy B3.2.3 d) (applicable for EP1 zone land), Policy B3.3.4.8 (applicable for EP2 zone land), or Policy B3.4.3.1 d) (applicable for EP3 zone land).
- (5) This *use* is subject to regulations outlined in Part 3- General [Regulations](#).
- (6) A *single detached dwelling* and *accessory uses* shall be permitted on land within the EP2 or EP3 zone provided the *lot* was zoned to permit a *single detached dwelling* on December 16, 2004, the date the Greenbelt Plan (2005), as amended, came into effect, and provided a permit has been issued by the Niagara Peninsula Conservation Authority (NPCA), in accordance with Ontario Regulation 155/06, as amended, if a permit is required.  
  
A *second dwelling unit* is permitted as an *accessory dwelling unit* to a legally established *single detached dwelling* on land within the EP2 or EP3 zone and is subject to the regulations outlined in Part 3- General [Regulations](#).
- (7) Where development or site alteration is proposed on EP1 or EP2 zone lands, an Environmental Impact Study (EIS) shall be prepared, subject to the review and approval of the appropriate agency.

Development and site alteration shall not be permitted in the habitat of endangered species and threatened species, except in accordance with *Provincial* and Federal requirements.

A Tree Preservation Plan may be required to be prepared in accordance with the Niagara Region Tree and Conservation By-law.

The City's Official Plan Policies B3.2.4.1 (applicable for EP1 *zone* lands) and B3.3.4.1 (applicable for EP2 *zone* lands) apply for proposed development or site alteration on EP1 or EP2 *zone* lands.

- (8) No new development or site alteration shall be permitted within EP3 *zone* lands including any associated vegetation protection *zone* (*minimum* 30.0 m width); except new agricultural *buildings* and *structures*, *agriculture-related buildings* and *structures* or *on-farm diversified uses* are permitted in the *adjacent* lands to a feature in the EP3 *zone* provided such *buildings* or *structures* maintain a minimum 30.0 m vegetation protection *zone* (*minimum* 30.0 m width).

The City's Official Plan Policy B3.4.4.1 (applicable for EP3 *zone* lands) applies for proposed development or site alteration on EP3 *zone* lands.

- (9) Refer to Part 14- Area Specific Regulations Section 14.35 Natural Heritage Feature Buffer Area for regulations regarding adjacent lands to the EP1, EP2, or EP3 zones.

### **11.3 Lot, Building, and Structure Requirements**

The following requirements shall apply to every *lot*, *building* and *structure* in the applicable *zone*:

- (1) The requirements outlined in Table 11.2 footnote 7 will provide the regulations for development or site alteration, if permitted.
- (2) The requirements outlined in Table 11.2 footnote 8 will provide the regulations for development or site alteration, if permitted.