

Flood Plain Hazard Overlay (Section 58)

58. The following provisions take precedence over the provisions of the underlying zone. They apply to land uses within an area affected by a flood plain overlay in order to restrict development in a floodplain area to minimize the threat of injury or loss of life and prohibit land uses where substances of a chemical, hazardous or toxic nature are used which could contaminate potential flood waters; where flooding may compromise the ability to deliver essential services, or where flooding may cause unacceptable risk of property damage.

General Provisions

- (1) Despite the provisions of the underlying zone or other zoning provisions of the Zoning By-law, development is prohibited within any area subject to a floodplain overlay.
- (2) Despite Section (1), development may be permitted in an area subject to a floodplain overlay as follows:
 - (a) for an addition to a building or structure for a use permitted in the underlying zone which does not exceed an amount equal to 20 percent of the gross floor area of the building or 20 metres square whichever is less;
 - (b) for an accessory building or structure to a use permitted in the underlying zone which does not exceed a gross floor area of 50 square metres and a height of one storey;
 - (c) for a change of use from one permitted use to another;
 - (d) to permit the following uses whether or not they are listed as permitted uses in the underlying zone:
 - (i) marine facility
 - (ii) utility installation which requires approval under the Environmental Assessment Act, or
 - (e) for one additional dwelling unit that is neither partially nor fully located below grade.
- (3) Despite the uses permitted in the underlying zone, and despite Section (2), the following uses are not permitted in a flood plain overlay:
 - (a) airport
 - (b) automobile body shop
 - (c) automobile dealership
 - (d) automobile service station
 - (e) bus terminal
 - (f) cemetery
 - (g) crematorium
 - (h) daycare
 - (i) dry cleaning plant
 - (j) emergency service
 - (k) funeral home

- (l) gas bar
- (m) group home
- (n) heavy equipment and vehicle servicing
- (o) heavy industrial use
- (p) home-based daycare
- (q) hospital
- (r) light industrial use limited to a machine shop, welding shop, landscaping business, waste recycling depot, snow ploughing and excavation service, food and dairy products industry, poultry products industry, bakery, fish hatchery, grain drying facility and pharmaceutical plant
- (s) mineral extraction operation
- (t) research and development centre
- (u) residential care facility
- (v) retail store limited to the sale of fertilizer
- (w) retirement home
- (x) retirement home, converted
- (y) school
- (z) snow disposal facility
- (aa) solid waste disposal facility
- (ab) storage yard or warehouse, limited to an automobile wrecking yard or recycling operation, contractor's yard or shop, storage of tires or road salt, salvage yard or scrap yard, fuel storage tank, farm fuel storage or supply facility, bulk storage of cleaning products, pesticides, herbicides, fungicides or other hazardous substances
- (ac) train terminal
- (ad) truck terminal
- (ae) utility installation not requiring approval under the Environmental Assessment Act, and including an electrical substation and a storm water management facility
- (af) waste processing and transfer facility
- (ag) coach house (By-law 2016-356)

Area-Specific Provisions

Village of Constance Bay, Armitage Avenue, Baskins Beach, Windsor Park, Brewer Park, Old Ottawa South (Linda Thom and Windsor Parks) and Kingsview Park Areas (By-law 2014-274) (By-law 2014-377)

- (4) Despite subsections (1) and (2), development other than an additional dwelling unit that is partially or fully below grade, or is a coach house, may be permitted in those areas within a floodplain overlay which is identified with Area Specific Provisions, provided: (By-law 2023-435) (By-law 2016-356)

- (a) it is carried out in accordance with flood proofing standards, protection works standards, and access standards of the City and the appropriate Conservation Authority, and
- (b) approval of the relevant Conservation Authority is obtained in accordance with the Conservation Authorities Act.

NOTE: Development in a flood plain is regulated under the *Conservation Authorities Act*, and, in addition to a building permit from the municipality under the *Building Code Act*, will require a permit from the Conservation Authority or other authority having jurisdiction over the flood plain.