

SECTION 15 OVERLAY ZONE

In addition to the Zone(s) in which a parcel lies within this Zoning By-law, for lands affected by an Overlay Zone(s), prior to the development of any lands, the following additional regulations shall apply and where applicable a permit or approval shall be obtained from the appropriate authority.

15.0 Airport (AIR) Overlay Zone

For lands or portion thereof illustrated on Schedule 'D' of the Zoning Map(s) and/or Key Map that contain the letters "AIR" in brackets after the Map Symbol of the zoning classification, then the lands or portion thereof is affected by the Airport (AIR) Overlay Zone in addition to the zone(s) in which the parcel lies and the following additional provisions apply:

- a) Prior to the development of the lands, a permit or approval shall be obtained from the Air Authority (the Regional Municipality of Waterloo) and where applicable Transport Canada, where required by said Authorities.
- b) All development in the Township shall comply with the Waterloo International Airport Zoning Regulations established by Transport Canada, which are registered at the local Land Titles Office, and which may be amended from time to time.
- c) Schedule 'D' to this Zoning Bylaw illustrates the extent of the area under currently approved regulations for reference purposes only. Schedule 'D' may change as amendments are approved by Transport Canada.
- d) If the Airport (AIR) Overlay Zone conflicts with the provisions of the underlying zone, the more restricted provisions shall apply.

15.1 Cultural Heritage Landscape (CHL) Overlay Zone

For lands or portion thereof illustrated on Schedule 'E' of the Zoning Map(s) and/or Key Map that contain the letters "CHL" in brackets after the Map Symbol of the zoning classification, then the lands or portion thereof is affected by the Cultural Heritage Landscape (CHL) Overlay Zone in addition to the zone(s) in which the parcel lies and the following additional provisions apply:

- a) For lands within the Cultural Heritage Landscape (CHL) Overlay Zone, all development requiring Planning Act approval for the creation of new lots, conveying lands as a lot addition, changing land uses or constructing buildings and structure, and/or development applications, as defined in Section 3, shall conform to the applicable-Cultural Heritage Landscape Policy Area in Chapter 12 of the Township Official Plan.
- b) Notwithstanding Subsection a) above, the Cultural Heritage Landscape Policy Area shall not apply to the construction of buildings and/or structures that do not require Planning Act approval but shall still comply with the regulations of the underlying zone.
- c) If the Cultural Heritage Landscape (CHL) Overlay Zone conflicts with the provisions of the underlying zone, the more restrictive provisions shall apply.

15.2 Hazard Lands - Regulatory Buffer Area (RBA) Overlay Zone

For lands or portion thereof illustrated on Schedule 'B' of the Zoning Map(s) that contain the letters "RBA" in brackets after the Map Symbol of the zoning classification, then the lands or portion thereof is affected by the Hazard Lands - Regulatory Buffer Area (RBA) Overlay Zone, in addition to the zone(s) in which the parcel lies, and the following additional provisions apply:

- a) The Hazard Lands - Regulatory Buffer Area (RBA) Overlay Zone is adjacent to lands or portion that are identified as hazards lands due to flooding or steep slopes and may be subject to the Hazard Land – Flood (F) Overlay Zone in Section 15.5 and/or Slope Erosion (SE) Overlay Zone in Section 15.6 and/or Environmental Features (EF) Overlay Zone in Section 15.7, as determined by the GRCA. The construction of buildings and structures, any site alterations as defined by the Township's Site Alterations By-law 86-2020 (which may be amended from time to time), and/or any new use being established in conformity with the underlying zone shall require approval from the GRCA.
- b) The Hazard Lands - Regulatory Buffer Area (RBA) Overlay Zone may be adjacent to lands or portion thereof that contain an Environmental Feature (EF) Overlay Zone that may not be regulated by the GRCA but may require other approvals as outlined in Section 15.7 of the Zoning By-law.
- c) If the Hazard Lands - Regulatory Buffer Area (RBA) Overlay Zone conflicts with the provisions of the underlying zone, the more restrictive provisions shall apply.

15.3 Hazard Lands – Flood Fringe (FF) Overlay Zone (Two Zone Floodplain Policy Area)

For lands or portion thereof illustrated on Schedule 'B' of the Zoning Map(s) that contains the letters "FF" (Flood Fringe) in brackets after the Map Symbol of the zoning classification, then the lands or portion thereof is affected by the Flood Fringe (FF) Overlay Zone, in addition to the regulations for the zone that the parcel lies and the following provisions apply:

- a) Any use or accessory use permitted in the zone that the parcel lies shall continue to be permitted within the existing buildings and/or structures erected on or before May 20, 2008.
- b) Minor additions or passive non-structural uses, which do not affect flood flows or flood and erosion control works, as approved by the Grand River Conservation Authority (i.e., GRCA) shall be permitted.
- c) Municipal infrastructure and public utilities including associated buildings or structures shall be permitted. Any new, modification, expansion and/or replacement of municipal infrastructure and public utilities, including associated buildings or structures may require GRCA approval.
- d) Notwithstanding Section 4.35 (Public Uses and Public Utilities) and any other applicable provision of this Zoning By-law, the following new uses are prohibited in the Flood Fringe (FF) zoned area:

- i) An institutional use associated with hospitals, nursing homes, pre-school, school nurseries, day care and schools;
 - ii) An essential emergency service such as that provided by fire, police, and ambulance stations (but not including the Township emergency control centre), and electrical substations; and
 - iii) Uses associated with the dispensing, disposal, manufacture, treatment, or storage of hazardous substances.
- e) New buildings, structures (including above-ground and in-ground swimming pools), additions, parking facilities and/or placement of fill for uses permitted in the zone that the parcel lies may be permitted, subject to the following conditions:
- i) A permit is issued by the GRCA under the “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses” regulations;
 - ii) All development is suitably flood proofed to the Regulatory Flood elevation as determined by and to the satisfaction of the GRCA and the Township;
 - iii) All permitted habitable floor space is constructed at or above the Regulatory Flood elevation and all essential building services (i.e., electrical, telephone, heating, etc.) are constructed at or above or are protected to the Regulatory Flood elevation;
 - iv) The creation of any uninhabitable floor space, such as basements, below the Regulatory Flood elevation where there is the possibility of conversion to habitable floor space is not permitted;
 - v) Notwithstanding iv) above, the creation of uninhabitable floor space below the Regulatory Flood elevation may be permitted if it is associated with a permitted apartment building, commercial, industrial, or other non-residential development. Such areas in an apartment building may include foyers, recreation rooms, communal storage areas, or other uninhabitable floor space that is normally associated with this type of development. All such floor space in any development must be flood proofed to the Regulatory Flood elevation with the maintenance of safe access ensured; and
 - vi) Access for all new permitted habitable buildings located in the flood fringe shall be such that emergency vehicular and pedestrian movement is not prevented during times of flooding in order that safe access/evacuation is ensured. The determination of “safe” access shall be made by the Grand River Conservation Authority based on the depth and velocity factors as they affect individual sites.
- f) Conversion, expansion, or intensification of non-residential buildings in the flood fringe to residential use may be permitted provided that the requirements of (i) through (vi) above in Section 15.3 e) are satisfied and the use conforms to the zone, in which the parcels lie.

- g) Expansion or intensification of existing residential buildings in the flood fringe to create additional residential units may be permitted provided that the new unit is above the Regulatory Flood elevation, the existing unit is not relocated entirely below the Regulatory Flood elevation and approval is received from the GRCA.
- h) Accessory outdoor storage, permitted in the zone in which the parcel lies, may locate within the Flood Fringe, subject to the protection of such storage from flood related damages to the Regulatory Flood elevation, all to the satisfaction of the GRCA.
- i) Notwithstanding Section 15.3 f) above, any use requiring bulk storage of dangerous, flammable, explosive, toxic, corrosive, or buoyant materials shall be prohibited within the flood fringe.
- j) Notwithstanding the foregoing, in cases where a lot is divided in two, where one zone contains the (FF) suffix and the other zone contains only the symbol of the zoning classification (but not including the FW suffix symbol), then new buildings, structures, additions and/or placement of fill expansions may be permitted and may not require the approval of the GRCA, if the proposed new buildings, structures, additions and/or placement of fill is to be located on that part of the lot which does not contain the (FF) symbol and is otherwise not regulated by the GRCA. In cases where the proposed new buildings, structures, additions and/or placement of fill is to be located in an area containing the (FF) symbol, then applicable sections noted above shall apply.
- k) Minor deviation of the Flood Fringe (FF) zone boundary shall be permitted without an amendment to this By-law subject to GRCA approval.
- l) If the Flood Fringe (FF) Overlay Zone conflicts with the provisions of the underlying zone, the more restrictive provisions shall apply.

15.4 Hazard Lands – Floodway (FW) Overlay Zone (Two Zone Floodplain Policy Area)

For lands or portion thereof illustrated on Schedule 'B' of the Zoning Map(s) that contains the letters "FW" (Floodway) in brackets after the Map Symbol of the zoning classification, then the lands or portion thereof is affected by the Floodway (FW) Overlay Zone, in addition to the regulations for the zone that the parcel lies and the following additional provisions apply:

- a) Any use or accessory use permitted in the zone that the parcel lies shall continue to be permitted within the existing buildings and/or structures erected on or before May 20, 2008.
- b) Minor additions or passive non-structural uses, which do not affect flood flows or flood and erosion control works, as approved by the GRCA shall be permitted.
- c) Municipal infrastructure and public utilities not including associated buildings shall be permitted. Any new, modification, expansion and/or replacement of municipal infrastructure and public utilities may require GRCA approval.

- d) Notwithstanding Section 4.35 (Public Uses and Public Utilities) and any other applicable provision of this Zoning By-law, the following uses are prohibited in the Floodway (FW) zoned area:
 - i) An institutional use associated with hospitals, nursing homes, pre-school, day nursery/nursery school, day care and schools;
 - ii) No new residence or additional residential units created after May 20, 2008, shall be permitted;
 - iii) Funeral home and hotel/motel;
 - iv) An essential emergency service such as that provided by fire, police and ambulance stations and electrical substations;
 - v) Uses associated with the dispensing, disposal, manufacture, treatment, or storage of hazardous substances; and
 - vi) Industrial outdoor storage.
- e) New buildings, structures (including above-ground and in-ground swimming pools), additions and/or placement of fill shall be prohibited, save and except when such buildings, structures, additions and/or placement of fill is required to implement flood or erosion control works or minor additions or passive non-structural uses which do not affect flood flows as approved by the GRCA.
- f) Temporary buildings or structures as defined by the Building Code (but not including a temporary residential unit), for uses permitted in the zone that the parcel lies, may be erected subject to the GRCA approval. Temporary residential units are prohibited within the floodway.
- g) New parking for commercial and/or industrial uses may be permitted subject to GRCA approval.
- h) Notwithstanding the foregoing, in cases where a lot is divided in two, where one zone contains the (FW) suffix and the other zone contains only the symbol of the zoning classification (but not including the FF suffix symbol), then new buildings, structures, additions and/or placement of fill expansions may be permitted and may not require the approval of the GRCA, if the proposed new buildings, structures, additions and/or placement of fill is to be located on that part of the lot which does not contain the (FW) symbol and is otherwise not regulated by the GRCA. In cases where the proposed new buildings, structures, additions and/or placement of fill is to be located in an area containing the (FW) symbol, then applicable sections noted above shall apply.
- i) Minor deviation of the Floodway (FW) zone boundary shall be permitted without an amendment to this By-law subject to GRCA approval.
- j) If the Floodway (FW) Overlay Zone conflicts with the provisions of the underlying zone, the more restrictive provisions shall apply.

15.5 Hazard Land – Flood (F) Overlay Zone (One Zone Floodplain Policy Area)

For lands or portion thereof illustrated on Schedule 'B' of the Zoning Map(s) that contains the letter "F" (Flood) in brackets after the Map Symbol of the zoning classification, then the lands or portion thereof is affected by the Flood (F) Overlay Zone, in addition to the regulations for the zone that the parcel lies and the following additional provisions apply:

- a) Any use permitted in the zone shall be permitted within existing building(s), save and except that no new residences or additional residential units shall be established without GRCA approval.
- b) No new building(s), structure(s) or addition(s), including above ground or in-ground swimming pool(s) shall be constructed without GRCA approval.
- c) Notwithstanding Section 4.35 (Public Uses and Public Utilities) and any other applicable provisions of this Zoning By-law, the following new uses are prohibited in the Flood (F) zoned area:
 - i) An institutional use associated with hospitals, nursing homes, pre-school, school nurseries, day care and schools;
 - ii) An essential emergency service such as that provided by fire, police, and ambulance stations (but not including the Township emergency control centre), and electrical substations;
 - iii) Uses associated with the dispensing, disposal, manufacture, treatment, or storage of hazardous substances; and
 - iv) Industrial outdoor storage.
- d) Notwithstanding the foregoing, in cases where a lot is divided into two zones and one of these zones contains the (f) symbol, then expansions or additions to existing buildings or structures may be permitted without the approval of the GRCA if the proposed addition or expansion is to be located on that part of the lot which does not contain the (f) symbol and is otherwise not regulated by the GRCA. In cases where the proposed addition or expansion to the existing building or structure is to be located in an area containing the (f) symbol, GRCA approval is required prior to the granting of a building permit.
- e) If the Flood (F) Overlay Zone conflicts with the provisions of the underlying zone, the more restrictive provisions shall apply.

15.6 Hazard Lands - Slope Erosion (SE) Overlay Zone

For lands or portion thereof illustrated on Schedule 'B' of the Zoning Map(s) that contains the letters "SE" (Slope Erosion) in brackets after the Map Symbol of the zoning classification, then the lands or portion thereof is affected by the Slope Erosion (SE) Overlay Zone, in addition to the regulations for the zone that the parcel lies and the following additional provisions apply:

- a) Notwithstanding Section 4.35 (Public Uses and Public Utilities) and any other applicable provisions of this Zoning By-law, the following uses shall not be permitted to locate within lands shown as affected by the Slope Erosion (SE) Overlay Zone:
 - i) An institutional use which shall include a hospital, school, day nursery/nursery school, day care facility, small residential care facility, and large residential care facility;

- ii) An essential emergency service such as that provided by fire, police, and ambulance stations; and electrical substations;
 - iii) A use with outdoor storage of any materials, either temporary or permanent; or,
 - iv) A use with the disposal, manufacturing, treatment, or storage of hazardous chemicals and/or substances.
- b) Prior to development, redevelopment, or site alteration in accordance with the underlying zone, the following must be demonstrated to satisfaction of the GRCA:
 - i) The effects and risk to public safety are minor and can be mitigated in accordance with the Provincial standards;
 - ii) Development, redevelopment, or site alteration is carried out in accordance with Protection Works Standards, and access standards;
 - iii) Vehicles and persons have a way of safely entering and exiting the area during the times of erosion and other emergencies;
 - iv) New hazards are not created, and existing hazards are not aggravated; and
 - v) A permit shall be obtained from the GRCA, where required by said Authority, in accordance with the applicable regulation approved under the Conservation Authorities Act.
- c) Prior to any development or site alteration associated with existing uses within the limits of a slope erosion hazard, it must be demonstrated to the satisfaction of the GRCA and through a site-specific geotechnical or engineering assessment that:
 - i) There is no feasible alternative location outside of the slope erosion hazard;
 - ii) Any proposed building or structure is located in the area of least risk;
 - iii) There is no impact on existing or future slope stability and bank stabilization, or erosion protection works are not required; and
 - iv) Access for maintenance or emergency purposes is not prevented.
- d) Notwithstanding the foregoing, in cases where a lot is divided into two zones and one of these zones contains the (SE) symbol, then expansions or additions to existing buildings or structures may be permitted without the approval of the GRCA if the proposed addition or expansion is to be located on that part of the lot which does not contain the (SE) symbol and is otherwise not regulated by the GRCA. In cases where the proposed addition or expansion to the existing building or structure is to be located in an area containing the (SE) symbol, GRCA approval is required prior to the granting of a building permit.
- e) If the Slope Erosion (SE) Overlay Zone conflicts with the provisions of the underlying zone, the more restricted provisions shall apply.

15.7 Environmental Features (EF) Overlay Zone

For lands or portion thereof illustrated on Schedule 'B' of the Zoning Map(s) that contains the letters "EF" (Environmental Features) in brackets after the Map Symbol of the zoning classification, then the lands or portion thereof may contain Provincially, Regional and/or locally significant environmental features and is therefore affected by the Environmental Features (EF) Overlay Zone, in addition to the regulations for the zone that the parcel lies and the following additional provisions apply:

- a) Any use permitted in the zone shall be permitted within existing building(s).
- b) New building(s), structure(s) and/or addition(s) being constructed, and new or expanding farming operations being established shall require GRCA approval if the Environmental Features (EF) Overlay Zone is located within the GRCA's Regulatory Buffer Area (RBA) Overlay Zone as per Section 15.2, and/or a Regional approval if the Environmental Features (EF) Overlay Zone contains a Woodland as defined by the Region's By-law Respecting the Conservation of Trees in Woodlands, as amended.
- c) If the Environmental Features (EF) Overlay Zone conflicts with the provisions of the underlying zone, the more restrictive provisions shall apply.

15.8 Environmental Sensitive Landscape (ESL) Overlay Zone

Lands within the Township that are subject to the Environmental Sensitive Landscapes (ESL) Overlay Zone are illustrated on Schedule 'F' of the Zoning Map(s) because they are within the Environmental Sensitive Landscapes as identified on Map 13.1 of the Township Official Plan and the corresponding policy in Section 13.4.5 of the said Plan prohibits the following uses listed in the underlying Agricultural zone in Section 6.1 of this Zoning By-law:

- a) Abattoir as an accessory On-Farm Diversified Use¹ as noted in Section 6.1.1 g);
- b) Farm implement dealership as an accessory On-Farm Diversified Use¹ as noted in Section 6.1.1 g);
- c) Horse racetrack in conjunction with the raising, training, boarding of horses, including a Riding Stable or Riding Academy as noted in Section 6.1.1 e);
- d) Metal painting and fabricating as an On-Farm Diversified Use¹ as noted in Section 6.1.1 g); and
- e) Wood treatment, including mulch processing as an On-Farm Diversified Use¹ as noted in Section 6.1.1 g).

If the Environmental Sensitive Landscapes (ESL) Overlay Zone conflicts with the provisions of the underlying zone, the more restrictive provisions shall apply.

Note 1 - For clarification, the above noted accessory On-Farm Diversified Uses which are prohibited in the Environmental Sensitive Landscapes (ESL) Overlay Zone are also not permitted as a primary use in the underlying Agricultural Zone.