

## SECTION 17 – Overlays

Overlays modify other provisions of this By-law for specific lots. All other provisions of this By-law shall continue to apply. In the event of a conflict between the overlay and any other section of this By-law, the overlay will supersede only to the extent of the conflict.

### 17.1 APPLICABLE OVERLAYS

Flooding Hazard - the purpose of this overlay is to identify lands that are susceptible to flooding hazards and prevent injury or the loss of life, minimize property damage and social disruption, and the aggravation of existing hazards and the creation of new ones.

Slope Erosion Hazard - the purpose of this overlay is to identify lands that are susceptible to slope erosion hazards and prevent injury or the loss of life, minimize property damage and social disruption, and the aggravation of existing hazards and the creation of new ones.

Significant Wildlife Habitat and Significant Landforms - the purpose of this overlay is to identify lands within Significant Wildlife Habitat and Significant Landforms that are subject to an Environmental Impact Study or other appropriate study prior to development, redevelopment, or site alteration.

Ecological Restoration Areas - the purpose of this overlay is to identify lands within Ecological Restoration Areas that are subject to an Environmental Impact Study or other appropriate study prior to development, redevelopment, or site alteration.

### 17.2 REGULATIONS

#### 17.2.1 Flooding Hazard

- a) Despite anything else in this By-law, the following *uses* shall not be permitted to locate within lands shown as affected by the Flooding Hazard Overlay:
  - i) an *institutional use* which shall include a *hospital, elementary school, secondary 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) Despite anything else in this By-law, within lands shown as affected by the Flooding Hazard Overlay, prior to the development of any land, interference with wetlands, or alterations to shorelines or watercourses in accordance with the underlying *zone*, a permit shall be obtained from the Grand River Conservation Authority, where required by said Authority, in accordance with the applicable regulation approved under the Conservation Authorities Act.
- c) Despite anything else in this By-law, within lands shown as affected by the Flooding Hazard Overlay, prior to *new* development, expansions, or alterations in accordance with the underlying *zone*, floodproofing standards and/or protection works standards shall be implemented.

### **17.2.2 Slope Erosion Hazard**

- a) Despite anything else in this By-law, the following *uses* shall not be permitted to locate within lands shown as affected by the Slope Erosion Hazard Overlay:
  - i) an *institutional use* which shall include a *hospital, elementary school, secondary 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) Despite anything else in this By-law, within lands shown as affected by the Slope Erosion Hazard Overlay, prior to development, redevelopment, or site alteration in accordance with the underlying *zone*, the following must be demonstrated and achieved:
  - i) the effects and risk to public safety are minor and can be mitigated in accordance with the *Province's* 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;
  - v) no adverse environmental impacts will result; and,

- vi) a permit shall be obtained from the Grand River Conservation Authority, where required by said Authority, in accordance with the applicable regulation approved under the Conservation Authorities Act.
- c) Despite anything else in this By-law, within lands shown as affected by the Slope Erosion Hazard Overlay, prior to any development or site alteration associated with *existing uses* within the limits of a slope erosion hazard, it must be demonstrated 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;
  - iv) access for maintenance or emergency purposes is not prevented; and,
  - v) where unavoidable, impacts on natural heritage features or ecological functions are minimized, and appropriate mitigative and remedial measures will adequately enhance or restore features and functions.

#### **17.2.3 Significant Wildlife Habitat and Significant Landforms**

Despite anything else in this By-law, within lands shown as affected by the Significant Wildlife Habitat and Significant Landforms overlay, any development, redevelopment, or site alteration in accordance with the underlying *zone* will be subject to an Environmental Impact Study or other appropriate study.

#### **17.2.4 Ecological Restoration Areas**

Any development, redevelopment or site alteration in accordance with the underlying *zone* will be subject to an Environmental Impact Study or other appropriate study.