

**4. ZONING BY-LAW AMENDMENT: – 2019 FLOOD RELIEF PROVISIONS**  
**MODIFICATION DU *RÈGLEMENT DE ZONAGE* - DISPOSITIONS DE 2019**  
**EN MATIÈRE DE SECOURS EN CAS D'INONDATION**

**PLANNING COMMITTEE AND AGRICULTURE AND RURAL AFFAIRS**  
**COMMITTEE RECOMMENDATIONS**

That Council approve an amendment to Zoning By-law 2008-250 to revise Section 73 to remove the repeal date, clarify the section's application, and make other minor revisions as detailed in Document 1 – Details of Recommended Zoning, to continue permitting:

- a. Buildings that have been damaged by flooding, or undamaged buildings, whose owners wish to relocate the buildings to a less flood prone location on the lot, in accordance with flood proofing standards and with permits issued by Conservation Authorities, be able to do so without a minor variance.

**RECOMMANDATIONS DU COMITÉ DE L'URBANISME ET LE COMITÉ DE**  
**L'AGRICULTURE ET DES AFFAIRES RURALES**

Que le Conseil approuve la modification du *Règlement de zonage 2008-250* en vue d'amender l'article 73 pour supprimer la date d'abrogation, clarifier l'application de l'article et procéder à d'autres révisions mineures de l'article, comme l'explique le document 1 - Détails du zonage recommandé, afin de permettre :

- a. aux propriétaires de bâtiments endommagés ou non par les inondations de les déplacer leur construction à un endroit sur leur terrain (plaine inondable) moins susceptible d'être inondé, conformément aux normes de protection contre les inondations et aux permis délivrés par les offices de protection de la nature, sans qu'il soit nécessaire de demander une dérogation mineure.

Documentation/Documentation

1. Director's report, Economic Development and Long Range Planning, Planning, Infrastructure and Economic Development Department, dated October 7, 2019 (ACS2019-PIE-EDP-0041)

Rapport du directeur, Développement économique et Planification à long terme, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 7 octobre 2019 (ACS2019-PIE-EDP-0041)

2. Extract of draft Minutes, Planning Committee, October 24, 2019

Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le 24 octobre 2019

3. Extract of draft Minutes, Agriculture and Rural Affairs Committee, November 7, 2019

Extrait de l'ébauche du procès-verbal, Comité de l'agriculture et des affaires rurales, le 7 novembre 2019

**AGRICULTURE AND RURAL  
AFFAIRS COMMITTEE  
REPORT 8  
NOVEMBER 27, 2019**

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**COMITÉ DE L'AGRICULTURE ET  
DES AFFAIRES RURALES  
RAPPORT 8  
LE 27 NOVEMBRE 2019**

**Report to  
Rapport au:**

**Planning Committee  
Comité de l'urbanisme  
24 October 2019 / 24 octobre 2019**

**Agriculture and Rural Affairs Committee  
Comité de l'agriculture et des affaires rurales  
7 November 2019 / 7 novembre 2019**

**and Council  
et au Conseil  
27 November 2019 / 27 novembre 2019**

**Submitted on 7 October 2019  
Soumis le 7 octobre 2019**

**Submitted by  
Soumis par:  
Don Herweyer  
Director / Directeur**

**Economic Development and Long-Range Planning / Services de la planification  
Planning, Infrastructure and Economic Development Department / Direction  
générale de la planification, de l'infrastructure et du développement économique**

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**Ward: CITY WIDE / À L'ÉCHELLE DE  
LA VILLE**

**File Number: ACS2019-PIE-EDP-0041**

**SUBJECT: Zoning By-law Amendment: – 2019 Flood Relief Provisions**

**OBJET:**       **Modification du *Règlement de zonage* - Dispositions de 2019 en  
matière de secours en cas d'inondation**

## **REPORT RECOMMENDATIONS**

1.       **That Planning Committee and Agricultural and Rural Affairs Committee recommend Council approve an amendment to Zoning By-law 2008-250 to revise Section 73 to remove the repeal date, clarify the section's application, and make other minor revisions as detailed in Document 1 – Details of Recommended Zoning, to continue permitting:**
  - a.       **Buildings that have been damaged by flooding, or undamaged buildings, whose owners wish to relocate the buildings to a less flood prone location on the lot, in accordance with flood proofing standards and with permits issued by Conservation Authorities, be able to do so without a minor variance.**
2.       **That Planning Committee and Agriculture and Rural Affairs Committee approve the Consultation Details Section of this report be included as part of the 'brief explanation' in the Summary of Written and Oral Public Submissions, to be prepared by the Office of the City Clerk and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to the *Planning Act* 'Explanation Requirements' at the City Council Meeting of November 27, 2019," subject to submissions received between the publication of this report and the time of Council's decision.**

## **RECOMMANDATIONS DU RAPPORT**

1.       **Que le Comité de l'urbanisme et le Comité de l'agriculture et des affaires rurales recommandent au Conseil d'approuver la modification du *Règlement de zonage 2008-250* en vue d'amender l'article 73 pour supprimer la date d'abrogation, clarifier l'application de l'article et procéder à d'autres révisions mineures de l'article, comme l'explique le document 1 - Détails du zonage recommandé, afin de permettre :**



## **Brief history of proposal**

At its meeting on May 8, 2019, Council directed planning staff to permit reconstruction of existing buildings and structures affected by flooding in accordance with flood-proofing standards and permits issued by Conservation Authorities, without the need for minor variances.

## **DISCUSSION**

### **Policy Context**

This amendment extends and makes minor revisions to the Zoning By-law Amendment (2017-295) passed by [Council on September 13, 2017](#). The 2017 report created provisions in the zoning by-law that are parallel to the legal non-conforming rights conferred by *Planning Act* Section 34(9), but available to homeowners who may need to relocate their house and conform with Conservation Authority flood proofing standards. Therefore, residents whose homes were damaged by the 2017 flooding would be able to rebuild without minor variances, provided that they were re-locating their homes at a higher elevation. The 2017 amendment included a repeal date of September 13, 2020.

### **Changes to the Zoning By-law**

The Zoning By-law will be amended to make minor revisions to Section 73 – Provisions for the May 2017 Flood Relief Overlay to make the section permanent, clarify its application, and make other minor revisions.

The preamble of Section 73 will be revised to clarify the application of the section. The amended preamble will indicate that the provisions are now available to buildings that have been damaged by flooding or undamaged buildings whose owners wish to proactively relocate the building to a less flood prone location on the lot. Given the incidence of a second flood in 2019 and the possibility of further flooding in the flood plain overlay, it was determined that broadening this section's applicability could permit residents to flood-proof and re-locate their homes in advance of potential further flooding.

Section 73 will also be revised to clarify that it is only available to buildings that do not exceed the size restrictions specified in 73(2)-(4). 73(2), 73(3), and 73(4) specify the gross floor area for re-locating a building, for an addition to a building, and for an

addition to an accessory building or structure, respectively. These provisions are intended for re-locating and re-building homes within the flood plain, not for expanding homes without the need for a minor variance. Therefore, this amendment will prevent applicants from seeking minor variances to Section 73 to obtain additions to non-conforming buildings that are larger than would be permitted as specified within Section 73.

Owners must, in all cases, receive approval for permits from the relevant conservation authorities, in accordance with the policies of those conservation authorities before building permits may be issued.

The repeal date will be removed. This will provide relief to people relocating and flood-proofing homes that are currently in the flood plain overlay, and also in the event if of any future flooding be available for buildings within the flood plain that have become damaged.

## **CONSULTATION**

### **Public consultation**

Given these amendments are permissive in nature, and the intention of the amendments is to avoid delays to property owners that may be caused by the need for minor variance applications, these amendments were processed on an expedited timeline as provided for under Section 5.2.3 of the Official Plan and as supported in the *Planning Act*. For this proposal's consultation details, see Document 2 of this report.

### **Provincial Policy Statement**

Staff have reviewed this proposal and have determined that it is consistent with the Provincial Policy Statement, 2014.

## **RURAL IMPLICATIONS**

The amendments proposed in this report will provide relief to rural property owners who were affected by the 2019 flooding and for unaffected rural property owners who may wish to relocate their homes to a less flood prone location. The amendments will provide relief from seeking minor variance applications for the reconstruction or

relocation of an existing building or structure to a different location on a lot located in the flood plain.

### **COMMENTS BY THE WARD COUNCILLORS**

This is a city-wide report - not applicable.

### **LEGAL IMPLICATIONS**

There are no legal impediments to adopting the recommendations in this report.

### **RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications associated with the recommendations in this report.

### **ASSET MANAGEMENT IMPLICATIONS**

There are no direct asset management implications associated with the recommendations of this report.

### **FINANCIAL IMPLICATIONS**

In the event that a minor variance is required for reconstruction in the flood affected areas, the minor variance fee would be waived.

### **ACCESSIBILITY IMPACTS**

This amendment to the Zoning By-law will not have any accessibility impacts.

### **ENVIRONMENTAL IMPLICATIONS**

Floodplain and flood fringe overlays are determined by applicable Conservation Authorities in accordance with the *Conservation Authorities Act*.

### **TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priority:

- Planning and decision-making



## **APPLICATION PROCESS TIMELINE STATUS**

This was a city-initiated amendment to the Zoning By-law.

## **SUPPORTING DOCUMENTATION**

Document 1 Details of Recommend Zoning

Document 2 Consultation Details

## **CONCLUSION**

Planning staff support this application in order promote residents rebuilding their homes in accordance with flood-proofing standards and without the need for minor variances.

## **DISPOSITION**

Legislative Services, Office of the City Clerk to notify the owner; applicant; Ottawa Scene Canada Signs, 415 Legget Drive, Kanata, ON K2K 3R1; Krista O'Brien, Tax Billing, Accounting and Policy Unit, Revenue Service, Corporate Services (Mail Code: 26-76) of City Council's decision.

Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.

Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

Planning Operations Branch, Planning Services to undertake the statutory notification.

## **Document 1 – Details of Recommended Zoning**

Proposed changes to City of Ottawa Zoning By-law No. 2008-250, similar in effect to the following:

1. Amend Section 73 – Provisions for the May 2017 Flood Relief Overlay with provisions similar in effect to the following:
  - a. In Section 73, delete the words “May 2017” and replace the preamble with following: “The following provisions apply to lots subject to the provisions of Section 58 – Flood Plain Overlay and Section 69 – Setbacks from Watercourses for buildings that are being reconstructed as a result of flooding or buildings that are being relocated to a less flood-prone location that meets or is as close as possible to the Setbacks specified in Section 69, and do not exceed the maximum permitted size for additions specified in 73(2)-(4).
  - b. In Section 73(7), replace the word “the” before the words “detached dwelling” with “a”.
  - c. Delete Section 73(9).

## Document 2 – Consultation Details

### Notification and Consultation Process

Notification and public consultation were undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments.

### Public Comments and Responses

#### Comment:

The Conservation Authority requirements differ from the Zoning By-law's requirements for building within the floodplain, making it difficult to determine what needs to be complied with for reconstruction efforts. This causes delay and additional expense. In addition, some designs for homes were larger than what was permitted by the Flood Relief provisions. It would be better if the regulations were more clear so that revisions caused by differences between the Conservation Authority Regulations and the Zoning By-law were not required.

#### Response:

The permissions for size increases in the zoning by-law reflect permissions for adding additions to buildings that are legally non-complying to the zoning by-law, not *Conservation Act* requirements, hence the differences. The amendments aim to balance the policy objective in restricting new development within the flood plains and permitting residents with existing dwellings to rebuild in less flood-prone locations while meeting the Conservation Authorities' flood-proofing standards. As such, the purpose is to permit people to keep what they had without needing a minor variance for the Flood Plain, plus an addition, not to allow large increases in size for the reconstructed building.