

PART 8E

FW – FLOODWAY OVERLAY ZONE

8E.1 INTENT

- (1) The Floodway Overlay zone is intended to:
 - (a) restrict development in areas of the city that, under current conditions, are subject to periodic flooding and accompanying hazards;
 - (b) prohibit new construction or other improvements or developments that would obstruct or divert the flow of water within the floodway will be prohibited; and
 - (c) allow land uses with low flood-damage potential and no obstructing flood flows to the extent that they are not prohibited by other legislation.
- (2) The Floodway Overlay zone implements, in part, the flood zone concepts specified by the Official Community Plan.

8E.2 APPLICATION

- (1) The Floodway Overlay zone shall apply to all areas of the City identified under the Canada/Saskatchewan Flood Damage Reduction Program, and located within the floodway of the Wascana Creek, Pilot Butte Creek, North Storm Channel, South Storm Channel and Chuka Creek.
- (2) The regulations, standards, and requirements prescribed in Part 8E apply to all land uses and developments in the Floodway zone.
- (3) Nothing in this Bylaw shall be construed as warranting that the areas outside the Floodway Overlay zone boundaries, or land uses permitted within that zone, shall be free from flooding or flood damage.
- (4) The overlay zone shall be in addition to and shall overlay all other zones where it is applied so that any parcel of land lying in the overlay zone shall also lie in one or more of the other zones provided for by this Bylaw. The effect is to create a new zone, which has the characteristics and limitations of the underlying zones, together with the characteristics and limitations of the overlay zone.
- (5) Unless specifically exempted, the regulations, standards and criteria of the overlay zone shall also supplement and be applied in addition but not in lieu of any regulations, standards and criteria applicable to the underlying zone.

- (6) In the event of conflict between the requirements of the overlay zone and those of the underlying zone, the overlay zone requirements shall apply, unless specifically exempted.
- (7) In the event of conflict between the requirements of this overlay zones and another overlay zone, the overlay zone with the most stringent requirements shall apply, unless specifically exempted.

8E.3 LAND USE REQUIREMENTS

3.1 PERMITTED OR DISCRETIONARY LAND USES

- (1) Subject to subsection 8E.3.2(2), permitted uses in the underlying zone are also permitted in this zone.
- (2) Subject to subsection 8E.3.3(2), discretionary uses in the underlying zone are also discretionary in this zone.

3.2 PROHIBITED LAND USES

- (1) All prohibited uses in the underlying zone are also prohibited in this zone.
- (2) All development is prohibited, including:
 - (a) infill;
 - (b) new construction; and
 - (c) substantial improvements to existing structures, except the planting of trees and shrubs.
- (3) Notwithstanding subsection (2), construction or reconstruction of any residential structure, including a dwelling and accessory structure, is prohibited except for:
 - (a) the non-conforming uses permitted by Chapter 1 of this Bylaw and in accordance with The Planning and Development Act, 2007;
 - (b) repairs or improvements which do not increase the habitable gross floor area;
 - (c) repairs or improvements, the cost of which do not exceed 75% of the market value, as evidenced by a certified cost estimate, of the structure either:

- (i) before repair or reconstruction is started; or
 - (ii) if the structure has been damaged, and is being restored, before the damage occurred; and
- (d) repairs or improvements to an identified heritage property, the cost of which shall not be included in the 75% requirement mentioned in subsection 8E.3.2(3)(c).

8E.4 DEVELOPMENT STANDARDS

The development standards of the underlying zone shall apply to this zone.

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