

6.0 SITE AND AREA SPECIFIC POLICIES

6.1 Floodplain Areas

Intent

- a. It is the intent of this Plan to limit development within the floodplain limits of the Grand River, D'Aubigny Creek, Jones Creek, Phelps Creek and the tributaries of Fairchild Creek. Development will minimize hazards to the public and will be limited to public infrastructure, flood control works, and structures associated with open space uses.

Development Policies

- b. The floodplain limits of the Grand River, D'Aubigny Creek, Jones Creek, Phelps Creek, and the tributaries of Fairchild Creek in the City are shown on **Schedule 7-1: Floodplain**, and are established by the Conservation Authority. The floodplain includes all lands adjacent to a watercourse that have been or may be subject to flooding hazards. This Plan establishes three policy areas for floodplain lands within the City:
 - i. Floodway Policy Area;
 - ii. Special Policy Area 1; and,
 - iii. Special Policy Area 2.
- c. Some development within the floodplain area may be permitted subject to the approval of the Conservation Authority. As a condition of development or redevelopment, a Floodplain Analysis may be required for lands located within the floodplain area, to the satisfaction of the City and the Conservation Authority, to define the flood risk and the extent of the lands impacted by flooding hazards. Changes to the floodplain limits, as established by a Floodplain Analysis approved by the Conservation Authority, do not require an amendment to this Plan.

Changes in Land Use Designation in the Floodplain

- d. Where a change in use is proposed for legally existing buildings within the floodplain, consideration will be given to increasing the requirements for protection against possible flooding. The need for increased protection will be

dependent on the nature of the future land use to ensure a balance between protection and the economic ability to utilize the lands.

- e. All amendments to this Plan for areas within the floodplain shall be subject to the satisfaction of the City in consultation with the Conservation Authority. Where such change of land use designation is to an Employment Area designation, policies shall be established in the amendment to this Plan to require that the storage of hazardous materials be located above the elevation of the 100-year Flood or the storage facilities be otherwise flood-proofed.

6.1.1 Floodway Policy Area

- a. The Floodway Policy Area consists of all lands within the floodplain of the Grand River, D'Aubigny Creek, and the tributaries of Fairchild Creek that are not protected by dikes. The floodway policies established in this Section apply to all land use designations in the area shown as Floodway on **Schedule 7-1: Floodplain**. The policies of this Section are applicable, in addition to the policies of the applicable underlying land use designation. Where a conflict exists between the policies of the applicable underlying land use designation and the policies of this Section, the policies of this Section shall prevail.
- b. Development in the Floodway is to be limited to public infrastructure, flood control works, and structures associated with open space uses. Limited open space structures are permitted to support public recreational use of the lands, however the structures are to be minimal in scale and simple in design recognizing they will be subject to inundation and ice damage.
- c. All development, redevelopment and site alteration within the Floodway Policy Area shall be subject to Site Plan Approval for the purposes of assuring the objectives and policies of this Plan are implemented and will also be subject to the approval of the Conservation Authority.

6.1.2 Special Policy Areas 1 and 2

- a. The policies of this Section are applicable in addition to the respective policies for the underlying land use designations, identified on **Schedule 3: Land Use Plan**. Where a conflict exists between the respective policies for the underlying land use designations, and the policies of this Section of this Plan, the policies of this Section shall prevail.

- b. Notwithstanding the uses permitted by the underlying land use designations established elsewhere in this Plan, the following shall not be permitted in Special Policy Areas 1 and 2:
 - i. Uses that would permit vulnerable persons to occupy the site;
 - ii. New essential emergency services consisting of police, fire and ambulance stations and major electrical sub-stations; and,
 - iii. Basements or crawlspaces shall not be permitted in new development, including additions to existing buildings.
- c. Space for pipes and utilities may be provided below the elevation of the first floor. However, all mechanical and electrical service equipment is to be installed above the first floor elevation.
- d. All development shall be subject to Site Plan Approval for the purposes of assuring the objectives and policies of this Plan are implemented. Development will also be subject to the approval of the Conservation Authority.

Policies for Special Policy Area 1

- e. Special Policy Area 1 consists of all areas of the Grand River floodplain within the City that are primarily developed already and are protected by dikes.
- f. All development and redevelopment in Special Policy Area 1 will have a first floor elevation not less than that of the nearest existing building comprising the main use on a lot or the elevation of the 100-Year Flood, whichever is less. Additions to existing buildings will have a first floor elevation not less than that of the existing building.

Policies for Special Policy Area 2

- g. Special Policy Area 2 consists of areas of the floodplain within the City that are not fully developed and are provided a reasonable level of protection from flooding through the use of dikes and other flood control works, however full protection is not guaranteed and some risk of flooding is assumed.
- h. A comprehensive Storm Water Management Plan shall be established for the whole of Special Policy Area 2 prior to development occurring in the area, to the satisfaction of the City and the Conservation Authority.

- i. To reduce the potential for loss of life and property damage in the event of a breach or over topping of the dike:
 - i. No back-lotting will be permitted abutting the dike; and,
 - ii. Development of one or more buildings constituting the main use of a lot is not permitted on that portion of a lot lying within the Breach Zone shown on **Schedule 7-2: Floodplain Breach Zone**.
- j. Accessory buildings may be permitted in the Breach Zone provided overland flow routes established by the required comprehensive Storm Water Management Plan are not negatively affected.
- k. The Breach Zone is calculated by the Conservation Authority and may be adjusted, without amendment to this Plan, subject to the approval of the City and the Conservation Authority. Changes in the limits of the Breach Zone shall not impair the functionality of overland flow routes established by the comprehensive Storm Water Management Plan.
- l. All new development, excluding additions to existing buildings, in Special Policy Area 2 will have a first floor elevation not less than 1 metre below the elevation of the Regulatory Flood.
- m. Additions to existing buildings will have a first floor elevation not less than that of the existing building.
- n. Notwithstanding any other policy of this Plan, buildings or portions of buildings designed for the parking of vehicles may have a lower finished floor elevation, provided that it is not less than the elevation of the centre line of the abutting street.
- o. Any development incorporating lands abutting any section of the dike shall convey to the City, as part of the conditions of development approval, a minimum 6 metre wide right-of-way along the base of the dike to facilitate ongoing and emergency maintenance of the dike.

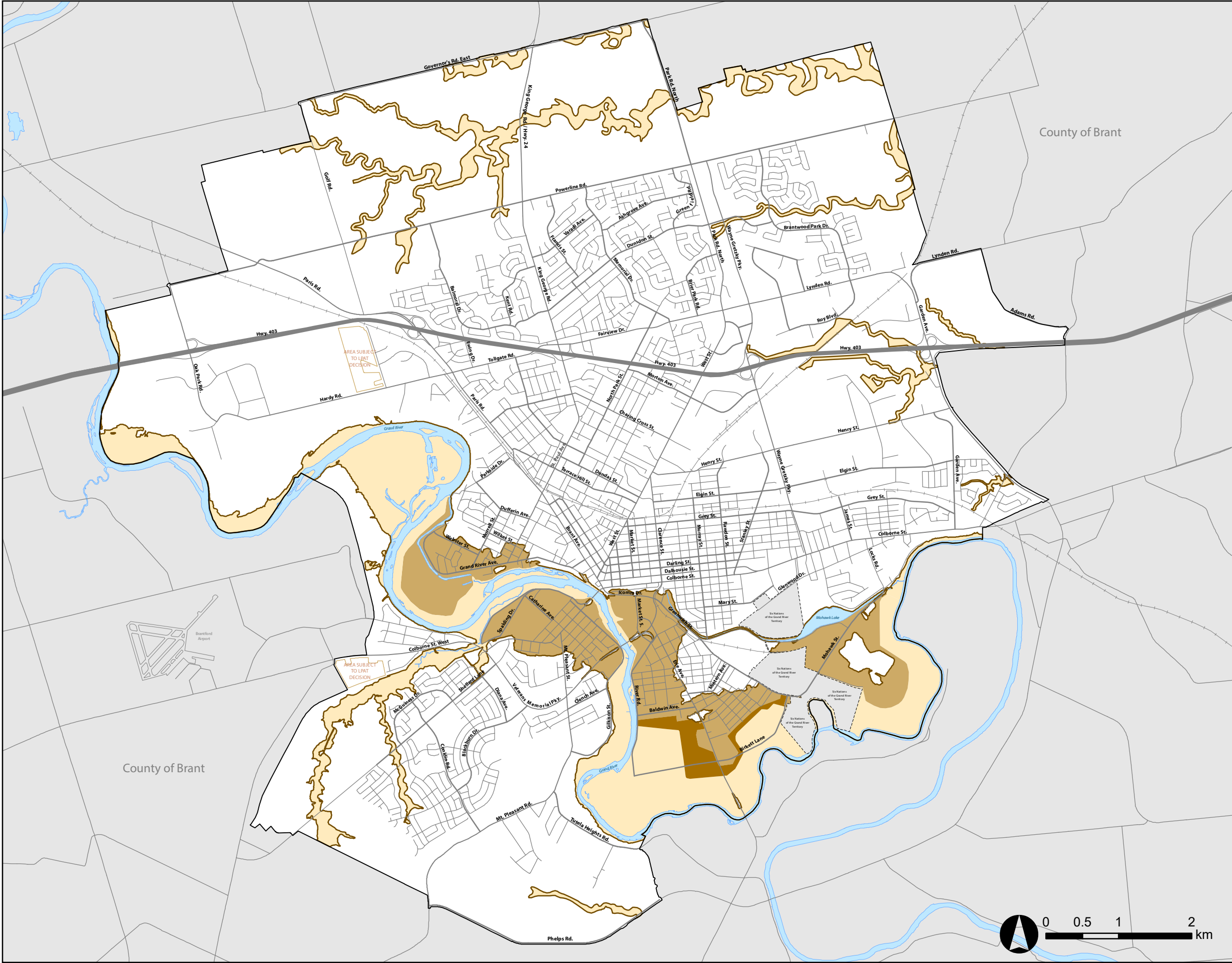
6.2 Steep Slopes and Erosion Hazards

Intent

- a. It is the intent of this Plan to maintain steep slopes and erosion hazards in their natural state. Steep slopes and erosion hazard areas are shown on **Schedule 7-3:**

Schedule 7-1 Floodplain

- Legend**
- Limit of the Floodplain
 - Special Policy Area 1
 - Special Policy Area 2
 - Floodway Policy Area



- v) roadways and/or lanes are constructed to provide adequate access to all buildings or structures, to the satisfaction of the City.

- .1 Notwithstanding Sections 6.27.1 i), 6.27.1 ii), 6.27.1 iii) and 6.27.1 iv), a model home may be erected without servicing in accordance with the provisions of Section 6.35 of this By-law and the registered subdivision agreement.

6.27.2 Notwithstanding the provisions of any other by-law previously enacted to Section 34 of the Planning Act, or any predecessor thereof, by the City of Brantford or any predecessor thereof, no land shall be used or built upon and no building or structure shall be erected or used unless full municipal water and sanitary sewer capacity is available and the Council of The Corporation of the City of Brantford has allocated full municipal water and sanitary sewer capacity to service the said lands or building or structure or Council for the City of Brantford has exempted the development or class of development from the requirement of allocation of capacity.

6.27.3 The calculation of municipal water and wastewater collection/treatment system capacity and uncommitted reserve capacities shall be determined by the City's General Manager of Public Works or their designate, in accordance with the servicing allocation policies approved by Council from time to time and applicable legislation, regulations and guidelines issued by the Ministry of Environment and Climate Change.

6.28. Flood "F" Prefix

6.28.1. Where a Zone symbol is preceded by the letter "F", the land shall be developed in accordance with the following regulations:

- .1 For lots in the area identified on Schedules K and L, a permit has been issued by the Grand River Conservation Authority.

Amended by
Bylaw No.
25-91, 178-94,
140-2002, 133-2015,
40-2016, 157-2020

- .2 The uses permitted shall not include:

- .1 a new elementary school;
- .2 a new private school;
- .3 a new secondary school;
- .4 a hospital;
- .5 a home for the aged;
- .6 a nursing home;
- .7 a retirement home;
- .8 a group home;
- .9 a mini-group home;
- .10 a group residence;
- .11 a crisis residence;
- .12 a group correctional home;
- .13 a group correctional residence;
- .14 a police station;
- .15 a fire station;
- .16 an ambulance station;
- .17 day nurse;
- .18 recycling uses;

- .19 an emergency shelter.
- .3 Extensions and enlargements of up to 50 percent of the existing gross floor area shall be permitted for existing fire and police stations.
- .4 Notwithstanding Section 6.28.1.1, the following buildings and structures do not require the issuance of a permit by the Grand River Conservation Authority, unless located on a lot abutting an OS3 Zone:
 - .1 unenclosed porches, verandahs or decks
 - .2 outdoor swimming pools
 - .3 accessory buildings and structures less than 9.3 m² in size located within all Residential Zones.
- .5 Basements are not permitted in new development, including additions to existing buildings. Non-habitable crawl spaces may be permitted.
- .6 All additions to existing development in the floodplain will have a first floor elevation not less than that of the existing building to which the addition is being made.
- .7 Pipe and utility spaces may be provided below the elevation of the first floor; however, all mechanical and electrical service equipment is to be installed above the first floor elevation.
- .8 No new openings, windows or doors to be located below the elevation of the first floor of any residential use.

6.29

Temporary Use "T" Prefix

6.29.1

Where a zone symbol is preceded by the letter "T" the lands may be developed for a use on a temporary basis in accordance with the following regulations:

Amended by
Bylaws No.
16-91, 135-93,
136-93, 137-93,
138-93, 139-93,
119-94, 189-96,
190-96, 191-96,
192-96, 193-96,
192-96, 193-96,
15-97, 149-97

.1 DELETED

Amended by
Bylaws No.
113-93, 55-96,
13-97

.2 DELETED

Amended by
Bylaws No.
5-95, 35-95

.3 DELETED

Amended by
Bylaw No.
187-2001

.4 DELETED

Amended by
Bylaw No.
60-2002

.5 DELETED