

DEVELOPMENT SETBACKS AND LIMITATIONS**5 DEVELOPMENT SETBACKS AND LIMITATIONS****5.1 Development Setbacks from Railways**

- 5.1.1 The purpose of this section is to provide regulations and recommendations for proposed and existing developments to ensure safety in the case of railway derailment, spills or environmental contamination, and to provide a higher quality of life through noise and vibration attenuation measures.
- 5.1.2 Subdivision of land located adjacent to a railway shall not be allowed unless the applicant can demonstrate, to the satisfaction of the Development Authority, that adequate development setbacks can be achieved.
- 5.1.3 Existing buildings which do not meet the required railway setback distances may be permitted to be added on to or redeveloped provided that the existing setback distance from the railway right-of-way is maintained.
- 5.1.4 All residential buildings, buildings used for overnight accommodation, commercial buildings containing offices, institutional buildings or buildings for other similar uses shall be a minimum distance of 30.0 m (98.4 ft) from the boundary of the railway right-of-way. All other buildings shall be a minimum distance of 15.0 m (49.2 ft) from the boundary of the railway right-of-way.
- 5.1.5 Notwithstanding the above, the required setback distance may be reduced where the applicant demonstrates that a lesser setback may be warranted through the use of additional mitigation measures such as fencing, berming or building construction techniques.
- 5.1.6 Table 6 provides recommended fence and berm construction specifications for sites adjacent to a railway.

Table 6 – Recommended Fence and Berm Construction Specifications

Mitigation measure		Residential, overnight accommodation, office and institutional uses	Other commercial and industrial uses
Berm	Height	2.5 m (8.2 ft)	2.5 m (8.2 ft)
	Width	13.0 m (42.7 ft)	13.0 m (42.7 ft)
	Slope	2.5:1	2.5:1
Fence	Height	3.0 m (9.8 ft)	2.0 m (6.6 ft)
	Type	Acoustic	Chain Link



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5.2 Development Setbacks from Steep Slopes

- 5.2.1 A minimum building setback of 20.0 m (65.6 ft) is required from the crest or toe of a escarpment having a slope of 15% (15 rise: 100 run) or greater.
- 5.2.2 A reduced setback may be considered when the Development Authority is satisfied by the submission of a geotechnical report prepared by a professional engineer that a lesser setback is warranted.
- 5.2.3 Where a development permit has been issued pursuant to the above, the Development Authority may require that the applicant enters into an agreement to ensure that the development is completed in accordance with the approved engineering and construction measures.

5.3 Development in a Floodway

- 5.3.1 No new buildings, replacement of existing buildings, external alterations or additions to existing buildings shall be allowed in a floodway.
- 5.3.2 Structures intended for flood or erosion control may be allowed in a floodway.
- 5.3.3 Buildings and structures, such as those associated with an approved hydro-electric generation facility, boat ramps, docks and similar structures may be allowed in a floodway.
- 5.3.4 No grading, filling or removal of material of any kind is allowed in a floodway, unless approved by the Development Authority.
- 5.3.5 No outdoor storage is allowed in a floodway. In particular, no storage of hazardous waste materials such as chemicals, explosives, flammable liquids or gases, toxic or waste materials shall be allowed.

5.4 Development in a Flood Fringe

- 5.4.1 Development on land in the flood fringe shall be discouraged. It is the responsibility of the developer to provide adequate protection against flooding, settlement and slumping and to engage professional assistance as shall be necessary to protect any development.
- 5.4.2 No new buildings shall be allowed in the flood fringe, unless the applicant demonstrates to the satisfaction of the Development Authority that preventative engineering and construction measures can be used to make the site suitable as recommended through a qualified professional.
- 5.4.3 Where development is allowed in the flood fringe:
 - (a) all buildings and additions shall be raised above the 1:100 year flood level using fill, posts or piles; and/or
 - (b) all buildings and additions shall be adequately flood proofed to the 1:100 year flood level plus 0.5 m (1.6 ft) freeboard, as indicated below or otherwise recommended by a qualified professional;



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- (i) the bottom joists of the first floor or the top surface of the slab on grade shall be located above this level;
- (ii) all electrical, heating, air conditioning and mechanical equipment shall be located above this level; and
- (c) backflow prevention valves shall be used.

5.4.4 Where a development permit has been issued pursuant to the above, the Development Authority may require that the developer enters into an agreement to ensure that the development is completed in accordance with the approved engineering and construction measures.

5.4.5 Basements are discouraged in new buildings unless adequate flood proofing measures are taken to the satisfaction of the Development Authority.

5.4.6 Developments which are located behind an approved dyke system, but are below the 1:100 flood year elevation are encouraged to be adequately flood-proofed to the 1:100 year flood level plus 0.5 m (1.6 ft) freeboard.

5.4.7 No indoor or outdoor storage of hazardous materials such as chemicals, explosives, flammable liquids or gases, toxic or waste materials that cannot readily be removed in the event of a flood shall be allowed.

