



Purpose: To clarify the use of floor areas of a building located below the minimum Flood Construction Level (FCL), otherwise referred to as Building Elevation Requirement (BER).

Discussion

- The FCL is a provincial flood-proofing requirement that sets the minimum floor elevation of a building for **areas used for habitation, or habitable*** areas.
- If applicable, a covenant setting the FCL is registered 'on title' of the individual property.
- The FCL for an individual property may be obtained from AMANDA.
- Areas within a building may be at a lower FCL provided their use is limited to areas other than **areas used for habitation*** such as crawl spaces, parking garages, entrance foyers and other areas 'approved' by the Ministry of the Environment.
- There is potential for conversion of **non-habitable*** areas into **habitable*** areas impacting; (i) an increase in floor area ratio / zoning bylaw infraction, (ii) reduce parking space in the building envelope increasing parking congestion, (iii) living area located below the FCL with potential for flood damage.
- Zoning Bylaw recognises the potential for conversions and to prevent such, restricts the height of the crawlspace to 1.5 m measured from the underside of the footing to the underside of the floor assembly at the exterior wall and prohibits windows in the exterior walls. Crawl spaces complying to this criteria will be excluded from the floor area ratio calculations.

Procedure

Development Permit Circulation

1. Provide input as noted in the DISCUSSION section above.
2. Suggest changes to building design to reduce the possibility of conversions such as to widen the building to provide side by side parking or mechanical rooms located on **habitable*** floor.

Plan Review Section

1. All rooms and spaces within the building to have room use designations.
2. Notes on drawings to limit use of space below FCL as **non-habitable***.
3. Ensure the information is noted on the approved plans and inspector's permit card.
4. Refer to supervisor for input.

* **Areas used for habitation or habitable** means any room or space which is or may be used for human occupancy, commercial sales, business or storage of goods and exempts entrance foyers 11 m² or less, parking facility for two cars 38 m² or less.