



VILLAGE OF HARRISON HOT SPRINGS BYLAW NO. 921

A bylaw to amend Village of Harrison Hot Springs Zoning Bylaw No. 672, 1996

WHEREAS the Mayor and Council has deemed it advisable to amend the Village of Harrison Hot Springs Zoning Bylaw No. 672, 1996, the Zoning Bylaw for the Village of Harrison Hot Springs, as adopted December 3, 1996.

NOW THEREFORE in open meeting assembled, the Mayor and Council of the Village of Harrison Hot Springs enacts as follows:

I. **CITATION**

This Bylaw may be cited for all purposes as the "Village of Harrison Hot Springs Zoning Amendment Bylaw No. 921, 2009".

II. **TEXT AMENDMENT**

1. That the Zoning Bylaw of Village of Harrison Hot Springs, Zoning Bylaw Number No. 672, 1996 be amended as follows:

In section 4.15. Floodplain Specifications

.5 Conditionally Exempt add:

"Areas within the Designated Historic Commercial Area as shown on Schedule "A" attached to and forming part of this bylaw, non-residential uses are permitted for the portions of the structures below the Flood Construction Level; and

A reduction in the FCL by up to the height of any freeboard suggested in the creation of the FCL may be considered by Council where the lands are in floodplain fringe areas and there are no major erosion or channel avulsion hazards in the immediate vicinity".

.6 Site-Specific Exemptions delete paragraph and amend and replace as follows:

"An application by a property owner to the Village of Harrison Hot Springs for a site-specific exemption shall be completed upon a form provided by the Village and submitted in accordance with the instructions on the application.

- (a) Pursuant to Section 910(5) of the Local Government Act the Village Council may exempt a person from meeting the requirements specified in Section 4.15.2 and 4.15.4 of this bylaw in relation to a specific parcel of land or a use, building, or other structure on the parcel of land if the Council considers it advisable provided that:

- (i) the exemption is consistent with the Provincial Flood Hazard Area Land Use Management Guidelines and as they may be amended from time to time; or

- (ii) *the Council has received a report that the land may be used safely for the use intended, which is certified by a person who is:*
 - *a professional engineer or geoscientist and experienced in geotechnical engineering, or;*
 - *a person in a class prescribed by the Minister under Subsection 910(7) of the Local Government Act*
- (iii) *the owner shall enter into a restrictive covenant under Section 219 of the Land Title Act in the form set out and as required by the Village from time to time titled Floodplain Covenant;*
- (iv) *the application for exemption shall be in the form as noted and required by the Village from time to time and titled "Application for Adjustment to Flood Control Level".*

and add the following:

.7 The purpose of these conditions is to reduce the risk of injury, loss of and property damage due to flooding and erosion.

.8 The Village of Harrison Hot Springs does not represent to the owner or any other person that any building constructed or manufactured home or unit located in accordance with the following conditions will not be damaged by flooding or erosion".

If any section, subsection, sentence, clause, or phrase of this Bylaw is found invalid, by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Bylaw.

III. REPEAL

Bylaw No. 875 cited as "Village of Harrison Hot Springs Floodplain Management Bylaw No. 875" and Bylaw No. 919 cited as "Floodplain Management Bylaw Amendment Bylaw, No. 919, 2009" be hereby repealed in their entirety.

IV. READINGS AND ADOPTION

READ A FIRST TIME THIS 13TH DAY OF JULY, 2009

NOTICE OF THE PUBLIC HEARING WAS WAIVED THIS 13TH DAY OF JULY, 2009

READ A SECOND TIME THIS 13TH DAY OF JULY, 2009

READ A THIRD TIME THIS 13TH DAY OF JULY, 2009

ADOPTED THIS 10TH DAY OF AUGUST, 2009.



Mayor



Corporate Officer