

3.27 Marinas with Fuel Facilities

1. A marine fuel facility is added to the list of permitted uses in the C5, C6, C7, and C8 *zone* if the *zone* has a “f” notation shown on Schedule B, the Zoning Map, as part of the *zone* identification. The “f” notation shall be shown on Schedule B the Zoning Map as follows: C5f, C6f, C7f, and C8f. A “f” zoning classification on a *parcel* shall be established by rezoning the subject *parcel* to the “f” version of the *zone*. The regulations set out for the “f” version of the *zone* will be the same as the regulations for the version without the “f”, except for the addition of *marinas* with fuel facilities as a permitted use.

3.28 Floodplain Regulations

Bylaw
871-96

1. The underside of any floor system, or the top of any *pad* supporting any space or room, including a *manufactured home*, that is used for dwelling purposes, business, or the storage of goods, which are susceptible to damage by floodwater must be above the applicable *flood construction level* specified herein:
 - 1.1 The following elevations are specified as *flood construction levels*, except that where more than one *flood construction level* is applicable, the higher elevation shall be the *flood construction level*:
 - 1.1.1 343.66 metres (1,127.49 ft) Geodetic Survey of Canada datum for land adjacent to Okanagan Lake;
 - 1.1.2 3.0 metres (9.8 ft) above the *natural boundary* of Mission Creek;
 - 1.1.3 1.5 metres (4.9 ft) above the *natural boundary* of any other *watercourse*.
 - 1.2 The specified *flood construction levels* shall not apply to:
 - 1.2.1 That portion of a *building* or *structure* used exclusively as a carport, garage or entrance foyer;
 - 1.2.2 Farm *buildings* excluding *dwelling units* and *buildings* for the keeping of animals;
 - 1.2.3 Hot water tanks and furnaces behind *standard dykes*;
 - 1.2.4 *Building* for the keeping of animals behind *standard dykes*;
 - 1.2.5 Heavy industry behind *standard dykes*; and
 - 1.2.6 On-loading and off-loading facilities associated with water-oriented industry and portable sawmills;

Except that all main electrical switchgear for any of the uses listed above shall be no lower than the *flood construction level*.

2. Any landfill required to support a *floor system* or *pad* must not extend within any applicable *floodplain setback* specified herein:
 - 2.1 The following distances are specified as *floodplain setbacks*, except that where more than one *floodplain setback* is applicable, the greater distance shall be the *floodplain setback*:
 - 2.1.1 15.0 metres (49.2 ft.) from the *natural boundary* of Okanagan Lake;
 - 2.1.2 7.5 metres (24.6 ft.) from the *natural boundary* of a lake, swamp or pond;
 - 2.1.3 30.0 metres (98.4 ft.) from the *natural boundary* of Mission Creek;
 - 2.1.4 15.0 metres (49.2 ft.) from the *natural boundary* of any other nearby *watercourse*;
 - 2.1.5 7.5 metres (24.6 ft.) from the *natural boundary* of any *standard dyke* right-of-way, or *structure* for flood protection or seepage control.
3. Pursuant to the Local Government Act, and subject to the Provincial regulations or a local government plan or program developed under those regulations; the *Regional District* may exempt types of development from the requirements of *flood construction levels* and *floodplain setbacks* in relation to a specific parcel of land or a permitted use, *building* or other *structure* on the parcel of land, if the *Regional District* considers it advisable; and
 - 3.1 Considers that the exemption is consistent with the Provincial guidelines; or
 - 3.2 Has received a report that the land may be used safely for the use intended, which report is certified by a person who is:
 - 3.2.1 A professional engineer or geoscientist and experienced in geotechnical engineering; or
 - 3.2.2 A person in a class prescribed by the minister charged with the administration of the Environmental Management Act.
4. The granting of the exemption, and the exemption, may be made subject to the terms and conditions that the *Regional District* considers necessary or advisable, including, without limitation:
 - 4.1 Imposing any term or condition contemplated by the Provincial guidelines in relation to an exemption;
 - 4.2 Requiring that a person submit a report described in Section 3.28, Subsection 3.2 above; and
 - 4.3 Requiring that a person enter into a covenant under Section 219 of the Land Title Act.
5. By the enactment, administration or enforcement of this bylaw the *Regional District* of Central Okanagan does not represent to any person that any *building* or *structure*, including a *manufactured home*, located, constructed, sited or used in accordance with the provisions of this bylaw, or in accordance with any advice, information, direction or guidance provided by the *Regional District* of Central Okanagan in the course of the administration of this bylaw will not be damaged by flooding.