

REGIONAL DISTRICT OF KITIMAT-STIKINE

BOB QUINN
RURAL LAND USE BYLAW

REGIONAL DISTRICT OF KITIMAT-STIKINE

BYLAW NO. 314

A bylaw to establish a rural land use bylaw for specified portion of Electoral Area D of the Regional District of Kitimat-Stikine.

The Board of the Regional District of Kitimat-Stikine, in open meeting assembled, hereby enacts as follows:

1. The attached text entitled 'Bob Quinn Rural Land Use Bylaw' is Schedule "A" of this bylaw and the attached maps indicated as Schedule "B" and Schedule "C" are also part of this bylaw.
2. This bylaw applies to the area shown outlined by dashed lines as planning area boundaries on attached Schedule "B".
3. This bylaw shall come into full force and effect and be binding on all persons as from the date of adoption.
4. This bylaw may be cited as the "Regional District of Kitimat-Stikine Bob Quinn Rural Land Use Bylaw No. 314, 1992, for specified portions of Electoral Area D".

READ a first time this 23 day of January, 1993.

READ a second time this 23 day of January, 1993.

A Public Hearing in respect of this bylaw was held on the 23 day of March, 1994.

READ a third time this 26 day of March, 1994.

APPROVED pursuant to the Highway Act on the 15 day of April, 1994.

APPROVED by the Minister of Municipal Affairs, Recreation and Housing on the 7 day of October, 1994.

RECONSIDERED AND FINALLY ADOPTED this 22 day of October, 1994.

D. J. McNamee
Chairperson

Bob Parker
Administrator

REGIONAL DISTRICT OF KITIMAT-STIKINE

BOB QUINN
RURAL LAND USE BYLAW

This is the text referred to as
Schedule "A"
of the
"Regional District of Kitimat-Stikine
Bob Quinn Rural Land Use Bylaw No. 314, 1992".

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0.0.0 **BOB QUINN RURAL LAND USE BYLAW**

0.1.0 **INTRODUCTION**

0.1.1 **Title**

This bylaw may be cited as the "Regional District of Kitimat-Stikine Bob Quinn Rural Land Use Bylaw No. 314, 1992 for specified portions of Electoral Area D."

0.1.2 **Application**

- (a) This bylaw shall be applicable to that portion of Electoral Area D of the Regional District of Kitimat-Stikine as indicated outlined by planning area boundaries on attached Schedule "B".
- (b) In this text, those statements which begin with the word:
 - (i) "to" are objectives of this rural land use bylaw and are to be read preceded with the phrase, "It is the Objective of the Board of the Regional District of Kitimat- Stikine...";
 - (ii) "that" are policies of this rural land use bylaw and are to be read preceded with the phrase, "It is the Policy of the Board of the Regional District of Kitimat-Stikine..."

0.1.3 **Definitions**

For the purposes of this bylaw, the following definitions apply unless the context otherwise requires:

"ancillary building" means a building or structure located on a parcel, the use of which is ancillary to the principal permitted use of the land, building or structures located on the same parcel;

"accessory to" means a use combined with but clearly incidental and ancillary to the principal permitted uses of land, buildings or structures located on the same parcel;

"community sewer system" means a common sewer or system of sewerage or sewage disposal which services two or more parcels;

"community water system" means a system of waterworks which is owned, operated and maintained by an Improvement District, or the Regional District, or which is regulated under the Water Utility Act;

"derelict vehicle" means any vehicle that has not been licensed for a period of one year and is not housed in a garage or carport or similar building;

"dwelling unit" means a single room or series of rooms of complementary use operated under a single tenancy as a housekeeping unit, used or intended to be used as a residence and usually containing cooking, eating, living, sleeping and sanitary facilities;

"front parcel line" means a parcel boundary common to a parcel and a highway; however, in the case of a corner lot, the front parcel line is the shortest parcel boundary contiguous to a highway;

"hazardous lands" means lands known or suspected to be subject to hazardous conditions such as flooding, landslides, snow avalanches, rockfalls, slope instability and ground subsidence;

"home occupation" means occupation, profession, arts and crafts, or commercial business as an accessory use of a dwelling unit for residential purposes, or to the residential use of the lot occupied by the dwelling;

"mobile home" means a single-family dwelling unit suitable for year round occupancy, especially designed to be moved along the highway from time to time, and which arrives at the site where it is to be occupied complete and ready for occupancy except for placing on foundation and supports, connection of utilities, and some incidental assembly;

"mobile home park" means 3 or more mobile homes on a parcel of land but does not include:

- (a) a parcel of land on which every occupied mobile home is more than 30 metres (98.4 feet) from
 - (i) a parcel boundary, and
 - (ii) another mobile home on the same parcel, or
- (b) the storage of unoccupied mobile homes on the parcel;

"motel" means a building which contains sleeping units and may contain auxiliary assembly, commerce, entertainment, indoor recreation, restaurant uses or premises licensed to serve alcoholic beverages;

"natural boundary" means the visible high water mark of any lake, river stream or other body of water where the presence and action of water at the time of measurement are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the lake, river, stream or other body of water a character distinct from that of the banks thereof, in respect to vegetation as well as to the nature of the soil itself. In addition, the best estimate of the edge of dormant or old side channels or marsh areas;

"parcel" means a lot, block or other area in which land is held or into which land is subdivided;

"rear parcel line" means the parcel boundary which lies the most opposite to and is not connected to the front parcel line;

"retail" means the sale of goods to the general public;

"sensitive environment management" means management of natural resources in a fashion cognizant of and sensitive to highly valuable fish and wildlife habitat or to environmental values of unusual importance or high susceptibility to damage;

"service station" means premises used principally for the retail sale of motor fuels, lubricating oils and motor vehicle accessories and the servicing of motor vehicles, but not wholesale sales or motor vehicle structural or body repairs or painting;

"setback" means the minimum permitted distance required under this bylaw between a building and a specified parcel line;

"side parcel line" means a parcel boundary, other than a front or rear parcel line;

"site" means an area of land considered as a unit devoted to a certain use, or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessory uses and open spaces belonging to the same;

"structure" means any construction fixed to, supported by or sunk into land or water but not concrete or asphalt paving or similar surfacing of a parcel;

"utility" means broadcast transmission, electrical, telephone, sewer or water services established or licensed by a government and does not include oil or gas storage tanks or a public storage and works yard;

"watercourse" means any natural or man-made depression with well defined banks and a bed 0.6 meters or more below the surrounding land serving to give direction to a current of water at least six months of the year or having a drainage area of 250 hectares or more.

1.0.0 **PART I: OBJECTIVES AND POLICIES**

Part I is a statement of the broad objectives and policies of the Board of the Regional District of Kitimat-Stikine respecting the present and potential land use in the Bob Quinn rural planning area.

1.1.0 **OBJECTIVES**

In recognition of:

- (i) the economic potential and opportunities for development of the Bob Quinn rural planning area as a strategic location for staging of resource extraction activities and as a commercial service node, and
- (ii) the severe limitations to development in respect to broken, undulating topography, impermeable soils, and terrain hazards such as snow avalanches and landslides,

it is the Objective of the Board of the Regional District of Kitimat-Stikine:

- (1) to ensure and promote development which is healthy, safe, desirable, convenient, efficient, serviceable, and orderly;
- (2) to direct development into concentrated areas of land use activity;
- (3) to discourage development in hazardous areas;
- (4) to encourage development to locate so that economical and efficient infrastructure can be provided;
- (5) to encourage development that would be compatible with neighbouring uses;
- (6) to minimize the possibility of conflicts between land development and sensitive environmental values;
- (7) to encourage the preservation and protection of important natural, archaeological and historical values in the Bob Quinn rural planning area.

1.2.0 POLICIES

1.2.1 Concentration of Development

- (1) that, due to significant natural hazards and severe soil conditions, and the requirement for economical and safe servicing in tight soils, most developments in the Bob Quinn rural planning area will be encouraged to locate into development nodes;
- (2) that the following types of development nodes will be recognized:
 - (a) primary development areas to provide services for the Highway 37 corridor and to function as staging areas for remote resource extraction activities;
 - (b) secondary development sites associated with resource utilization, heavy industrial activity, and tourism.
- (3) that primary development areas will be encouraged to be developed for commercial, light industrial, residential and institutional uses. The primary development areas are:
 - (a) the Bob Quinn Highways Maintenance Camp;
 - (b) development lands adjacent to the Bob Quinn Airstrip and the ridge extending southwesterly from the southern end of the airstrip between Bob Quinn Lake and Little Bob Quinn Lake.
- (4) that secondary development sites for heavy industry, tourism, commercial, and resource activities will be evaluated on a site specific proposal basis with due consideration to hazardous conditions and environmental impacts.

1.2.2 Temporary Permits

- (1) that all land in the Bob Quinn rural planning area is designated as a temporary permit area.

- (2) that upon application, the Regional District may issue, or refuse to issue, a temporary industrial or commercial use permit subject to the following evaluation criteria:
 - (a) the land is suited to the use intended;
 - (b) there would be no significant conflicts of the temporary use with existing and proposed future use of land in the immediately surrounding area;
 - (c) the natural environment shall not be adversely affected to any significant extent;
 - (d) traffic flows and drainage shall not be adversely affected by the temporary use;
 - (e) the land is suitable for the water and sewage disposal requirements of the use intended;
 - (f) temporary permits shall be subject to the technical referral process and negative concerns shall be satisfactorily rectified.

1.2.3 **Solid Waste Disposal**

- (1) that sites for the disposal of solid wastes should be selected to avoid bear/man conflicts and be located in a manner cognizant of the hazardous conditions and low percolation soils of the Bob Quinn rural planning area.
- (2) that the installation of a central incinerator to serve the Bob Quinn area will be encouraged, provided that such a facility is economically viable.

1.2.4 **Fish and Wildlife Habitat**

That intensive land uses and uses potentially deleterious to habitat will be discouraged from locating in sensitive environment areas.

1.2.5 Flood Protection

- (1) that park and open space recreational or resource management uses will be encouraged on flood susceptible lands so as to protect against the loss of life and to minimize property damage associated with flooding events.
- (2) that, where floodable lands are required for development, the construction and siting of buildings and mobile homes to be used for habitation, business or the storage of goods damageable by floodwaters shall be floodproofed to those standards specified in the "Regional District of Kitimat-Stikine specified portion of Electoral Area 'D' Bob Quinn Floodplain Management Bylaw No. 323, 1992."

1.2.6 Scattered Development

- (1) That scattered development along Highway 37 will be discouraged.
- (2) That although scattered development is generally discouraged, it is recognized that a parcel or parcels may be appropriate for specific uses at specific locations; therefore, where such a parcel is to be created, the parcel shall be self-sufficient with respect to domestic water supply and on-site sewage disposal in accordance with the regulations of the jurisdiction having authority; and further, if and when a community water system or community sewer system becomes accessible, the self-sufficient parcels will be encouraged to connect onto the system.

1.2.7 Light Industrial: I-1

That the intent of the I-1 designation is to provide for small-scale or service industrial uses.

1.2.8 Heavy Industrial: I-2

- (1) that the intent of the I-2 designation is to provide for industries such as manufacturing and processing;
- (2) that each heavy industrial proposal will be evaluated on a site specific basis through the bylaw amendment process.

1.2.9 General Commercial: C-1

That the C-1 designation is intended to provide for the orderly development of commercial facilities for local convenience and the traveling public.

1.2.10 Tourist Commercial: C-2

- (1) that the C-2 designation is intended to provide for the orderly development of tourism resorts and facilities;
- (2) that each tourist resort proposal will be evaluated on a site specific basis through the bylaw amendment process.

1.2.11 Residential: R-1

- (1) that the R-1 designation is intended to provide for the orderly development of residential dwellings and their ancillary uses;
- (2) that, due to the poor percolation qualities of the soils in the Bob Quinn area, community sewer systems to service residential development will be encouraged.

1.2.12 Mobile Home Park: MHP

That the MHP designation is intended to provide for the development of mobile home parks.

1.2.13 Multiple Use: MU

That the intent of the MU designation is to recognize only the Bob Quinn highways maintenance camp and to allow multiple compatible uses within that site.

1.2.14 Airport: A

That the intent of the A designation is to provide for airport use and for activities directly related to that use.

1.2.15 Resource Activities: W

That the intent of the W designation is to provide for lands which may be used for forest, mineral, or aggregate extraction, or are managed for resource values such as wilderness, recreation, or fish and wildlife habitat.

1.2.16 Recreation/Open Space: WR

That the intent of the WR designation is to provide for lands which may be used for outdoor public recreation purposes.

1.2.17 Hazardous Lands: H

(1) that the intent of the H designation is to indicate lands which may be subject to hazardous conditions and which may represent risks to human safety, structures and infrastructure;

(2) that included in the H designation is land that is:

- (a) within the designated flood level;
- (b) on hillsides exceeding 30% slope;
- (c) subject to rock falls, landslides, snow avalanches, and slope failure; or
- (d) subject to unstable soil where flow of groundwater and low soil permeability are likely to lead to soil movement or slope failure;

and accordingly shall not be developed, but consideration may be given for redesignation when the proponent demonstrates, to the satisfaction of the Regional District based on the advice of the

professionals competent to advise on the matter to the satisfaction Regional District, that there is a useable area of land which is not hazardous and that there is safe access to the useable area;

- (3) that lands which are suspected to have hazardous conditions are indicated on Schedule 'B' and Schedule 'C'; however, all lands which may be susceptible to hazard may not have been indicated and it is the responsibility of the proponent to seek out and ascertain potential hazards arising from any development situation.

2.0.0 **PART II: REGULATIONS AND DESIGNATIONS**

2.1.0 **BASIC PROVISIONS**

2.1.1 **Prohibition**

- (1) No person shall erect, construct, locate or carry on any industry, business trade or calling, or use any land or building, or structurally alter, reconstruct, move, or maintain any building, or locate a structure or surface of water or air space contrary to the provisions of this bylaw.
- (2) No land, including the surface of water shall be subdivided or permit issued contrary to the provisions of this bylaw.

2.2.0 **ADMINISTRATION AND ENFORCEMENT**

2.2.1 **Administration**

- (1) This bylaw shall be administered by a person or persons appointed by the Board of the Regional District of Kitimat-Stikine.
- (2) The officers appointed under Subsection (1) above, may enter at all reasonable times, upon property subject to the regulations of this bylaw, in order to ascertain whether such regulations are being obeyed.
- (3) It is unlawful for any person to prevent or obstruct any official appointed under Section 2.2.1(1) from the carrying out of their duties under this bylaw.

2.2.2 **Penalty**

- (1) Any person who violates the provisions of this bylaw is liable on summary conviction to a penalty not exceeding Five Hundred (\$500.00) dollars, and not less than One Hundred (\$100.00) dollars, and also the costs of prosecution.
- (2) Each day during which such violation is continued shall be deemed to constitute a new and separate offence.

- (3) Upon conviction, the magistrate may direct that no prosecution under Subsection (2) may be made, with respect to the continuance of the violation, for such a period as he directs.

2.2.3 Severability

If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this bylaw.

2.2.4 Amendment Procedures

In addition to the requirements of the Municipal Act, the following requirements for amendment to this bylaw shall apply:

- (1) Any person applying to have this bylaw amended shall apply in writing to the Regional District of Kitimat-Stikine, fully describing the proposed change and furnishing reasons in support of the application. The application shall include a plan showing the location of the property sought to be redesignated, a sketch map outlining existing use, including natural features, such as trees, rock outcrops, gullies and creeks, a sketch map outlining the proposed use of the property and location of services and, if the applicant is not the owner, the owner's consent to the application.
- (2) Where an application for amendment to this bylaw has been refused, no reapplication for the same amendment shall be considered within six months of the previous application.

2.3.0 SUPPLEMENTARY REGULATIONS

2.3.1 Corner Lots

Where a parcel is located at the intersection of two roads, there shall be no obstruction to the line of vision by buildings or structures between the height of 1.0 meters and 3.0 meters above the established grade of streets within an area of 24.0 meters radius measured from the centerline intersection of intercepting highways.

2.3.2 Derelict Vehicles

No site shall be used for the wrecking or storage of derelict vehicles or equipment or used as a junk yard except as specifically designated and permitted under this bylaw.

2.3.3 Home Occupations

(1) A professional practice, homecraft or home occupation shall:

- (a) be enclosed within the interior of a principal building or permitted accessory building, except where the home occupation is horticultural in nature;
- (b) not create a nuisance by reason of sound, sight, or smell;
- (c) not involve storage exterior to a building of any material used directly or indirectly in the processing or resulting from the processing of the product of such craft or occupation or profession;
- (d) not create an unnecessary traffic problem;
- (e) not involve retailing other than products from the professional practice, homecraft or home occupation.

2.3.4 Sewage Disposal

Where a site is not serviced by a community sewer, there shall be sufficient area on the site not covered by buildings or structures, paving, parking areas, driveway, pathways, or stored materials to dispose of sewage in accordance with the regulations of the authority having jurisdiction.

2.3.5 Utilities and Communications Structures

Community sewage lagoons, community water supply systems, hydroelectric transformer stations, lift stations, communications structures and utility corridors may be located in any designation.

2.3.6 Existing Parcels

Parcels existing at the time of bylaw adoption may be used for the uses permitted provided that the development meets all other regulatory requirements.

2.3.7 Subdivision Regulations

The minimum parcel size for subdivision purposes shall be the minimum parcel size allowed for each designation category.

2.3.8 Other Regulations

Nothing contained in these regulations shall relieve the owner or developer of any land from the responsibility to seek out and comply with other legislation or regulations applicable to their undertaking.

2.4.0 DESIGNATIONS AND REGULATIONS

2.4.1 Designation Categories

Land in the Bob Quinn rural planning area is divided into the following designation categories:

<u>Designation</u>	<u>Name</u>
I-1	Light Industrial
I-2	Heavy Industrial
C-1	General Commercial
C-2	Tourist Commercial
R-1	Single Family Residential
MHP	Mobile Home Park
MU	Multiple Use
A	Airport
W	Resource Activities
WR	Recreation
H	Hazardous Lands

2.4.2 Location and Extent of Designations

- (1) The location and extent of each designation is shown on Schedule 'B' and Schedule 'C' which are attached to and form part of this bylaw.
- (2) Where the designation boundary follows a road allowance, creek or other water body, the centre line of such road allowance, creek or other water body shall be the designation boundary.
- (3) Where the designation boundary does not follow a legally defined line, road allowance, creek or other water body, the boundary shall be determined by scaling from the map.

2.4.3 **Light Industrial: I-1**

In the 'I-1' designation,

- (1) the following permitted uses and no others shall be allowed: any repair, processing, small-scale manufacturing, wholesaling, assembly, storage, aviation and directly related uses including sales of fuel, industrial services, utilities uses, and expediting or warehouse use, but does not include manufacture or bulk storage of explosives or hazardous materials,
- (2) the minimum size of parcel which may be created by subdivision shall be 0.4 hectares,
- (3) buildings and structures shall not cover more than forty per cent of the site area,
- (4) no building or structure or part thereof shall be located closer than 15.0 meters of a front parcel line, 3.0 meters from a side parcel line, and 3.0 meters of a rear parcel line, and
- (5) one single family dwelling unit per parcel is permitted as ancillary to an established principal industrial use.

2.4.4 **Heavy Industrial: I-2**

In the 'I-2' designation,

- (1) the following permitted uses and no others shall be allowed: large-scale manufacturing or processing facilities such as sawmills, log sort yards, log processing or chipping facilities, mines, ore processing plants and large-scale storage yards,
- (2) the minimum size of parcel which may be created by subdivision shall be 2.0 hectares,
- (3) buildings and structures shall not cover more than forty per cent of the site area,

- (4) no buildings or structure or part thereof shall be located closer than 15.0 meters of a front parcel line and 7.5 meters from any other parcel line, and
- (5) one single family dwelling unit per parcel is permitted as ancillary to an established principal industrial use.

2.4.5 **General Commercial: C-1**

In the 'C-1' designation,

- (1) the following permitted uses and no others shall be allowed: retail, rental, service or wholesale uses dealing with all forms of merchandising and recreation uses, including retail outlets, restaurants, motels, hotels, private and public recreational facilities and gasoline service stations,
- (2) the minimum size of parcel which may be created by subdivision shall be 0.4 hectares,
- (3) buildings and structures shall not cover more than forty per cent of the site area,
- (4) no building or structure or part thereof shall be located closer than 15.0 meters of a front parcel line, 3.0 meters from a side parcel line, and 3.0 meters of the rear parcel line, and
- (5) one single family dwelling unit per parcel is permitted as ancillary to an established principal commercial use.

2.4.6 **Tourist Commercial: C-2**

In the 'C-2' designation,

- (1) the following permitted uses and no others shall be allowed: commercial campgrounds, recreation vehicle sites, fishing and hunting lodges, tourism cabins, lakeshore facilities, and tourism commercial services,

- (2) the minimum size of parcel which may be created by subdivision shall be 1.0 hectares,
- (3) buildings and structures shall not cover more than ten per cent of the site area,
- (4) no building or structure or part thereof shall be located closer than 15.0 meters of a front parcel line, 3.0 meters from a side parcel line, and 3.0 meters of the rear parcel line, and
- (5) one single family dwelling unit per parcel is permitted as ancillary to an established principal commercial use.

2.4.7

Residential: R-1

In the 'R-1' designation,

- (1) the following permitted uses and no others shall be allowed: one single family dwelling or mobile home per parcel and ancillary buildings, tot lots, play fields, and recreation areas,
- (2) the minimum size of parcel that may be created by subdivision shall be in accordance with the table below:

Minimum Parcel Sizes

No Comm. Water	With Comm. Water	With
<u>No Comm. Sewer</u>	<u>No Comm. Sewer</u>	<u>Comm. Sewer</u>
2000 m ²	1500 m ²	750 m ²

- (3) buildings and structures shall not cover more than twenty per cent of the site area, and
- (4) no building or structure or part thereof, except a fence shall be located closer than 7.5 meters of a front parcel line, 3.0 meters from a side parcel line, and 3.0 meters of the rear parcel line.

2.4.8 **Mobile Home Park: MHP**

In the 'MHP' designation,

- (1) the following permitted uses and no others shall be allowed: mobile home park, caretaker residence, ancillary storage, home occupations, tot lots, playfields, and recreation areas,
- (2) the minimum size of parcel that may be created by subdivision shall be 2.0 hectares,
- (3) there shall be a minimum distance of 9.0 meters between a mobile home and its appurtenance and the adjacent mobile home,
- (4) no part of any mobile home, caretaker residence, or structure or part thereof shall be located within 4.0 meters of a property line,
- (5) the maximum density of mobile homes per parcel shall be 15 mobile home units per hectare of site area.

2.4.9 **Multiple Use: MU**

In a 'MU' designation,

- (1) the following permitted uses and no others shall be allowed: highway maintenance camp and uses ancillary to a highway maintenance camp, such as residential accommodations, light industrial and general commercial uses,
- (2) buildings and structures shall not cover more than forty per cent of the site area,
- (3) the minimum size of parcel which may be created by subdivision shall be 30 hectares, and
- (4) no buildings or structure or part thereof shall be located closer than 15.0 meters of a front parcel line, 3.0 meters from a side parcel line, and 3.0 meters of the rear parcel line.

2.4.10 Airport: A

In the 'A' designation,

- (1) the following uses and no others shall be permitted: aviation and ancillary uses including staging areas, aircraft parking areas, storage facilities for materials to be transshipped by aircraft, hangers, runway and grounds maintenance equipment garage, fuel dispensing and storage facilities, navigation and landing aids, and one caretaker's residence, and
- (2) the minimum size of parcel which may be created by subdivision shall be 30 hectares.

2.4.11 Resource Activities: W

In the 'W' designation,

- (1) the following uses and no others shall be permitted: forestry, mineral or aggregate extraction, resource management, refuse sites, wilderness, open space, outdoor recreation and fish and wildlife habitat.

2.4.12 Recreation/Open Space: WR

In the 'WR' designation,

- (1) the following uses and no others shall be permitted: parks, open space, outdoor recreational uses, developed recreational improvements such as trails, public campgrounds and picnic sites, and ancillary facilities directly related to outdoor recreation,
- (2) no building or structure or part thereof shall be located closer than 15.0 meters of a front parcel line and 7.5 meters from any other parcel line, and
- (3) buildings and structures shall not cover more than ten per cent of the site area.

2.4.13 **Hazardous Lands: H**

In the 'H' designation,

- (1) the following permitted uses and no others shall be allowed: open space, wilderness parks, and sensitive environment management and directly related activities.

- - - end - - -