

**SETTLEMENT LAND AND RESOURCES AREA DEVELOPMENT
REGULATIONS – LITTLE TESLIN LAKE**

These regulations are made by the Teslin Tlingit Council Executive Council this ___ day of _____, 2009 pursuant to section 78 of the *Settlement Land and Resources Act 2008 (Revised)*, C 2, STTC, 2008.

Short Title

1. These regulations may be cited as the *Little Teslin Lake Area Development Regulations*

LITTLE TESLIN LAKE DEVELOPMENT AREA REGULATION

Preamble

The intent of the regulation is to provide opportunity for recreational cottage lot development while maintaining the ecological integrity of Little Teslin Lake for the enjoyment of people today and in the future.

Purpose

2. The purpose of this regulation is to regulate and control development of lands within the Little Teslin Lake Recreational Development Area by:

- (a) dividing the area into land use zones;
- (b) prescribing and regulating uses in each zone;
- (c) providing for the issuance of development permits;
- (d) describing the officers responsible for administering this regulation; and
- (e) providing a procedure for requesting amendments to this regulation.

Interpretation

3. In this regulation,

“accessory building” means a building or structure separate and subordinate to the main building and located on the same lot as the main building;

“accessory use” means a use which is subordinate to the principal use or building and is located on the same lot;

“building” includes any structure that may be used for housing or sheltering persons, animals, or goods and includes any such structure whether it is constructed or placed on, over, or under land or a body of water;

“building permit” means a building permit under the *Building Standards Act*;

“cottage unit” means a recreational accommodation building containing habitable rooms, cooking facilities, sanitary conveniences. The cottage unit is not to be used for year-round or permanent habitation.

“cottage unit area” means the habitable area contained within the inside walls of a cottage unit; but it does not include the area of a porch, veranda, or sunroom that is not habitable in all seasons, nor does it include the area of an unfinished attic or basement, nor of any garage or carport;

“development area” means the development area established by this regulation;

“development officer” means a person appointed as an inspection officer under section 43 of the *Settlement Land and Resources Act 2008 (Revised)*;

“development permit” means a development permit issued under this regulation;

“home occupation” means any occupation, trade, profession, or craft carried out within a dwelling as a use incidental and subordinate to the principal residential use;

“lot” means

- (a) a single parcel of land described in a certificate of title and registered at the Land Titles Office; or

- (b) a parcel of crown or First Nation land subject to a lease or agreement for sale;
- “lot line” means a line that forms part of the boundary of a lot;
- “owner” means a person named on an assessment roll under the *Assessment and Taxation Act (Yukon)* as the owner or leaseholder of a lot;
- “principal use” means a use listed as a principal use in Schedule A;
- “public utility” means the use of land for a sewerage, water, telecommunications, electricity, or transportation system;
- “recreational pursuits” means non-commercial activities, including but not limited to hiking, skiing, snowshoeing and wildlife viewing.
- “setback” means the minimum distance required between a lot line and any building or structure located on the lot;
- “site coverage” means that portion of the lot covered by all buildings; including the area covered by porches, balconies, sheds, garages, greenhouses, outhouses, and any other type of building.
- “use” means the construction, maintenance, or operation of any facility involving the use of land or a building or structure on land and, for greater certainty, includes
- (a) any use of land or a water surface whether or not any building or structure is also used;
 - (b) any use of land, a water surface, a building, or a structure for a commercial or business purpose whether or not the use may be aptly described as a “facility”; and
 - (c) change to any such use or in the intensity of any such use;
- “yard” means a part of a lot upon which, because of the setbacks required by this regulation, no building or structure other than a fence may be erected;
- “zone” means an area delineated as a zone in Schedule B.

PART 1

ADMINISTRATION

Role of development officer

4. (1) The role of a development officer is to
 - (a) receive, review and respond to applications for development permits;
 - (b) receive, review and respond to written complaints relating to this regulation;
 - (c) make decisions on completed applications for development permits;
 - (d) perform public consultation functions required by this regulation;
 - (e) make decisions on requests for minor variances under section 8;
 - (f) receive and review requests for amendment of this regulation;
 - (g) advise applicants for development permits of the appeal process;
 - (h) where, in the opinion of a development officer, there has been a contravention of this regulation, to take steps to remedy the situation pursuant to the *Settlement Land And Resources Act 2008 (Revised)*;
- (2) A development officer’s designation of a lot line as the front, rear, and/or side lot line of a lot is final.

PART 2

DEVELOPMENT PERMITS

Development permit application requirements

5. (1) A development permit is required for the following:
 - (a) the construction of a building;
 - (b) the reconstruction or structural repair of a building that, on the coming-into-force of this regulation, does not comply with this regulation;
 - (c) the construction of an addition to a building or any alteration that affects the exterior size or shape of the building;
 - (d) any use that requires the approval of a development officer under section 8;
 - (e) any use for which a building permit is required.
- (2) A development permit is not required for
 - (a) the commencement of a principal or accessory use permitted for the zone under Schedule A if a building permit is not required prior to the commencement of the use;

- (b) the repair or maintenance of buildings that comply with this regulation; or
- (c) the construction of the following:
 - (i) single story accessory buildings no larger than 10 sq. m. that are not intended for human habitation;
 - (ii) public utility structures, poles, antennas;
 - (iii) fences, gates, pens, or similar structures;
 - (iv) roads or driveways.

Application forms for development permits

6. An application for a development permit may be made on the same form as an application for a development permit under the *Settlement Land and Resources Act 2008 (Revised)*.

Completion of application for development permit

7. An application for a development permit is not complete until a development officer is satisfied that the application contains all the information about the proposed development required for a decision to be made under this regulation.

Decision on permitted uses

8. A development officer shall approve an application for a development permit where the proposed use conforms with
- (a) this regulation including, for greater certainty
 - (i) the list of permitted principal uses for which the building or lot may be used under Schedule A for the zone in which the building or lot is located, and
 - (ii) the list of permitted accessory uses under Schedule A where a permitted principal use already exists;
 - (b) other Acts and regulations of the Teslin Tlingit Council;
 - (c) Acts and regulations of the Yukon; and
 - (d) Acts and regulations of Canada.

Minor variances

9. (1) Despite the provisions of Schedule A, a development officer may issue a development permit authorizing a use that comes within 10% of meeting the setback and cottage unit size requirements for the zone.

PART 3

MISCELLANEOUS

Prohibited uses

10. The following uses are prohibited:
- (a) any use that has unreasonable adverse effects on the use of adjacent lots;
 - (b) any use that creates an unreasonable increase in conditions such as traffic, noise, vibration, smoke, dust, odour, toxic or noxious fumes, fire, heat, light, or explosive hazards;
 - (c) any use involving unsightly storage of goods, merchandise, or equipment that adversely affects the neighbourhood;
 - (d) any use that is hazardous to public safety;
 - (e) no person shall construct a floating dock, or be granted the upland tenure to obtain a water lot lease adjacent to their lot;
 - (f) permanent residential occupancy;
 - (g) commercial harvesting of timber;
 - (h) mineral staking or other mining activity; and
 - (i) any commercial use.

Change of ownership or occupancy

11. The use of a lot, building, or structure is not affected by a change in the ownership or tenancy of the lot, building or structure.

Compliance

12. (1) No person shall, without obtaining a development permit, do any act for which a development permit is required under this regulation.
- (2) No land, building, or structure shall be occupied or used, and no building or structure or part of a building or structure, shall be erected, moved, altered, or enlarged except in conformity with this regulation.
- (3) No lot shall be subdivided or enlarged.
- (4) Where a development permit has been issued for a use, a person must not undertake or continue the development use except in accordance with the development permit.
- (5) This regulation does not diminish the need to obtain
- (a) a building permit;
 - (b) a permit to construct, maintain, or alter a means of access to or from a controlled highway under the *Highways Act*; or
 - (c) a permit or other approval under any other applicable law.

Requests for amendment of this regulation

13. No zone that has been established under these regulations may be altered.

Designation of development area

14. The area delineated in Schedule B is designated as a development area to be known as the “Little Teslin Lake Recreational Development Area.”

Zones

15. (1) The area within the development area is divided into the following zones as delineated in Schedule B:
- (a) Cottage Lot 1 (CL1)
 - (b) Open Space (OS)
- (2) In addition to the other provisions of this regulation, the area within a zone is subject to the specific provisions for the zone set out in Schedule A.

Schedule A

OPEN SPACE – OS

Purpose

1. To protect wildlife habitat; protect sly-sensitive areas, serve as a buffer between development areas, and preserve the largely natural state of the development area.

Permitted Uses

2. Only the following principal uses are permitted

- (a) recreational pursuits
- (b) public utilities

3. Accessory Uses

- (a) Fire risk reduction activities

Special Provisions

4. The following special provisions apply in the Open Space/Hinterland zone

- (a) Fire risk reduction activities are only permitted if part of a community or government approved program;
- (b) No motorized traffic or vehicles are permitted except for existing boat launching locations.

COTTAGE LOT 1– CL-1(NTD – *Check the area descriptor to TTC map*)

Purpose

5. The purpose of the Cottage Lot 1 is to provide a zone for recreational development

Principal Uses

6. Only the following principal uses are permitted

- (a) 1 cottage unit

Accessory Uses

7. Only the following accessory uses are permitted

- (a) Accessory buildings

1. The total site coverage of all accessory buildings may not exceed 50m²
2. No accessory building shall be used as a dwelling.

Minimum Lot Size

8. The minimum permitted lot size is 0.4 hectares

Setbacks

9. The following setbacks apply in the CL 1 zone

- (a) All buildings must be at least 15 metres from the boundary of the lot

Maximum Cottage Unit Size

10. The maximum permitted cottage unit area is 100m²

Tree Removal

11. Tree removal shall be limited to that required to construct a cottage unit and use the lot for recreational purposes.