

LITTLE TESLIN LAKE DEVELOPMENT AREA REGULATION

Table of Contents

Short Title 3
Preamble 3
Purpose 3
Definitions 3
Application of this Regulation 4
Development Procedures Regulation Applies 4
Decision on permitted uses 4
Minor variances 5
Prohibited uses 5
Change of ownership or occupancy 5
Requests for amendment of this regulation 5
Designation of development area 5
Zones 5
Repeal 6
Schedule A 7
Schedule B 8

The following regulation is made by the Executive Council pursuant to section 170 of the *Teslin Tlingit Land and Resources Act 2016*:

Short Title

1. This regulation may be cited as the *Little Teslin Lake Development Area Regulation*.

Preamble

2. The intent of this 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

3. The purpose of this regulation is to regulate and control development of settlement land within the Little Teslin Lake Recreational Development Area by dividing the area into land use zones and prescribing and regulating uses in each zone.

Definitions

4. Unless otherwise defined in this Regulation, terms have the same meaning as in the *Teslin Tlingit Land and Resources Act 2016*.

5. 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;

“Act” means the *Teslin Tlingit Land and Resources Act 2016*;

“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 permit issued under the *Building Standards Act* (Yukon);

“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 Little Teslin Lake Recreational Development Area established by this regulation;

“development permit” means a development permit issued in accordance with the *Development Procedures Regulation*;

“*Development Procedures Regulation*” means the *Teslin Tlingit Council Settlement Land Development Procedures 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 parcel of land registered in the Register of Lands in accordance with section 12(1)(a) of the Teslin Tlingit Council *Settlement Land Registration Regulation*;

“lot line” means a line that forms part of the boundary 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;

“Register of Lands” means the Register of Lands established pursuant to section 61 of the Act;

“regulation” means this regulation, and includes all requirements set out in schedules to this regulation;

“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.

Application of this Regulation

6. This Regulation applies to development in the development area.

Development Procedures Regulation Applies

7. For greater certainty, the *Development Procedures Regulation* applies to developments in the development area.

Decision on permitted uses

8. (1) for the purposes of section 15 of the *Development Procedures Regulation*, applications for a development permit within the development area are designated as a class of applications which may be decided by the Director of Lands.

(2) The Director of Lands shall approve an application for a development permit in the development area where the application and 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 1 where a permitted principal use already exists;
- (b) the requirements under the *Development Procedures Regulation*;
- (c) other Acts and regulations of the Teslin Tlingit Council;
- (d) Acts and regulations of the Yukon; and
- (e) Acts and regulations of Canada.

Minor variances

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

Prohibited uses

10. Subject to lawful existing uses on category B settlement land, the following uses are prohibited in the development area:

- (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.

Requests for amendment of this regulation

12. No person may apply for a zoning amendment under this regulation.

Designation of development area

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

Zones

14. (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.

Repeal

15. The *Settlement Land and Resource Area Development Regulations- Little Teslin Lake* TTCR 09/01 are repealed on the day this Regulation comes into force.

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– CL1

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:
 - i. The total site coverage of all accessory buildings may not exceed 50m²;
 - ii. 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 CL1 zone:
 - (a) All buildings must be at least 15 metres from the boundary of the lot.

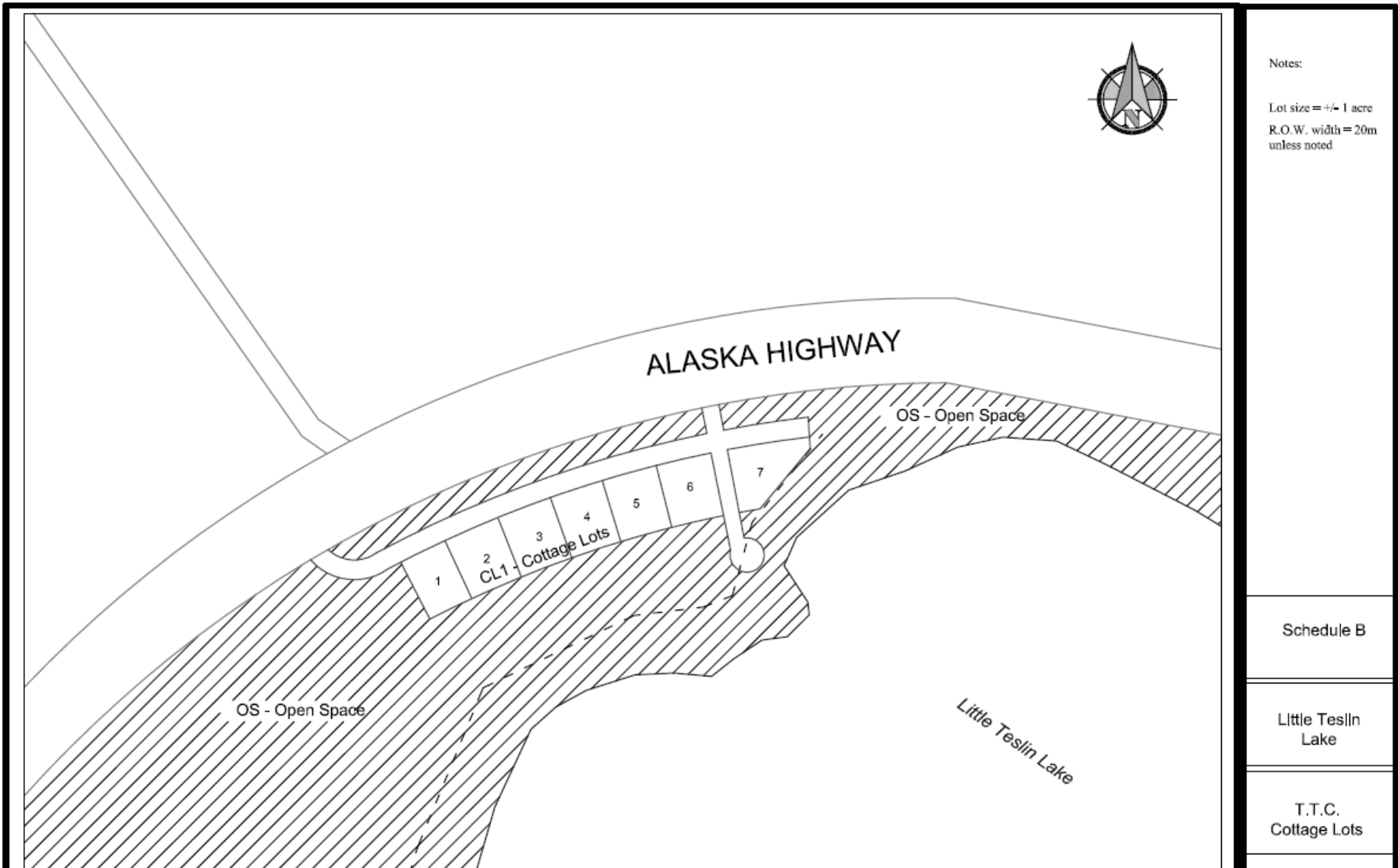
Maximum Cottage Unit Size

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.

Schedule B



Notes:

Lot size = +/- 1 acre
R.O.W. width = 20m
unless noted

Schedule B

Little Teslin
Lake

T.T.C.
Cottage Lots