TRADITIONAL ALLOCATION RULE

Pursuant to section 135 of the Lands Act, the director makes these Rules for Development Authorizations.

Headings

1. The headings preceding each section of these Rules are included for convenience only and do not form part of the Rules.

Terms in the act

2. A word or term defined in the Act or its regulations has the same meaning when used in these Rules.

Definitions

3. In these Rules
   "Act" means the Lands Act;
   “development authorization” means an authorization authorizing development and issued in accordance with Part 6 of the Act.
   “land” means the land in respect of which a development authorization is issued;
   “regulations" means the Lands Regulations; and
   “standard terms” means the terms and conditions set out in Schedule ‘A’ to this Rule.

Rule

4. Subject to this Rule, the standard terms shall be included in the terms and conditions of a development authorization.
5. The standard terms may be included in the terms and conditions of a development authorization by reference to this Rule.
6. Section 4 does not apply to the issuance of a development authorization if the land
   6.1 is not subject to an interest granted under the Act;
   6.2 is subject to an interest granted under the Act that is for a purpose other than traditional activities; or
   6.3 is subject to acceptable zoning and development control legislation, in the opinion of the director.
7. Despite section 4, the director may, if satisfied that it is appropriate in the circumstances, issue a development authorization
   7.1 that is not subject to the standard terms; or
   7.2 that is subject to terms and conditions that are different or other than the standard terms or any of them.

SCHEDULE 'A'

STANDARD TERMS FOR DEVELOPMENT AUTHORIZATIONS ON TRADITIONAL ALLOCATIONS

1. This development authorization is subject to the terms and conditions set out herein.

Definitions

2. In respect of the terms and conditions set out herein

"accessory use" means a use which is incidental and subordinate to the principal use or building and is located on the same parcel of land;

"accessory structure" means a building or structure that is separate and subordinate to the principal building on the same parcel of land, and that is not a dwelling unit;

"attractant" means the same as in the Yukon Wildlife Act;

"cabin" means a structure that is used for non-commercial accommodation on an occasional basis;

"culture camp" means the use of buildings or structures to enable individuals to participate in traditional activities with an explicit goal of learning, healing, or cultural reconnection;

"discretionary use" means a use of a building or structure that may be authorized only at the discretion of the director;

"dwelling unit" means one or more rooms intended to be used as a residence by one household, and containing not more than one kitchen;

"land" means the settlement land in respect of which a development authorization is issued;

"principal use" means the main and dominant use;

"setback" means the minimum distance required between an allocation boundary line and any portion of a building or structure located on a lot;

"traditional allocation" means an interest in settlement land issued in accordance with the Lands Act for the purpose of traditional activities.

"use" means the purpose or function to which land, buildings, structures, or bodies of water may be put.

Traditional allocation development authorization

1. A person shall not develop the land except in accordance with the following:

    1.1 Authorized principal uses:

        (a) Traditional activities.

    1.2 Authorized accessory uses:

(a) Cabins not exceeding 12 square metres in floor area;

(b) Outhouse;

(c) Cache;

(d) Tent frame;

(e) Fish rack;

(f) Equipment storage shed;

(g) Structure reasonably associated with carrying out traditional activities, but which is not a dwelling unit.

(h) Roof-mounted solar panels, satellite dishes, turbines and antennae for personal use.

1.3 Discretionary uses:

(a) Culture Camp

1.4 Despite 1.1 and 1.2, any use is prohibited that:

(a) Is commercial or industrial;
(b) Has unreasonable adverse effects on the use or well-being of adjacent lands;
(c) Creates or is likely to create a nuisance, including but not limited to an unreasonable increase in conditions such as traffic, noise, vibration, smoke, dust, odour, toxic or noxious fumes, fire, heat, light or explosive hazards;
(d) Involves unsightly storage of goods, vehicles, or equipment;
(e) Is likely to be hazardous to public safety or environmental health;
(f) Is likely to be a wildlife attractant or have a negative effect on animals.

1.5 Other prohibited uses:

(a) Signs for advertising, or any sign over 2 square metres, except temporary special event signs;
(b) Unregistered vehicle storage, except within an enclosed building;

1.6 The maximum height of a use, building, or structure, exclusive of antennae, satellite dishes, or solar panels, shall be 7 metres for a cabin or accessory structure.

1.7 The minimum setback for principal and accessory uses is 5 metres from any allocation boundary.

1.8 In the event of a conflict or inconsistency between these terms and conditions and the terms and conditions of a corresponding allocation, the latter will prevail to the extent of the inconsistency.

1.9 These terms and conditions shall cease to apply upon the coming into force of KDFN legislation or laws of general application that provide for zoning and development controls applicable to the land.

Non-conforming uses and buildings

2. Non-conforming uses and buildings:

2.1 A use, building, or structure that existed prior to the time that KDFN granted the interest in settlement land or issued an authorization may be permitted as a nonconforming use in the development authorization.

2.2 The permission for a non-conforming use will terminate if

(a) The use is discontinued for a period of 12 months or more; or

(b) The building or structure in respect of which the use is conducted is destroyed or damaged to an extent of 75 per cent or more of its assessed value.

2.3 A non-conforming building or structure permitted in the development authorization may not be enlarged, added to, rebuilt or structurally altered, except

(a) To increase its conformity; or

(b) To comply with enactments of KDFN, Yukon, or Canada.

2.4 Any repair, maintenance or installation that does not alter the size of the building or structure or involve the rearrangement or replacement of structural elements shall not be considered to be a structural alteration.

2.5 Subject to Sections 2.3 and 2.4, a non-conforming use may be extended throughout the rest of the building, structure, or lot.

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Daniel Beaudoin, Director, Heritage, Lands & Resources Date

VERSION HISTORY

DATE	REVISIONS