

## **Village of Teslin Zoning Bylaw No. 20-243**

### **Abstract**

Zoning implements the land use planning vision expressed in an official community plan, supporting community sustainability and resilience goals. Zoning bylaws regulate how land, buildings and other structures may be used. They divide the municipality into zones, name each zone and establish the boundaries of those zones. They regulate uses, the locations where those uses can be sited, the size and dimensions of buildings and other structures, and subdivision, i.e. the shape and size of parcels of land.

Adopted September 28, 2020

Before doing any construction, please consult with the Village of Teslin!

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## **Village of Teslin**

### **By-Law #20-243**

#### **A Bylaw to Divide the Municipality into Zones and to Regulate the Uses in such Zones**

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WHEREAS Section 289 of the *Municipal Act* provides that a zoning bylaw may prohibit, regulate and control the use and development of land and buildings in a municipality; and

WHEREAS persons who deem their interest in property affected by this Bylaw have been given an opportunity to be heard on the matters contained herein, before the Municipal Council of the Village of Teslin, all in accordance with the requirements of the *Municipal Act*; and

WHEREAS it is deemed desirable to adopt a new Village of Teslin Zoning Bylaw to implement the new Village of Teslin Official Community Plan, Bylaw 20-243;

NOW THEREFORE the Village of Teslin Council, in open meeting assembled, hereby ENACTS as follows:

## **Part 1 – Interpretation**

### **Division 1 – Title and Application**

#### **1. Title and Purpose**

1. This Bylaw may be cited as the “Teslin Zoning Bylaw 2020,” No. 20-243.
2. This bylaw implements the objectives and land use policies of the *Official Community Plan* by providing for the orderly development of the community in an efficient, economic and environmentally sensitive manner.

#### **2. Jurisdiction**

1. This bylaw applies to all land within the municipal boundary of the Village of Teslin including those lands listed in Part 1, Appendix B, or affected by Appendix B, Part 2 of the Teslin Tlingit Council Self Government Agreement.
2. Notwithstanding clause 3 above, this bylaw applies:
  - (a) to Teslin Tlingit Council Settlement Land, other than Teslin Tlingit Council’s retained reserves, within municipal boundaries until such time as the Teslin Tlingit Council makes an enactment for which the Village of Teslin and Teslin Tlingit Council agree will displace this bylaw as it applies to Settlement Land, other than retained reserves, within municipal boundaries; and
  - (b) if authorized by a Teslin Tlingit Council enactment, to Teslin Tlingit Council’s retained reserves within municipal boundaries until such time as the Teslin Tlingit

Council makes an enactment that explicitly displaces this bylaw as it applies to retained reserves within municipal boundaries.

3. The provisions of this Bylaw relating to topics covered in other applicable legislation shall be binding insofar that they are not contrary to such legislation.
4. The provisions of this Bylaw shall be read in conjunction with all other applicable Bylaws.

### **3. Conformity and Non-Conformity**

1. No land or building shall be used for any purpose except in conformity with, or as permitted by, this bylaw. For clarity, no lot shall be reduced in area by subdivision so that it does not comply with the requirements of this bylaw.
2. Non-conforming uses will be dealt with according to the provisions of the *Act*.
3. Lots created before the approval of this bylaw which are less than the minimum dimensions required of the zone they are in, shall be considered to be conforming lots for the purposes of this bylaw. Rear and side yard setbacks may be reduced proportionately by the same percentage that the lot is less than the minimum for that zone.
4. This bylaw shall not prevent the renovation or maintenance of a non-conforming building or structure, provided that the renovation or maintenance does not enlarge the existing non-conformity.
5. The presence or development of a non-conforming lot or building shall not affect the status of abutting lots.
6. The lawful use of land or a building or other structure existing at the date of the approval of the *Official Community Plan* or the *Zoning Bylaw* that does not conform to the *Plan* or this bylaw may be continued, but if the non-conforming use is discontinued for a period of eighteen (18) months or more, the future use of the land, building or structure shall be in conformity with the *Plan* and this bylaw.
7. The use of land or the use of a building is not affected by reason only of a change in ownership, tenancy or occupancy of the land or building.

### **4. Severability**

1. If one or more provisions of this bylaw are, for any reason, declared to be invalid by the Courts, all remaining provisions remain in force and effect.

## **Division 2 – Compliance**

### **5. Siting, Building Height and Grading**

1. Where a lot which is not a corner lot has frontage on more than one street, the Development Officer may require any building, structure, or accessory building on the

lot to maintain a front yard on each street so as to present a consistent street appearance on each street.

2. Chimney stacks, ventilation equipment, elevator housings, parapet walls and flag poles are not included in calculating the maximum height permitted in any zone.
3. Proposed finished grades should, to the extent possible, use natural grades to respect the natural contour of the land, minimize the necessity to use retaining walls, avoid steps that restrict handicapped access, and ensure drainage away from abutting properties.
4. Where any part of a lot is required to be reserved as a yard, it shall continue to be so reserved, regardless of any change in ownership.

## **6. Other Legislation**

1. A person applying for a development permit or change of use is responsible for determining and complying with the requirements of other Municipal, Territorial, First Nation and Federal legislation and the issuance of a permit does not relieve the owner from complying with any easement, covenant, lease or legal agreement which affects the development.
2. A person applying for a development or change of use in the vicinity of the Teslin aerodrome must comply with the height and obstacle clearance restrictions set out in the *Teslin Aerodrome Zoning Restrictions*.

## **7. Prohibitions**

1. No person shall authorize or do any construction that is at variance with the description, specifications or plans that were the basis for the issuance of a development permit, unless the variation has been reviewed and authorized in writing by the Development Officer or, where applicable, the Building Inspector.
2. No person shall move a building or structure off or onto a lot without obtaining a development permit.
3. Except as provided in section 23, no person shall initiate any development or redevelopment or commence any use in the municipality of Teslin unless a development permit has been issued by the Development Officer.

## **8. Enforcement**

1. The Council may, by resolution, authorize an enforcement officer of the Village to order any person carrying out any work or doing anything contrary to the provisions of this Bylaw, to forthwith cease carrying out such work or doing such things.
2. All enforcement activities of a Development Officer as permitted by the *Act* and this bylaw may be commenced simultaneously.



3. Where the Development Officer receives a complaint that an offence has been committed, they shall investigate and prepare a report to Council as expeditiously as possible.

## **9. Offences**

1. Any person who contravenes this bylaw, or causes or permits a contravention of this Bylaw commits an offence.
2. Any person who
  - (i) uses or occupies any building or land; or
  - (ii) undertakes a development; or
  - (iii) makes an addition or alteration to a building or structure,for which a development permit is required but has not been issued; or engages in the above activities in a manner that is in contravention of a condition of a development permit issued under this bylaw, commits an offence.

## **10. Notices**

1. If the Development Officer finds that a contravention of this bylaw or a condition of a development permit has occurred, the Development officer shall, using the prescribed *Notice of Violation* form, notify the following persons as applicable of the contravention:
  - (i) the person who owns the land, building or other structure, or development in respect of which the contravention occurred;
  - (ii) the person in possession of the land, building or other structure, or development in respect of which the contravention occurred; and
  - (iii) any person identified as being responsible for the contravention.

Such notice may be delivered in person, by ordinary mail, by fax, or by posting the notice in a conspicuous location on the land, building or other structure in respect of which the contravention occurred.

2. The *Notice of Violation* shall state: the nature of the contravention, the action required to remedy the contravention, the date by which such remedial action must be completed, and the persons listed in section 10.1 who must undertake the action to remedy the contravention.

## **11. Orders**

1. Council may, on finding that a contravention of this bylaw has occurred: direct the Development Officer to take such actions as are necessary to stop or remedy the

contravention, including but not limited to suspending or revoking a development permit, issuing orders pursuant to sections 11.2 or 11.3, or applying to the Court for an injunction to restrain such contravention.

2. The Development Officer may issue to the persons identified in Section 10.1 an order to comply with the provisions of this bylaw within a specified time.
3. The Development Officer may issue an order to the person carrying out a development or any person doing anything in contravention of the *Act*, the *Official Community Plan* or *this bylaw* to, within a specified time, either or both:
  - (i) Immediately stop the contravention; or
  - (ii) To take such measures, including remediation of the contravention, as are specified in the Order to ensure the development or use of the land or building is brought into conformity with the *Act*, *Official Community Plan*, or *this bylaw*.
4. An order made under section 11.3 shall be personally served or delivered by double registered mail to the person described in section 10.1. In the event that the Development Officer is unable to effect service or delivery of the order by these methods, the order shall be posted in a conspicuous location on the land, building or other structure in respect of which the contravention occurred.
5. Where a person fails or refuses to comply with an order made under section 11.2 or 11.3 within the time stipulated in the order, the Development Officer may take such action as is necessary to enforce the order.
6. The costs and related expenses incurred by the Village in carrying out an order under this bylaw shall be placed on the tax roll as an additional tax against the land that is the subject of the order, and that amount shall be collected in the same manner as taxes on the land.
7. Council or the Development Officer may order the demolition and/or removal of any materials or structures constructed or placed in contravention of the provisions of this bylaw.
8. Council or the Development Officer may order an owner of land, a person in possession of land, a building or other structure, or a person carrying out a development on land, to remove the following from the land:
  - (i) any fire or explosive hazards;
  - (ii) any storage of goods, salvage, junk, waste or other materials which
    - (a) may be or may become hazardous or injurious to the health or safety of the community;
    - (b) adversely affects the amenities of the neighborhood; or
    - (c) interfere with the normal enjoyment of any abutting land, building or structure on the basis that such storage constitutes a contravention of the intent of the *Act*, the *Official Community Plan* or the provisions of this bylaw.

9. Council or the Development Officer may order an owner of land to repair, alter or demolish any unsafe, hazardous or dilapidated building or structure on the land and to remove all debris and waste products from the land.
10. A person who receives an order made by the Development Officer under section 11.2, 11.3, 11.7, 11.8, or 11.9 may request a review of that order by the Council in accordance with the *Act*.

## **12. Penalties**

1. Any person who commits an offence under section 9 is, upon summary conviction, liable to a fine as specified in the *Summary Convictions Act* and amendments thereto.
2. Where an offence is committed or continued on more than one day, it shall be deemed to be a separate offence for each day on which the offense is committed or continued.
3. In addition to the penalties prescribed above, a person convicted of a contravention of this bylaw, may be ordered to remove any development, building or structure carried out or constructed by that person and restore or remediate the land on which such development or construction occurred to a tidy condition free from any debris and waste products, at that person's own expense.

## **Part 2 – Administration**

### **13. Availability**

1. A copy of this bylaw and the *Zoning Map*, as amended from time to time, shall be available for inspection by the public at the Village office and may be purchased for the fee set by Council.

### **14. Applications in Progress**

1. An application for a development permit which is received in its complete form prior to the effective date of this bylaw shall be decided upon within 45 days using the regulations in effect at the time of application.
2. No time extension shall be granted to any development permit issued under this section for which development has not commenced within 12 months.

### **15. Duties and Responsibilities**

#### ***Development Officer***

1. The position of Development Officer to administer this bylaw is established. One or more employees of the Village shall be appointed by Council to fulfill the duties of this position.
2. A Development Officer shall receive and decide upon completed applications for a

development permit, rezoning and *Certificate of Zoning Compliance*.

3. The duties of the Development Officer include:

(i) Receiving, reviewing, and making recommendations to Council on any application to amend the text of this bylaw or the *Zoning Map*;

(ii) referring an application to any Federal or Territorial department, the Teslin Tlingit Council and any other agency or body deemed appropriate for advice and comment;

(iii) creating standard application forms and maintaining, for inspection by the public during normal office hours, a copy of this bylaw, as amended; a register of all development permit and rezoning applications including the decisions made; and shall ensure copies of this bylaw and the attached *Zoning Map* are available to the public at a reasonable cost;

(iv) exercising discretion in granting variances of up to 5% of the requirements of this bylaw provided there will be no detrimental impact on adjacent properties or the neighborhood and the density is not increased by virtue only of the variance; and

(v) Performing such other duties as described or implied by this bylaw.

4. Any person who is aggrieved by a decision of the Development Officer under this Bylaw may appeal in writing, within thirty (30) days of the decision, to the Council using the form provided.

5. Subject to the provisions of the *Act*, an appeal may be made to the Council by the applicant or person affected:

(i) when a Development Officer: refuses or fails to make a decision to issue a development permit to a person within thirty (30) working days of receipt of a completed application; or

(ii) issues a development permit subject to conditions; or

(iii) the applicant alleges the Development Officer has misapplied the *Official Community Plan* or *Zoning Bylaw* in a particular case;

***Appointment of Employees for Assistance***

6. Council may appoint such officers or employees as it may deem necessary in order to assist in the performance of the Boards' duties.

7. The appointed position shall perform the following duties:

(i) Provide general assistance to applicants;

(ii) Accept applications and fees on behalf of the Board.

## **16. Bylaw Amendments (Rezoning Applications)**

1. Council may initiate any text and/or map amendment to this bylaw. Any such amendment shall be reviewed in accordance with section 17.
2. An owner of land within the municipality or an authorized agent of the owner may apply to have the zoning designation of their land amended to another zoning designation.
3. For the amendment application to be considered by Council, the applicant shall provide the Development Officer with:
  - (i) documentation of ownership or authority to act on behalf the landowner;
  - (ii) a written statement of justification including a map showing the proposed change in the context of adjacent land;
  - (iii) permission for right of entry by Village staff for reasonable inspection;
  - (iv) the required, non-refundable application fee as set out in the *Service Rates and Fees Bylaw*; and
  - (v) such other information as the Development Officer deems necessary to prepare an evaluation of the request with a recommendation to Council.

## **17. Review Process**

1. Upon receipt of a completed application for a text and/or map rezoning, the Development Officer shall undertake an investigation and analysis of the potential impacts of the proposed change. The analysis shall, among other factors, consider the following:
  - (i) relationship to and compliance with the *Official Community Plan*, federal, territorial land use policies and government's obligations under the *Teslin Tlingit Council First Nation Self Government Agreement*;
  - (ii) compatibility with surrounding development in terms of land use function and scale of development;
  - (iii) the impacts on municipal services, utilities and public facilities such as schools;
  - (iv) the potential need for municipal land, right-of-way or easement requirements;
  - (v) effect on the stability, retention and rehabilitation of desirable existing uses and buildings;
  - (vi) the documented concerns of affected residents and land owners to the proposal; and

- (vii) the necessity and appropriateness of the proposed amendment in view of the stated intentions of the applicant.
  - 2. Before approving a text, map or site rezoning amendment request, Council shall comply with the requirements and notification procedures set out in the *Act*.
- 18. Resubmission Interval**
- 1. Where an application for an amendment to this bylaw has been denied by Council, another application for the same or substantially the same amendment shall not be submitted within 12 months of the date of refusal unless Council otherwise directs.
  - 2. When an application is refused by the Development Officer or Council, or in the case of an appeal by the Board of Variance or Yukon Municipal Board, another application on the same site for the same or similar use as that previously applied for, shall not be accepted from the same or any applicant until at least 12 months after the date of refusal or final appeal as the case may be.
  - 3. Sections 18.1 and 18.2 shall not apply in the case of an application for a development permit or Certificate of Zoning Compliance, if the new application is for a use that complies with the regulations of this bylaw.

**19. Board of Variance Procedures**

- 1. An owner of land within the municipality or an authorized agent of the owner may apply to have a variance to the zoning regulations or an exemption from an official community plan or zoning bylaw if there are practical difficulties or unnecessary hardships in meeting the requirements of the official community plan or zoning bylaw because of the exceptional narrowness, shortness, shape, topographic features, or any other unusual condition of the property. These difficulties or hardships must not have been created by the applicant's or the property owner's action.
- 2. For the amendment application to be considered by the Board of Variance, the applicant shall provide the Development Officer with:
  - (i) documentation of ownership or authority to act on behalf the landowner;
  - (ii) a written statement of justification including a map showing the proposed change in the context of adjacent land;
  - (iii) permission for right of entry by Village staff for reasonable inspection;
  - (iv) the required, non-refundable application fee as set out in the *Service Rates and Fees Bylaw*; and
  - (v) such other information as the Development Officer deems necessary to prepare an evaluation of the request with a recommendation to the Board of Variance.
- 3. Within 30 days of receipt of an application, the board of variance shall meet to review

the application, and provide a decision to approve, disapprove, or approve with conditions. The board of variance is required, in delivering its decision, to preserve the purposes and intent of the official community plan and zoning bylaw.

4. The board of variance decision can be appealed per the provisions of the Yukon *Municipal Act*.

## **Part 3 – Definitions**

### **Division 1 – Rules of Interpretation**

20. Typical uses listed in the definitions as examples are not intended to be exclusive or restrictive. Reference should be made to the intent, impact, and definition of the use in determining whether or not the type of use proposed is consistent with the examples listed; and
21. Where a specific use does not conform to the wording of any use definition or generally conforms to the wording of two or more definitions, a Development Officer may use discretion to deem that the use conforms to and is included in that use which is considered to be most appropriate in character and purpose.

### **Division 2 – General Definitions**

**For the purpose of this bylaw, the following terms shall be defined as follows:**

## **A**

**ABUT OR ABUTTING** - means immediately contiguous to, or physically touching, and when used with respect to lots or sites means two that share a common property line or border.

**ACCESSIBILITY** – means facility designs that accommodate the widest range of potential users, including people with mobility and visual impairments (disabilities), seniors, and other special needs.

**ACCESSIBLE ROUTE** – means a continuous, unobstructed path at least 914 mm (36 inches) wide connecting all interior and exterior elements and spaces of a house and site including corridors, parking, curb ramps, crosswalks and sidewalks and served by a no-step, flat entrance with a beveled threshold of 12.7 mm (½ inch) or less.

**ACCESSORY DWELLING UNIT** -- means a small secondary dwelling unit not attached to or within another dwelling unit constituting a self-contained dwelling unit in accordance with Section 33 of this Bylaw, which is located on a parcel that has a principal dwelling unit on it.

**ACCESSORY USE OR ACCESSORY BUILDING/STRUCTURE** - means a use, building or structure naturally and normally incidental or ancillary to the principal use or building located on the same lot or site, but not for the purpose of human habitation unless specifically stated in this Bylaw. Typical accessory structures include satellite dishes, garden and storage

sheds, garages, greenhouses, propane tanks, television or radio masts, a greenhouse, dog house, dog run, and a stable.

ACT - means the *Yukon Municipal Act*, as amended.

AGRICULTURE - means any farming activity involving the growth, production, or harvesting of a crop including on-site sale, or the rearing of fur-bearing animals, poultry, or other livestock and includes commercial greenhouses, stables, and nurseries.

AGRICULTURE (MINOR) – means an agricultural activity undertaken as an accessory use by the owner or occupant of the lot primarily for personal use or consumption. Typical uses include, but are not limited to the following: nurseries, greenhouses, market gardens, bee-keeping and raising of animals or fowl for personal use or consumption. It does not include the rearing of fur-bearing animals.

AIRPORT - means any landing area used or intended to be used either publicly or by any person or persons for the landing and taking off of aircraft, including all necessary taxi-ways, aircraft storage, servicing, and tie down areas, hangars, and other necessary buildings and open area incidental thereto.

ALTER - means (i) any structural change to a building bearing wall, foundation support beam, internal partition, column, or girder that results in an increase or decrease in the area or cubic dimensions of a structure; (ii) any change in the frontage, depth or width of a lot that affects the required yard, parking or other requirements of this bylaw; and (iii) any change of the principal use of a building or lot defined as being distinct from the discontinued use.

AMUSEMENT ARCADE - means a building or part thereof, where the principal business is providing video, pinball or computer games for use by the general public.

ANIMAL SHELTER - means a purpose designed building used for the temporary care of lost, abandoned or neglected animals.

APARTMENT BUILDING - means a building consisting of not less than three (3) dwelling units, each of which is occupied or intended to be occupied as a residence of one family, but shall not mean a hotel, motel, or motor hotel.

APPLICANT - means any person having a legal or equitable interest in property or a person acting as the authorized representative of such person who has applied under the provisions of this bylaw for a change of use or permit to develop land.

## B

BED AND BREAKFAST LODGING means an accessory use of an owner-occupied residence in which temporary overnight accommodation and breakfast is provided to tourists and visitors.

BOARDING HOUSE - means a building in which the owner supplies accommodation for their household as well as accommodation and meals for non-transient boarders.



**BOARD OF VARIANCE** - means the Village of Teslin Board of Variance, as established under the Yukon *Municipal Act*. A Board of Variance considers applications for variance or exemptions from an official community plan or zoning bylaw if there are practical difficulties or unnecessary hardships because of the exceptional narrowness, shortness, shape, topographic features, or any other unusual condition of the property.

**BUILDING** - means a temporary or permanent structure having a roof supported by walls for the shelter or enclosure of persons, animals, materials, chattels and equipment.

**BUILDABLE AREA** - means that portion of the lot remaining after required yard setbacks have been provided, as well as any required setbacks from environmentally sensitive areas.

**BUILDING HEIGHT** - means the vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of the roof surface. The measurement shall be taken at the parapet in the case of a flat roof; the deck line for a mansard roof and at the highest point of the ridge for a gable, hip or gambrel roof.

**BUILDING INSPECTOR** - means the official appointed by the Yukon Government to administer and enforce the provisions of the *Yukon Building Standards Act*.

**BULK FUEL DEPOT** - means lands, buildings and structures for the storage and distribution of oil and gas products and may include key lock retail sales.

**BUSINESS** - means the carrying on of a commercial or industrial undertaking of any kind or nature, or the provision of professional, personal or other service for gain or profit.

**BUSINESS SUPPORT SERVICES** - means a service which provides support services for other businesses such as secretarial, book-keeping, copying, photographic processing, janitorial, building security and office supplies.

## C

**CAMPGROUND** - means an area of land, managed as a unit, providing short term accommodation for tents, tent trailers, travel trailers, recreational vehicles and campers, and includes camps sponsored by non-profit organizations.

**CANNABIS** – means cannabis as defined in the *Cannabis Act* (Canada).

**CANNABIS RETAIL STORE** – means the premises specified in a retail cannabis licence where the retail sale of cannabis is authorized.

**CANOPY** - means a cantilevered roof free of enclosing walls intended to shelter a portion of the sidewalk in front of the premises to which it is attached and includes an awning and a free-standing or attached shelter over gasoline pump islands.

**CARETAKER LIVING SUITE** – means a living accommodation for a caretaker to live on site. Could be a manufactured home.

CARPORT - means a roofed accessory structure to shelter parked vehicles which is normally attached to the principal building and not enclosed on the front and one side. A carport is considered part of the principal building to which it is attached in calculating requirements.

COMMERCIAL USES – means an activity involving the sale of goods or services carried out for profit.

COMMERCIAL RECREATION SERVICES - means a development for recreation, social or multi-purpose use and includes facilities privately operated for gain. Typical uses include community halls, non-profit social clubs, marinas, bowling alleys and golf courses.

COMMUNITY CARE FACILITIES – means facilities or institutions that provide temporary shelter services or supportive housing, and may include a safe house, a group home, or a residential care home. Does not include correction services.

COMMUNITY FACILITIES – means the use of land for public purposes such as recreational facilities, community halls, parks, schools, government offices and protective services.

CONDITIONAL USES – means that a use may be permitted in a particular zone if it can be shown that such a use will comply with all the conditions and standards of the zone. Conditional uses are approved by municipal council.

COUNCIL - means the Council of the Village of Teslin.

## D

DAY CARE FACILITY - means an establishment licensed under the *Child Care Act*, intended to provide care, educational services and supervision of children for less than 24 hours; includes the secondary use of a dwelling in which the operator resides, used for this purpose.

DERELICT VEHICLE – An inoperative motor vehicle which is not currently licensed.

DETENTION AND CORRECTION SERVICES - means a facility for holding, confining and treating or rehabilitating persons.

DEVELOPMENT - means the carrying out of any construction involving clearing, site excavation, dumping or filling, mining of surface materials; construction, renovation or demolition involving a material change to any use on, over, or under the land or building which results in, or is likely to result in a change of use or intensity of use including the erection of commercial signs.

DEVELOPMENT AGREEMENT - means a legal agreement between the developer and the Village of Teslin setting out their respective rights, obligations and fiscal commitments in respect to a proposed development.

DEVELOPMENT OFFICER - means a properly authorized official of the Village of Teslin appointed by Council to interpret, administer and enforce the provision of this Bylaw.

**DEVELOPMENT PERMIT** - means a document authorizing a development to proceed pursuant to this bylaw, including any plans, drawings, specifications, conditions or other documents that pertain to the development that has been approved.

**DWELLING** - means one or more rooms intended to be used as a residence by one household, each dwelling having independent living, sleeping, sanitation and kitchen facilities. Does not include recreational vehicles.

**DWELLING - MULTI-FAMILY** - means a building or cluster of buildings consisting of three or more dwelling units.

**DWELLING - DUPLEX OR SEMI-DETACHED** - means a building designed exclusively for occupancy for two families living independently of each other in separate units either side by side or above and below each other.

**DWELLING - SINGLE FAMILY** - means a detached building used exclusively for residential purposes, consisting of one principal dwelling unit. Can include manufactured homes.

## E

**EATING AND DRINKING ESTABLISHMENTS** - means a development where prepared food and beverages are offered for sale to the public for either on-site or off-site consumption. This includes bars, restaurants, lunch rooms and refreshment stands but not mobile catering services.

**EMERGENCY AND PROTECTIVE SERVICES** - means a public facility used by fire, police ambulance and other services as a base of operations and includes a health centre.

**ENVIRONMENTAL PROTECTION** – means protection of any environmentally sensitive areas with characteristics such as permafrost, steep slopes, wetlands, flood plains, high water tables, forest areas, endangered species habitat, dunes, or areas of significant biological productivity or uniqueness that have been designated for protection from any activity that would significantly alter their ecological integrity, balance, or character.

**ENVIRONMENTAL RESERVE** - means those areas intended to remain in their natural state because of their inherent natural features or hazards posed such as unstable slopes wetlands, areas prone to flooding, unique flora or habitat. Such areas may be designated on a spatial or temporal basis and in a manner that still permits limited use for passive recreation including trail and interpretative facility development.

**EXISTING USE** - means any use of land or a building existing at the date of adoption of this bylaw.

**EXTERIOR SIDE YARD** – means the side yard of a corner lot adjacent to the cross street.

## F

**FAMILY** - means one or more persons occupying premises and living as a single housekeeping unit.

**FINISHED GRADE** – means the final elevation of the ground level after development, calculated by taking the average of the finished ground level surrounding each face of the building taken at the centre of the wall.

**FLOODPLAIN** - means the area adjoining the channel of a river, stream or watercourse which is prone to inundation by flood water during a regional or one-in-a-hundred year flood.

**FOOD TRUCK** – means a large motorized vehicle, such as a van or trailer, equipped to cook, prepare, serve, and/or sell food.

**FRONTAGE** - means the horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right of way. All sides of a lot that abut a street shall be considered frontage. On curvilinear streets, the arc between the side lot lines shall be considered the lot frontage.

## G

**GARAGE** - means an accessory building or structure or a part of the principal building designed and used primarily for the storage of the building occupants' vehicles; includes a carport.

**GENERAL CONTRACTOR SERVICES** - means the provision of construction related services such as building and road construction contracting, excavation, landscaping, electrical, plumbing, heating or services of a similar nature which require on-site storage and warehouse space.

**GREENBELT** - means an area of undeveloped land held in reserve by and for the municipality.

**GROUND FLOOR AREA** - means the greatest horizontal area of the first storey of the principle building above grade within the outside surface of the exterior wall. This includes all attached structures having a foundation such as attached garages, decks and steps.

**GROUP HOME** – means the use of a dwelling unit as a facility which is authorized, licensed or certified by a public authority to provide room and board for foster children or disabled persons, or for persons with physical, mental, social, or behaviour problems, and which may be for the personal rehabilitation of its residents either through self-help or professional care, guidance, and supervision.

## H

**HOME BASED BUSINESS** - means an occupation, business, trade or professional practice which is carried on for remuneration or financial gain within a wholly enclosed building or

structure as an accessory to the principal residential use of the property.

**HOTEL** - means a building or part thereof with a common entrance lobby and shared corridors, which provides sleeping accommodation for visitors. A hotel may include public facilities such as a restaurant, banquet, beverage, meeting and convention rooms, and recreation facilities.

## I

**INDUSTRIAL** - means a development involving one or more of the following activities: the processing of raw materials (i.e. sawmill), the manufacturing or assembling of unfinished products or equipment (i.e. canoe factory); the cleaning, servicing, repair or testing of materials, goods and equipment (i.e. heavy equipment repair); the storage of materials, goods and equipment for distribution or transshipment (i.e. truck terminal ) where such operations may create impacts that would make them incompatible with non-industrial zones.

**INSTITUTIONAL** - means the use of land, buildings or structures for public or non-profit purpose such as schools, churches, community recreation facilities, visitor information centers, museums, and government buildings.

**INTERIOR SIDE YARD** – means the side yard on a corner lot that is furthest away from the cross street.

## J

**JUNK YARD** - means any parcel of land or building used for the collection, demolition, dismantlement, storage, salvage, recycling or sale of waste materials including scrap metal, abandoned vehicles, machinery and other discarded materials except hazardous wastes.

## L

**LANDSCAPING** - means to change, modify or enhance the visual appearance of a site by reshaping the earth, planting lawns, shrubs and trees, or preserving the original natural vegetation and includes adding walks, fencing, patios and other ornamental features for the purpose of beautifying or screening the appearance of a lot.

**LANE** - means a public thoroughfare not over nine (9) m in width, which affords only a secondary means of access to a lot.

**LOADING SPACE** - means an on-site parking space directly accessible from a street or lane reserved for temporary parking to permit the loading or unloading of goods and materials.

**LOT** - means a parcel of land, including Crown land, which is legally defined either by registered plan or description and includes lands which are the subject of a lease arrangement or other form of interest permitted by the Yukon Government's *Territorial Lands*

*Act and Regulations* or the Teslin Tlingit Council's *Land and Resources Act and Regulations*, as amended or replaced.

**LOT COVERAGE** – means the total ground floor area of all buildings and structures on a lot as measured from the outermost perimeter, expressed as a percentage of the total lot area. Includes all impervious surfaces.

**LOT, CORNER** - means a lot situated at the intersection of two or more streets, or a lot that has two adjoining boundaries abutting a street

**LOT LINE, FRONT** - means in the case of an interior lot, a line separating the lot from the street; or, in the case of a corner lot, the line separating the narrowest street frontage of the lot from the street; or, where the lot extends between two parallel streets, the front lot line shall be determined based on the street address.

**LOT, THROUGH** - means a lot other than a corner lot having frontage on two streets.

**LOT, INTERIOR** - means a lot other than a corner lot or a through lot.

## M

**MANUFACTURED HOME** - means:

(i) a factory built single or multiple section modular constructed dwelling unit built to the *National Building Code of Canada CAN/CSA-A277* standard and transported to the site for installation on a permanent foundation; or

(ii) a factory built single or multiple section mobile dwelling unit designed to be transportable on its own chassis and conforms to the *CSA Z240 Manufactured Home Series of Standards*.

**MARINA AND FLOAT PLANE DOCK** - means a facility where boats or float planes can be berthed, stored, fuelled and serviced.

**MIXED USE DEVELOPMENT** - means a building designed as a single unit containing a mix of commercial/industrial or commercial/residential floor space and the features associated with such uses.

**MOBILE HOME PARK** - means a parcel of land under single ownership or control which has been planned and improved for the placement of manufactured homes.

**MOTEL** - means a building or group of buildings divided into self-contained sleeping units for visitors, each with a separate exterior entrance and convenient access to on-site parking. Motels may include on-site restaurant, beverage, meeting rooms and related commercial services for the convenience of guests.

**MUNICIPALITY** - means the Village of Teslin.

# N

**NATURAL GRADE** – means the elevation of the ground level in its natural state, before construction, filling, or excavation.

**NATURAL RESOURCE EXTRACTION** - means commercial extraction, processing, storage and off-site removal of sand, gravel, earth, wood, rock or related activities.

**NON-CONFORMING BUILDING** - means a building that was lawfully constructed, or lawfully under construction, prior to adoption of the Bylaw, and does not conform to the requirements of this Bylaw.

**NON-CONFORMING USE** - means a lawful use of land and/or a building that lawfully commenced prior to adoption of this Bylaw, and does not now conform to the requirement of this Bylaw.

**NOXIOUS USE** - means a use which creates or is liable to create: gas, fumes, dust, objectionable odour, noise, vibration, unsightly storage of goods, wares, merchandise, salvage, machinery parts, junk, waste or other material; a condition which may become hazardous or injurious as regards to health or safety or which prejudices the character of the surrounding area or interferes with or may interfere with the reasonable enjoyment of any abutting land, building or structures.

# O

**OFFICIAL COMMUNITY PLAN** - means the *Village of Teslin Official Community Plan*.

**OWNER** - means the person, persons, or corporation who is named on the Village of Teslin tax assessment roll as owner or occupant of real property.

# P

**PARK** - means any public outdoor area or lot set aside specifically for outdoor recreation and nature interpretation including tot-lots, playgrounds, walkways, trails, greenbelts, and buffers.

**PARKING AREA** - means an open area, other than a street or service lane used for the temporary parking of a number of vehicles and available for public use whether free, for compensation or as an accommodation for clients or customers.

**PARKING SPACE** - means an off-street space exclusive of driveways, aisles, ramps, or obstructions of sufficient size and dimension to park one vehicle.

**PERMITTED USE** - means the lawful use of any lot, building, or structure as provided for in the schedule of zones of this Bylaw.

**PERSONAL SERVICE ESTABLISHMENTS** - means development used for the provision of personal services to an individual which are related to the cleaning and repair of personal effects or the care and appearance of the body.

**PORCH** - means a roofed, open structure projecting from an exterior wall of a building with walls which are open or screened to facilitate use as an outdoor living area.

**PREMISES** - means any lot, building, or structure.

**PRINCIPAL BUILDING** - means a building which is the chief or main building on a lot and constitutes by reason of its use, the primary purpose for which the lot is zoned.

**PUBLIC UTILITY** - means a system, works, plant, equipment or service whether owned or operated by, or for the municipality, or by a corporation or commission under agreement with or under a franchise from the municipality or under a Federal or Territorial statute, which furnishes services and facilities available to or for the use of the inhabitants of the municipality, including but not limited to telecommunications, the transmission and delivery of water, gas, or electricity; the collection and disposal of sewage, garbage and other waste, or the provision of public transportation and postal service.

**PUBLIC UTILITY INFRASTRUCTURE** - means any structure, facility or related infrastructure necessary for the operation of a public utility, such as power lines, communication towers, telephone transformers, lift stations, pumping stations, water and sewage treatment plants and waste disposal areas.

## R

**RELIGIOUS ASSEMBLY** - means a building wherein people regularly assemble for religious worship which is maintained and controlled by a religious body organized to sustain communal public worship.

**RENOVATION** - means the repair and restoration of a building or structure to a structurally sound condition including the leveling and strengthening of foundations but does not include its replacement.

**RESTAURANT** - means a building or portion thereof, where food is offered for sale or sold to the public for immediate consumption.

**RETAIL BUSINESS** - means the use of land and/or buildings or part thereof in which goods, wares or merchandise are sold directly to the public as a principal use.

**RETAIL CANNABIS LICENCE** – means a licence issued under the authority of the Yukon *Cannabis Control and Regulation Act*.

**RETAINING WALL** - means a structure constructed to hold back, stabilize or support an earthen bank as a result of differences in lot grade.



# S

**SATELLITE DISH** - means an accessory structure either free-standing or attached, designed in the shape of a dish or cone to send and receive telecommunication signals.

**SECONDARY SUITE** – means a separate, self-contained, designated area, within a principal dwelling, containing toilet, bathroom, sleeping and living areas, and cooking facilities.

**SECONDARY USE** - means a use that is subordinate to the principal use and is only permitted in conjunction with the principal use and requires a separate development approval (i.e. bed & breakfast).

**SERVICE STATION** - means an enclosed building or, part thereof, used for repair, sale and servicing of motor vehicles; normally combined with the sale of fuel, oils and accessory parts for motor vehicles.

**SERVICE SHOP** - means an enclosed building or part thereof used for the repair, sale and servicing of articles or materials, other than motor vehicles.

**SIGN** - means any externally placed visual medium including its structure and component parts including banners, logos, words or pictures that are intended to identify, describe, illustrate or advertise a product, place, activity, business, service or institution that is visible from a public street. Signs do not include traffic control devices, murals or other works of art that do not contain a commercial message.

**SIGN, PORTABLE** - means any readily transportable sign that can easily be relocated or temporarily set-up and is not permanently attached to the ground.

**STABLE** – means an accessory building having stalls or compartments where animals, excluding dogs and cats, are sheltered and fed.

**STOREY** – means a space in a building, other than the basement, between the surface of any floor and the surface of the next floor above, or if there is no floor above, then the space between such floor and the ceiling or roof above.

**STREET** - means a public thoroughfare having a right of way over nine (9) m in width which affords the principal means of access to abutting properties.

**STREET LEVEL** - means the elevation of the centerline of the street opposite the lot line abutting the street.

**STRUCTURE** - means any construction fixed to, supported by or sunk into land or water, excluding asphalt or concrete paving or similar surfacing of a lot.

**SURVEYORS CERTIFICATE** - means a legal site plan certified by a registered Canada Land Surveyor showing the location of any and all improvements on a lot relative to the lot lines.

# T

**TEMPORARY USE** - means a use or development established for a fixed period of time with the intent to discontinue the activity upon the expiration of the time period specified.

Temporary uses may include fairs, special events, use of land for material or equipment storage, or a site office while construction is in progress.

**TOP OF BANK** - means a naturally occurring point, slope edge, or setback line determined from topographic maps or geotechnical study, where significant landform change can be detected.

**TOURIST SERVICES** - means those facilities and uses intended to attract and serve visitors such as museums, visitor reception centers, riding stables, marinas and the like.

# U

**USE** - means the purpose for which land or a building is, or may be used, occupied or maintained.

# V

**VARIANCE** - means a relaxation of the requirements specified in this bylaw as permitted by the *Act*.

# W

**WALKWAY** - means a public right-of-way or easement designed for use by pedestrian, and/or bicycles and horses.

**WATERCOURSE SETBACK** - means the horizontal distance between the side lot lines of a waterfront lot measured at right angles from the ordinary high water mark (OHWM) of a watercourse, such as a river, bay or lake.

**WAREHOUSE** - means a building other than a wholesale or retail store, designed, used or intended for storage purposes.

# Y

**YARD** - means the unoccupied space on the lot open to the sky, surrounding a building or structure.

**YARD, FRONT** - means the space extending across the full width of the lot between side lot

lines extending from the front property line to the nearest permitted building or structure.

YARD, REAR - means the space which extends across the full width of the lot between the rear property line and the nearest permitted principal building or structure.

YARD, SIDE - means that part of the lot which extends from a front yard to the rear yard between the side lot line and the nearest permitted principal building or structure.

## Z

ZONE - means any zone into which the municipality is divided by this bylaw as illustrated on the *Zoning Map* attached as Schedule A.

## Part 4 – Development Permits

### 22. Development Permit Required

1. Except as provided in section 23, all development or redevelopment or commencement of any use in the municipality of Teslin requires a development permit issued by the Development Officer.

### 23. Development Permit Exemptions

1. No development permit is required for the following activities provided that such developments comply with all provisions of this bylaw and other applicable legislation:
  - (i) alterations and minor repairs to any building or structure provided the work does not change the use or intensity of use;
  - (ii) the construction of a single storey accessory building or structure not greater than 10m<sup>2</sup> in floor area;
  - (iii) the erection of fences and minor communication structures, construction of walkways and driveways, and landscaping, where the existing grade and surface drainage pattern is not materially altered and will not create off-site impacts;
  - (iv) the temporary use of a building or part thereof, in relation to an election, census or referendum including candidate campaign offices;
  - (v) the erection, repair and replacement of television and minor communication related structures;
  - (vi) demolition of a building under 10m<sup>2</sup>, except a designated heritage structure;
  - (vii) the completion of a building or structure which was lawfully under construction at the date on which this bylaw came into force and effect provided that the building or structure is completed in accordance with the permit granted.
  - (viii) construction of a private dock subject to approval of the authority having jurisdiction.

### 24. Certificate of Zoning Compliance

1. Where an applicant's proposed use or change of use is permitted within any zone and it complies with every other section of this bylaw, the Development Officer may issue a *Certificate of Zoning Compliance* in lieu of a development permit to facilitate acquisition of a building permit or property title transfer.
2. The Development Officer may, at the request of an applicant, provide a *Certificate of Zoning Compliance* confirming the development has been completed in accordance with a valid development permit and complies with this bylaw.

3. Every application for a *Certificate of Zoning Compliance* shall be made in writing on the form (*Schedule C*) prescribed by the Development Officer.

## **25. Development Permit Application**

1. Every application for a *Development Permit* shall be made in writing on the form (*Schedule D*) prescribed by the Development Officer.
2. Every application shall be signed by the registered owner or authorized agent of the owner.
3. A Development Officer shall not accept an incomplete application. An application will not be deemed complete until all required details have been submitted and the application fee paid.
4. The Development Officer may refuse to accept a development permit application that would otherwise comply with the requirements of this bylaw until proof of access to the lot from a legal road right-of-way is confirmed and any required utility services necessary for the proper operation of the proposed development will be available to it.
5. Every application shall describe the legal description and property address; nature of the proposed development and include a site plan in duplicate at an appropriate metric scale, illustrating lot dimensions, existing site features (i.e. fences, structures, power poles, trees); the location of any proposed building, parking and loading areas; the height, dimensions, and extent of site coverage; existing and proposed building and lot grades, and site access.
6. The Development Officer may require the inclusion of a site landscaping and screening plan in all development permit applications for multi-family housing, commercial, industrial and institutional developments.
7. Upon receipt of a completed application for a conditional use, the Development Officer shall deliver by hand or regular mail a *Notice of Proposed Development (Schedule E)* to all assessed property owners within 100m of the proposed development describing the proposed development, its location on a map showing the proposed development in relation to the lot, street and abutting properties; the name of the applicant and Development Officer where further information may be obtained; and the date and time when Village Council will consider the application.

## **26. Additional Information**

1. The Development Officer may require the following additional information to make an informed decision:
  - (i) a geotechnical evaluation of the lot, prepared by a qualified, registered geotechnical engineer, to confirm slope stability, appropriate top-of-bank, lakeshore and watercourse setbacks and site suitability for on-site septic sewage disposal;

- (ii) a landscape plan showing existing and proposed site grading, areas of fill and drainage, existing and future tree locations, and related features to improve the appearance of the development or screen its activities.
- (iii) a landscape reclamation plan where the nature of the proposed development will significantly alter the landscape or the proposed use has a limited life span.
- (iv) an environmental impact statement where the magnitude or type of use may have off-site implications of short or long term duration by virtue of the nature of the activity proposed.
- (v) in case of proposed development on a lot impacted by the 1:100 year flood elevation, the developable area of a lot as identified by a professional surveyor.

## **27. Permit, Certificate and Appeal Fees**

- 1. Every application shall be accompanied by the appropriate fee prescribed by Council and set out in the *Service Rates and Fees Bylaw*.

## **28. Development Permit Approvals**

- 1. The Development Officer shall approve a development permit when the proposed use is listed as a permitted principal or secondary use in the zone in which the development is proposed and the development conforms in every respect to the applicable provisions of this bylaw.
- 2. The Development Officer may add such conditions to a development permit as are deemed necessary to ensure compliance with this bylaw, the *Official Community Plan*, and the *Act*.
- 3. A decision on an application shall be given to the applicant in writing on the approved form.
- 4. An application for a conditional use shall be referred to Council for decision within the time limits prescribed in the *Act*.
- 5. Unless otherwise specified in the permit, a valid development permit will expire if the use or development has not commenced within 12 months of the date on which the permit was issued. Upon application, a development permit can be extended for up to a further 12 months.

## **29. Development Agreements**

- 1. The Development Officer may recommend to Council that a development agreement be required as a condition of approval. It may contain contractual arrangements as to any or all of the following:

- (i) the use of the lot in relation to any existing or proposed buildings or structures including the preservation of buildings and structures;
- (ii) any requirements for flood-proofing, environmental setbacks or waivers of municipal liability relating to known potential hazards;
- (iii) the timing and nature of development including such matters as site location, drainage, grading, building height and dimensions, facade treatment, landscaping, screening, parking and access;
- (iv) the extension, construction or replacement, in whole or in part, of roads, sidewalks, street lighting, storm drainage, water supply distribution, garbage and sewage disposal;
- (v) the provision of on-site recreation or other amenities to serve the development; and
- (vi) the levying of a fee in lieu of otherwise providing for any of the matters mentioned in the sub-clauses above.

## **Part 5 – General Regulations**

### **30. Uses Permitted in All Zones**

1. Except as otherwise stated in this bylaw, the following uses are permitted in all zones subject to compliance with all regulations that apply to such uses under this bylaw:
  - (a) Accessory buildings, structures, uses or works customarily incidental to a principal permitted use, provided they are located on the same parcel as the principal use, OR where a permit has been issued for a principal use;
  - (b) Community garden, horticulture;
  - (c) Environmental protection, restoration and enhancement;
  - (d) Flood control works undertaken by a government agency;
  - (e) Highway;
  - (f) Landscaping, landscape buffer, landscape screen, fence;
  - (g) Park, greenbelts and environmental reserves;
  - (h) Public utility, excluding offices, maintenance garages and storage areas;
  - (i) During the period a Building Permit is in effect, temporary storage of building materials shall be permitted in any yard of any lot, in all zones;
  - (k) Trails.

### **31. Prohibited in All Zones**

1. The following uses are prohibited in all zones except as explicitly permitted otherwise in this bylaw:
  - (a) Disposal of any waste matter on land or to a watercourse, except as lawfully permitted under the Solid Waste Regulations, Environment Act or other statutory authority;
  - (b) Exterior storage of building materials except where building materials are stored temporarily for use in construction or improvements on the same parcel.
  - (c) Exterior storage or salvage of more than one motor vehicle which is not currently registered and licensed under the Motor Vehicle Act or capable of motivation under its own power or exterior storage or salvage of motor vehicle parts;
  - (d) Gaming and gambling establishments, other than charity gaming;
  - (e) Keeping of roosters;
  - (f) Keeping of 5 or more cats or dogs (total) on a parcel;
  - (g) Kennels for the boarding or breeding of animals.
  - (h) Residential use of a recreational vehicle;
  - (i) Storage of any wastes or contaminated soils or fill not originating on the same parcel;
  - (j) Storage of portable containers, other than during a construction project with an active building permit;
  - (k) Temporary accommodation;
  - (l) Treatment of contaminated soils or fill on a parcel other than that upon which the contamination arose.

### **32. Uses Not Expressly Permitted are Prohibited**

1. Any use not expressly permitted in this bylaw is prohibited in every zone, and where a particular use is expressly permitted in one zone, such use is prohibited in every zone where it is not expressly permitted.

### **33. Accessory Dwelling Unit**

1. For zones within which it is a permitted use, an accessory dwelling unit shall only be permitted if:
  - (i) The parcel is a minimum of 1 ha in area, OR the appropriate agency within the Yukon Government has provided the Village of Teslin with assurances that the



- on-site wastewater disposal measures in place are adequate to address the increased load;
- (ii) The gross floor area of the accessory dwelling is not more than 80 m<sup>2</sup> (861 ft<sup>2</sup>); and
  - (iii) The accessory dwelling is legally constructed and inspected in accordance with the National Building Code of Canada, Yukon edition.

#### **34. Accessory Uses**

1. Accessory uses and accessory buildings or structures are permitted in all zones where a permit has been issued for a principal use.
2. Accessory buildings or structures shall not exceed the maximum permitted height in any zone.

#### **35. Backyard Hen Keeping**

1. For zones within which backyard hen keeping is a permitted use, the following regulations apply:
  - (a) An enclosure for the keeping of hens must be provided, which is fenced and secured;
  - (b) Buildings, structures and enclosures used for the keeping of hens shall:
    - i) Not be located within a front yard and within 6 m of a side or rear parcel line;
    - ii) Shall not occupy an area in excess of 15 m<sup>2</sup>;
    - iii) Shall not exceed a height of 2.5 m;
  - (c) Backyard hen keeping shall not create a nuisance of any kind;
  - (d) Backyard hen keeping shall comply with all bylaws including applicable animal control bylaws.

#### **36. Camping During New House Construction**

1. An owner of a parcel of land may camp on the parcel while in the process of constructing a permanent dwelling on the same parcel, provided that the following conditions are met:
  - (i) The period of camping shall not extend beyond twelve (12) months from its commencement, unless a development permit has been extended;
  - (ii) Camping shall not commence until a building permit has been issued for the construction of a principal dwelling on the parcel, and camping shall cease after occupancy of the newly constructed principal dwelling has begun;
  - (iii) Sewage shall be disposed of at approved off-site sani-dump locations, or if it is disposed of on-site, in a location and manner that is permitted by the jurisdiction having authority; and
  - (iv) The camping location shall be no closer than 4.5 metres to any parcel line.

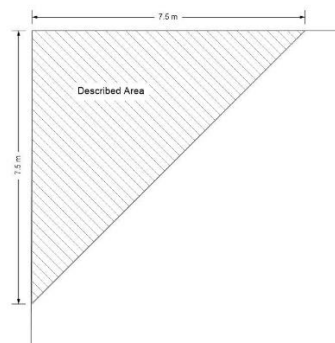
#### **37. Fences, Hedges and Buffers**

1. Fences, hedges and buffers may be constructed or planted on any lot in any zone except as specifically provided for in this bylaw.

2. The Development Officer may require any development in any zone to be fenced where the proposed use may pose a public safety risk.
3. The height of fencing required for any recreational activity shall be consistent with the requirements of that sport or activity.
4. The maximum height for fences, hedges and buffers shall be as follows:

ZONE	FRONT LOT LINE	SIDE LOT LINE(s)	REAR LOT LINE
VR	1.2m	2.0m	2.0m
CR	1.2m	2.0m	2.0m
C	1.2m	2.5m	2.5m
CF	1.2m	2.0m	2.5m
I	2.0m	3.0m	3.0m

5. Notwithstanding the provisions of section 37.4, the owner of a corner lot in any zone shall not at the intersection of the two streets grow or allow the growth of any hedge, or build or maintain a solid fence or other solid structure, which exceeds a height of 1.0 m above the adjacent street level and which falls within a triangle of land formed by the intersecting streets and a line connecting the points on the side property lines 7.5 metres from the intersection of the property lines. (See illustration: Figure 1)



*Figure 1 Sight Triangle Illustration*

6. The fence material used in any zone shall be consistent with the character of the zone in which it is located. Barbed wire may only be permitted as a fence top in industrial zones or to surround public utility facilities where restricted access is essential for public protection.
- 38. Home Based Business**
1. The home-based business shall only be conducted within a dwelling or a wholly enclosed accessory building.

2. The home-based business shall be clearly subservient and incidental to a principal dwelling and residential use of the parcel upon which the dwelling is located.
3. The home-based business shall not have a gross floor area that exceeds 100 m<sup>2</sup> or 40% of the gross floor area of the principal dwelling in which the home-based business use is located, whichever is less.
4. There shall be no variation from a primarily residential appearance of the land and premises where the home-based business is located.
5. The home-based business shall not create excessive traffic or a nuisance of any kind.
6. The home-based business shall not involve any external display or advertisement of the business other than a maximum of one non-illuminated sign, which shall not exceed 0.4 m<sup>2</sup> in area.
7. The home-based business shall not involve exterior storage of any material or equipment used directly or indirectly in the processing, servicing or sale of any product.
8. The home-based business shall only be conducted by persons residing on the parcel, except a maximum of one additional person who does not reside on the parcel may be employed.
9. The home-based business shall comply with all applicable territorial and federal regulations.
10. Automobile body shop, automobile service, boat service, automobile salvage or wrecking yard, brewery, distillery, and process plant are not permitted as home-based businesses.
11. No off-site parking associated with the home-based business use is permitted.

**39. Land Use within the Vicinity of the Airport**

1. Land use within the vicinity of the Teslin aerodrome shall comply with the building height, and aerodrome zoning restrictions.
2. The Development Officer will refer all development applications for land abutting the aerodrome to the authority having jurisdiction for comment.

**40. Lands Subject to Flooding and Drainage**

1. No development shall be permitted on any lot which falls within lands designated as susceptible to a 1:100 year flood as outlined on the *Zoning Map*, unless the applicant can demonstrate an acceptable method of flood proofing the proposed development and completes the restrictive covenant and flood hazard waiver in Schedule F, attached to this bylaw.
2. Where a proposed development involves land filling, the Development Officer may

require the applicant to submit a drainage plan and include provision for drainage easements in the proposed development.

3. With the exception of operable swale approaches, all driveways, in all zones containing road-side ditches, require culverts of a minimum size of 300 mm diameter x 4.8 m long.

#### **41. Lighting**

1. Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at adjoining properties.
2. The Development Officer, in keeping with the principles of crime prevention through environmental design, may require such additional site lighting as is necessary to encourage pedestrian safety and allow casual surveillance from adjacent buildings and abutting streets of parking areas and walkways.

#### **42. Natural Resource Extraction**

1. Natural resource extraction may be permitted in the Industrial (I) or Open Space (OS) zones as a conditional land use with Council approval.
2. In addition to the usual development permit application requirements, the applicant shall provide information on the timeframe of intended operation, volume and composition of the material to be removed, the associated environmental consequences of development, the type and manner of extraction, processing and storage, the method of reclamation and subsequent utility of the land for future use.

#### **43. Off Street Garbage and Recycling**

1. Where any proposed development requires collective waste disposal facilities, the location, manner of storage and screening shall be indicated on the plans submitted with the development permit application.

#### **44. Off Street Parking and Loading**

1. The Development Officer may require all developments in non-residential zones to provide as a minimum, a durable, gravel surfaced parking area with sufficient slope to ensure proper drainage.
2. Aisles shall be a minimum of 6.7m wide for 90° parking, 5.5m wide for 60° parking, and 3.6m wide for 45°, 30°, and parallel parking.
3. Each required off-street vehicle parking space shall have a minimum area of 16m<sup>2</sup>, with a minimum stall width of 2.75m, exclusive of access driveways and aisles. Such spaces shall have a minimum vertical clearance of 2.2m.
4. The Development Officer may permit up to 10% of the required parking spaces to be a shorter length to a minimum of 4.9m for small vehicle parking.

5. All highway commercial and tourist service uses shall provide parking spaces of sufficient length and width to accommodate a range of vehicle types: including buses, tractor trailer trucks and motor homes consistent with the type of traffic typically associated with that type of use.
6. The minimum dimensions of a bus parking space shall be 12.2m long, 3.6m wide with a minimum vertical clearance of 4.6m.
7. All access points, parking and loading areas shall be located to the satisfaction of the Development Officer having due regard to the use proposed, the type of traffic expected to be generated, roadway function and visibility, emergency vehicle movement and the needs of the elderly and handicapped.
8. One loading and unloading space is required for any building in a non-residential zone.
9. The minimum required off-street vehicle parking spaces for uses in all zones shall be as follows:

<b>Section 44.9: Parking Requirements</b>	
<b>Type of Development or Use</b>	<b>Parking Spaces</b>
Single detached housing, duplexes	2 per dwelling. The spaces may be in tandem.
Multi-family housing	1 per 1 bedroom/studio; 1.5 per 2 bedroom; 2 per 3 bedroom plus 1 space per 7 dwelling units for guest parking.
Boarding houses	1 per 1.5 sleeping units
Living suites, bed & breakfast lodging, home based business	1 per suite in addition to number required for a single detached dwelling
Housing for senior citizens, regardless of housing type	1 per 2 dwelling units plus 1 per 3 staff
Hotels, motels	1 per 1.5 sleeping units plus 2 bus spaces
Business support services, offices	3 per 100m <sup>2</sup> of gross floor area
Retail store, personal service establishments	2 per 100m <sup>2</sup> of gross floor area
Service stations, wholesale and drive-in businesses	5 per 100m <sup>2</sup> of gross floor area with a minimum of 3 in-bound and 2 outbound queuing spaces
Eating and drinking establishments	1 per 5 seats
Industrial uses	3 per 100m <sup>2</sup> of gross floor area
Schools	1 per employee plus 2 for guest parking or 1 space per 10 seats in a gymnasium plus 2

	queuing stalls for buses.
Tourist services including museums	1 per employee plus 3 per 100m <sup>2</sup> of gross floor area and one bus space
Community recreation services, churches	1 per employee plus 1 per 5 seating spaces or 1 per 5m <sup>2</sup> whichever is greater

#### **45. Parks, Greenbelts and Environmental Reserve**

1. Environmentally sensitive lands including wetlands, lands along the lakeshore, and lands of spiritual and cultural significance to the Teslin Tlingit shall be protected from development and inappropriate use through restricted access, setbacks, buffers and such similar means as Council deems appropriate.
2. Development that improves public access to and along the lakeshore shall be permitted where such development enhances the visitor experience (i.e. interpretative signage) and limits the impacts of users on the environment (i.e. boardwalks).

#### **46. Projections into Required Yards/Setbacks**

1. Notwithstanding the prescribed building setbacks set out in this bylaw, steps, sills, cornices, eaves, chimneys, front door canopies, bay windows, normal roof overhangs, and light wells may project into the required yard, provided the projection does not exceed one (1) meter.

#### **47. Screening and Outdoor Storage**

1. Storage of garden equipment, boats, trailers, campers or similar recreational equipment, fuel wood and other such goods normally associated with the enjoyment of residential property shall only be permitted in the rear and interior side yards of any lot in a residential zone.
2. Outdoor storage yards in all other zones shall be securely fenced. The Development Officer may, given the nature of the proposed use, require additional screening and/or landscaping to conceal the storage area from the street.
3. Where a permitted development requiring outside storage abuts a residential zone, the storage area shall be screened from the adjacent residential uses.

#### **48. Secondary Suite**

1. For zones within which it is a permitted use, a secondary suite shall only be permitted if:
  - (i) The subject property is served by both a community water and community sewer system, OR the parcel is a minimum of 1 ha in area, OR the appropriate agency within the Yukon Government has provided the Village of Teslin with assurances that the on-site wastewater disposal measures in place are adequate to address the increased load.
  - (ii) The gross floor area of the secondary suite is not more than the lesser of

- (a) 80% of the total floor area of all storeys of the principal dwelling unit, excluding the garage floor area and common spaces serving both dwelling units, or
- (b) 80 m<sup>2</sup> (861 ft<sup>2</sup>);
- (iii) The suite is legally constructed and inspected in accordance with the National Building Code of Canada, Yukon edition.

#### **49. Signage**

1. All signs shall be regulated as accessory structures and their intended location indicated on the plans submitted with the development permit application.
2. No part of any free-standing sign shall project beyond the property line.
3. All signs shall be related to the principal use or uses of the site and serve to identify the name of the business and the products and services available.
4. All fascia, canopy/awning, free-standing and projecting signs shall maintain a minimum clearance of 2.5m above grade.
5. Where a sign is found to identify a use incorrectly or is in an overall state of disrepair, the Development Officer may, by written notice, order a sign owner or person responsible for the sign, to alter, refurbish or remove the sign within the time specified in the notice.

#### **50. Stables and Minor Agricultural Uses**

1. Minor agricultural pursuits shall be conducted so that they do not attract bears, and do not create nuisances that interfere with the uses and enjoyment of neighbouring properties.
2. An area of not less than 0.2 ha shall be made available for the keeping of each horse, cow, goat, sheep, or other similar animal. This area cannot overlap with the area for the house, septic system, or other accessory residential uses.
3. An owner may erect a stable as an accessory structure to house no more than 3 horses or other agricultural animals.
4. No stable or other agricultural building for housing animals shall be located closer to a lot line than 20m or erected on a lot of less than 2 ha in area, except as specifically provided in this bylaw.
5. In reviewing an application for a minor agricultural use, stable or other structure in support of a minor agricultural activity, the Development Officer may require provisions with respect to the placement of buildings, erection of fences, manner of waste disposal and numbers housed to ensure the development is compatible with abutting land uses and does not create a nuisance.

**51. Water and Sewer Facilities**

1. Where piped municipal sanitary sewer service is available, no building on any lot in any zone requiring provision for sanitary sewer service shall be constructed or used for any purpose without proper connections to the sanitary sewer service.
2. Where piped municipal sanitary sewer service is not available, the owner or authorized agent shall provide a private water supply and sewage disposal system approved in accordance with relevant Territorial and Federal regulations.

**52. Watercourse Setbacks**

1. Notwithstanding any other provision of this Bylaw, no building or structure shall be located within 15 metres of the high water mark of any watercourse or a lake, unless specified in a Development Permit.
2. Notwithstanding any other provision of this bylaw, no building or structure used for the keeping of animals, poultry or livestock shall be located within 30 m of a watercourse or well;



## Part 6 – Zones

### Division 1 – Establishment of Zones

#### 53. Zones

1. For the purposes of this Bylaw, the land within the Village of Teslin is hereby classified and zoned into the following categories:

VR	Village Residential
CR	Country Residential
C	Commercial
I	Industrial
OS	Open Space
ER	Environmental Reserve
CF	Community Facilities
P	Parks
A	Airport
RAZ	Runway Approach Overlay

#### 54. Zoning Map

1. The Village is divided into land use zones with the boundaries shown on the attached *Zoning Map* which is attached as *Schedule "A"* to this bylaw.
2. Where Council adopts an amendment to the boundary of any land use zone, the change will be duly reflected in an amendment to the *Zoning Map*.
3. Where uncertainty exists as to the boundaries of zones as shown on the *Zoning Map*, the following rules shall apply:

**Rule 1.** Where a boundary follows a public roadway, lane, pipeline easement, power line, utility right-of-way or easement, it follows the centre line, unless otherwise clearly indicated on the *Zoning Map*.

**Rule 2.** Where a boundary is shown as approximately following the Village boundary, it follows the Village boundary.

**Rule 3.** Where a boundary is shown as approximately following a property line, it shall be deemed to follow the lot line of the property.

**Rule 4.** Where a boundary is shown as approximately following the shoreline of a water-body such as a lake, river, or wetland, it follows the Ordinary High Water Mark (OHWM) as shown on Schedule A.

**Rule 5.** Where a boundary is shown as following a geographic feature such as a top of-bank contour line, it follows that line, and where the boundary is shown as being generally parallel to, or an extension of any of the features listed above, it shall be so.

4. In circumstances not addressed by section 54.3, the location of the zone boundary shall be determined by the dimensions set out on the *Zoning Map*; or where no dimensions are set out on the *Zoning Map*, by measurement of and use of the scale shown on the *Zoning Map*.
5. When any public roadway is closed, the roadway lands shall assume the same zoning as the abutting land. When abutting lands are zoned differently, and the road allowance is consolidated with an adjoining parcel, the zone boundary shall reflect the zoning of the consolidated lot.

## Division 2 – Zones

### 55. VILLAGE RESIDENTIAL - (VR)

To provide a zone for a broad range of residential related uses on urban lots hooked up to sewer services.

#### 1. PRINCIPAL USES

- a) single detached housing
- b) duplex housing
- c) manufactured home

#### 2. SECONDARY USES

- a) home based business
- b) Backyard hen keeping
- c) bed and breakfast lodging
- d) day care facility
- e) secondary suite

#### 3. CONDITIONAL USES

- a) emergency and protective services
- b) community care facility
- c) multi-family dwelling
- d) religious assembly

#### 4. DEVELOPMENT REGULATIONS

- a) The maximum building height is 2 storeys, up to 10 m in height.
- b) The minimum lot area for single detached and duplex housing is 450m<sup>2</sup> and the maximum site coverage is 40%.
- c) The minimum lot area for a multi-family dwelling is 800m<sup>2</sup>.
- d) Not more than one single detached dwelling, duplex or manufactured house shall be permitted on any lot.
- e) Off-street parking shall be provided in accordance with the minimum number of spaces listed in Section 44.9.
- f) The minimum building setbacks shall be as follows:

Use	Front	Side	Rear
Single Family Dwelling, Duplex, Manufactured Home	3.0 m	1.5 m on one side and 3.0 m on the other	3.0 m
Multi-family	3.0 m	3.0 m on both sides	3.0 m
Accessory Building	3.0 m	0.5 m interior lot line, lane; 3.0m from abutting street	3.0 m
Corner Lot	3.0 m	1.5 m on the interior side and 3.0 m on flanking street	3.0 m

- g) No noxious uses will be permitted.

## **56. COUNTRY RESIDENTIAL - (CR)**

To provide a zone for a rural residential lifestyle where a broad range of uses is permitted on larger lots, normally without the provision of a full range of municipal services.

### **1. PRINCIPAL USES**

- a) single detached housing
- b) manufactured home duplex, on properties connected to community sewer, or 1 ha or greater in area
- c)

### **3. CONDITIONAL USES**

- a) airplane hangar
- b) emergency and protective services
- c) general contractor service and service shop
- d) community care facility
- e) institutional
- f) mobile home park
- g) religious assembly
- h) Accessory dwelling unit on lots less than 1 ha in area
- i) Secondary suite on lots less than 1 ha in area
- j) Stable for the keeping of 4 or more horses

### **2. SECONDARY USES**

- a) minor agriculture
- b) Backyard hen keeping
- c) bed and breakfast lodging
- d) day care facility
- e) home based business
- f) secondary suite on lots 1 ha or larger in area
- g) accessory dwelling unit on lots 1 ha or larger in area
- h) Stable for the keeping of 3 or fewer horses

## **4. DEVELOPMENT REGULATIONS**

- a) The maximum permitted building height is 10.0 m.
- b) The minimum lot size is 1.0 ha and the maximum lot coverage is 25%.
- c) Not more than one duplex, or one single detached dwelling or manufactured house and one accessory dwelling unit or secondary suite shall be permitted on any lot except in the case of a mobile home park. For clarity, in no case shall there be more than two dwellings (one principal and one accessory) on a lot, with the exception of a mobile home park.
- d) Off-street parking shall be provided in accordance with the minimum number of spaces listed in Section 44.9.
- e) Notwithstanding the limits on home based businesses as contained in the general regulations, in the Country Residential zone, a home based business shall not employ more than 3 individuals who are not residents of the dwelling unit.
- f) Where country residential lots are developed adjacent to the airport boundary, and the Government of Yukon, Aviation Branch agrees to permit taxiway access, an affected lot owner may apply to develop a hangar as an accessory use oriented to the rear property line, provided that the development is similar in size and appearance to a large garage and meets all other regulations as specified herein.

- g) No noxious uses will be permitted.
- h) The minimum building setbacks shall be as follows:

USE	FRONT	SIDE	REAR
Single Family Dwelling, Manufactured Home, Accessory Building	6.0 m	3.0 m both sides	6.0 m
Stable or other agricultural building	20.0 m	20.0 m both sides	20.0 m

## **57. COMMERCIAL - (C)**

To provide a zone for a broad mix of commercial uses including mixed use and vehicle oriented developments that are land intensive in a manner that is compatible with encouraging the development of a compact core commercial area.

### **1. PRINCIPAL USES**

- a) amusement arcades
- b) business support services
- c) campgrounds and recreation vehicle parks
- d) commercial greenhouse
- e) commercial recreation services
- f) eating and drinking establishments
- g) emergency and protective services
- h) exhibition, convention, museum, visitor reception/interpretation facilities
- i) financial services
- j) general contractor services
- k) health related services
- l) hotels and motels
- m) institutional services
- n) mixed use development
- o) Mobile home parks
- p) Multi-family housing
- q) Offices
- r) Personal service establishments
- s) Retail business
- t) Service shops
- u) Service stations and gas bars
- v) Theatres

### **2. SECONDARY USES**

- a) Home based business
- b) Signs
- c) residential use attached to primary commercial uses
- d) Food truck

### **3. CONDITIONAL USES**

- a) Animal hospital and/or shelter
- b) Cannabis retail store
- c) Day care facility
- d) Stables
- e) Seasonal employee accommodation or caretaker living suite

### **4. DEVELOPMENT REGULATIONS**

- a) The maximum permitted building height is 10.0m.
- b) The minimum building setbacks shall be 3.0m from any lot line.
- c) Hard surfaced off-street parking shall be provided. Off-street parking shall be provided in accordance with the minimum number of spaces listed in Section 44.9.
- d) Outside storage and garbage disposal areas shall be totally enclosed and screened from view by a solid fence and are only permitted in the side and rear yards.
- e) One caretaker living suite, single family dwelling unit or seasonal employee bunkhouse may be permitted as a conditional, accessory use for tourist related uses.
- f) Where a commercial use abuts a residential zone, the Development Officer may require such additional fencing and/or landscaping as they deem necessary to screen the residential area from the development.
- g) Where a commercial zone has been established to accommodate a long standing existing commercial use on a specific lot(s), any change of commercial use shall take

into account the residential nature of the surrounding residential zone. The Development Officer may impose such additional restrictions and/or requirements to ensure the change of commercial use does not generate an increase in traffic, noise or type of activity greater than that which previously existed.

- h) No noxious uses will be permitted.
- i) A cannabis retail store shall not be located within 300 m of the Teslin school, any registered day care facility, or community centre.
- j) A cannabis retail store shall not be located within 400 m of another cannabis retail store.
- k) A cannabis retail store shall not operate between the hours of 8:00 pm and 9:00 am daily.
- l) As part of the conditional use application, a cannabis retail store shall provide a plan to prevent noxious smells from emanating from the business.
- m) For cannabis retail store uses, signs visible from the public right-of-way may only be posted on the licensed retail business, and shall be limited to only one sign not more than 1 m<sup>2</sup> in area. For the purposes of this regulation, a projecting sign printed on both sides is counted as one sign. The content of the sign shall not include any content that specifically targets individuals under the age of 19, including but not limited to cartoon characters or similar images.
- n) Food trucks are a permitted use on commercial properties, with the permission of the property owners, so long as the food truck operator has the following items available for checking by the Bylaw Officer:
  - i. Valid liability insurance with a minimum limit of \$2,000,000 for public liability and property damage, and the Village of Teslin is named as an insured;
  - ii. A current business licence, valid in Teslin;
  - iii. A health permit for the food truck; and
  - iv. Motor vehicle insurance for the mobile vending unit.
- o) Food trucks shall not operate between the hours of 12 midnight and 6 am.

## **58. INDUSTRIAL - (I)**

To provide a zone primarily for industrial and service commercial uses which involve activities such as manufacturing, assembly, distribution, service or repair and have a requirement for outside storage.

### **1. PRINCIPAL USES**

- a) animal hospitals, pounds and related services
- b) auto wrecking and junk yards
- c) bulk fuel storage
- d) bulk outdoor storage including aggregate materials and forest products
- e) commercial storage
- f) equipment and vehicle rentals
- g) general contractor services
- h) heavy equipment sales and service
- i) indoor manufacturing facilities involving assembly, fabrication, processing and testing
- j) mining and wood processing facilities
- k) public utility infrastructure
- l) service stations
- m) service shops
- n) transportation and communication facilities
- o) vehicle sales and service
- p) warehouses for storage, distribution and wholesaling of goods and materials

### **2. SECONDARY USES**

- a) communication towers
- b) signs
- c) Caretaker living suite

### **3. CONDITIONAL USES**

- a) bulk fuel depots
- b) concrete and asphalt plants
- c) hazardous goods storage
- d) natural resource extraction
- e) seasonal staff accommodation
- f) stables

### **4. DEVELOPMENT REGULATIONS**

- a) The maximum permitted building height is 10.0m.
- b) The minimum lot width is 30m and lot size is 900m<sup>2</sup>
- c) The minimum building setbacks shall be 6.0m from any lot line.
- d) Clear access for emergency vehicles of at least 4.6 metres around the perimeter of all buildings must be provided.
- e) Notwithstanding the provisions of Section 102, junk yards, vehicle and equipment storage lots, wrecking yards, bulk fuel and chemical storage shall be totally enclosed by provision of a solid wooden fence or chain link fence to a height of 3.0m.
- f) Off-street parking shall be provided in accordance with the minimum number of spaces listed in Section 44.9.
- g) Outside storage and garbage disposal areas shall be totally enclosed and screened from view by a solid fence and are only permitted in the side and rear yards.
- h) Seasonal staff accommodation such as a bunk house may be permitted as a temporary use, under the condition that the type of business activity would not pose a public safety hazard and all other provisions of this bylaw can be met.



- i) The Development Officer may require an applicant to submit an environmental impact statement for any use or development would result in significant noise, air or water emissions or create a fire or explosive hazard that would extend beyond the perimeter of the site.

## **59. AIRPORT - (A)**

To provide a zone to accommodate the operation of an airport and related uses.

### **1. PRINCIPAL USES**

- a) Aerodrome
- b) aircraft sales/services and fueling facilities
- c) airport related service shops
- d) bulk fuel depots
- e) commercial indoor and outdoor storage including warehouses
- f) emergency and protective services
- g) public utility infrastructure
- h) public washrooms
- i) transportation and communication facilities
- j) visitor information and interpretation facilities

### **2. SECONDARY USES**

- a) campgrounds
- b) eating and drinking establishments
- c) Signs
- d) vehicle rentals

### **3. CONDITIONAL USES**

- a) indoor manufacturing
- b) offices
- c) general industrial services

### **4. DEVELOPMENT REGULATIONS**

- a) The maximum permitted building height is 10.0m.
- b) The minimum lot width is 15m and lot size is 450m<sup>2</sup>.
- c) The minimum building setbacks shall be 6.0m from any lot line
- d) Off-street parking shall be provided in accordance with the minimum number of spaces listed in Section 44.9.
- e) Clear access for emergency vehicles of at least 4.6 metres around the perimeter of all buildings must be provided.
- f) Land uses within airport boundaries shall be aviation related or intended to service airport uses consistent with the Teslin Aerodrome Master Plan.
- g) All land uses in the vicinity of the aerodrome shall comply with the requirements of Section 64.

## **60. OPEN SPACE - (OS)**

To provide a zone for land with no other planned or designated use, in a generally undeveloped and natural state until such time as the land may be designated by the *Official Community Plan* for other uses. Areas zoned Open Space are currently understood to be undevelopable (permaculture, poor drainage), but that may be developable in the future. In the interim, Open Space lands provide a zone for areas of public land for indoor and outdoor active and passive recreational uses and environmental protection where appropriate.

### **1. PRINCIPAL USES**

- a) buffers and greenbelts
- b) campgrounds
- c) cemeteries
- d) conservation and environmental protection areas
- e) historic, scientific and cultural exhibits
- f) indoor and outdoor recreation facilities
- g) museums
- h) public utility infrastructure
- i) public washrooms
- j) visitor information and interpretation facilities

### **2. SECONDARY USES**

- a) signs
- b) trails including boardwalks for public safety and convenience

### **3. CONDITIONAL USES**

- a) Agriculture
- b) Community wood lots
- c) Stables
- d) Natural Resource extraction

### **4. DEVELOPMENT REGULATIONS**

- a) Off-street parking shall be provided in accordance with the minimum number of spaces listed in Section 44.9.
- b) The maximum permitted building height is 10.0m.
- c) The minimum building setbacks shall be 6.0m from any lot line.
- d) No noxious uses will be permitted.
- e) Council may require an applicant to enter into a Development Agreement for any proposed conditional use within this zone to limit encumbrances to future planning and ensure lands within the zone are maintained in, or can be returned to, a natural undeveloped state.
- f) The minimum lot size is 1.0ha.
- g) No noxious uses will be permitted.
- h) Livestock are only permitted within the Village of Teslin through special permit application. See Animal Control Bylaw for details.

## **61. ENVIRONMENTAL RESERVE - (ER)**

To provide a zone for areas of public land for conservation and environmental protection, with outdoor passive recreational uses where appropriate.

### **1. PRINCIPAL USES**

- a) buffers and greenbelts
- b) Conservation
- c) environmental protection

### **2. SECONDARY USES**

- a) Interpretive signage
- b) trails including boardwalks for environmental protection, as well as public safety and convenience

### **3. CONDITIONAL USES**

- a) none

### **4. DEVELOPMENT REGULATIONS**

- a) Off-street parking shall be provided in accordance with the minimum number of spaces listed in Section 44.9.
- b) No noxious uses will be permitted.

## **62. COMMUNITY FACILITIES - (CF)**

To provide a zone for public facilities of an institutional or community service nature.

### **1. PRINCIPAL USES**

- a) Campgrounds
- b) Cemeteries
- c) educational institutions
- d) emergency and protective services
- e) extended medical treatment services
- f) government and civic offices
- g) health centres
- h) historic, scientific and cultural exhibits
- i) indoor and outdoor recreation facilities
- j) institutional services
- k) Libraries and museums
- l) Marina and float plane dock
- m) Non-profit institutions
- n) public utility infrastructure
- o) public washrooms
- p) Religious assembly
- q) visitor information and interpretation facilities

### **2. SECONDARY USES**

- a) signs

### **3. CONDITIONAL USES**

- a) detention and correction services
- b) Festivals and special events

### **4. DEVELOPMENT REGULATIONS**

- a) Off-street parking shall be provided in accordance with the minimum number of spaces listed in Section 44.9.
- b) The maximum permitted building height is 10.0m.
- c) The minimum building setbacks shall be 6.0m from the front and rear lot line and 3.0m from any side yard. In the case of a lot abutting two streets, both street frontages shall be considered a front yard.
- d) Where a development abuts another zone, the minimum building setbacks shall be consistent with the setbacks required in that zone.

## **63. PARKS – (P)**

To provide a zone for public recreation.

### **1. PRINCIPAL USES**

- a) Playground
- b) Ecological protection, restoration and enhancement
- c) Environmental education
- d) Wildlife sanctuary
- e) Outdoor sports facility
- f) Greenbelt

### **2. SECONDARY USES**

- a) Interpretive signage
- b) trails including boardwalks for environmental protection, as well as public safety and convenience
- c) Information kiosk
- d) Buildings and structures directly related to the park use

### **3. CONDITIONAL USES**

- a) Festivals and special events

### **4. DEVELOPMENT REGULATIONS**

- a) Off-street parking shall be provided in accordance with the minimum number of spaces listed in Section 44.9.
- b) The maximum permitted building height is 10.0m.
- c) The minimum building setbacks shall be 6.0m from the front and rear lot line and 3.0m from any side yard. In the case of a lot abutting two streets, both street frontages shall be considered a front yard.

**64. RUNWAY APPROACH OVERLAY – (RAZ)**

To provide a zone to apply external development control imposed by the Government of Canada.

**1. DEVELOPMENT REGULATION**

- a) All development within this zone shall comply with Teslin Airport Zoning Regulations, and SOR/94-591, Aeronautics Act, R.S.C. 1985, c. A-2.

## Part 7 – Repeal of Bylaws

### 65. Repeals

1. This bylaw repeals Bylaw 10-178, “Teslin Zoning Bylaw”, and all amendments thereto.

Read a first time the 9th day of March, 2020

Advertising conducted in two consecutive issues of the *Yukon News*, July 17<sup>th</sup> and July 24<sup>th</sup> 2020, and posted in public locations in Teslin.

Public hearing held the 3rd day of August, 2020

Read a second time the 10<sup>th</sup> day of August, 2020

Read a third time the 28th day of September, 2020

Adopted the 28th day of September, 2020

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Mayor, Gord Curran

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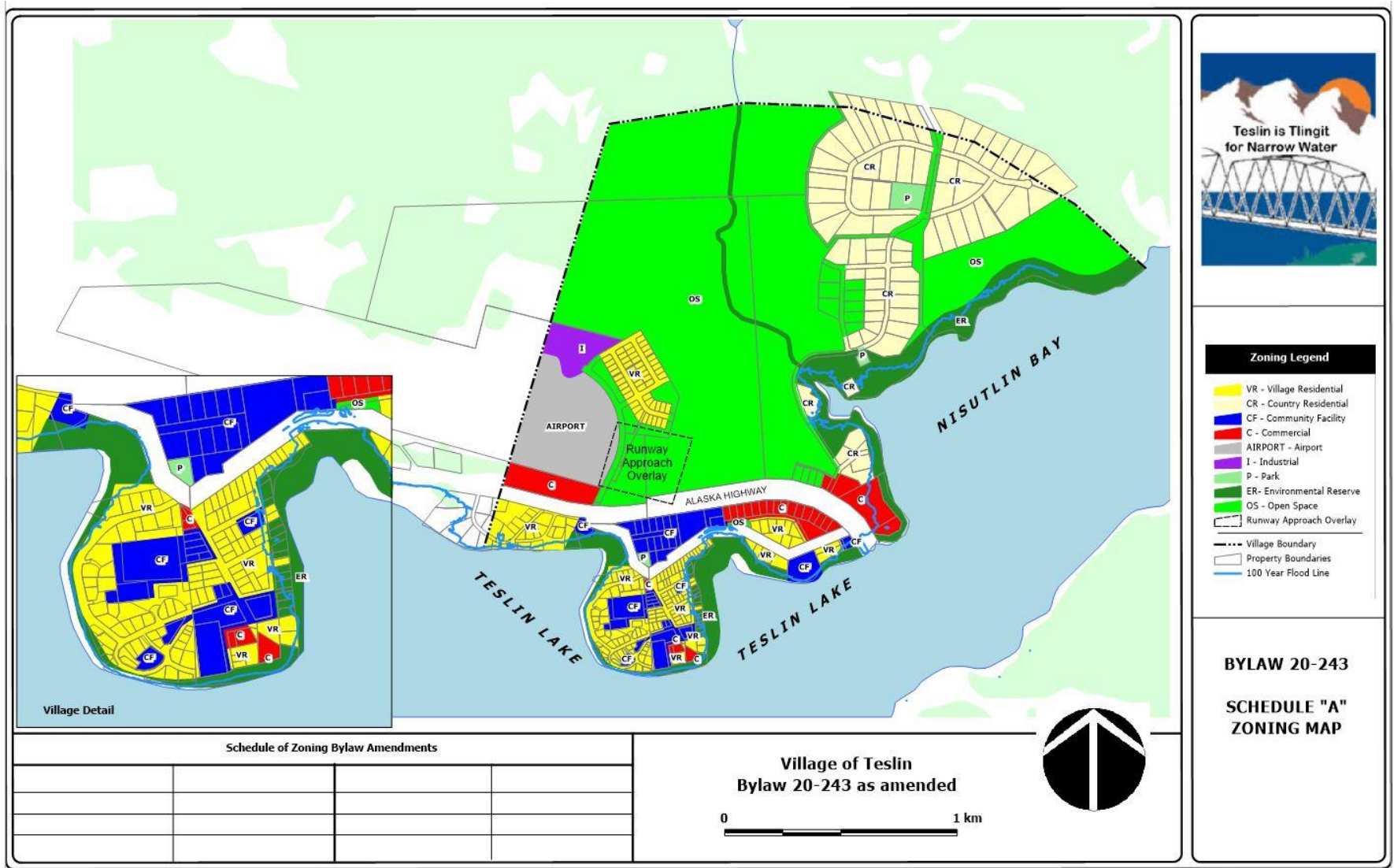
CAO, Shelley Hassard



## **Part 8 – Schedules**

- A. Zoning Map
- B. Procedure for Applications to Amend Zoning Bylaw
- C. Certificate of Zoning Compliance Application
- D. Development Permit Application
- E. Notice of Proposed Development
- F. Flood Hazard Waiver

# Schedule A: Zoning Map



## Schedule B: Procedure for Applications to Amend Zoning Bylaw

Rezoning a parcel means changing its zoning designation from one zone to another, or changing the regulations within a zone. The rezoning process allows the Village of Teslin Council and the people of Teslin to consider the potential impacts of a development proposal on the community and the environment before determining whether a change in land use or density should be approved.

### Before you apply

Prior to preparing a detailed proposal or submitting a formal application, you are advised to meet with Village staff, to determine the best manner in which to proceed. Among the preliminary considerations are the following:

1. Is the proposal consistent with the community vision, objectives and policies of the Official Community Plan (OCP)? Check the OCP designation - an amendment to the OCP may be required if the proposal is to be approved.
2. Make sure there is adequate servicing. All development proposals must include provisions for required infrastructure such as sewer, water, drainage, and road access. Check with Village staff to see what's possible.
3. An application form (Schedule D) must be completed in full and submitted to the Village of Teslin office. The application must include:
  - A scale plan of the property showing true dimensions and shape of the property, the site location of existing and proposed buildings, and additional information such as dimensioned floor plans, elevations, watercourses, areas of standing water, etc., where applicable.
  - A copy of the legal plan of the property.
  - The approximate location of buildings and land uses on adjoining properties.
  - Payment of the applicable development application fee, per the Teslin Service Rates and Fees Bylaw;
  - If required, a waiver (on the rezoning application form) or a completed site profile as per the Yukon Contaminated Sites Regulation;
  - Any additional material, certified resolutions or comments in support of the application. These may include engineer drawings, biologist reports or other supportive or required materials.

### After you apply

Upon submission, the application will be reviewed by Village staff, who will contact the applicant to discuss the status of the application, the process and, if necessary, the need for more information. One or more site visits to examine the subject property may be required. Consultation with other agencies, such as the Teslin Tlingit Council, Yukon Environmental and Socio-economic Assessment Board, Ministry of Environment, and Ministry of Highways and Public Works may also be required.

Based on the information provided, and findings from reviewing the Official Community Plan, site reviews, referrals, and research, a report will be prepared for Village Council. This report will include options for Council consideration, including: 1) the option to prepare an amendment bylaw for the proposal, as presented, 2) the option to require changes to the proposal (which would be specified), prior to further consideration, and 3) the option to deny further consideration of the application.

Once Council wishes to proceed with an amendment bylaw, Village staff will prepare the draft bylaw for consideration of first and second readings, and a public hearing process.

Public hearings are designed to allow the public to make comments and recommendations to the Village Council respecting the rezoning application. At a public hearing, all persons who believe that their interest in property is affected by the proposed bylaw must be afforded a reasonable opportunity to be heard, or to present written submissions respecting matters contained in the bylaw. Public hearings are advertised in local newspapers and, in most cases, notices are also delivered or mailed to adjacent residents and land owners.

After the public hearing, a report and minutes are prepared, prior to determining whether to pass third reading or deny the application. Rezoning applications that pass third reading are often subject to a variety of conditions. Examples include the application of best management practices or engineering standards, provision of amenities, parkland dedication, and other measures, to ensure a high quality development that best benefits both the community and the applicant. In such cases, fourth and final reading will occur only after these specific conditions are met.

Once all conditions are met, the Board may pass fourth reading (or final adoption) of the proposed zoning amendment bylaw. The subject property has then been successfully rezoned.

The Village of Teslin ensures that applications are dealt with in a timely manner, which may still take up to six months. Factors that influence the speed of application processing include:

- The type, size and complexity of the proposal.
- Whether the application is straightforward or also requires an OCP amendment.
- The number of other applications in progress.
- The completeness and quality of required submission materials.
- The ability of referral agencies to respond within specific time-frames.

## Schedule C: Certificate of Zoning Compliance Application

A Zoning Compliance Certificate is generally requested by a prospective property purchaser, a real estate agent or lawyer, before a formal offer is made to purchase a property. A Zoning Compliance Certificate is intended to confirm for the purchaser that the existing development on the property is compliant with the regulations for the zone in which it is located and that all buildings on the property meet the Zoning Bylaw regulations. This information can help inform your real estate transaction.

To expedite issuance of your Certificate of Zoning Compliance, provide the following information along with your request:

1. Your name,
2. How you want the Certificate delivered (mailing address, email address, fax or pickup),
3. Landowner's name, if different from applicant,
4. Business name, if applicable,
5. Legal land description.

The Certificate will be provided in a letter format, and will include the following information:

- Identification of the property zoning, and a brief description of the intent of that particular zone;
- A list of the permitted and conditional uses in that zone;
- A list of development or other permits that have been issued for the property, including the permit status. Where a permit remains open, a summary of the deficiencies that remain will be included;
- Identification of any Orders that have been issued for the property; and
- Any other items that are deemed important, which may be contained within the property file.

Under no circumstances will staff comment or provide a perspective concerning the property that is based on speculation. All information provided will be substantiated by the Village of Teslin's municipal records.

## Schedule D: Land Development Application

Land Use & Development Application		
<b><i>Please note: Incomplete applications will be returned to the applicant.</i></b>		
I/We hereby apply under Division 3 of the Yukon <i>Municipal Act</i> for a:		
<input type="checkbox"/> Development Permit	<input type="checkbox"/> Official Community Plan Amendment	
<input type="checkbox"/> Development Variance Permit	<input type="checkbox"/> Other	
<input type="checkbox"/> Rezoning		
<b>Property Details</b>		
Civic Address:		PID:
Existing OCP Designation:	Proposed OCP Designation:	
Existing Zoning:	Proposed Zoning:	
Existing Water Servicing:	Proposed Water Servicing:	
Existing Sewer Servicing:	Proposed Sewer Servicing:	
<b>Development Details</b>		
Purpose of Application (Please provide a brief description of the proposed development)		
Office Use Only	Date Received	File Type:
	Receipt No.	
	Fees Paid: \$	

<b>Application Requirements</b>			
Village staff shall indicate which of the following attachments are required for your application.		NOTE: Additional information may also be required at a later date	
	<b>Required</b>	<b>Received</b>	<b>Details</b>
<b>Basic Requirements</b>	X		Pre-Application Meeting
	X		Complete Application Form
	X		Payment of Applicable Fees
	X		Development rationale ... why it is a good idea
<b>Site Plan</b>	X		Maximum 11" x 17" site plan (including north arrow and scale)
	X		Location of existing and proposed driveways and pathways
	X		Location and dimensions of proposed buildings and setbacks to existing lot lines, rights-of-way, easements and covenants
			Location of all water features, including streams, wetlands, ponds, ditches, etc. on or adjacent to the property
			Location of all existing and proposed water lines, wells, septic fields, sanitary sewer and other infrastructure
			Location, dimensions of all vehicle parking, disability parking, vehicle stops and loading areas
			Stormwater management infrastructure and impermeable surfaces
			Above ground services, equipment and exterior lighting details
			Existing natural grade and finished grades of site including contour lines
			Other:
<b>Elevation Drawings</b>			All four elevations (front, rear, and two sides)
			Height measurements (height survey may be required)
			Exterior finishes and materials
			Cross sections
			Other:
<b>Additional Information</b>			Archaeological assessment
			Environmental assessment
			Erosion and sediment control plan
			Geotechnical report
			Parcel and impervious site coverage plan
			Landscaping plan by a qualified professional
			Site profile
			Stormwater management plan
			Traffic impact assessment
			Riparian area assessment report
			Other:

Owner and Agent Contact Information			
Owner's Contact Information	Name of Owner	Phone Number	
	Address	City	
	Email	Postal Code	
Agent's Contact Information	Name of Agent	Company	
	Address	Phone Number	
	Email	Postal Code	
<b>Owner and Agent Declaration</b>			
<p><i>The property described above is the subject of this application and is referred to herein as the 'subject property.' This application is made with my full knowledge and consent. I declare that the information submitted in support of the application is true and correct in all respects. By completing this application form, the owner and/or applicant hereby is aware and authorizes site inspections to be conducted by Village of Teslin staff, Council members, and any designees as appointed by the Village of Teslin Council.</i></p>			
<p><b>Personal Information Declaration:</b> This information is collected pursuant to Parts 4 and 7 of the <i>Yukon Municipal Act</i> and the <i>Yukon Access to Information and Protection of Privacy Act</i>. The information collected may form part of the public record and may be included in a meeting agenda that is posted online when this matter is considered before the Village of Teslin Council. I hereby consent that all information, including personal information, contained in this document, including all attachments, may be made available to the public. For more information on disclosure, contact the Village of Teslin CAO.</p>			
Owner's Declaration	Name of Owner (Print)	Signature of Owner	Date
	Name of Owner (Print)	Signature of Owner	Date
Agent's Declaration	Name of Agent (Print)	Signature of Agent	Date



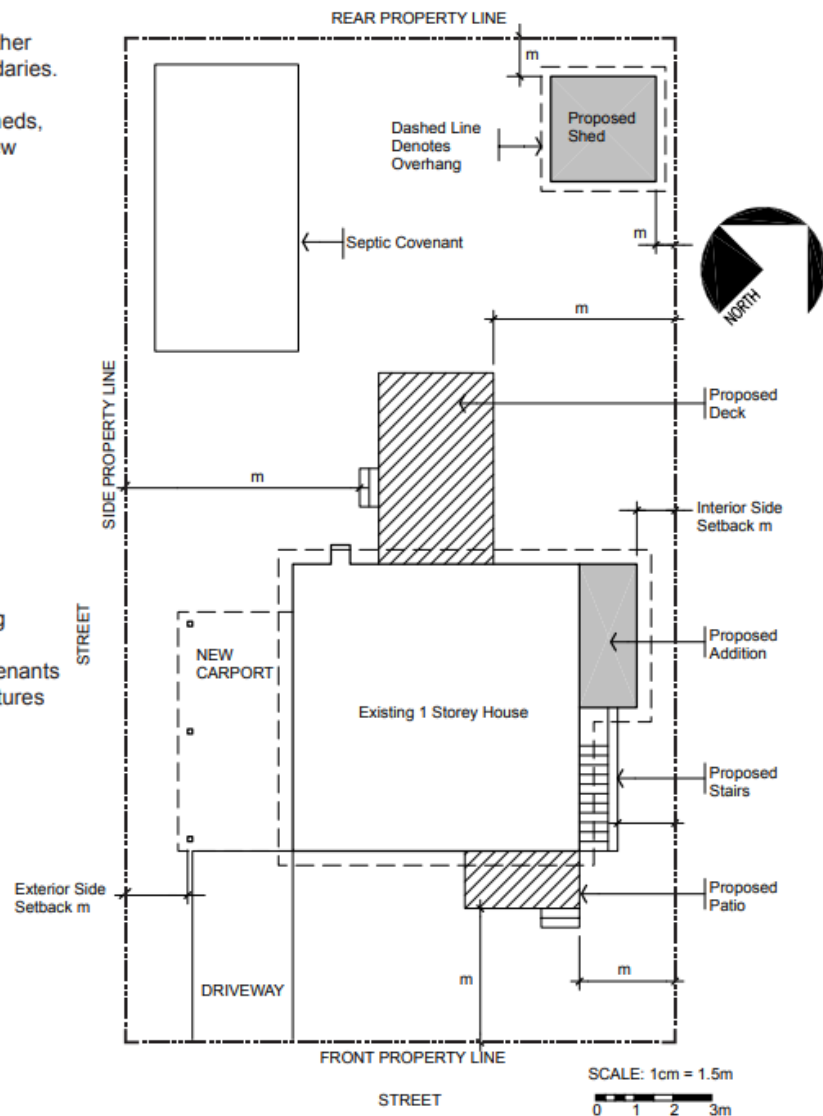
	I/We, the owner, hereby give permission to _____ to act as my/our agent in all matters relating to this application.	
	Signature of Owner	Date
	Signature of Owner	Date

## Basic Site Plan: Sample

A site plan identifies buildings and other features in relation to property boundaries. The site plan should identify existing structures (ie. dwellings, garages, sheds, decks) and proposed additions or new structures.

The following information should be shown on a site plan:

- Title and scale
- Legal description
- Street name
- North arrow
- Property lines with dimensions in metric units.
- Setbacks (distance) to all property lines from all existing and proposed structures
- Proposed construction (shaded or cross hatched)
- Overall building dimensions, lot coverage, new and existing building areas of all buildings
- Rights-of-way, easements and covenants
- Existing vegetation and natural features where applicable.



## Schedule E: Notice of Proposed Development Template

### Notice of Proposed [Insert Type of Development Needing Public Review]

Date of Notice	[insert date of notice]	File No.
Place	[insert meeting location]	
Date & Time of Public Meeting	[Insert date & time of the meeting]	
Subject	[insert type of development and location information]	

The Village of Teslin Council will consider an application regarding issuance of a [insert type of development: rezoning or permit] during a public meeting beginning at [insert date and time information]. This meeting will be held at [insert meeting location; identify if the meeting will be held in person or electronically].

The purpose of the proposed permit is to [insert short description of the application].

#### Subject Property

Civic Address: [insert]

Legal Description: [insert]

PID: [insert]

Zoning: [insert]



Figure 2 Insert Context Map (above is example only)

#### Inspection of Permit

The proposed permit and related documents, are available in the Village of Teslin offices.

#### Public Input

The Village of Teslin Council will consider this application and any public submissions at a public meeting, being held electronically, beginning at [insert date and time here]. If you believe your interests will be affected by the proposed permit, you may provide written comments by email to [admin.teslin@teslin.ca](mailto:admin.teslin@teslin.ca) or by mail to the Village of Teslin, #39 Nisutlin Drive, Teslin, Yukon Territory, Y0A 1B0, prior to Noon on [insert date one business day before the scheduled meeting].

Under normal circumstances, the public is welcome to attend Teslin Council meetings in person and to speak during the Public Input Period, held at the beginning of each regular meeting. However, during the current COVID-19 Public Health Emergency, physical meetings are generally not being held. Check with [admin.teslin@teslin.ca](mailto:admin.teslin@teslin.ca) to identify opportunities to participate in meetings held electronically.

## Decision

The Village of Teslin Council will make a final decision regarding [insert type of development here] upon receipt of a recommendation from the staff, after the public meeting.

## Site Plan

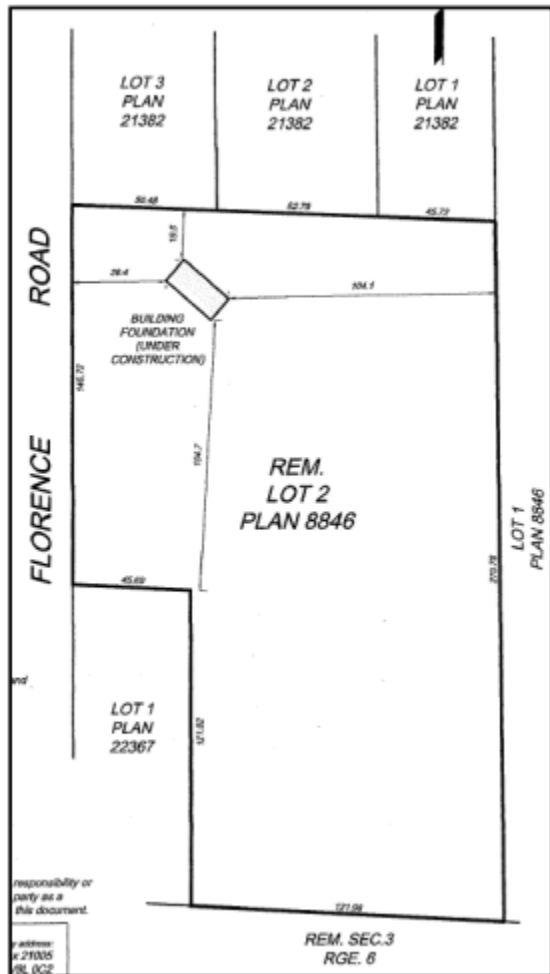


Figure 3 Sample Site Plan, showing existing structure on the lot

**For more information, contact:**

Shelley Hassard, CAO

## Village of Teslin

[Admin.teslin@teslin.ca](mailto:Admin.teslin@teslin.ca)

T: (867) 390-2530

F: (867) 390-2104

## Schedule F: Flood Hazard Waiver (Template)

### RESTRICTIVE COVENANT AND WAIVER

This Restrictive Covenant and Release dated the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

#### BETWEEN

**THE VILLAGE OF TESLIN**, a municipality form pursuant to the  
Municipal Act (Yukon)

(the “Municipality”)

#### AND

**[NAME OF OWNER]**, individual(s) possessing real property  
located in the Village of Teslin

(the “Owner”)

#### WHEREAS:

- A. The Village of Teslin (the “Municipality”) is the permitting authority for building within the Village of Teslin in the Yukon Territory;
- B. The Owner is the registered owner in fee simple of the lands legally described as

**[legal description]**

(the “**Subject Land**”);

- C. The Subject Lands are located in a flood plain as indicated in the attached map (the “**Flood Plain Zone**”);
- D. The Owner has applied for a development permit from the Municipality to develop or otherwise build upon the Subject Land;
- E. Teslin Zoning Bylaw #20-243, as amended from time to time (the “**Bylaw**”) states that no development permit will be issued for land located in the flood plain zone unless the applicant can demonstrate acceptable methods of flood proofing and completes a flood hazard waiver;
- F. The Municipality is granting the development permit on the express condition that the Owner enter into this Restrictive Covenant and Waiver;
- G. The purpose of this Restrictive Covenant and Waiver is as follows:

- (i) for the Owner to acknowledge that the Subject Land is located in the Flood Plain Zone;
- (ii) for the Owner to acknowledge that they have voluntarily assumed the risk associated with building in the Flood Plain Zone; and
- (ii) for the Owner to acknowledge that development and building in the Flood Plain Zone may be restricted by the development permit and/or building permits issued;
- (iv) for the Owner to waive any claim they may have as against the Municipality in relation to building in the Flood Plain Zone, and otherwise release the Municipality as against any claim stemming therefrom.

H. The Municipality will register this Restrictive Covenant and Waiver as a restrictive covenant to run with the land and bind future owners.

**NOW THEREFORE** in consideration of the premises and mutual terms, covenants and conditions to be observed and performed by each of the parties hereto, the parties agree as follows:

1. The Owner shall not develop the Subject Land unless the Owner can demonstrate an acceptable method of flood proofing the development, and that such method is approved by the Municipality.
2. The Owner shall abide by all statutes, bylaws, regulations, Municipality policies, development agreement and permits, in place as of the date of execution of this Restrictive Covenant and Waiver or at any time thereafter.
3. The Owner shall adhere to all building restrictions and safety precautions, if any, contained in any issued permits, including flood proofing precautions prepared by the Owner in accordance with the Bylaw.
4. The Municipality makes no representations or warranties concerning the Subject Land's suitability for construction, nor does the Municipality guarantee or otherwise warrant that any flood proofing method, building restrictions or precautions will prevent flooding of the Subject Lands or any improvements thereon.
5. The Municipality may file an interest in the property as a restrictive covenant, caveat, or such other document as it shall deem advisable against the title to the Subject Land so as to provide notice to third parties of the restrictive covenants and waivers found herein. The term "Owner" as used herein shall mean both the current owner and any subsequent holder of title to the Subject Lands.
6. The Owner agrees that pursuant to this Restrictive Covenant and Waiver, the conditions, terms and provisions of this Agreement shall be deemed to be covenants running with the title to the Subject Land and shall be binding upon the Owner and their successors.

7. Where it is deemed that a dominant tenement is required for this restrictive covenant, such tenement shall be the real property on which the Municipality office is located.
8. This Restrictive Covenant and Waiver shall enure to the benefit of and be binding upon the parties, their heirs, executors, administrators, successors and assigns.
9. The Owner confirms they understand the risk and potential danger of flooding of the Subject Lands, and voluntarily accept the risks associated with building in the Flood Plain Zone.
10. The Owner recognizes that there is a potential danger of flooding of the Subject Lands and in consideration for the issuance of the development permit for the Subject Lands, the Owner, for themselves, their heirs, executors, administrators, assigns, transferees or anyone else who may claim through ownership of the Subject Lands, covenant not to sue and agree to waive, release and discharge the Municipality, its employees, agents and representatives or anyone acting for or on their behalf, from any and all claims or liability for personal injury, death, damage to property or loss of any nature or kind related to the occupation of, and construction upon, the Subject Lands.
11. The Owner shall not be liable for any breach of such stipulations committed upon the Subject Lands after the Owner has parted with all interest of the Subject Lands.
12. If any provision of this Restrictive Covenant and Waiver, or any part thereof, is unenforceable or invalid for any reason whatsoever, the remainder of this Restrictive Covenant and Waiver shall be binding upon the parties and shall be construed as if the unenforceable or invalid provisions or part thereof have been deleted.

**IN WITNESS WHEREOF** the Purchaser has executed this Restrictive Covenant and Release as of the date first written above.

**THE VILLAGE OF TESLIN**, per:

\_\_\_\_\_  
(title): (name)

(SEAL)

\_\_\_\_\_  
(title): (name)

(OWNER), per:

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
Witness (Name)

\_\_\_\_\_  
(Name)

### AFFIDAVIT OF WITNESS

I \_\_\_\_\_, of the Village of Teslin, in the Yukon Territory, SWEAR (OR AFFIRM) THAT

1. I was personally present and did see the attached instrument duly signed and executed by \_\_\_\_\_ and \_\_\_\_\_, the parties thereto for the purposes named therein.
2. The said parties identified themselves to me to be the parties named in the within instrument, and the parties are, in my belief, of the full age of nineteen (19) years.
3. I am not
  - a. a party to this instrument; or
  - b. a spouse, within the meaning of the Family Property and Support Act, of a party to this instrument.

SWORN / AFFIRMED BEFORE ME )

at \_\_\_\_\_ in Yukon Territory )  
on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ )

\_\_\_\_\_  
(Signature of Witness)

\_\_\_\_\_  
(Signature of Notary or Commissioner)

\_\_\_\_\_  
(print full name)

\_\_\_\_\_  
(print full name)