

**RULES FOR RURAL RESIDENTIAL DEVELOPMENT AUTHORIZATIONS
(LANDS ACT, PART 6)**

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

Headings

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

Terms in the act

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

Definitions

3. In these Rules

"Act" means the *Lands Act*;

"application" means an application submitted for a development authorization;

"development authorization" means an authorization authorizing development and issued in accordance with Part 6 of the Act.

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

"regulations" means the *Lands Regulations*; and

"standard terms" means the terms and conditions set out in Schedule 'A' to this Rule.

Rule

4. Subject to this Rule, the standard terms shall be included in the terms and conditions of a development authorization.
5. The standard terms may be included in the terms and conditions of a development authorization by reference to this Rule.
6. Section 4 does not apply to the issuance of a development authorization if the land to be made subject to the development authorization
 - 6.1 is not subject to an interest granted under the Act;
 - 6.2 is subject to an interest granted under the Act that is for a purpose other than a residential purpose; or
 - 6.3 in the opinion of the director, the land is subject to acceptable zoning and development control legislation.

7. Despite section 4, the director may, if satisfied that it is appropriate in the circumstances, issue a development authorization
 - 7.1 that is not subject to the standard terms; or
 - 7.2 that is subject to terms and conditions that are different or other than the standard terms or any of them.

SCHEDULE 'A'**STANDARD TERMS FOR RESIDENTIAL DEVELOPMENT AUTHORIZATIONS**

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

Definitions

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

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

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

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

“land” means the land in respect of which a development authorization is issued;

“principal use” means the main and dominant use;

“setback” means the minimum distance required between a lot line and any portion of a building or structure located on a lot; and

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

Rural residential development authorization

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

- 1.1 Authorized principal uses:

- (a) One dwelling unit per parcel, which may include a mobile or modular home.

- 1.2 Authorized accessory uses:

- (a) One dwelling unit in addition to the principal dwelling, attached to or detached from the principal dwelling.
- (b) Home-based business activities that:
 - i. are accessory or subordinate to a principal use; and
 - ii. are primarily undertaken within a dwelling unit or within an accessory structure.
- (c) Small-scale agricultural activities accessory to a principal use, including greenhouse market gardening, and small-scale rearing of animals.
- (d) Accessory structures reasonably required for the undertaking of authorized accessory uses.

- (e) Utilities, including roof or ground-mounted solar panel arrays for personal and grid-tied power generation.
- 1.3 Other authorized uses:
 - (a) Other specific accessory uses that are generally consistent and compatible with rural residential uses may be considered and authorized by the director on a case-by-case basis.
- 1.4 Despite 1.2, 1.2, and 1.3, any use is prohibited that:
 - (a) Has unreasonable adverse effects on the use of adjacent lands;
 - (b) Creates or is likely to create a nuisance, including but not limited to an unreasonable increase in conditions such as traffic, noise, vibration, smoke, dust, odour, toxic or noxious fumes, fire, heat, light or explosive hazards;
 - (c) Involves unsightly storage of goods, merchandise or equipment that adversely affects the neighbourhood; or
 - (d) Is or is likely to be hazardous to public safety.
- 1.5 The maximum height of a use, building, or structure, exclusive of antennae, satellite dishes, or solar panels, shall be:
 - (a) 10 metres for a principal dwelling.
 - (b) 7 metres for an accessory structure.
- 1.6 The minimum yard setback requirements for principal and accessory buildings or structures are:
 - (a) Front yard setback – 5 metres
 - (b) Side yard setback – 5 metres
 - (c) Rear yard setback – 5 metres
- 1.7 In the event of a conflict or inconsistency between these terms and conditions and the terms and conditions of a corresponding interest, the terms and conditions of the interest will prevail to the extent of the inconsistency.
- 1.8 These terms and conditions shall cease to apply upon the coming into force of KDFN legislation that provides for zoning and development controls applicable to the land.

Non-conforming uses and buildings

- 2. Non-conforming uses and buildings:
 - 2.1 A use, building, or structure that existed prior to the time that KDFN granted the interest in settlement land or issued an authorization may be permitted as a non-conforming use in the development authorization.
 - 2.2 The permission for a non-conforming use will terminate if

- (a) The use is discontinued for a period of 12 months or more; or
 - (b) The building or structure in respect of which the use is conducted is destroyed or damaged to an extent of 75 per cent or more of its assessed value.
- 2.3 A non-conforming building or structure permitted in the development authorization may not be enlarged, added to, rebuilt or structurally altered, except
- (a) To increase its conformity; or
 - (b) To comply with enactments of KDFN, Yukon, or Canada.
- 2.4 Any repair, maintenance or installation that does not alter the size of the building or structure or involve the rearrangement or replacement of structural elements shall not be considered to be a structural alteration.
- 2.5 Subject to Sections 2.3 and 2.4, a non-conforming use may be extended throughout the rest of the building, structure, or lot.

Greg Thompson

 Greg Thompson, Director, Heritage, Lands & Resources

Nov 23 2022

 Date

**VERSION
 HISTORY**

DATE	REVISIONS