

**TOWN OF FOGO ISLAND
DEVELOPMENT REGULATIONS**

AMENDMENT No. 1, 2022

SUBJECT: ENABLING SMALL SINGLE DWELLINGS

RESOLUTION TO ADOPT; CLERK'S & MCIP CERTIFICATE

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Fogo Island adopts Amendment Number 1, 2022, to the Development Regulations for 2015 to 2025.

Resolved by the Town Council of Fogo Island on the 6th day of October, 2022.

Signed and sealed this 14th day of Dec., 2022

Mayor: [Signature]

Clerk: [Signature]



MCIP Certificate

I certify that the attached Amendment Number 1, 2022 to the Development Regulations document has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

Member of the Canadian Institute of Planners

[Signature] Jens Jensen, P.Eng., MCIP (MCIP seal)

Date 29th day of December, 2022



Development Regulations/Amendment	
REGISTERED	
Number	<u>5601-2023-001</u>
Date	<u>5 APRIL 2023</u>
Signature	<u>[Signature]</u>

TOWN OF FOGO ISLAND
DEVELOPMENT REGULATIONS
AMENDMENT No. 1, 2022: ENABLING SMALL SINGLE DWELLINGS

BACKGROUND

The Town Council of Fogo Island proposes to amend its Development Regulations concerning development of single dwellings having less than the required minimum floor area, which is at present 80 square metres (864 square feet). The floor area is the total area of all floors in a building measured to the outside face of exterior walls. An 80 square metre floor area approximately corresponds to a single storey building with a footprint of 24 feet by 36 feet, or a two storey building with a footprint of 18 feet by 24 feet, ie: 864 square feet in total, basically a fairly modest dwelling. That minimum floor area is commonly seen in regulations across the province. In specific cases Council can reduce the requirement up to 10% as a variance--see Development Regulations #11, page 24.

Some municipalities have introduced special measures in their regulations to be able to approve smaller single dwellings in order to permit an owner to build in phases and later expand to a larger floor area, or kept at the smaller area permanently. It is felt that such a measure would enable some owners to develop a larger home by beginning with a more affordable “starter home”, or enable those who desire to have a small home for their foreseeable future. It may also facilitate development on small lots in areas having central water and/or sewer service, thus improving the efficiency of use of those services. Council is attracted to the concept as a way to enhance affordability of housing and provide a broader choice of housing forms.

PUBLIC INFORMATION AND NOTICE INVITING SUBMISSIONS

The process followed by Council comprised posting of a notice inviting public review and submissions based on Council’s 3 April 2022 draft of the amendment. The postings were done in the usual manner for Council’s public notices, ie: on the Town’s website and other social media and on bulletin boards in the community. A period of time, from 2 September 2022 to the date Council adopted the amendment on 6 October 2022, was provided for receiving submissions which were to be considered by Council before making their decision as to adoption. As it happened, there were no requests from the public to view the documents nor were any submissions received.

PLANNING POLICY ANALYSIS

The Municipal Plan designates areas in the municipal planning area as several Restricted Special Areas and a General Development Area. The boundaries and designation of those areas are shown on the Future Land Use Maps in the Municipal Plan. In the Development Regulations, the said General Development Area is divided into a Rural Zone and several Community Development Area Zones, as shown on the Land Use Zoning Maps.

The Municipal Plan sets policies which are implemented through the Development Regulations. The Municipal Plan includes a statement of goals and objectives in Section 5.2(D)(b), which addresses housing specifically by saying amongst the “housing and social conditions” objectives that Council intends:

“To act to ensure that housing is designed, sited and constructed to meet the particular local conditions and needs of residents of the Town and to facilitate efficient development of available land resources through a wide variety of housing forms. Flexible regulatory requirements to facilitate subdivision will be included in the Development Regulations, such as providing for flag lots and bare land condominium and perpetual lease and easement arrangements to provide legal access to developable land lying behind existing structures or in physically restricted locations.”

The policy concerning housing in the Community Development Area Zones is expressed in Municipal Plan Sections 6.1 (1) and (3) as follows:

- (1) *“It is the intention in this Plan to permit single dwellings and home businesses up to a certain size, and to consider, on a discretionary basis, a broad range and any scale of other residential uses and non-residential uses.*
- (3) *A full range of residential uses will be considered. Higher density residential type uses will be required to fit in with the scale of the existing low density residential uses. Specialized housing for seniors and group homes, as well as development of residential uses in more than one building on a lot, or subsidiary apartments in a dwelling, may also be permitted at Council’s discretion.”*

In the Rural Zone, the only permitted uses are: *“Conservation uses; existing recreational open space; existing cemeteries”*. Any other uses may be approved at Council’s discretion, subject to certain conditions. The development standards for building in the Rural Zone are the same as those required in the Community Development Area Zone plus other conditions unique to the Rural Zone such as a condition concerning visibility from public highways. The standards for single dwellings in the Rural Zone therefore are the same as those for the Community Development Area Zone.

In the zones within the Restricted Special Areas, residential uses are not permitted, so this

amendment would have no effect on development in those zones.

The detailed development standards, such as minimum lot sizes, yards and floor areas for each class of development are found in the Development Regulations. As said in the Background section of this document, in the existing Development Regulations the minimum floor area for single dwellings is 80 square metres. None of the other development standards or conditions touch on this point. This amendment would not affect requirements for single dwellings of a smaller size to comply with all of them.

The clear intent of the Municipal Plan policies cited earlier is to provide for a considerable flexibility and innovation of housing forms. This amendment addresses the potential to develop single dwellings of any size to be developed. Some owners may choose to not build beyond a minimal floor area by way of very small dwelling structures colloquially now called “tiny homes”. However, it is inevitable that many owners will want to expand beyond an initial structure as they want more living space.

In those cases, it could be difficult for the expansion to comply with development standards such as yards and proximity to private sewage disposal infrastructure, if the owner’s original site planning did not foresee the possibility of expansion and locate the initial structure strategically. It is appropriate to suggest to applicants of any type of development, not just small dwellings, that their foresight would be in order but to not compel them to do so. That can be done as a matter separate from this amendment by adding a note to the permit application form.

The proposed amendment does not affect any of the maps which are part of the Development Regulations.

AMENDMENT No. 1, 2022

The text of the Development Regulations is amended as follows:

The Use Zone Table for the Community Development Area (COMMDA) Zone, in Condition 1 *Development Standards*, is amended by deleting the number “80” in the column headed “*Single Dwelling, Boarding House, Mobile Home, all other residential uses not specified in this table, and all non-residential uses ***” in the row captioned “*Floor area (m²) minimum, for residential uses only*”, and the following captions and text shall be substituted in their places:

Floor area (m ²) minimum:		
1.	Single dwellings and non-residential uses	None
2.	Other residential uses	80