

**TOWN OF FOGO ISLAND
DEVELOPMENT REGULATIONS
AMENDMENT No. 3, 2022**

DISCRETIONARY APPROVAL FOR ACCESSORY BUILDINGS IN FRONT YARDS

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 3, 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 14 day of Dec, 2022

Mayor: [Signature]

Clerk: [Signature]



MCIP Certificate

I certify that the attached Amendment Number 3, 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>5601-2023-003</u>
Date	<u>8 MARCH 2023</u>
Signature	<u>[Signature]</u>



TOWN OF FOGO ISLAND
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AMENDMENT No. 3, 2022

DISCRETIONARY APPROVAL FOR ACCESSORY BUILDINGS IN FRONT YARDS

BACKGROUND AND ANALYSIS

The Development Regulations for 2015 to 2025 were made, Regulation 38(2) says:

(2) Unless specifically provided in Schedule C, accessory buildings shall be located in the rear yard or side yard on the lot, except where topography or natural or built features on the lot or the street(s) providing access to the lot make it practically impossible to locate an accessory building in a side or rear yard. In such cases, a discretionary use may be approved which would allow accessory buildings to be built in those portions of the existing front yard which are adjacent to each side lot line, each said portion lying between the side lot line and an extension of the existing side yard line on that side of the lot leading most directly to the street line. [the section continues to illustrate the definition of yards]

The condition affecting front yard development of accessory buildings makes it permissible at Council's discretion only where "*topography or natural or built features on the lot or the street(s) providing access to the lot make it practically impossible to locate an accessory building in a side or rear yard.*" That condition has been found to be overly restrictive. Council wishes to make it possible to consider such a discretionary approval under any circumstances.

This is achieved by simply deleting the words "*...except where topography or natural or built features on the lot or the street(s) providing access to the lot make it practically impossible to locate an accessory building in a side or rear yard...*" and substituting in their place a reference to Regulation 10(1) which invokes the standard criteria for approval of a discretionary use, ie:

10. Discretionary Powers of Authority

(1) In considering an application for a permit or approval in principle to carry out development, the Authority shall take into account the policies expressed in the Municipal Plan and any further scheme, plan or regulations pursuant thereto, and shall assess the general appearance of the development of the area, the amenity of the surroundings, availability of utilities, public safety and convenience, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, the Authority may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, conditionally approve or refuse the application.

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.

AMENDMENT No. 3, 2022

Regulation 38(2) is amended by deleting the words "*...topography or natural or built features on the lot or the street(s) providing access to the lot make it practically impossible to locate an accessory building in a side or rear yard...*" in lines 2, 3 and 4, and substituting in their place the words "*... subject to Regulation 10(1).*"
