



**Town of Berwick**

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**Municipal Planning Strategy**

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## Credits:

## Acknowledgements:

### Indigenous Land Acknowledgement

The Town of Berwick is located in Mi'kma'ki. The town and all the peoples who reside and visit here are the beneficiaries of the living Peace and Friendship Treaties, which were signed between the British, the Mi'kmaq, the Maliseet, and the Passamaquoddy. These treaties hold the ongoing shared responsibility to respect, cooperate and coexist with each other and the land. The Town extends to the Mi'kmaw people the respect and desire to build a stronger relationship in the spirit and intention of these treaties.

# 1 Introduction (cover page for section)

## 1.1 Preface

This document is the official Municipal Planning Strategy (the Plan) of the Town of Berwick. This Plan replaces the previous Municipal Planning Strategy adopted by the Town in October 2012. Between 2012 and the adoption of the Plan, the Town approved a variety of changes to keep current with development trends and to respond to numerous development proposals which were otherwise not contemplated at the time the Plan was originally prepared. While the Plan served the community well during the time it was in effect, the preparation of this new Plan is an opportunity to guide growth and development to reflect and respond to the current challenges and opportunities facing the Town.

In 2009 the Town adopted an Integrated Community Sustainability Plan (ICSP) which established a framework of policies and action plans relating to broad economic, environmental, and social components of the Town's character and the community fabric. While the ICSP provided direction for broader community aspirations and goals, this Plan supports the strengthening of the community through the provision of a clear, balanced, and progressive planning and development control framework.

In 2013, the four municipal units within Kings County collaborated to produce the Municipal Climate Change Action Plan (MCCAP). The MCCAP identified a series of climate issues including coastal flooding, severe weather events, inland waterways, groundwater, agriculture, and forests. Municipal and regional infrastructure was the primary focus for this work, identifying facilities at risk as well as outlining priorities for climate change adaptation and mitigation.

The Town of Berwick's MCCAP priority areas included the water system, sewage treatment plant, storm sewer system, dams, and road. Risk factors, potential impacts, and action items were created for each priority area. The direction provided by both the Integrated Community Sustainability Plan and the Municipal Climate Change Action Plan have been considered in this plan review.

This Plan is intended to be a living document and it is anticipated that, like the Plan which it replaced, changes will be identified which will be incorporated as growth and development occur. Council will review this Plan within 10 years of its adoption to ensure the Town can respond to changing development pressures, needs and opportunities. The document is written to be readily understood by Council and members of the public, to be appropriate for the needs of the community with respect to directing growth through planning policies and related development control provisions contained in the accompanying Land Use By-law and to be flexible and adaptable to changing circumstances.

This Municipal Planning Strategy and the Land Use By-law have been prepared in accordance with the enabling provisions of the Municipal Government Act.

## 1.2 Purpose

The purpose of this Municipal Planning Strategy (MPS) is to provide a clear and cohesive framework for the development and growth of our town. Grounded in the values and aspirations of our community, this document sets out the guiding principles, objectives, and actionable initiatives that will shape the town's progress while preserving its unique identity and fostering sustainable development.

The Plan contains Council's policies to guide future development and use of land within the Town. The Plan is primarily implemented through two other documents, the Land Use By-law and the Subdivision By-law. The Land Use By-law establishes zoning and the other standards and regulations by which development is approved. The Subdivision By-law establishes the process for subdividing land and the standards for infrastructure, such as streets, sewer, and stormwater, constructed through the process of subdivision.

All lands within the town are categorized both with a land use designation and a land use zone. Land use designations are a broad and general categorization of how land should be used or developed. These designations typically encompass large areas and provide a high-level vision for future land use. Land use designations guide long-term planning and can be used to allocate resources, make infrastructure decisions, and set overall development goals for a community. They are not legally binding on their own but provide the framework for more specific zoning regulations.

A land use zone, often referred to simply as a "zoning district" or "zone," is a specific area within a town that is subject to detailed land use regulations and restrictions. Zoning regulations are enacted through the Land Use By-Law that governs how land in a particular zone can be used, the types of buildings that can be constructed, their height and size, setbacks, parking requirements, and more. Zones are legally binding and enforceable, and they provide specific rules for property owners and developers regarding land use and development within a particular area.

## 1.3 Review Process

In 2022 Town Council, initiated a review of the 2012 Municipal Planning Strategy and Land Use By-law. The Municipal Planning Strategy review process included discussion and analysis by the Planning Advisory Committee of planning policies, development control issues, community profile and demographic trends as well as assessments of infrastructure capacities and opportunities for growth and redevelopment within the Town.

In May 2023, the Planning Advisory Committee hosted an open house session to present and discuss general directions for planning policy and land use controls. Key planning topics, developed during the staff and council workshops, were further discussed at the open house. The topics at the open house included infrastructure, housing and growth, economic development, environment and climate change, parks and trails, and quality of life. These topics have been integrated as part of the principles and objectives in Section 3.2.

DRAFT

## 2 Community Context and Vision (cover page, map of town in regional context)

DRAFT

## 2.1 Current Demographic Context

A review of census and other data sources give us an idea of the trends within our community which in turn shapes policies. This means looking at things like the ages of residents, the types of housing available, and how many people have moved to or away from town. This information helps plan for municipal services that match the different groups of people who live in Berwick. It's a way of making sure everyone gets what they need and that our community is fair and welcoming to everyone.

Prior to the COVID pandemic, many rural Nova Scotia communities were slowly losing population. This trend reversed with the influx of migrants from other provinces and immigrants from around the world looking to call Nova Scotia home. The Canada 2021 Census data examined below captured a snapshot of our population just at the start of the pandemic. Events since then have led towards a province-wide housing crisis and current Provincial policies are looking to greatly increase the provincial population as a means of countering the effects of an aging population. The analysis provided below provides a reference for policy decision-making in the Plan.

### 2.1.1 Population Pyramid

Based on the 2021 Census, Berwick's population was 2,465 people, showing a slight decline of about 2.2% compared to 2016. However, subsequent estimates place Berwick's population as of December 2022 to be at 2,649 (a 5.6% increase from 2016). Figure 1 depicts the population growth shape, demonstrating the characteristics of an aging population. An ageing population is one where the proportion of older people is greater than younger age groups. This can be the result of several factors including a longer life expectancy, lower birth rates, and a lack of immigration/in-migration.

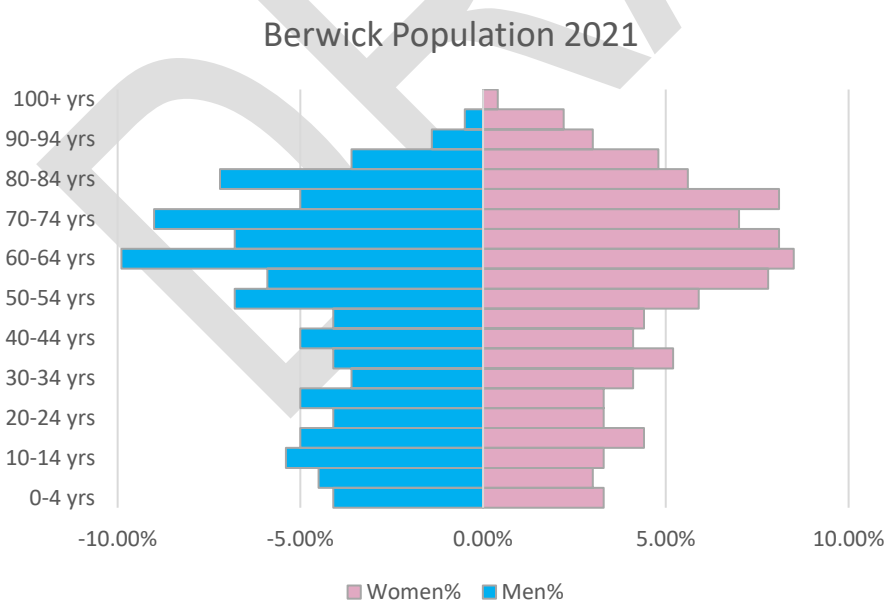


Figure 1. Population Pyramid of Berwick (Statistics Canada Census of Population 2021)

This high proportion of the working-age population towards the end of their working careers (ages 50-65) suggests that the working-age population may decline in the future as many individuals in this age range approach retirement. This demographic shift will have implications for the labour force and the overall needs of the community. For municipalities this creates challenges to ensure services, housing, and infrastructure are in place to support aging in place as well being responsive to attract new residents and facilitate the recruitment of key trades and professions.

### 2.1.2 Population Projection

Population projection analysis for small areas like the Town of Berwick can be challenging, and it is important to note that projections do not account for all potential social, political, or economic changes that may influence population trends. However, based on the available Census data, the population of Berwick decreased by 2.2% between 2016 and 2021 (Figure 2). However, the census data does not capture the changes in population experienced since COVID. In-migration from other provinces and increased immigration may offset the previous trend of slow decline if there are appropriate housing options available.

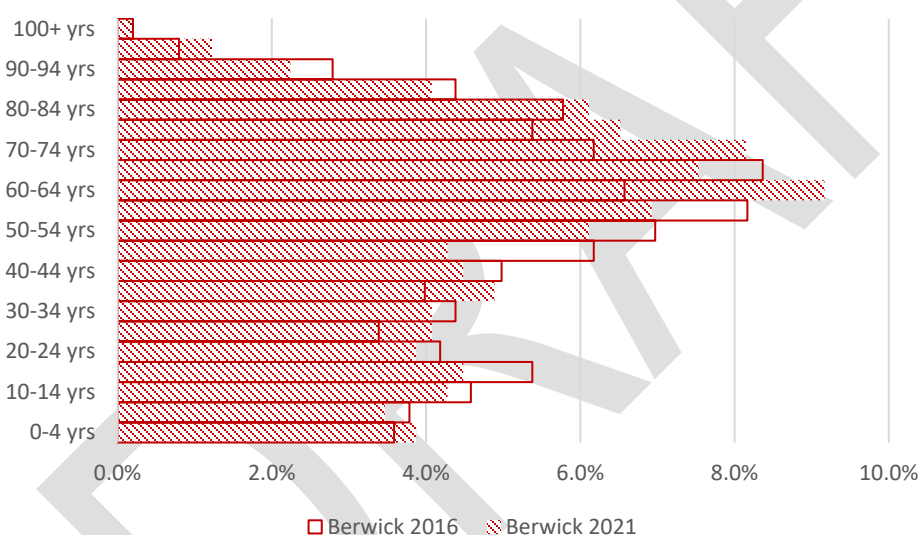


Figure 2. Population Comparison for Between 2016 and 2021 (Statistics Canada Census of Population 2016 & 2021)

These projections highlight the need to consider the implications of an aging population and potential labor shortages in Berwick. The Plan will include strategies to address the change in demographics, such as attracting new residents, promoting economic development, creating the conditions to encourage a range of housing options, and ensuring the provision of appropriate services for the aging population.

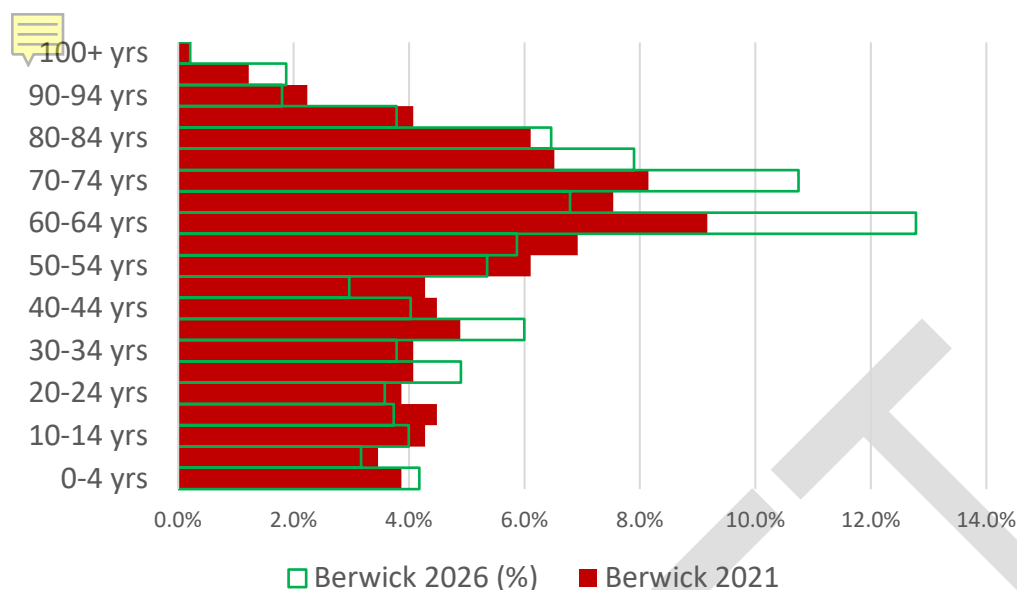


Figure X. Population Projection for Berwick (Statistics Canada Census of Population 2021)

## 2.2 Housing Needs Assessment

A housing needs assessment for a municipality serves to comprehensively gather data and insights on the current and future housing requirements of its residents. It helps identify housing gaps, informs policy and urban planning decisions, promotes equity and inclusivity in housing options, forecasts future demand, aids in the development of affordable housing strategies, and supports data-driven decision-making. This assessment is a vital tool for municipalities to understand and address housing challenges, align housing policies with community needs, and facilitate sustainable and inclusive development.

### 2.2.1 Current Housing Condition

According to the 2021 Census data, the total number of occupied private dwellings in Berwick is 1040. Most of these dwellings, accounting for 61.7%, are single detached houses, totaling 645 houses. Additionally, there are 130 semi-detached houses (12.4% of the total) and 150 apartments with fewer than 5 stories (14.4% of the total). The remaining dwellings, including row houses, apartments or flats in a duplex, other single attached houses, and movable dwellings, represent a smaller proportion of the total occupied dwellings (Figure 3).

Comparing this data to the 2016 census, the total number of dwellings in Berwick has remained relatively stable. However, there have been some changes in specific dwelling types. The number of semi-detached houses has increased from 120 to 130, indicating a slight growth in this type of housing. Additionally, the number of apartments or flats in a duplex has risen from 5 to 15, and the number of other single attached houses has increased from 0 to 5.

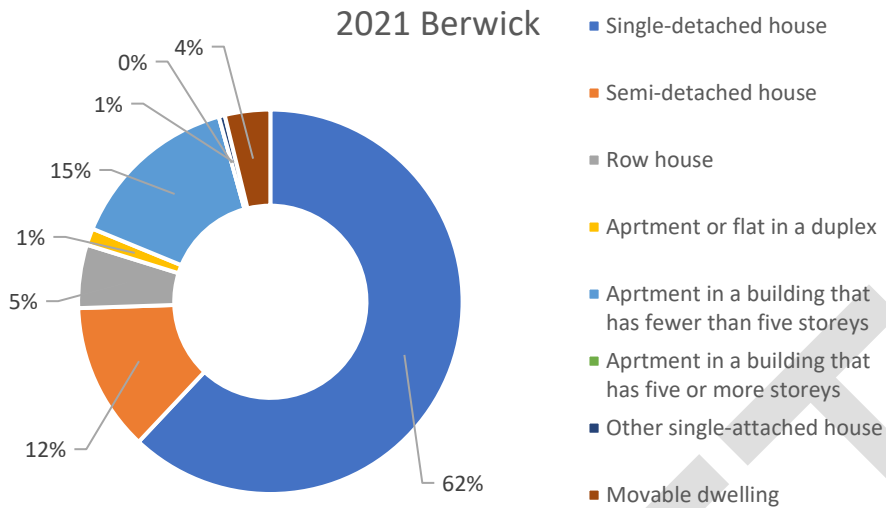


Figure 3. Dwelling Type of Berwick (Statistics Canada Census of Population 2021)

### 2.2.2 Residential Building Permit Data

The residential building permit data provides insights into the trends and preferences for new construction in Berwick. Overall, there is an increasing trend in the number of residential building permits issued between 2016 and 2022, indicating a growing interest in new construction projects within the town (Table 1).

Based on this period, single-family/one-unit buildings remain the most popular choice among residents in Berwick. The average number of building permits for single-family buildings in the last 5 years is 7.6 per year, which is significantly higher when compared to other types of buildings. Duplex/two-unit buildings also show consistent demand, with an average of 5.8 permits issued per year over the last 5 years. This indicates a steady interest in multi-unit dwellings, potentially for rental or investment purposes.

The data demonstrates a relatively lower demand for multi-unit buildings, with only 3 permits issued in the last 5 years, all of which were obtained in 2019. However, given the influx of recent multi-unit development applications and a change in market conditions favouring multi-unit development, this trend may change in the near future.

These trends in residential building permits reflect the housing preferences and needs of Berwick's residents as well as larger economic trends which affect the development industry and the housing market. The focus on single-family and duplex/two-unit buildings suggest a desire for traditional housing options, while the anticipated increase in demand for multi-unit development indicates a potential new direction for the housing market within the town.

Units Type	2016	2017	2018	2019	2020	2021	2022	Average/per year	Average (Last 5 year)
Single Family / One Unit	1	1	6	3	4	13	12	5.7	7.6
Duplex / Semi / Two Unit	4	4	4	0	6	10	9	5.3	5.8
Multi-Family	0	0	0	3	0	0	0	0.4	0.6
Mobile Home	0	0	0	0	1	0	0	0.1	0.2
Mini Homes	1	2	1	1	0	0	0	0.7	0.4
<b>Total Residential</b>	<b>6</b>	<b>7</b>	<b>11</b>	<b>7</b>	<b>11</b>	<b>23</b>	<b>21</b>	<b>12.3</b>	<b>14.6</b>

Table 1: Residential Building Permits (Municipality of Kings, 2017-2023)

## 2.3 Community Outlook

The goal of this Plan is to provide a planning and development framework which balances the community's hopes for attracting new growth while respecting the existing character of the town.

The plan review process offers an opportunity to solidify and enhance the role and position of the community of Berwick within the Valley region. The ability to encourage and accommodate new growth and development in a balanced and responsible manner is a critical objective of this Plan and the accompanying Land Use By-law.

## 2.4 Berwick Vision Statement and Guiding Principles

Vision statements provide clarity and an aspirational blueprint for the future development of a community. They define the collective goals and values that guide policy decisions, serving as a touchstone for development and land-use planning. Vision statements help create a shared understanding among stakeholders, including residents, government officials, and developers, about the desired direction and character of our community. They inspire long-term planning, inform the creation of specific policies and regulations, and ensure that development aligns with the community's overarching objectives, such as sustainability, inclusivity, economic growth, and quality of life. In essence, vision statements serve as a compass, steering municipal planning efforts toward a common vision for a vibrant and prosperous community.

### Vision Statement

"Berwick envisions itself as a vibrant and inclusive community where residents of all ages thrive. We aspire to be a place where innovation, sustainability, and a strong sense of belonging come

together to create a high quality of life for everyone. Our vision is to foster a safe, welcoming, and prosperous town that honors its heritage while embracing the opportunities of the future."

The four guiding principles below were created based on the principles found in the Integrated Community Sustainability Plan and are further developed in the plan review process.

### **Principle 1 – Recognize Our Relationship with the Environment**

Berwick is a leader in sustainable development. We recognize that the relationship between natural and built infrastructure needs to be managed thoughtfully to ensure the sustainability, resilience, and well-being of both natural ecosystems and human societies. Our community places a high value on energy innovation and environmental stewardship, actively pursuing sustainable practices to protect our natural surroundings. We take pride in our entrepreneurial spirit, fostering a culture that encourages innovative solutions for a greener future.

### **Principle 2 – Create a Range of Housing Opportunities**

We recognize the importance of housing affordability and accessibility as essential components of a thriving community. Berwick aims to develop neighborhoods that encompass a range of housing types, including affordable housing units, rental properties, townhouses, and single-family homes. This diversity of housing options promotes inclusivity and enables individuals and families from a variety of backgrounds and circumstances to find housing that suits their needs.

### **Principle 3 – Responsible Growth**

Berwick is committed to sustainable growth, ensuring that our infrastructure keeps pace with the construction of new housing and commercial developments. We will provide a wide array of community, cultural, and recreational opportunities for all residents and visitors while responsibly managing our expansion. Decisions on development will be data driven, with infrastructure and environmental studies being commissioned when necessary to help guide our path forward.

### **Principle 4 – Economic Viability**

Berwick recognizes the importance of its diverse commercial and industrial foundation and aims to build upon it, creating an environment that supports and nurtures local businesses. By doing so, we promote economic growth and ensure a reliable supply of goods and services for our community and the broader region.

Vision statements are linked to policies in municipal planning by serving as a reference that informs their development, implementation, and evaluation. They provide the overarching objectives and aspirations that policies should aim to achieve, ensuring alignment with the community's long-term goals. As such, policies are crafted to translate the vision into actionable steps and regulations that shape land use, infrastructure, transportation, housing, and other aspects of urban development.

## 2.5 Integrated Community Sustainability Plan Strategic Direction

The Integrated Community Sustainability Plan (ICSP) provides a comprehensive set of goals and actions to provide a framework for decision-making in Berwick. Integrating the direction provided in the ICSP process with the Plan provides the Town with a starting point to access progress towards completing the original action items. New priorities will be incorporated with the planning documents to better represent the current challenges and opportunities.

The original goal for each of the economic, environmental, as well as social and cultural pillars with corresponding status update for each is provided below for reference.

Economic goals include:

- Develop and economic growth strategy – REN supported activity
- Town centre should be focus for rejuvenation and redevelopment – Commercial Street focus
- Economic development should be green and innovative, with uses appropriate to the community – inclusion of renewable energy generation policies and infrastructure to support transition to electric future in transportation.
- Focus of commercial economic development will continue to point to the downtown core and the industrial park, but not exclude other key areas with promising potential – Commercial Street focus
- Northern Gateway Strategy should be implemented – the Strategy is maintained as a key aspect of the planning design for the Town

Environmental Goals include:

- Municipal focus Greenhouse Gas (ghg) reduction, maximization of Berwick Electric Commission opportunities, promotion of public transit and energy conservation: Leadership by example. – role of Berwick Electric Commission, integration of EV charging station policy and regulations in planning documents, development of wind and solar generation policies and regulations
- Wetland and sensitive natural areas identified and protected, and guided by environmental stewardship. – Revised mapping and protection for Cornwallis River

Social and Cultural Goals include:

- Focus on ensuring health care infrastructure and services are maintained and improved – policies to facilitate housing development and a range of housing options to help support area recruitment of health care staff.
- Promotion of civic pride, aesthetics, and neighbourhood amenities – Urban design review process to support the Commercial Street core

- Berwick as a more inclusive community, with strong volunteerism – development of public engagement policies to help ensure that all voices are being heard in decision-making.
- Promote and protect “Character” – small-town character was noted as a key factor to preserve in this plan review
- Development of trails, walkways, open space – the importance of asset management and parks policy development has been incorporated in these documents and will continue to be refreshed periodically over the next ten years.

## 3 Growth Management Policies (cover page)

In the Town of Berwick, we acknowledge the vital connection between efficient service delivery and the pursuit of sustainable growth that caters to the present and future needs of our residents.

Service Excellence for Today and Tomorrow: We recognize the pivotal role of quality public services, such as roads, wastewater, parks, and protective services, in enhancing the well-being of our current residents. These policies prioritize the enhancement of service accessibility and efficiency, ensuring that the current generation enjoys an exceptional quality of life. Concurrently, we accept our responsibility toward future generations. By embracing sustainable growth strategies that conserve resources, champion green infrastructure, and mitigate environmental impacts, we strive to cultivate a community where the delivery of quality services and responsible growth harmoniously converge to cater to the ever-evolving needs of our residents, both in the present and for the foreseeable future.

Provincial Alignment: At the core of our Plan lies the alignment of our growth management policies with the broader Statements of Provincial Interest. This ensures that our development plans align with the overarching Provincial direction regarding environmental, social, and economic policy.

### 3.1 Statements of Provincial Interest

The Province of Nova Scotia has adopted Statements of Provincial Interest relating to specific land use issues: the protection of drinking water supplies; the efficient and responsible use and extension of municipal infrastructure; the preservation of high-quality agricultural lands; development within identified flood risk areas; and the provision of adequate housing. The Municipal Government Act requires that the contents of a Municipal Planning Strategy be generally consistent with these Statements of Provincial Interest. Each area of interest is provided below with its stated goal and relevance for Berwick.

#### 3.1.1 Drinking Water

Goal: To protect the quality of drinking water within municipal water supply watersheds.

The Town of Berwick does not currently have a municipal water supply and town properties are supplied by on-site wells. There are currently 746 individual wells within town. Residents have expressed concern over water security in terms of both its future availability, with climate change and increased development pressures, and the safety of groundwater. The Town has initiated a series of studies to measure availability and reliability of the water supply. Development policies reflect the balance between achieving greater densities and protecting the water availability of existing residents and businesses. The Plan also contains provisions related to the identification and regulation of specific land uses which represent potential risks to groundwater contamination.

Applicable MPS Policies: [To be inserted in final draft]

### 3.1.2 Flood Risk Areas

Goal: To protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains.

The Town does not contain any designated flood risk areas under the Canada-Nova Scotia Flood Damage Reduction Program. However, the Cornwallis River does flow through the Town and the Plan and Land Use By-law provide for development control provisions which are aimed at mitigating the risk of damage due to flooding by development which occurs in proximity to the river's 100-year flood plain. Flood plain mapping should be revised periodically to reflect current climate modelling.

Applicable MPS Policies: [To be inserted in final draft]

### 3.1.3 Agricultural Land

Goal: To protect agricultural land for the development of a viable and sustainable agriculture and food industry.

Being situated at the base of the Annapolis Valley, the Town has a history of agricultural activity within the Town limits. With the presence of municipal wastewater treatment capacity and its historic role as a regional growth centre, the Town anticipates that existing agricultural uses will transition to more urban-type development and uses as the Town continues to grow. Given the availability of agricultural resource lands outside of the Town boundary, this transition of land use is considered appropriate. The ability to service new growth within the Town can serve to limit the development pressure in the long run on existing agricultural lands located outside but in close proximity to the Town.

Applicable MPS Policies: [To be inserted in final draft]

### 3.1.4 Infrastructure

Goal: To make efficient use of municipal water supply and municipal wastewater disposal systems.

The Town of Berwick does not currently have a municipal water supply with on-site wells providing domestic water for residents and businesses. The Town's wastewater system has capacity to

accommodate growth based on the existing collection system, but peak flows associated with rain events can stretch capacity of the piping, pump network, and lagoons. All new developments are required to be serviced by the public wastewater system. Policies will reflect the capacity of the wastewater system and factor in growth of the town and the implications in climate change to produce an increased frequency of peak flow events.

Applicable MPS Policies: [To be inserted in final draft]

### 3.1.5 Housing

Goal: To provide housing opportunities to meet the needs of all Nova Scotians.

Berwick's existing housing stock is weighted towards single-unit dwellings. This Plan encourages housing diversity and affordability by providing a range of zones with different scales and densities of permitted dwellings. This is accomplished by facilitating higher density development in the core area, and by streamlining the approval process for multi-unit dwellings compared to past planning documents. This Plan also treats most types of group-living arrangements in the same manner as any other dwelling of a similar scale.

Applicable MPS Policies: [To be inserted in final draft]

## 3.2 Development and Land Use Control Principles

In identifying specific planning policies and development control provisions contained in this Plan and the Land Use By-law, the following high-level objectives have been established for development within the Town.

### 3.2.1 Environmental Principles

To promote the development of active and passive recreation facilities and opportunities which promote health and wellness for all citizens, and which contribute to supporting strengthened civic pride. The overall direction for development and programming of recreation and open space facilities will be established through the Town's Recreation and Open Space Strategy. Policies and By-law provisions will serve to clearly identify existing public facilities and regulate their future use and development.

The Town contains lands which are environmentally sensitive. Any use or development of or near these lands must consider and respond to environmental constraints. The interface between natural and built spaces is particularly tenuous in areas which are prone to climate change risks. Policies and regulations will reflect the need to ensure public safety as well as the protection of waterbody habitats.

The protection of environmentally sensitive lands and the creation of parkland and open spaces work together to safeguard the natural environment, preserving biodiversity and mitigating the impacts of climate change by maintaining green buffers, wetlands, and wildlife habitats. The

protection of natural spaces can serve as recreational havens, enhancing the quality of life for residents and promoting physical and mental well-being.

### 3.2.2 Residential Principles

To protect and maintain the character of existing residential areas while providing for new residential growth through the utilization of underdeveloped areas and the expansion of residential development to larger undeveloped properties. New residential development should provide for a wide range of housing options which meet the varied needs of all Town residents. To this end, development within residential areas should promote affordability, choice, and options for accommodation, be respectful of the character of existing neighbourhoods and accommodate the need for growth.

To ensure that all new development is serviced by appropriate municipal infrastructure and services and that both public and private investments in infrastructure upgrading or the development of new infrastructure be managed in a coordinated, cost efficient and environmentally responsible manner. Policies specific to the Residential Designation are found in Section 3.3.

### 3.2.3 Commercial Principles

To promote, encourage and enable the development of a diverse range of commercial and industrial economic activities as a means of supporting the ongoing growth and prosperity of the community.

In a focus on being welcoming and supportive of new economic development, the Plan and By-law will include development control provisions necessary to allow encourage development and new economic enterprise. Opportunities to promote and accommodate new commercial and industrial type growth will be focused on specific designated areas and care will be taken to ensure that concerns relating to potential land use conflicts between adjacent residential and business enterprise areas are considered. Council is also supportive of home-based businesses and intends to permit them widely. An important topic for the town in recent years has been tourist accommodation. The Plan will seek to balance the pros and cons of short-term rentals while encouraging the development of motels and hotels through the economic development strategy.

The Town's "Northern Gateway Strategy" establishes design and land use objectives for both public and private development aimed at creating a focal point highlighting cultural, recreational, and entrepreneurial opportunities. This Plan encourages fulfillment of the Gateway concept through encouraging mixed-use development and the integration of new public amenities as a major component of redevelopment.

### 3.2.4 Future Residential

Through the policies of this Plan, future residential areas will be planned to be well integrated with Town services. The intent and focus of these policies will be on making the best use of underdeveloped land, ensuring it serves its highest potential. This approach aims to create neighborhoods that meet the needs of current and future residents, making the town a better

place to live and unlocking the potential of newly developed areas.

### 3.2.5 Other Uses

Berwick's residences and businesses are supported by several other uses including agricultural, open space, and institutional. Council intends to permit existing agricultural, open space, and institutional uses within all land use designations, as well as new open space and institutional uses.

### Agricultural Principles

To ensure the ability for existing agricultural activities located within the Town to continue and provide specific opportunities for new uses to locate while understanding that residential and commercial development requirements and the presence of municipal services make serviced urban-type development more suitable in the long term.

### Institutional Principles

To facilitate the development of a broad range of institutional uses, in particular the development of government and non-government community services, in a manner which is consistent with the general community form. The re-use and redevelopment of existing institutional uses within established residential areas is significant to the character of these areas and therefore particular care should be taken when managing change. Institutional uses are present throughout the Town therefore development control considerations for institutional uses are incorporated into relevant sector policy areas.

## 3.3 Growth Management

Good planning is in part about directing growth with the goal of producing the best overall outcome for the community. It is about using resources wisely and being strategic with where investment is made in buildings and infrastructure. It is also about balancing density between traditional low-density development with areas where greater density can be accommodated. It is important to preserve natural and open spaces, to maintain areas that reflect the quiet small-town charm, and provide an opportunity for new development to adapt to a changing population and economy.

### 3.3.1 Environment

Protecting the natural environment from degradation caused by human development is a key aspect in managing the growth of the town. In addition to this, it is also important to put development in places where risks from the natural environment are low. This section includes the policies intended to achieve these goals.

#### 3.3.1.1 Watercourse Buffers

The areas along watercourses and shorelines are often sensitive natural environments. They provide unique habitats at the interface between land and water, and they are often easily damaged and eroded. These areas also often present risks to development, due to things like flooding, erosion, or steep slopes. Council believes these areas are generally not suitable for

development, certain uses such as parks and open spaces may be able to be integrated and afford residents and visitors opportunities to interaction with the natural environment.

**Policy 3-1** It shall be a policy of Council to, through the Land Use By-law, establish buffers that limit development adjacent to watercourses.

**Policy 3-2** It shall be a policy of Council to, through the Land Use By-law, enable exceptions to watercourse buffers where the use is required to locate adjacent to the water, or where the risks presented to and by the development can be shown to be low.

### 3.3.1.2 Floodplains

Our recent experiences with extreme weather events help indicate the climate-related risks that we must consider in our individual and collective assets. Flooding is a natural part of a river's yearly cycle. However, the natural process of flooding can present risks for buildings and infrastructure that are built within floodplains. From a planning perspective, it is prudent to identify areas where flooding occurs, and avoid putting people and development in areas at risk. The other reason to avoid development in flood areas is things that reduce the ability of the land to absorb water, such as tree clearing and paving, can lead to increased flooding elsewhere. In the future, as further data is developed and refined, Council intends to revisit and update the areas where flood protection restrictions are applied.

**Policy 3-3** It shall be a policy of Council to, through the Land Use By-law, increase the distance of watercourse buffers around waterbodies known to be at a high risk of flooding that have not yet been subject to geomorphic floodplain mapping.

### 3.3.2 Renewable Energy

Nova Scotia is moving towards a future where much of the province's electricity needs are supplied by renewable energy, rather than non-renewable sources like coal and oil. The Energy Act requires 40 percent of Nova Scotia's electricity to come from renewable sources—such as hydro, solar, wind, and tidal—by the year 2020. This will have the benefit of reducing local air pollution, reducing our contribution to climate change, and reducing our reliance on fuels imported from other countries.

Berwick has its own role to play, with the Berwick Electric Commission, as well as on a smaller scale with the innovation of commercial-sale solar energy systems. Council recognizes the importance of contributing to renewable energy and will look to facilitate its development where possible.

As more people in Canada and Nova Scotia start using electric vehicles, there will be additional opportunities to support the development of a charging station network for various purposes and at different sizes. Currently, most electric vehicle charging stations are either a single charger for the public or one at someone's home. However, in the future, it's possible that we'll see commercial charging stations like gas stations become common. Because of this, our Council supports the idea

of treating commercial and non-commercial charging stations differently and allowing them in separate places.

**Policy 3-4** It shall be a policy of Council to, through the Land Use By-law, permit commercial-scale solar collector systems in land use zones that prioritize industrial development.

**Policy 3-5** It shall be a policy of Council to, through the Land Use Bylaw, permit noncommercial electric vehicle charging stations as an accessory use in all zones.

**Policy 3-6** It shall be a policy of Council to, through the Land Use Bylaw, permit the development of commercial electric vehicle charging stations in the Commercial General (C1) Zone, Commercial/Industrial Enterprise (C2) Zone, and the Gateway Mixed Use (GMU1) Zone.

### 3.3.3 Developing the Core

While development will and should happen to various degrees throughout Berwick, Council believes that new development should be prioritized in either the core downtown thoroughfare on Commercial Street or, as conditions permit, in comprehensively planned new development. This will help to use infrastructure efficiently, and to provide the critical mass of people to sustain the businesses and the sense of community that already exists.

**Policy 3-7** It shall be a policy of Council to, through the policies of this Plan and through the Land Use By-law and Subdivision By-law, prioritize and encourage new development to locate on or near Commercial Street and in new areas through a comprehensive planning process.

### 3.3.4 Housing

As of 2021, the housing stock in Berwick was primarily single-detached dwellings. With the recent trends of shrinking household sizes and an aging population, Council recognizes there may be a demand for greater diversity in the types of housing available to town residents. While the single-detached dwelling will likely continue to be the housing choice for many of Berwick's residents, Council wishes to ensure options are available for all tastes and stages of life. The Provincial Housing Needs Assessment will help support the development of future housing policies for the Town.

**Policy 3-8** It shall be a policy of Council to through the policies of this Plan and through the Land Use By-law, enable diversity in the form, scale, and location of housing that is permitted in the Town.

**Policy 3-9** It shall be a policy of Council to collaborate with other levels of government, the developers, and community groups to actively pursue all programs and policy options with the goal of ensuring housing availability and reducing housing insecurity in Berwick.

**Policy 3-10** It shall be the intention of Council, following additional study, amend the Land Use Bylaw and/or adopt administrative policies or bylaws as necessary to implement inclusionary zoning.

### 3.4 Municipal Infrastructure Policies

Public infrastructure is a critical component in our communities and one of the main services provided by all levels of government. How we design our infrastructure, and where we put it, also influences how our communities ultimately look and feel. For example, wide streets with no sidewalks have a very different feel and higher traffic speeds than narrow streets with sidewalks and on-street parking.

Infrastructure and transportation also represent some of the largest costs for local governments. Council believes the responsible use of tax dollars includes being strategic about where infrastructure is developed, and how it is used. This section includes policies for making those strategic decisions. The Town is committed to developing an asset management plan to oversee the planning and budgeting for growth and maintenance of our key infrastructure systems.

The Town's Asset Management Plan, when completed, will form the primary framework for guiding the allocation of resources and setting priorities for the foreseeable future. This comprehensive plan will provide a strategic roadmap for managing the town's assets efficiently and effectively, considering their condition, lifecycle, and criticality. By outlining clear priorities and investment strategies, the Asset Management Plan will direct the town's decision-makers in making informed choices about asset maintenance, rehabilitation, and replacement. It will ensure that limited resources are allocated to address the most critical needs first, optimizing the town's infrastructure and services for the benefit of the community.

**Policy 3-11** It shall be the intention of Council, through the creation of an Asset Management Plan, to periodically reassess growth within the Town.

#### 3.4.1 Central Services Policies

Central services in the form of wastewater and stormwater management are available in most of Town. These public services allow for development that is denser and more “urban” than would be possible if each lot was required to treat its own wastewater (e.g. through on-site septic systems).

The infrastructure required to provide these services— pipes, lift stations, and treatment plant— represent a significant expense in terms of both initial construction costs, and in terms of ongoing maintenance, operation, and depreciation (replacement costs). A critical mass of customers is needed on each system to spread these costs around so that no one bears the heavy burden of high utility rates. It is, therefore, significant to the financial sustainability of this public infrastructure to encourage the efficient use of existing systems and to ensure any new extensions are carefully considered.

Domestic water is currently not part of the existing central services however the Town is studying the availability and reliability of groundwater.

**Policy 3-12** It shall be the intention of Council to require that all development within the Town front on a public street be serviced with municipal wastewater services, where central services exist.

**Policy 3-13** It shall be the intention of Council that a property owner be responsible for the construction of all proposed extensions of municipal road, sanitary sewer, storm sewer and related infrastructure for the purposes of enabling development of private property and that all construction be in conformity with the provisions of the Town Subdivision By-law and related regulations and servicing specifications.

**Policy 3-14** It shall be the intention of Council to undertake the necessary studies to identify a strategic approach to upgrading existing municipal services and the extension of new municipal services to lands within the Future Residential Designation and where appropriate, cooperate with the property owners to coordinate the development of trunk wastewater, storm water and public street infrastructure.

**Policy 3-15** It shall be the intention of Council, through the Land Use Bylaw, permit public utilities in all zones and shall exempt such uses from zone requirements. For greater clarity, these exemptions shall only apply to the utility infrastructure itself, and not related uses such as utility offices or maintenance depots.

### 3.4.2 Environmental Policies

Considering the goals and objectives contained in the Plan and in particular the Environmental principles and objectives identified in Section 3.1 the following policies are intended to regulate the development of conservation lands as well as recreation and open space facilities and uses within the Town.

#### 3.4.2.1 Environmental Designation

**Policy 3-16** It shall be the intention of Council to adopt an **Environmental Designation** on the Generalized Future Land Use Map (Schedule 6.1) to encourage the development of active and passive recreation opportunities and protect environmentally sensitive lands within this Designation.

### 3.4.3 Recreation and Open Space Policies

**Policy 3-17** It shall be the intention of Council to include in the Land Use By-law a **Recreation and Open Space (OS1) Zone**. This zone shall include as permitted uses public parks, public recreation space, public trails and related uses.

- Policy 3-18** It shall be the intention of Council to apply the Recreation and Open Space (OS1) Zone to all existing Town owned recreation and open space facilities as well as to the Department of Natural Resources and Renewables multi-use trail corridor located on the former DAR right-of-way.
- Policy 3-19** It shall be the intention of Council, through the Town's Recreation and Open Space Plan, to identify, develop and maintain recreation and open space facilities which address the needs of all segments of the community.
- Policy 3-20** It shall be the intention of Council, through the Subdivision By-law, to provide for the acquisition of public open space and/or cash-in-lieu for the development of residential subdivisions containing two (2) or more lots. The acceptable type(s) of land and the value of land or cash-in-lieu shall be as prescribed in the open space needs assessment study, up to but not exceeding a value of 10 percent of the lots being created.
- Policy 3-21** It shall be the intention of Council to zone, and where necessary amend the Land Use By-law (rezone), all lands which may be acquired for public open space purposes, including the expansion of existing facilities or the acquisition of new land or facilities.

#### 3.4.4 Conservation Policies

- Policy 3-22** It shall be the intention of Council to include in the Land Use By-law a **Conservation (OS2) Zone**. This zone shall include as permitted uses public parks, public recreation space, public trails, and institutional uses.
- Policy 3-23** It shall be the intention of Council to apply the Conservation (OS2) Zone to all lands indicated on the Environmental Constraints Map (Schedule 6.3) within the Environmental Generalized Future Land Use Designation.
- Policy 3-24** It shall be the intention of Council to amend the zoning maps of the Land Use Bylaw to adjust the boundaries of the Conservation Zone to increase the total amount of land protected under this land use zone.
- Policy 3-25** It shall be the intention of Council to apply the Conservation Zone to lands located at or below the 29-metre contour interval adjacent to the Cornwallis River and other lands identified by the Department of Natural Resources database designated as being environmental features.

Notwithstanding the above, lands located below the 29-metre contour interval in the vicinity of the Cornwallis River may be developed pursuant to a designation other than Environmental subject to confirmation by a qualified professional that:

- a) Potential impacts on the watercourse and riparian area resulting from the proposed development can be appropriately mitigated;
- b) The proposed development does not create an increased risk of flood damage to adjacent upstream or downstream properties;
- c) All proposed structures on the property can be designed to mitigate damage due to flood;
- d) The proposed alteration of the property can receive all required approvals of the Nova Scotia Department of Environment.

**Policy 3-26** It shall be the intention of Council, with the exception of institutional uses, to prohibit the development of new structures within the Conservation (OS2) Zone. The development of any structures within the Conservation (OS2) Zone relating to institutional uses shall only be permitted subject to review and confirmation by a qualified individual that appropriate and necessary flood damage mitigation for both structure and site can be approved pursuant to Nova Scotia Department of Environment regulations.

## Rezoning

**Policy 3-27** It shall be the intention of Council to not rezone lands within the Environmental Designation without an amendment to this Plan except for boundary adjustments enabled by Policy 3-24, which shall not require an amendment to this Plan.

# 4 Development Designations (cover page)

## 4.1 Residential Development Policies

Considering the goals and objectives contained in the Plan and in particular the residential development principles and objectives identified in Part 3.2.2, the following policies are intended to regulate residential development within the Town.

Existing residential areas have developed over the course of the town's history, developing beyond the Commercial Street core into more peripheral areas of the town. As such, the form and style of housing in the town differs from location to location.

Although there exists developable land outside of the serviced residential areas, its development depends on the future allocation of municipal services. Because of this, residential areas that are currently serviced need to be carefully planned to make the best use of available land and services and to further enable the town to meet future housing needs.

#### 4.1.1 Residential Designation

- Policy 4-1** It shall be the intention of Council to create a **Residential Designation** on the Generalized Future Land Use Map and encourage the development, maintenance and enhancement of a wide variety of residential uses and related compatible uses within this Designation.
- Policy 4-2** It shall be the intention of Council to enable the following zones within the Residential Designation:
- a) Residential Low Density (R2)
  - b) Residential Medium Density (R3)
  - c) Residential Multi-unit (R4)
  - d) Institutional (Inst)
  - e) Comprehensive Development District (CDD)
  - f) Parks and Open Space (OS-1)
- Policy 4-3** It shall be the intention of Council to designate areas of the Town which are predominately residential in character, and which are appropriate for long term residential development as Residential on the Generalized Future Land Use Map.
- Policy 4-4** It shall be the intention of Council to create a **Future Residential Designation** on the Generalized Future Land Use Map and promote new comprehensively planned residential development as municipal infrastructure can be extended to service these lands.
- Policy 4-5** It shall be the intention of Council to consider larger parcels of unserved lands under the Future Residential Designation on the Generalized Future Land Use Map.
- Policy 4-6** It shall be the intention of Council to include in the Land Use By-law a **Residential Low Density (R2) Zone**. This Zone shall permit as-of-right the following lower density residential uses as outlined in the Land Use Bylaw.
- a) Detached Single Unit Dwelling
  - b) Semi-detached Dwelling
  - c) Duplex Dwelling
  - d) Converted Dwelling to a maximum of two (2) Units
  - e) Day Care Facilities licensed to a maximum of five (5) children
  - f) Bed and Breakfast and Guest House
  - g) Existing Transportation and Truck Facilities
  - h) Existing Mobile Home Parks
  - i) Existing Residential Care Facilities, Boarding and Rooming Houses

- j) Accessory Dwelling – Detached Suite
- k) Household Electric Vehicle Charging Stations
- l) Single Room Occupancies

The Residential Low Density (R2) Zone shall be applied to all existing one-unit and two-unit dwellings located within the Residential Designation.

Notwithstanding the above and in recognition of existing subdivision patterns, provisions shall be included in the Land Use By-law for alternative minimum lot frontage and minimum lot area requirements for lots zoned Residential Single Unit (R1) located on the south side of Orchard Street between Commercial Street and the Western Kings Memorial Health Centre.

**Policy 4-7** It shall be the intention of Council to permit the following uses by Site Plan Approval in the Residential Low Density (R2) zone, as outlined in the Land Use Bylaw:

- a) Expansion of a non-conforming use
- b) Grouped Dwellings – 4 or Fewer Dwelling Units on a Lot
- c) Fourplex Dwelling – 4 or Fewer Dwelling Units on a Lot
- d) Townhouse Dwelling – 4 or Fewer Dwelling Units on a Lot
- e) Development of an infill lot

**Policy 4-8** It shall be the intention of Council to permit the following uses by Development Agreements in the Residential Low Density (R2) zone), as outlined in the Land Use Bylaw:

- a) New two (2) and/or three (3) unit residential dwellings on lots which do not meet the minimum lot frontage and/or area requirements for the Residential Low Density (R2) Zone;
- b) Expansion and/or alteration of existing commercial and/or industrial uses within the Residential Low Density (R2) Zone;
- c) Expansion and/or alteration of existing mobile home parks within the Residential Low Density (R2) Zone;

**Policy 4-9** It shall be the intention of Council to include in the Land Use By-law a **Residential Medium Density (R3) Zone**. This Zone shall permit as-of-right the following of low and medium density residential uses (up to six (6) dwelling units), as outlined in the Land Use Bylaw:

- a) All Residential Low Density (R2) Uses subject to R2 Zone Requirements

- b) Triplex dwelling units;
- c) Fourplex dwelling units;
- d) Townhouse dwellings to a maximum of six (6) dwelling units;
- e) Grouped dwellings limited to six (6) or fewer dwelling units
- f) Multiple unit dwellings limited to eight (6) dwelling unit; and
- g) Converted Dwellings to a maximum of three (3) dwelling units

The Residential Medium Density (R3) Zone shall be applied to all existing three-unit to six-unit dwellings located within the Residential Designation.

**Policy 4-10** It shall be the intention of Council to permit the following uses by Site Plan Approval in the Residential Medium Density (R3) zone, as outlined in the Land Use Bylaw:

- a) Grouped dwellings with seven (7) to nine (9) units.

**Policy 4-11** It shall be the intention of Council to use Development Agreements in the Residential Medium Density (R3) zone of the Residential Designation for the consideration of certain uses, as outlined in the Land Use Bylaw:

- a) New two (2) and/or three (3) unit residential dwellings on lots which do not meet the minimum lot frontage and/or area requirements for the Residential Medium Density (R3) Zone;

**Policy 4-12** It shall be the intention of Council to include in the Land Use By-law a **Residential Multi-unit (R4) Zone**. This Zone shall permit seven (7) or more unit residential dwellings unit by either Site Plan Approval or Development Agreement as per Policy 5-19 and 5-23 and establish minimum zone requirements and development control provisions for uses within the Zone. The Residential Multi-Unit R4 Zone shall be applied to existing residential structures containing seven (7) or more units and/or existing grouped dwellings located on a single lot located within the Residential Designation.

**Policy 4-13** It shall be the intention of Council to consider the following uses bye Site Plan Approval in the Residential Multi-unit (R4), as outlined in the Land Use Bylaw:

- a) New Multi-unit dwellings with from seven (7) to nine (9) units in the Residential Multi-unit (R4) zone; and
- b) Residential care facilities.

**Policy 4-14** It shall be the intention of Council to consider the following uses in the Residential Multi-unit (R4) zone, as outlined in the Land Use Bylaw on a single lot only by Development Agreement:

- a) New multiple unit residential dwellings containing more than ten (10) units
- b) Grouped dwellings with more than ten (10) units

**Policy 4-15** It shall be the intention of Council to consider the expansion or redevelopment of existing residential structures containing seven (7) or more units and group dwellings on a single lot shall be considered only by Development Agreement. In addition to the criteria contained in Policy 5-23, Council shall consider the following when reviewing applications for the development of multiple unit dwellings:

- a) That the proposed structure is generally compatible with existing dwellings on adjacent properties;
- b) That the design of the proposed structure and site reflects and is consistent with adjacent existing dwellings with respect to:
  - i. Building Mass;
  - ii. Relationship to and setback from the street line;
  - iii. Building Height;
  - iv. Location of on-site parking;
  - v. Landscaping and landscape treatment.

**Policy 4-16** It shall be the intention of Council that when considering proposals for uses pursuant to Policy 4-14, in addition to criteria contained in Policy 5-23, consideration shall be given to the following:

A Level 1 Groundwater Assessment prepared by a qualified hydrogeologist identifying potential risk and mitigation options for the protection of quality and quantity of groundwater resources.

**Policy 4-17** It shall be the intention of Council to consider the development of new residential dwellings containing between three (3) and six (6) units or the conversion of existing single or two (2) unit dwellings to three (3) and six (6) units within the Residential Designation by amendment to the Land Use By-law. In addition to the criteria contained in Policy 5-23, Council shall require that the lot meet the minimum lot frontage and area requirements for the Residential Medium Density (R3) Zone.

**Policy 4-18** It shall be the intention of Council to include in the Land Use By-law a **Residential Comprehensive Development District (RCDD) Zone**. This zone shall permit a variety of residential types including low, medium and high density residential uses

within comprehensively planned development. This zone will be applied to vacant lands within the Residential Designation. Development within the Residential Comprehensive Development District will be considered only by Development Agreement. When considering approval of a Development Agreement for lands within the Residential Comprehensive Development District Zone Council shall give consideration to:

- a) The provision for and integration of trunk wastewater and storm water into the existing municipal systems;
- b) The provision for and integration of collector and local road systems into the existing municipal road network;
- c) All criteria contained in Policy 5-23.

**Policy 4-19** It shall be the intention of Council to include in the Land Use By-law provisions for the creation of Infill Lots within the Residential Designation. The creation of Infill Lots, incorporating a reduced minimum lot frontage requirement, will be permitted with the Residential Low Density (R2) Zone provided the lot from which the Infill Lot is created can meet all relevant requirements of the Residential Low Density (R2) Zone. Development of Infill Lots will be considered only by Site Plan Approval, and in addition to site plan approval criteria, Council shall consider the following:

- a) That the proposed structure is generally compatible with existing dwellings on adjacent properties;
- b) That the design of the proposed structure and site reflects and is consistent with adjacent existing dwellings with respect to:
- c) Building Mass;
- d) Relationship to and setback from the street line;
- e) Building Height;
- f) Location of on-site parking;
- g) Landscaping and landscape treatment.

**Policy 4-20** It shall be the intention of Council to include in the Land Use By-law provisions enabling and regulating the establishment of home occupation uses accessory to a permitted residential use within the Residential Designation. By-law provisions shall ensure that the residential character of an area can be maintained while providing economic opportunities for residents.

**Policy 4-21** It shall be the intention of Council to include as permitted uses within the Residential Low Density (R2) Zone and apply the Residential Low Density (R2) Zone to commercial and industrial uses existing within the Residential Designation as of the effective date of this Plan. The establishment of new commercial or industrial uses, other than home occupation uses provided for in Policy 4-20 shall be prohibited within the Residential Designation. Existing commercial and industrial uses within the Residential Designation may expand or be altered only by Development

Agreement. The change of use of any existing commercial or industrial use within the Residential Designation shall only be in conformity with the provisions of the Residential Low Density (R2) Zone.

**Policy 4-22** It shall be the intention of Council to include as permitted uses within the Residential Low Density (R2) Zone and apply the Residential Low Density (R2) Zone to existing mobile home parks located within the Residential Designation as of the effective date of this Plan. The establishment of new mobile home parks and/or the expansion of existing mobile home parks shall be considered only by Development Agreement and in addition to criteria contained in Policy 5-23, Council shall give consideration to the following:

- a) That the minimum lot area be 2.02 hectares (5 acres);
- b) That the minimum lot frontage be 36.57 meters (120 feet);
- c) That a minimum amenity space of 5% of the gross lot area be provided.

**Policy 4-23** Notwithstanding the policies contained in this Part it shall be the intention of Council to consider the following developments within the Residential Designation only by Development Agreement:

- a) New Multiple unit residential dwellings containing more than ten (10) or more units;
- b) Expansion of existing multiple unit dwellings containing seven (7) or more units in the Residential Designation;
- c) New two (2) and/or three (3) unit residential dwellings on lots which do not meet the minimum lot frontage and/or area requirements for their respective zones;
- d) Comprehensively planned residential development within the Residential Comprehensive Development District RCDD Zone;
- e) Expansion and/or alteration of existing commercial and/or industrial uses within the Residential Low Density (R2) Zone;
- f) Expansion and/or alteration of existing mobile home parks within the Residential Low Density R2 Zone;

**Policy 4-24** Notwithstanding the policies contained in this Part it shall be the intention of Council to consider the following developments within the Residential Designation only by Site Plan Agreement:

- a) New Multiple unit residential dwellings with from seven (7) to nine (9) units in the Residential Multi-unit (R4) zone;
- b) New grouped dwellings with from seven (7) to nine (9) units in the Residential Medium Density (R4) zone;
- c) Expansion of a non-conforming use in the Residential Low Density (R2) zone

- d) Grouped Dwellings – 4 or Fewer Dwelling Units on a Lot in the Residential Low Density (R2) zone
- e) Fourplex Dwelling – 4 or Fewer Dwelling Units on a Lot in the Residential Low Density (R2) zone
- f) Townhouse Dwelling – 4 or Fewer Dwelling Units on a Lot in the Residential Low Density (R2) zone
- g) Development of an infill lot in the Residential Low Density (R2) zone

## Rezoning

**Policy 4-25** It shall be the intention of Council to consider proposals to rezone lands in the Residential Designation to any other zone permitted in that designation, as identified by Policy 4-2. Council shall not approve such a rezoning unless Council is satisfied:

- a) the proposed change is not prohibited by any other policy of this Plan;
- b) the purpose of the proposed zone, as described in the respective policy creating that zone, is consistent with the location and characteristic of the land and with the proposed use of the lands; and
- c) the proposal meets the general criteria for amending the Land Use Bylaw, set out in Policy 5-21.

## Residential Care

Residential Care Facilities, Homes for Special Care and similar uses are often considered Institutional uses and therefore prohibited within some residential zones. However, on a small scale, community-based residential facilities provide community integration for people with a variety of special needs. Therefore, Council shall permit Residential Care Facilities, Homes for Special Care and similar uses in residential zones subject to the Land Use By-law.

**Policy 4-26** It shall be the intention of Council to permit Residential Care Facilities, Homes for Special Care and similar uses in any Residential Zone in accordance with the Land Use By-law.

### 4.1.2 Future Residential Designation

Outside of the serviced residential and commercial areas of Berwick, there are areas that are more rural in character. Some rural areas include residential uses on large lots, while others host uses that include agricultural uses, forestry uses, and large land holdings with no active uses. Some of these lands are classified in the Canada Land Inventory as part of a complex Class 2 (“moderate limitation”) and Class 3 (“moderate severe limitation”). Soils qualifying for Class 2-4

are considered suitable for cultivated field crops and portions of these lands contain to be utilized for farming operations.

As identified in previous versions of the Town's Municipal Planning Strategy, these lands cannot be preserved as agricultural lands in the long term as they are required for future residential growth as municipal servicing becomes available. The intended use of these lands is to accommodate this future residential growth while offering opportunities for limited small-scale crop-based agriculture and forestry uses.

**Policy 4-27** It shall be the intention of Council to, on Schedule 'A', the Future Land Use Map, create a Future Residential Designation to designate unserviced lands in the areas of town that are intended to accommodate future residential growth as municipal services become available, while also offering the potential for industrial expansion in areas that are situated between the existing industrial uses in the town.

**Policy 4-28** It shall be the intention of Council to, through the Land Use Bylaw, permit the following zones as-of-right within the Future Residential Designation:

- a) Residential Low Density (R2) Zone
- b) Residential Medium Density (R3) Zone
- c) Recreation and Open Space (OS1) Zone
- d) Conservation (OS2) Zone
- e) Institutional (I1) Zone

## Rezoning

**Policy 4-29** It shall be the intention of Council to consider proposals to rezone lands in the Future Residential Designation to any other zone permitted in that designation, as identified by Policy 4-28. Council shall not approve such a rezoning unless Council is satisfied:

- a) When being rezoned to another residential land use zone, the area is shown on an approved tentative plan of subdivision that is serviced by the municipal water and sewer systems and is intended to be subdivided for residential development;
- b) the proposed change is not prohibited by any other policy of this Plan;
- c) the purpose of the proposed zone, as described in the respective policy creating that zone, is consistent with the location and characteristic of the land and with the proposed use of the lands; and

- d) the proposal meets the general criteria for amending the Land Use Bylaw, set out in Policy 5-11.

## 4.2 Commercial Development Policies

Most of the commercial activity in Berwick is centered on sections of Commercial Street and Main Street. There is a wide diversity of commercial activities and uses within this area ranging from large-scale commercial/industrial uses to small galleries. There are also smaller nodes of commercial activity distributed through other areas of town.

In our commitment to create a vibrant and sustainable Berwick, we place a central focus on improving walkability within our downtown core. These policies aim to integrate asset management principles, ensuring the longevity of our infrastructure. Our aim is to provide safe, accessible active transportation options for residents and visitors, encouraging active living, reducing congestion, and preserving the character of the town's downtown core.

We will also endeavor to optimize our parking facilities, implementing effective solutions that strike a balance to optimize our parking requirements to ensure that they align with the best use of our downtown areas.

There is also a tradition of home-based businesses in town and Council intends to allow them widely, with a few minor controls to ensure they remain compatible with surrounding residential uses.

The availability of tourist accommodations in town has become an important commercial topic in recent years with several former motels being converted to accommodate permanent housing. Short-term rentals have become a popular option for accommodation and can also help homeowners with the affordability of their property but there are also issues regarding the loss of permanent housing stock and the concerns of permanent residents on their effect to otherwise stable neighbourhoods. From a land use planning perspective, there are limited tools available to effectively regulate various aspects of short-term rentals (e.g. duration in a year, ownership). As a result, Council intends to permit them on a limited scale using the land use planning tools available and explore options for other regulatory tools to control the other aspects of this use.

### 4.2.1 General Commercial Development Policies

**Policy 4-30** It shall be the intention of Council to, through the initial placement of Land Use Designations and Use Zones, and through the list of permitted uses in each Use Zone, enable and encourage a diversity of commercial uses to locate in Berwick, with consideration for the potential impacts of commercial operations on surrounding uses.

**Policy 4-31** It shall be the intention of Council to, through the Land Use By-law, permit home-based businesses in any Use Zone that permits dwellings, and shall include limits on the size, number of non-resident employees, and types of commercial uses that will be permitted for home-based businesses.

**Policy 4-32** It shall be the intention of Council to, through the Land Use By-law, permit short-term rentals in all Use Zones that permit dwellings, but shall limit them to one per lot and shall not permit them within accessory dwellings or accessory buildings.

In light of the goals and objectives contained in the Plan and in particular the commercial and industrial development objectives identified in Part 3.2.3 the following policies are intended to regulate commercial and industrial development within the Town.

#### 4.3.1 Commercial Designation

**Policy 4-33** It shall be the intention of Council to create a **Commercial Designation** on the Generalized Future Land Use Map and encourage the development and redevelopment of a broad range of commercial, institutional, and accessory residential activities within this Designation.

**Policy 4-34** It shall be the intention of Council to Designate as Commercial the traditional downtown core including lands fronting on Commercial Street generally between Cottage and Pleasant Streets, lands fronting on Union Street west of Commercial Street, lands fronting on Mill Street and existing commercial lands fronting on the south side of Front Street as well as lands of the Berwick Industrial Park, adjacent properties abutting Morse Lane and lands generally located at the west end of Main Street.

**Policy 4-35** It shall be the intention of Council to include in the Land Use By-law a **Commercial General (C1) Zone**. This zone shall permit as-of-right a wide variety of commercial retail, service, office, tourism, institutional and general warehousing uses as well as existing residential uses and new residential uses accessory to commercial uses.

**Policy 4-36** It shall be the intention of Council that the Commercial General (C1) Zone will be applied to those lands within the Commercial Designation which encompass the recognized traditional central business district of the Town.

**Policy 4-37** It shall be the intention of Council to establish development control standards and requirements within the Commercial General (C1) Zone which reflect the character and pattern of existing development within the traditional downtown district.

**Policy 4-38** It shall be the intention of Council to include in the Land Use By-law a **Commercial/Industrial Enterprise (C2) Zone**. This zone shall permit a wide variety of commercial, industrial, and institutional uses as-of-right.

**Policy 4-39** The Commercial/Industrial Enterprise (C2) Zone will be applied to those lands within the Berwick Industrial Park, adjacent properties abutting Morse Lane and lands generally located at the west end of Main Street.

**Policy 4-40** It shall be the intention of Council to establish development control standards and requirements within the Commercial/Industrial Enterprise (C2) Zone which will promote compatibility between differing land uses, encourage appropriate site planning and serve to mitigate potential land use conflicts with adjacent non-commercial lands.

**Policy 4-41** It shall be the intention of Council to encourage, promote and consider mixed use commercial/residential development on those properties zoned Commercial General (C1) from Mill Street to Cottage Street which abut Commercial Street by Development Agreement. In addition to criteria contained in Policy 5-23, Council shall consider the following:

- a) That the proposed structure is generally compatible with existing dwellings on adjacent properties;
- b) That the proposed development can be integrated into and accommodated within the adjacent road network;
- c) That the design of the proposed structure and site reflects and is consistent with adjacent existing dwellings with respect to:
  - i. Building Mass;
  - ii. Relationship to and setback from the street line;
  - iii. Building Height;
  - iv. Provision and location of on-site parking;
  - v. The provision of a minimum amenity space of 19 sq. meters per unit consisting of lawn, gardens or a combination thereof designed for the provision of opportunities for passive recreation and enjoyment.

**Policy 4-42** It shall be the intention of Council to consider the development of new multiple unit residential development containing more than ten (10) units within the Commercial General (C1) Zone only by Development Agreement. In addition to criteria contained in Policy 5-23, Council shall give consideration to the following:

- a) The minimum number of dwelling units to be ten (10);
- b) The provision of adequate on-site parking;

- c) The provision of a minimum amenity space of 19 sq. meters per unit consisting of lawn, gardens or a combination thereof designed for the provision of opportunities for passive recreation and enjoyment.
- d) A Level 1 Groundwater Assessment prepared by a qualified hydrogeologist identifying potential risk and mitigation options for the protection of quality and quantity of groundwater resources.

**Policy 4-43** It shall be the intention of Council to require the following commercial and industrial uses, which could represent risk for contamination of groundwater resources, be considered within the Commercial Designation only by Development Agreement:

- Bulk Salt Storage Facilities;
- Bulk Fuel Storage Facilities;
- Dry Cleaning Establishments;
- Fertilizer Manufacturing and Storage Facilities.

**Policy 4-44** It shall be the intention of Council that when considering proposals for uses pursuant to Policy 4-37, in addition to criteria contained in Policy 5-23, consideration shall be given to the following:

An environmental assessment prepared by a qualified person identifying potential risk and mitigation options for the protection of groundwater resources.

**Policy 4-45** Notwithstanding policies contained in this Part it shall be the intention of Council to consider the development of the following uses on lands designated Commercial by Development Agreement subject to criteria contained in Policy 5-23, the General Criteria for Development Agreements:

- a) New Multiple Unit Residential dwellings containing seven (7) or more units within the Commercial General (C1) Zone;
- b) Mixed Use commercial/residential development on lots on Mill and Front Streets adjacent to the former DAR right-of-way;
- c) Uses identified as being potential risks to groundwater resource protection identified in Policy 4-37.

#### 4.2.1 Northern Gateway Area Policies

In light of the goals and objectives contained in the Plan and in particular the Gateway development principles and objectives identified in Part 3.2.3 the following policies are intended to regulate development of the Northern Gateway District.

**Policy 4-46** It shall be the intention of Council to include in the Land Use By-law a Gateway Mixed Use (GMU1) Zone. This zone shall include as permitted uses a wide variety of residential, small-scale commercial, institutional and parks and open space uses.

**Policy 4-47** It shall be the intention of Council to Zone as Gateway Mixed Use those lands generally located on Commercial Street north of Main Street, lands generally located at the intersection of Main and Commercial Streets and lands located on the north side of Main Street east of Commercial Street up to and including lands which abut the Town's Wastewater Treatment Facility.

**Policy 4-48** It shall be the intention of Council that within the Gateway Mixed Use (GMU1) Zone all development, except low density residential uses, shall be considered by Development Agreement and in addition to criteria contained in Policy 5-23, consideration shall be given to the following:

- a) The proposed development is generally consistent with the design and development principles identified in the Northern Gateway Strategy (2009);
- b) That provisions are made, where appropriate and possible, for the integration of access to public open space, recreation and amenity space into the proposed site plan;
- c) That the proposed structure is generally compatible with existing dwellings on adjacent properties;
- d) That the design of the proposed structure and site reflects and is consistent with adjacent existing dwellings with respect to:
  - i. Building Mass;
  - ii. Relationship to and setback from the street line;
  - iii. Roof Line Heights and Orientations;
  - iv. Building Height;
  - v. Placement and Proportions of window and door openings along the primary façade;
  - vi. Location of on-site parking;
  - vii. Landscaping and landscape treatment.
- e) That the site plan promotes the integration of the structure and use with the streetscape and pedestrian realm by means of locating primary parking areas in the rear of proposed structures and the provision of landscape features between the proposed building and the street line.
- f) A Level 1 Groundwater Assessment prepared by a qualified hydrogeologist identifying potential risk and mitigation options for the protection of quality and quantity of groundwater resources for any and all developments containing ten (10) or more residential units.

## Rezoning

**Policy 4-49** It shall be the intention of Council to consider proposals to rezone lands in the Commercial Designation to any other zone permitted in that designation, as identified by Policy 4-35. Council shall not approve such a rezoning unless Council is satisfied:

- a) the proposed change is not prohibited by any other policy of this Plan;
- b) the purpose of the proposed zone, as described in the respective policy creating that zone, is consistent with the location and characteristic of the land and with the proposed use of the lands;
- c) and the proposal meets the general criteria for amending the Land Use Bylaw, set out in Policy 5-11.

## 4.3 General Policies

### 4.3.1 Agricultural Use Policies

In light of the goals and objectives contained in the Plan and in particular the Residential principles and objectives identified in Part 3.2.5.1 the following policies are intended to regulate the development of agricultural uses within the Town.

In order to recognize existing commercial agricultural uses and activities located within the Town, existing agricultural uses and properties currently zoned Agriculture (A1) will continue to be permitted. It is anticipated that as the town grows, and services are expanded that these areas will transition to other uses.

**Policy 4-50** It shall be the intention of Council to include in the Land Use By-law an Agriculture (A1) Zone and to include as permitted uses a broad range of agricultural production, agricultural sales and farm related residential uses. Provisions shall be established for zone standards, including the identification of prohibited agricultural uses, which promote compatibility between agricultural and non-agricultural areas.

**Policy 4-51** It shall be the intention of Council to Zone as Agriculture those lands fronting on Willow Avenue north of the Cornwallis River.

**Policy 4-52** It shall be the intention of Council to allow existing agricultural uses located within the Residential and Future Residential Designations to continue to operate and expand within the confines of their properties.

**Policy 4-53** It shall be the intention of Council to restrict the establishment of new agricultural uses and operations to lands zoned Agriculture (A1).

### 4.3.2 Institutional Use Policies

In light of the goals and objectives contained in the Plan and in particular the Institutional uses principles and objectives identified in Part 3.2.5.2 the following policies are intended to regulate the development of institutional uses within the Town.

**Policy 4-54** It shall be the intention of Council to include in the Land Use By-law an Institutional (I1) Zone and to include as permitted uses a broad range of institutional and public

uses. Existing Institutional uses which are located within any Generalized Future Land Use Designation will be incorporated into the corresponding designation.

**Policy 4-55** It shall be the intention of Council to zone existing institutional use located within any Designation as Institutional (I1). Institutional uses shall be included as permitted uses within all Zones.

**Policy 4-56** It shall be the intention of Council to consider the redevelopment and/or reuse of lands zoned Institutional (I1) for non-institutional purposes only by Development Agreement subject to criteria contained in Policy 5-23.

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# 5 Implementation and Review (cover page)

## 5.1 Administration

### 5.1.1 Context

This Municipal Planning Strategy is a policy document that sets out the vision, goals, and policies for development and land use in the Town of Berwick. This Plan and its associated By-laws are enabled by, and are consistent with, Parts 8 and 9 of the *Municipal Government Act*.

### 5.1.2 Document Administration

This document and the Land Use By-law are structured for easy reference and to easily track changes over time. The text below outlines the structure for referencing differing elements of this Plan:

- 1 – Chapter
- 1.1 – Section
- 1.1.1 – Subsection
- 1.1.1 (a) – Clause
- 1.1.1 (a) (i) – Subclause

When amending this Plan or the text of the Land Use By-law, the Town will use the following practices:

- The date, general nature of the change, and reference file or project will be noted in the changelog at the end of each Chapter.
- Each record in the changelog will be given a reference number prefaced with the letters, “CHG”.
- Deleted text will be replaced with the text, “DELETED” and the reference number for the appropriate record in the changelog. Subsequent text will not be renumbered.
- Additions or substitutions will be **bolded** with the reference number for the appropriate record in the changelog following in brackets.
- If additions would normally require the renumbering of following text, the “highway interchange” system will instead be used. A capital letter will be added to the numbering to differentiate the new text from the previous numbering. For example, Subsection 1.1.2A would be used between Subsections 1.1.2 and 1.1.3.

### 5.1.3 Policy Statements

Policy statements of Council are separate from the above document structure and are denoted by the text, “POLICY #-#”. All contents of this Plan not contained within a Policy are considered

preamble and may be used to help interpret the intent of Policy statements if the statements are found to be ambiguous or unclear.

**Policy 5-1** Official Council Policies are denoted in this Plan by the text, “POLICY #-#”, with the number signs replaced by the appropriate policy number.

#### 5.1.4 Language

The policies of this Plan are written to be as clear and precise as possible. As a result, some words have specific, defined meanings.

**Policy 5-2** In this Plan, the word “shall” takes the imperative, and indicates a duty to act. The word “may” takes the permissive and indicates permission to act.

#### 5.1.5 Generalized Future Land Use Map

**Policy 5-3** It shall be the intention of Council to provide for the overall development of the Town in accordance with the Generalized Future Land Use Map (Schedule 6.1) which shall constitute a part of this document. Any change to the boundaries of a Generalized Future Land Use designation shall require an amendment to this Plan.

#### 5.1.6 Effective Date

**Policy 5-4** This Municipal Planning Strategy and implementing Land Use Bylaw shall come into effect on the date that a notice is published in a newspaper, circulating in the town, informing the public that the planning documents are in effect.

## 5.2 Land Use By-Law and Subdivision By-Law

### 5.2.1 By-Law Adoption

A Land Use By-law is one of the regulatory tools used to implement the Municipal Planning Strategy. It includes zones that establish the permitted uses on a piece of land, the permitted size and dimensions of lots, and the standards both land uses and structures must meet.

The Subdivision By-law is another tool used by Council to implement this Plan. It sets out the requirements and processes for such things as subdividing land, creating streets, and providing recreational lands.

**Policy 5-5** It shall be the policy of Council to adopt a Land Use By-law and Subdivision By-law consistent with the intent of this Plan.

**Policy 5-6** It shall be the policy of Council to appoint one or more Development Officers to administer the Land Use By-law and the Subdivision By-law and to issue and deny permits under the terms of these By-laws.

**Policy 5-7** The Subdivision By-law shall:

- a) apply to the whole of the Town;
- b) ensure that any subdivision, with the exception of lots created using the variance provisions of Part 9 of the *Municipal Government Act*, conforms with the lot requirements contained in the Land Use By-law;
- c) establish locations and standards for the development of public and private roads, central services, and other publicly owned infrastructure;
- d) contain provisions intended to ensure that lots are suitable for on-site sewage disposal where there is no central sewer system;
- e) contain provisions for dedicating land or an equivalent value for park, playground, and similar public purposes;
- f) ensure the applicable requirements of the *Provincial Subdivision Regulations* are in effect; and
- g) contain any other provisions needed to fulfill the intent of this Plan.

**Policy 5-8** It shall be the policy of Council to require all subdivision of land to occur on a public road.

### 5.2.2 Variances

Sometimes there are unique situations where it can be difficult to strictly apply the requirements of the Land Use By-law. The *Municipal Government Act* enables the Development Officer to vary these requirements if provided for by the Land Use By-law. The Act also defines circumstances for which a variance may not be granted. According to the Act, a variance may not be granted where the:

- a) variance violates the intent of the development agreement or Land Use Bylaw;
- b) difficulty experienced is general to properties in the area; or
- c) difficulty experienced results from an intentional disregard for the requirements of the development agreement or Land Use Bylaw.

**Policy 5-9** It shall be the policy of Council to, through the Land Use By-law, enable the Development Officer to vary:

- a) the percentage of land that may be built upon;
- b) the size or other requirements relating to setbacks;
- c) lot frontage and lot area if:

- I. the lot existed on the effective date of the Land Use By-law, or
- II. a variance was granted for the lot at the time of subdivision approval;
- d) the location and number of parking and loading spaces required;
- e) ground area and height of a structure;
- f) floor area occupied by a home-based business; and
- g) height and area of a sign.

### 5.2.3 Amending the Land Use By-Law

Council recognizes it cannot foresee all possible types of development that might be acceptable in general, or on a specific piece of land. As such, there will be times when the Land Use By-law needs to be amended to accommodate a new development trend or specific development proposal.

**Policy 5-10** It shall be the policy of Council to amend the text of the Land Use By-law if the proposed amendment meets the general criteria set out in Policy 5-21.

**Policy 5-11** It shall be the policy of Council to consider amendments to the map of the Land Use By-law when the proposed zoning change is not specifically prohibited within this Plan and at least one of the following three conditions is true:

- a) the proposed zone is enabled by this Plan for use within the same designation; or
- b) notwithstanding the zones permitted within a designation, the land to be rezoned is under 5 hectares in area and is adjacent to a designation that permits the proposed zone. For clarity, land that abuts a right-of-way, such as a street, is considered to be adjacent to the designation on the other side of the right-of-way, or
- c) a non-conforming use appears to have been created by an inadvertent administrative oversight in the Municipal Planning Strategy and Land Use Bylaw preparation process, resulting in a property being zoned inconsistent with stated policies in this Plan.

**Policy 5-12** It shall be the policy of Council to not amend the map of the Land Use By-law if the lot and existing buildings do not meet the requirements of the proposed zone.

**Policy 5-13** It shall be the policy of Council to not amend the map of the Land Use By-law unless Council is satisfied that:

- a) the proposal meets any applicable zone placement criteria set out in policies, elsewhere in this Plan, applicable to the proposed zone; and

- b) the proposed zone and the uses it permits meet the general criteria set out in Policy 5-23.

## 5.3 Development Agreements

### 5.3.1 Context

A development agreement is a legal contract between the Town and a landowner that sets out development rights, responsibilities, and sometimes performance standards for a particular piece of land. A development agreement takes the place of some or all of the zoning requirements on that land. Compared to zoning, development agreements often allow finer-grained control over what happens on the land, at the expense of increased effort required to write, approve, and administer the agreement.

Development agreements are registered on the land's title and remain in force until discharged. They “run with” the land; *i.e.* a development agreement does not disappear if the land is sold, and future owners continue to be subject to the rights and requirements of the agreement.

For Council to consider a development agreement, there must be enabling policy elsewhere in this Plan. Development agreements are typically enabled for unique situations that would be difficult to regulate with other tools, or where public input during the approval process is especially useful.

### 5.3.2 Adopting and Amending Development Agreements

**Policy 5-14** It shall be the policy of Council to consider entering into a new development agreement where such an agreement is enabled by policies elsewhere in this Plan.

**Policy 5-15** Where Council approves a development agreement, the development agreement shall:

- a) specify the development, expansion, alteration, or change permitted;
- b) specify the conditions under which the development may occur; and
- c) set terms by which Council may amend or terminate and discharge the agreement.

**Policy 5-16** It shall be the policy of Council to not approve or amend a development agreement unless Council is satisfied that the proposed agreement is consistent with the enabling policy and the general criteria set out in Policy 5-23.

**Policy 5-17** It shall be the policy of Council to specify conditions in the development agreement to bring the proposal into alignment with the enabling policy and the general criteria set out in Policy 5-23. Such conditions may include, but are not limited to, controls regarding:

- a) the emission of noise, odour, light, liquids, gases, and dust;
- b) the use, type, location, and orientation of structures;
- c) the percentage of that may be built upon and the size of yards, courts or other open spaces;
- d) the maximum density of the population within a development;
- e) the architectural design of structures, including, but not limited to, bulk, scale, height, roof shape, building and cladding materials, and the shape and size and placement of doors and windows;
- f) the type, size, and location of signage;
- g) the location and type of landscaping, including fences and other forms of screening;
- h) alteration of land levels;
- i) pedestrian, bicycle, and vehicular circulation;
- j) connections to existing or planned pedestrian, bicycle, and vehicular networks;
- k) the location and number of bicycle and vehicular parking and loading spaces;
- l) access for emergency vehicles;
- m) the type and orientation of exterior lighting;
- n) hours of operation;
- o) management of solid waste, compost, and recycling;
- p) the type of materials stored and/or sold on site;
- q) the provision of open space and amenities;
- r) the phasing of development;
- s) financial bonding for the construction and maintenance of components of the development, including, but not limited to, roads and landscaping;
- t) mitigation measures for construction impacts;
- u) penalties for noncompliance and/or violation of terms and conditions;
- v) stormwater management;
- w) servicing; and
- x) time limits for the initiation and/or completion of development.

### 5.3.3 Legacy Development Agreements

There are a number of development agreements in Town that were adopted prior to this Plan. These agreements are legal contracts that continue to remain in force subject to the terms outlined in the agreement. However, the policies under which these agreements were considered are sometimes no longer in force, so evaluating any proposed amendments to these agreements can be challenging.

Council intends to conduct a comprehensive review of existing development agreements to determine if they can be discharged or possibly brought into alignment with this Plan. Pending this review, amendments to existing development agreements will be governed by the following policies:

**Policy 5-18** It shall be the policy of Council to consider non-substantive amendments to development agreements adopted prior to **MONTH DAY YEAR** subject to the criteria for non-substantive amendments outlined in the particular development agreement and subject to Policy 5-23 of this Plan.

**Policy 5-19** It shall be the policy of Council to only consider substantive amendments to development agreements adopted prior to **MONTH DAY YEAR** if the proposal is specifically enabled by, and is consistent with, a policy of this Plan.

#### 5.3.4 Development Agreements Instead of Map Amendments

Occasionally a landowner will seek to rezone their land to permit a specific proposal that is a smaller scale or less intensive use than the full range of intensity and uses the proposed zone would allow. For example, a landowner may request a zone for a small multi-unit residential development, even though the proposed zone would permit a larger multi-unit development. However, once the zoning is approved there are no controls to limit development on the site to anything other than the maximum permitted by the zone. This can create a situation where the community is not concerned about the specific proposal but is concerned about the potential for maximum development on the site. In such a situation, the landowner may voluntarily opt to use a development agreement to limit development rights to the scale and intensity of the specific proposal.

**Policy 5-20** It shall be the policy of Council to enter into a development agreement for a specific proposal in lieu of amending the map of the Land Use By-law to accommodate that proposal. Council shall not approve the development agreement unless Council is satisfied that:

- a) a zone exists that could accommodate the proposal and the placement of that zone on the proposed site would meet the requirements for amending the map of the Land Use By-law set out in Policy 5-12; and
- b) the proposal is consistent with the general criteria set out in Policy 5-23.

## 5.4 Site Plan Approval

Site plan approval is a development approval process in which applicants must meet an additional set of criteria set out in the Land Use By-law. Unlike standard development permitting, these criteria can involve a negotiation between the applicant and the Development Officer to determine overall compliance. The outcome of site plan approval is a site plan agreement.

This tool is useful for approvals that might require an additional level of oversight or flexibility in the ways impacts on neighbours are reduced, but that do not necessarily need to go through the complex and time-consuming process required for a development agreement. These site-

plans are specific to the property and continue to apply in the event the property is sold unless discharged by Council.

**Policy 5-21** It shall be the policy of Council to, through the Land Use By-law, use site plan approval as the tool for reviewing developments that require some additional oversight or where there is a benefit to providing flexibility in the ways land use controls are implemented.

**Policy 5-22** It shall be the policy of Council to, through the Land Use By-law, establish a notification area of 30 metres for the approval of site plan agreements on lots one (1) hectare or less in area and 100 metres for the approval of site plan agreements on lots greater than 1 hectare in area.

## 5.5 Amending the Land Use By-Law & Adopting Development Agreements

Amendments to the Land Use By-law and the adoption of development agreements are processes that require careful thought. As such, Council has established a set of general criteria to consider when evaluating all Land Use By-Law amendments and development agreement proposals.

**Policy 5-23** It shall be the policy of Council to not amend the Land Use By-law or approve a development agreement unless Council is satisfied the proposal:

- a) is consistent with the intent of this Municipal Planning Strategy;
- b) does not conflict with any Town or Provincial programs, by-laws, or regulations in effect in the Town;
- c) is not premature or inappropriate due to:
  - i. the ability of the Town to absorb public costs related to the proposal;
  - ii. impacts on existing drinking water supplies, both private and public;
  - iii. the adequacy of sewer and groundwater to support the proposed density of development;
  - iv. the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;
  - v. the adequacy of fire protection services and equipment;
  - vi. the adequacy and proximity of schools and other community facilities;
  - vii. the adequacy of road networks adjacent to, or leading to the proposed development;

- viii. the creation of a new, or worsening of a known, pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses;
- ix. the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;
- x. the potential for damage to or destruction of historical buildings and sites;
- xi. impacts on known habitat for species at risk;
- xii. risks presented by geohazards;
- xiii. the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility rights-of-way; and
- xiv. negative impacts on the viability of existing businesses in the surrounding community, including, but not limited to, the risk of land use conflicts that could place limits on existing operational procedures.

**Policy 5-24** It shall be the policy of Council to, in addition to any other required information, require any or all of the following information, prepared by an appropriate professional at the applicant's cost, at a level sufficiently detailed to determine whether the criteria for amending the Land Use By-law or adopting a development agreement have been met:

- a) a detailed site plan showing features such as, but not limited to:
  - i. topography;
  - ii. location and dimensions of existing and proposed property and/or unit lines;
  - iii. location of zoning boundaries;
  - iv. use, location, and dimensions of existing and proposed structures;
  - v. existing and proposed watercourses and wetlands;
  - vi. location and dimensions of existing and proposed road, bicycle, and pedestrian networks;
  - vii. location and dimensions of driveways, parking lots, and parking spaces;
  - viii. type and amount of site clearing required, if any;
  - ix. location of buffers;
  - x. location and dimensions of existing and proposed parks and recreation lands, whether public or private;
  - xi. location of utilities;
  - xii. development densities;
- b) elevation drawings of existing and proposed structures including, but not limited to, dimensions and exterior materials;
- c) a site grading plan;

- d) a landscaping plan;
- e) a drainage and stormwater management plan;
- f) a hydrological assessment to determine groundwater resource volumes, availability, quality, and sustainability pre- and post- development;
- g) a traffic impact assessment that evaluates the ability of existing road, bicycle, and pedestrian networks to accommodate traffic generated by the proposed development;
- h) an exterior lighting study
- i) a geotechnical study;
- j) environmental studies, including, but not limited to, studies addressing Species at Risk and environmental contamination;
- k) a shadow study;
- l) a wind study;
- m) a vibration study; and
- n) a noise study.

### Notification to Amend the Land Use Bylaw or Adopt a Development Agreement

**Policy 5-25** Where Council has given notice of its intention to adopt an amendment to the Land Use Bylaw, including its maps, which is not general in scope but which is in direct response to a specific development proposal, or has given notice of its intention either to enter into a development agreement or to amend a development agreement, Council shall serve notice of the proposed amendment or development agreement upon assessed property owners whose property lies within 30 metres of the property which is the subject of the proposed amendment or development agreement. A notification shall also be posted on the property which is the subject of the proposed amendment or development agreement.

**Policy 5-26** Notification of an amendment to the Land Use Bylaw or the adoption of a development agreement shall:

- a) include a synopsis of the proposed amendment or development agreement and identify the property(s) subject to the proposed amendment or development agreement; and
- b) state the date, time, and place set for the public hearing on the amendment or development agreement.

#### 5.5.1 Non-conforming Uses and Structures

The Municipal Government Act guarantees protections for non-conforming uses and structures that were legally developed or initiated under previous land use planning documents and which would not be permitted under new planning regulations. In addition to protecting these uses, the Act enables municipalities to relax certain requirements and provisions of for non-conforming uses such

as the period of time a non-conforming use is considered to be discontinued and where it must adhere to the new planning regulations.

**Policy 5-27** Council shall, through the Land Use Bylaw, extend the period before a non-conforming use is considered discontinued, as provided by the Municipal Government Act.

**Policy 5-28** Council shall, through the Land Use Bylaw, regulate nonconforming uses according to the provisions of the Municipal Government Act.

**Policy 5-30** Council shall, through the Land Use Bylaw, establish controls for non-conforming structures and shall also establish controls for the expansion of non-conforming structures.

## 5.6 Monitoring, Reviewing, and Updating this Plan

### 5.6.1 Plan Updates

Plans are living documents and to be effective, they must be periodically updated and reviewed to respond to current trends and issues. The Vision outlined in this Plan provides the overarching direction for Berwick over the next few decades, but the methods and tools to get there will shift over time. Even the Vision itself will need to eventually be revisited in the long term to confirm if it is still relevant, or if the conditions in Berwick have shifted such that the Vision needs to be updated.

**Policy 5-31** It shall be the policy of Council to initiate a housekeeping review of this Plan at least once every two (2) years from the completion of the previous review. The intent of this review is to identify errors, omissions, or ways to streamline the Plan; and to update Section 7, Investing in the Future.

**Policy 5-32** It shall be the policy of Council to initiate an interim review of this Plan at least once every five (5) years from the completion of the previous review. The intent of this review is to identify emerging policy issues and gaps in the Plan and adopt new or modified Plan policies to address these issues and gaps.

**Policy 5-33** It shall be the policy of Council to initiate a comprehensive review of this Plan within ten (10) years of adopting this Plan. The intent of this review is to conduct extensive public consultation, review the Vision, Principles, and Objectives of the Plan, and update or replace components of the Plan as necessary to support the new Vision, Principles, and Objectives.

## 5.7 Fees

### 5.7.1 Levying of Fees

**Policy 5-34** It shall be the policy of Council to levy fees relating the processing of planning and development related applications and applications for Subdivision Approval, including but not restricted to administrative and professional services costs and requirements for public notices and advertising.

## 5.8 Public Participation and Engagement with Neighbouring Municipalities

The Town of Berwick recognizes the importance of public participation in the planning process and will make every effort to involve the public in the development and review of planning documents and policies. The Town's Public Participation Program Policy will provide opportunities for public input in the planning process, including the preparation of background reports, options analysis, and the development of recommendations and final documents. The Public Participation Program Policy is found in Schedule 6.6.

**Policy 5-35** It shall be the policy of Council to adopt an updated Public Participation Program Policy with the adoption of this Municipal Planning Strategy, consistent with the Municipal Government Act, to outline notification requirements for abutting municipalities, Development Agreements, MPS and Land Use Bylaw Amendments, and for Site Plan approval.

## 5.9 Non-Conforming Uses, Structure, and Uses Within Structures

There are some cases where the way land is used doesn't exactly match our planning rules, but it's still allowed by law. Some of these situations existed before we had our current planning rules, and others were approved with permits, but the rules changed afterward in a way that wouldn't allow a similar use today. We call these "nonconforming uses," and they're protected by the Municipal Government Act to some extent.

Similarly, there are buildings that don't meet our current standards for where they're located on a property, but they were built legally. We call these "non-conforming structures."

Because these uses and buildings were legally established, Council is willing to let them continue within reason.

**Policy 5-36** It shall be the policy of Council to allow for the recommencement of nonconforming uses up to 12 months after they are discontinued.

**Policy 5-37** It shall be the policy of Council to consider proposals to expand a non-conforming use or to change a non-conforming use to another non-conforming use by development agreement, subject to Policy 5-23 and the development agreement policies of Section 5.3.

**Policy 5-38** It shall be the policy of Council to Council shall not enter into development agreement to expand a non-conforming use or to change a non-conforming use to another non-conforming use unless Council is satisfied:

- a) the proposal is not prohibited under any other policies of this Plan;
- b) the proposal improves, or at least does not worsen, the effects of the nonconforming use on the surrounding area, including, but not limited to, effects related to traffic, noise, odours, dust, and light trespass; and
- c) the proposal meets the general evaluation criteria for development agreements in Policy 5-23.

## 6 Schedules

### 6.1 Generalized Future Land Use Map

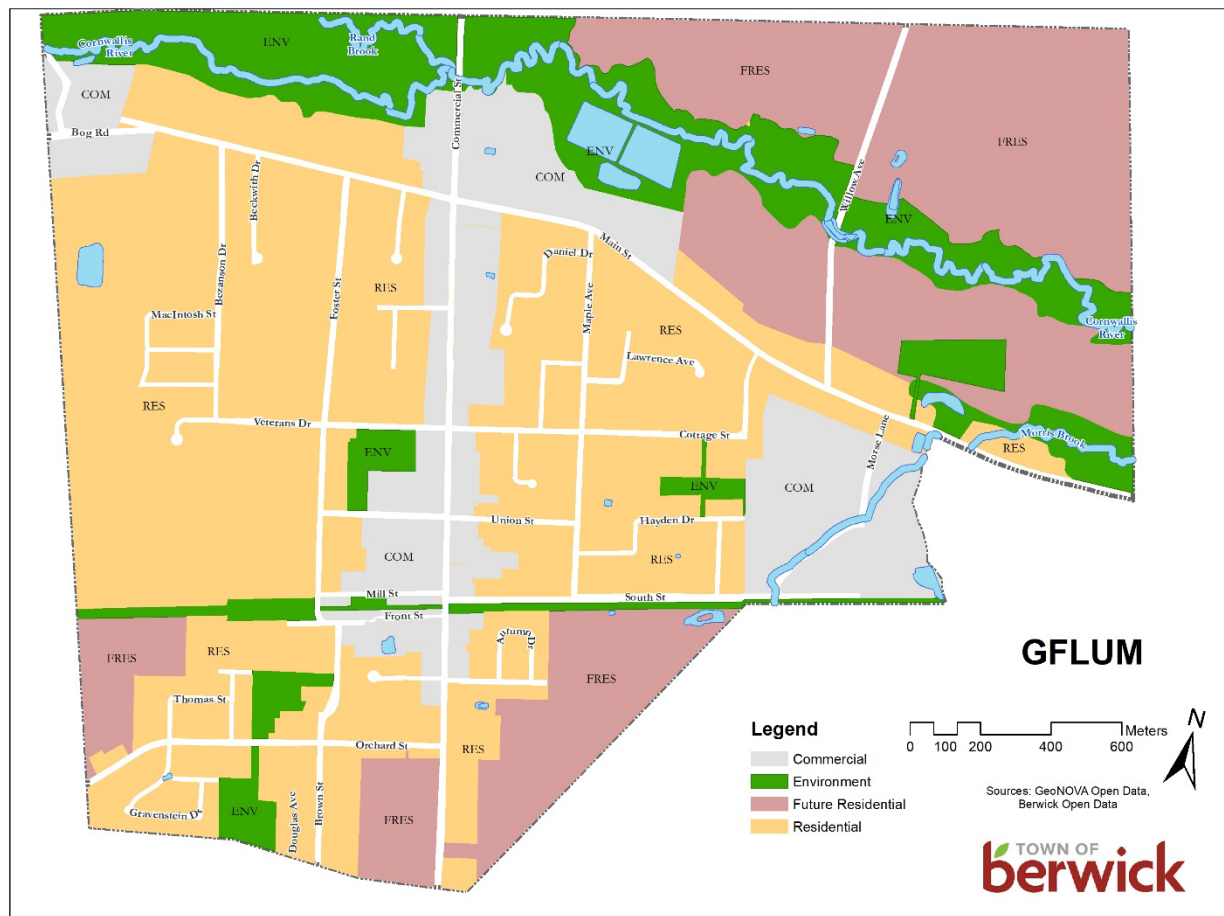


Figure 1

The GFLUM identifies the desired land use pattern of the Town and serves as the basis for the application of zones through the Land Use By-law.

## 6.2 Agricultural Lands Map

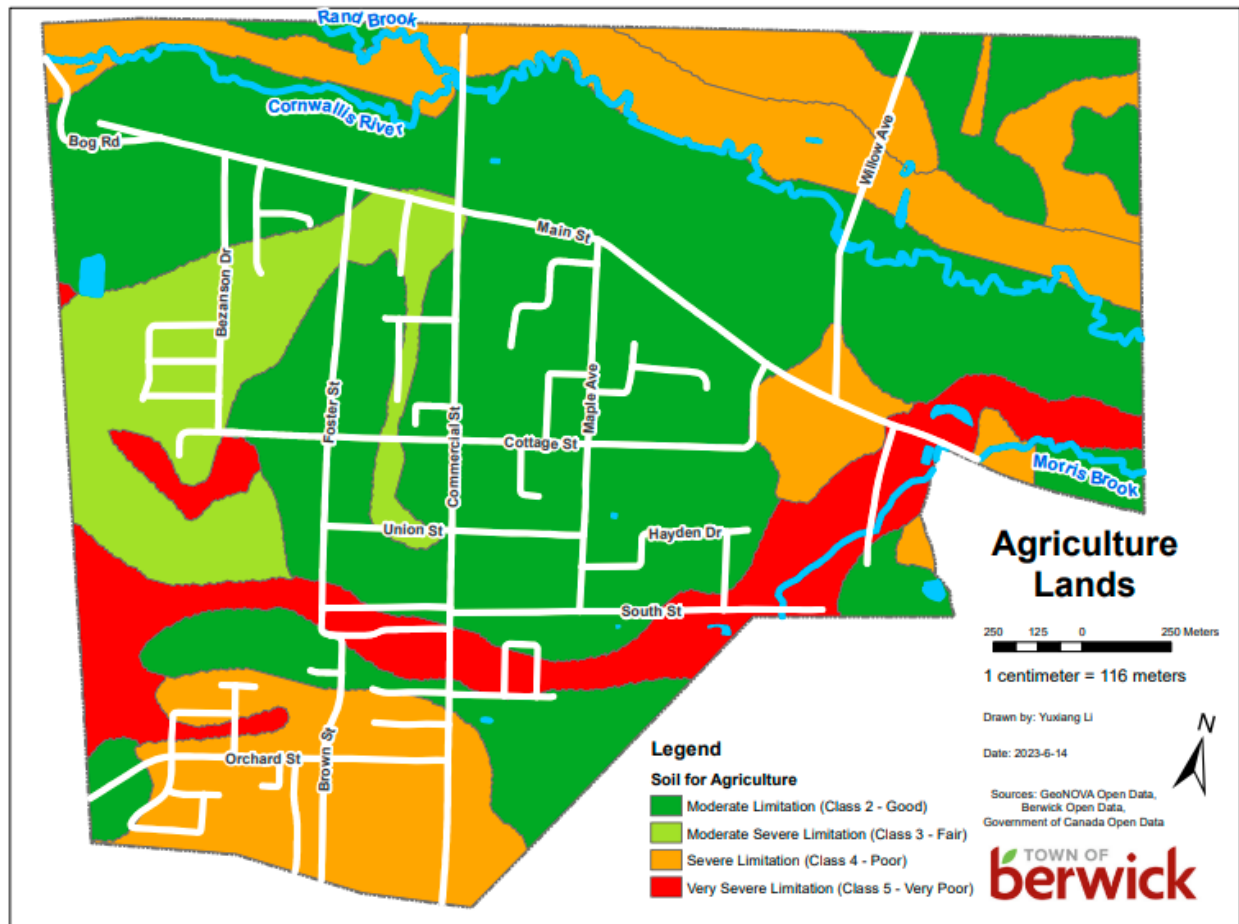


Figure 2

The agriculture lands map provides soil information relevant to agriculture.

### 6.3 Environmental Constraints Map

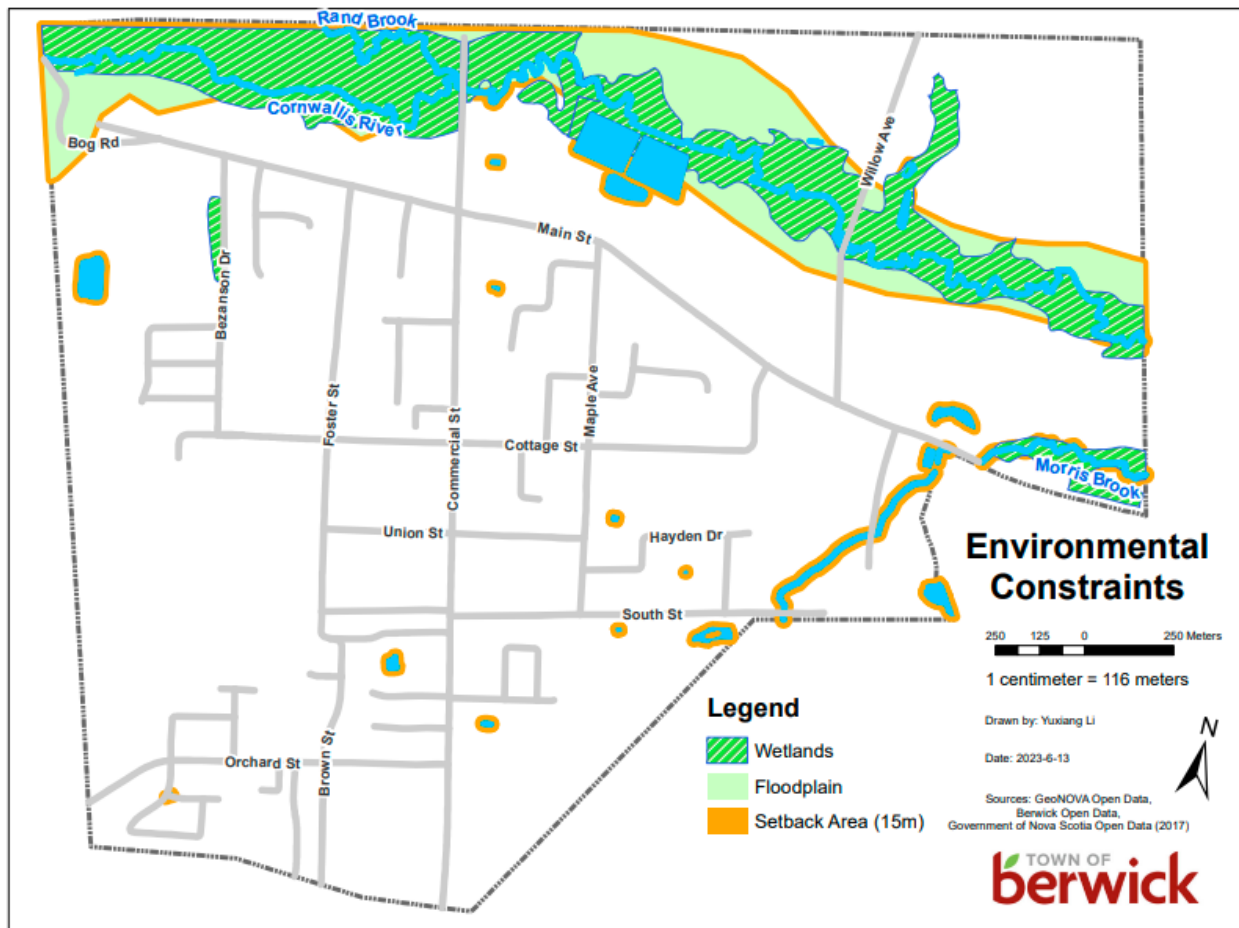


Figure 3

The environmental constraints map has the wetlands, floodplains, all the waterbodies, and corresponding setback areas.

## 6.4 Open Space Network Map

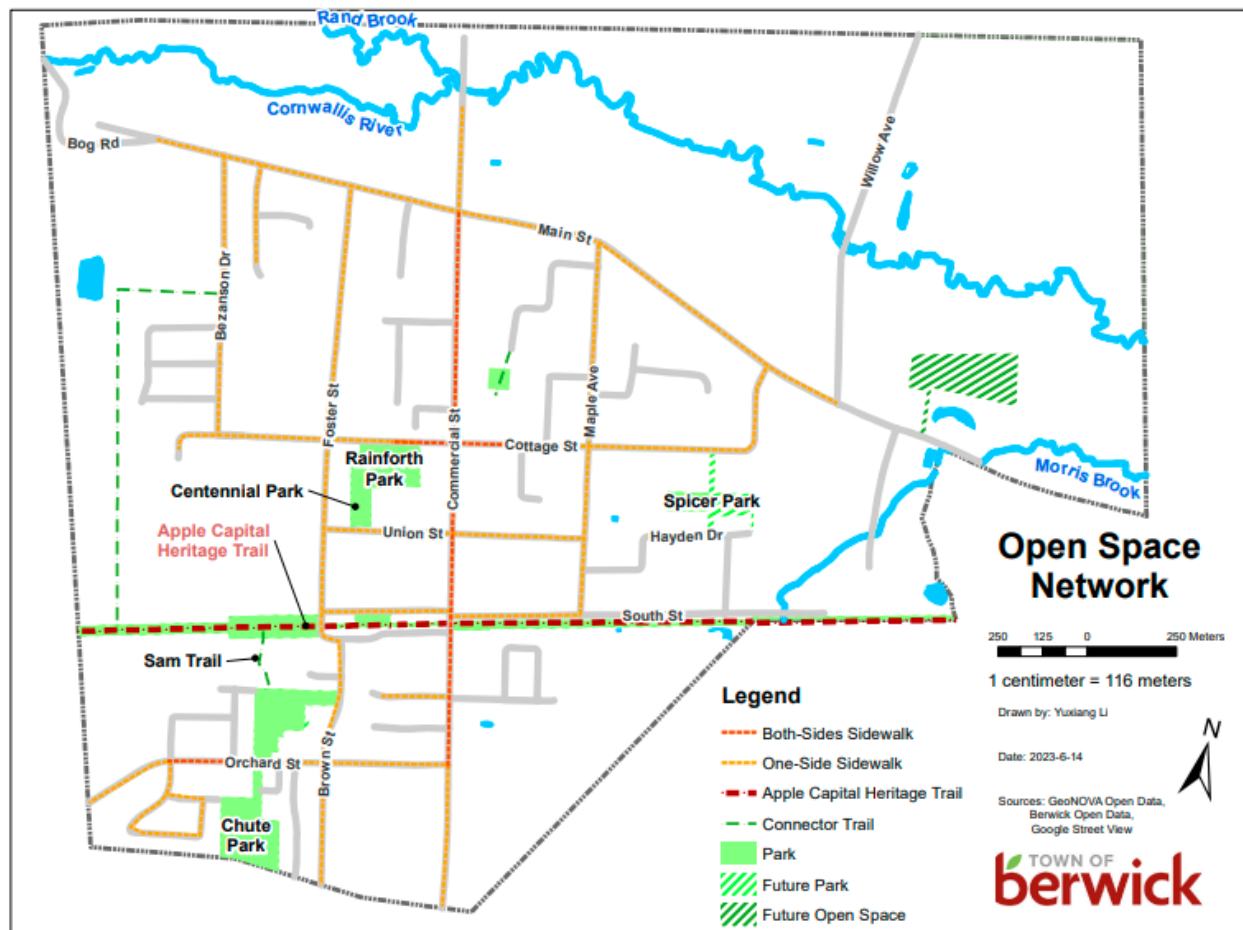


Figure 4

The open space network map includes the sidewalk, trail, and park information. Both side's sidewalks are labeled in red while one side's sidewalk is labeled in orange. The Apple Capital Heritage Trail is the only major trail in Berwick that is labeled in bright red. All other trails are labeled green.

## 6.5 Transportation Map

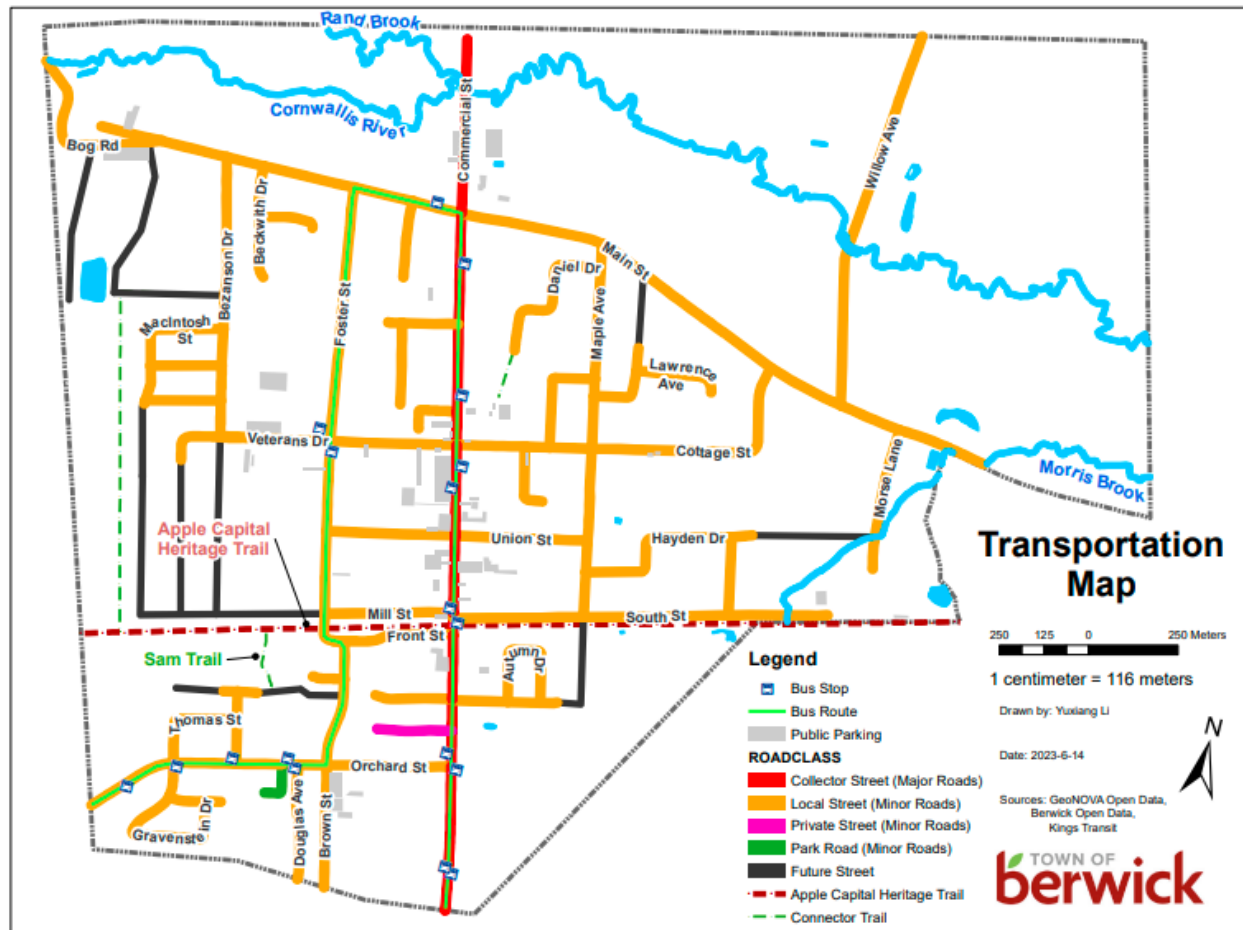


Figure 5

The transportation map includes public transportation, public parking, road classes, and trail information. The regional bus system is operated by Kings Transit and has 18 stops in Berwick. Most of the public parking space is along Commercial Street which occupies a significant portion of core downtown space.

## 6.6 Public Participation Program Policy (pending adoption)

### 1.0 Purpose

The purpose of this policy is to establish a public participation program for planning documents for the Town of Berwick, in accordance with Section 204, 204A, and Section 206 of the Municipal Government Act (MGA). The MGA requires that Council provide opportunities for public input into the review of planning documents by holding one or more public meetings prior to Council giving notice of its intention to adopt or amend a planning document.

This policy will also provide an avenue to solicit comments from the Municipality of the County of Kings on the proposed adoption or amendment of planning documents in accordance with the Provincial Engagement Programs Content Regulations and Section 204A and Section 206 of the Municipal Government Act.

### 2.0 Scope

The Planning Public Participation Program Policy applies to the adoption, revision and amendment of all planning documents for the Town of Berwick.

### 3.0 Planning Documents

Planning documents for the purpose of this Policy means a municipal planning strategy, land use By-law, development agreement, and subdivision by-law.

### 4.0 Public Participation Meetings

4.1 Before holding any public hearing under the authority of Section 206 of the MGA, the Town shall schedule and hold one or more Public Participation Meeting when considering any proposed adoption, revision, or amendment of the Municipal Planning Strategy.

4.2 The purpose of the Public Participation Meeting(s) and the engagement with the Municipality of the County of Kings, is to provide an opportunity for the public and the Municipality of the County of Kings to comment, make suggestions, discuss and receive information with respect to any proposed adoption, revision, or amendment of the Municipal Planning Strategy.

4.3 The Public Participation Meeting(s) shall be held by the Town's Planning Advisory Committee (PAC).

4.4 A Public Participation Meeting notice shall be published in a local newspaper circulating in the Town of Berwick, on Town social media, and by posting a notice at the Town office a minimum of four (4) full days prior to the Public Participation Meeting. The notice shall state the date, time and place of the meeting and the hours which relevant documents pertaining to the proposal may be inspected by the public.

4.5 Notification shall be provided to the Municipality of the County of Kings for all proposals within 200 metres (328 feet) (Schedule A) of the municipal boundary for a property which is the subject of a proposed adoption, revision and/or amendment of the Municipal Planning Strategy.

4.6 At the time of given public notice of the Public Participation Meeting pursuant to Part 4.4 and 4.5 above, the Town shall forward a copy of the public notice to the Municipality of the County of Kings' Municipal Clerk and Director of Planning. An electronic version sent by email shall be deemed sufficient for said notice.

4.7 At the time of given public notice of the Public Participation Meeting pursuant to Part 4.4 above, the Town shall cause notice by regular mail to all assessed property owners whose property lies within 100 metres (328 ft.) of a property which is subject of a proposed adoption, revision and/or amendment of the Municipal Planning Strategy. The Town may elect to hold Public Participation Meetings through an online forum, at its sole discretion.

4.8 Any member of the public may express their views, comments or suggestions verbally or in writing, and all interested persons will be given the opportunity to have their views and comments heard.

4.9 When considering the adoption, revision and/or amendment of the Municipal Planning Strategy, the engagement with the Municipality of the County of Kings and the engagement with the public through the Public Participation Meeting shall consider any impacts the proposed adoption, revision or amendment may have on the Statements of Provincial Interest.

4.10 Comments received by the Municipality of the County of Kings' Municipal Clerk or representative as well as the public comments received through the Public Participation Meeting shall be considered by Council prior to any resolution approving first reading of the proposed adoption, revision and/or amendment of the Municipal Planning Strategy.

4.11 Upon Council approving first reading to proceed to a Public Hearing to consider the adoption, revision and/or amendment of the Municipal Planning Strategy, a second notice shall be sent to the Municipality of the County of Kings' Municipal Clerk and Director of Planning in-keeping with Section 206 of the Municipal Government Act.

## 5.0 Public Information Meetings

5.1 The Town may hold Public Information Meetings for development agreement and rezoning applications.

5.2 Staff will seek guidance from the Mayor regarding if a Public Information Meeting shall be held.

5.3 Public Information Meetings may be advertised in the local paper for a minimum of 1 week. All property owners within 100 metres of the property shall be notified by mail of the date, location

and time of the meeting. The Town may elect to hold Public Information Meetings through an online forum, at its sole discretion.

5.4 Staff shall chair the Public Information Meetings and will provide an opportunity for the applicant to present information regarding the development agreement or rezoning application.

5.5 Notes from the Public Information Meeting shall be forwarded as part of the planning staff report to Council to aid it in its decision.

5.6 If the development proposal abuts a neighbouring municipality, the Town shall notify the abutting Municipality of the application before Council considers the application for first reading.

## 7 Investing in the Future

This Plan, and its supporting Land Use By-law and Subdivision By-law, primarily deal with land use. However, the analysis and public consultation that happen as part of the process of developing a land use plan often identify various other programs, policies, and infrastructure that could support planning goals. This Chapter lists these identified initiatives. This list is not intended as a detailed or mandatory work plan for the Municipality, but rather as an aspirational list to help direct the Municipality's efforts over the coming years. Projects are not listed or ranked by any sort of priority.

Initiative	Purpose
Asset Management Plan	
Groundwater Plan	
Active Transportation Plan	
Development Agreement Review	A number of development agreements were approved under the planning policies of the old plans. Some of these development agreements may no longer be relevant or may not be needed under the planning policies of this Plan, yet they remain registered on the lots to which they apply. A development agreement review would identify agreements that can be discharged, thereby streamlining administration, and reducing the risk of future challenges from development agreements that were long forgotten.
Floodplain Mapping	The flood protection policies of this Plan are based on the best data available at the time the Plan was developed. However, the available data does not cover all bodies of water, and the quality of data and delineation methods are always improving. Ongoing efforts to refine methods and expand the coverage of floodplain delineation in the Town

	will help to ensure residents are protected with the most accurate information available.
Parks and Open Space Plan	
Housing Incentives Review	
Heritage and Culture Review	
Economic Development Strategic Action Plan	

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