

**Public Participation Meeting and PAC Meeting**

February 7<sup>th</sup>, 2023

Town of Berwick Council Chambers

6:30pm

**Public Participation Meeting Agenda**

**1. Call to Order**

**2. Public Participation Meeting**

(a) 149 Cottage Street MPS and LUB Amendment, Applicant Mighty Metal Roofing Inc - Redesignation from Institutional to Residential and rezoning from Institutional (I1) to Residential Two-Unit (R-2)

(b) 209 Marsters Avenue MPS and LUB Amendment, Applicant Robert Woodworth - Creating a policy to allow Accessory Dwelling Units in the Residential Single Unit (R-1) and Residential Two Unit (R-2) zones.

**PAC Meeting Agenda**

(To immediately follow PPM)

**1. Call to Order**

**2. Approval of the Agenda**

**3. Approval of the Minutes**

(a) October 13<sup>th</sup>, 2022

(b) December 6<sup>th</sup>, 2022

**4. New Business**

(a) MPS and LUB Amendment Application by Mighty Metal Roofing – 149 Cottage Street

(b) MPS and LUB Amendment Application by Robert Woodworth - 209 Marsters Avenue

**5. Berwick Plan Review – Verbal Presentation**

**6. Other Business**

**7. Adjournment**

Report to PAC – Redesignate PID 55241822, PID 55549125, and PID 55288567 from Institutional to Residential and to rezone from I1 to R2	
Prepared by:	Chrystal Fuller, MCIP, LPP of Brighter Community Planning
Subject:	Redesignation of 149 Cottage Street from Institutional to Residential and to rezone from I1 to R2.
Date:	January, 2023
Purpose:	PAC consideration of planning report and recommendation
Draft Motion	PAC recommends that Council give First Reading amend the Generalized Future Land Use Map to change the designation from Institutional to Residential and to amend the Zoning Map to change the zone from Institutional (I1) to Residential Two Unit (R2., and that the application be forwarded to a public hearing

## Part 1: Background

### 1.1: Introduction

Property Owner(s)	Mighty Metal Roofing Ltd.
Civic Address	149 Cottage Street
Designation	Institutional
Zone	I1
Subject Property	<p style="text-align: center;">Context Map for 149 Cottage St.</p>
Subject Property Area	14,000 ft <sup>2</sup> once the three parcels are consolidated

Existing Land Use	Rebekah Lodge – Cultural Facility
Adjacent Land Use	Primarily single unit dwellings with an adjacent 16-unit housing complex.
Recommendation	Amend the Generalized Future Land Use Map to change the designation from Institutional to Residential and to amend the Zoning Map to change the zone from Institutional (I1) to Residential Two Unit (R2).

### 1.2: Location

The Subject Property is located on the south side of Cottage Street near Maple Avenue. The main property where the building is located (PID 55241822) has frontage along Cottage Street. The property is a flat rectangle with a total area of 9600 square feet. The frontage and rear property line is 80 feet with 120 feet side lines. Behind this property are two smaller rectangle properties that will be consolidated with the main property. The first property (PID 55549125) is flat and cleared with a total area of 2400 square feet. The last parcel (PID 55288567) is wooded with a total area of 2000 square feet. Once all three parcels are consolidated, the total area will be 14,000 square feet. An adjacent property to the East (Valley View) which wraps around the Subject Property, contains a 16- unit residential development. Across the street to the north lies a residential electrical business (Larry Morse Electric Ltd.). The remainder of the nearby lots consists of single unit dwellings.

### 1.3: Background

Mighty Metal Roofing Ltd. purchased the property on October 27<sup>th</sup>, 2022, and submitted the Municipal Planning Strategy (MPS) and Land-Use Bylaw (LUB) Amendment application to the Town of Berwick on October 31<sup>st</sup>, 2022. Records show that the building was used to host meetings and events for the Independent Order of Odd Fellows since the 1950s. As this was a community-based organization, the property was zoned institutional and surrounded by residential properties.

In 1992, the building was converted to the St. Eudora Rebekah Lodge #43, a community based non-profit organization. Since the 1950s, the building was used for recreational and community activities, and is well-known throughout the community. However, the Lodge has been less active over the last few years and has been sold.

The applicant intends to convert the building into a two-unit dwelling, adding two more housing unit to Berwick’s housing stock. As the future use will no longer be institutional, changing the designation of the property to Residential will be consistent with the neighbourhood form, and help meet a housing demand.

The current structure is a single-story building, setback approximately 40 feet from the front property line providing consistency with the character, height, and bulk of the neighbourhood.

## Part 2: Policy Analysis

The Municipal Planning Strategy provides guidance when considering map and rezoning requests.

Section 2.3 of the MPS provides direction regarding the overall policy for residential development. It states that the Town of Berwick will promote new residential development that provides a variety of housing options, affordability, to be respectful of the character of existing neighbourhoods, and to accommodate the need for growth.

Policy I6 states that “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 IM7.” Although the applicant can proceed through a Development Agreement, staff are recommending that to redesignate and rezone the property to better conform with the surrounding neighbourhood and as it unlikely that the property will return to an institutional use.

Policy R1 states that “It shall be the intention of Council to create a Residential Generalized Future Land Use 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”. The Town will benefit by the amendment as it will create additional housing that is compatible with the existing neighbourhood.

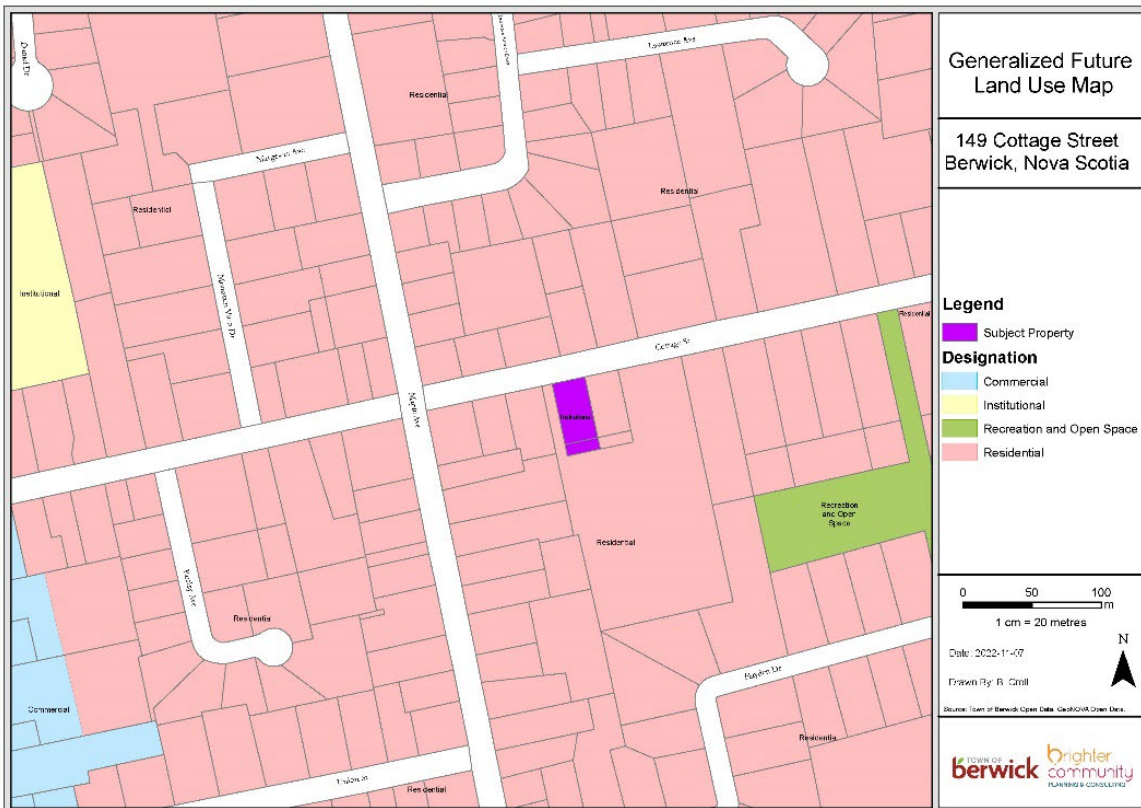
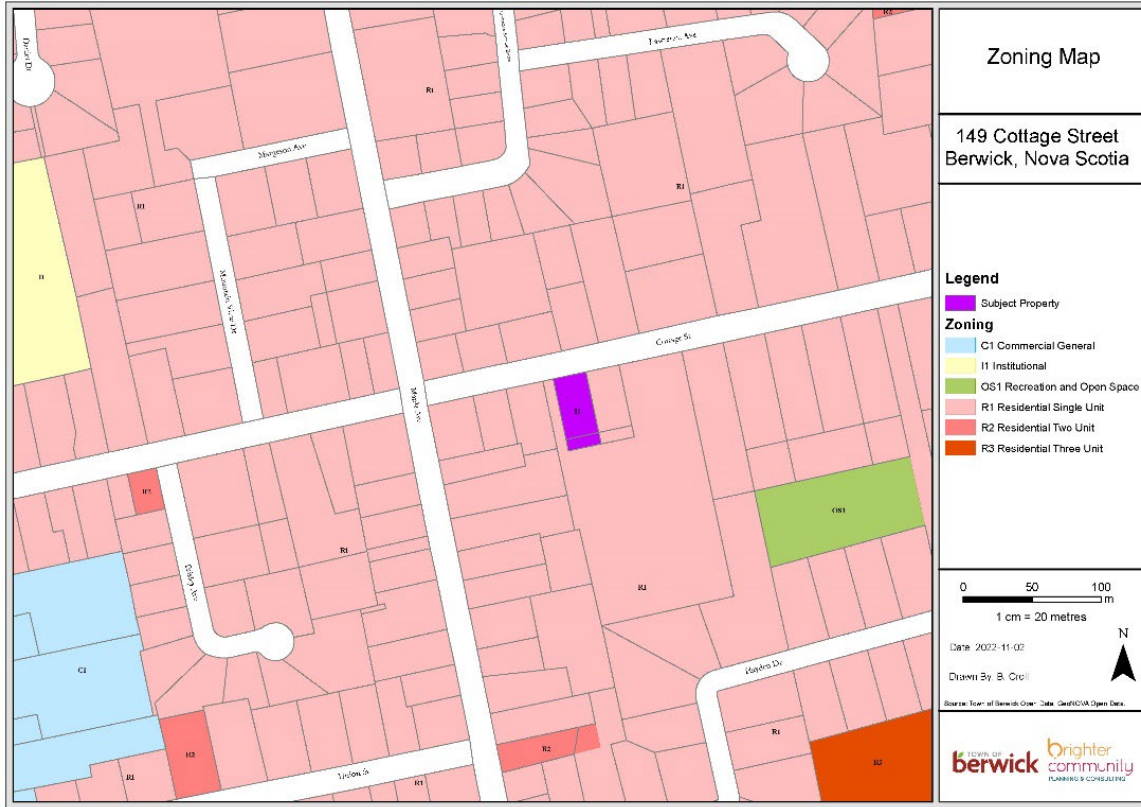
Policy R10 enables Council to consider new residential dwellings containing two units through a rezoning process. In addition to the implementation policies in IM7, the only requirement is that the minimum lot frontage and area requirements for the R2 zone are met. The minimum lot requirement in the R2 zone is 80 feet of frontage and the Subject Property has a frontage of 80 feet. The minimum lot area requirement of the R2 zone is 12,000 ft<sup>2</sup> and the Subject Property, once consolidated, has a total area of 14,000 ft<sup>2</sup>. The minimum requirements for the R2 are met.

#### 2.1: Implementation Policies

The implementation policies were reviewed, and no issues arose. See Appendix A for a summary of the policies.

#### 2.2: Provincial Statement of Interest

The Provincial Statement of Interest on housing was reviewed and this redesignation and rezoning is consistent with the PSI.



### Part 3: Discussion

The Subject Property is in a primarily single unit dwelling area. The conversion of an the institutional building into a duplex is compatible with the neighbourhood uses and aesthetics. By redesignating and rezoning the property to Residential (R-2), it will allow the applicant to convert the building “as-of-right” to a duplex and avoid having to go through a development agreement process. Development Agreements pose an administrative burden and unless they are required for a specific reason, it is generally better to allow for development as-of-right.

Although the MPS is silent on criteria for rezonings to R2 within the Residential designation except for minimum lot requirements and frontage, minimal land use conflicts are expected from this small increase in density. From a municipal perspective, maximizing the use of existing municipal infrastructure such as streets and underground pipes is a positive. New development that does not entail the municipality assuming new streets and services is a benefit.

Neighbours w within a 100-meter radius from the property were notified for a Public Participation Meeting scheduled for February 7<sup>th</sup>, 2023 at the Town of Berwick Town Hall.

### Part 4: Recommendation

After a review of the applicable policies, the specifics of the site, and the requirements of the applicant, staff are recommending the following motion for PAC’s consideration:

That PAC recommends to Council that 149 Cottage Street (PID 55241822, PID 55549125, and PID 55288567) be redesignated from Institutional to Residential and rezoned from I1 to R2, and that the application be forwarded to a public hearing.

## Appendix A- Policy Summary

Policy R1. It shall be the intention of Council to create a Residential Generalized Future Land Use 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 R10. It shall be the intention of Council to consider the development of new residential dwellings containing two (2) units, or the conversion of existing single unit dwellings within the Residential Designation by amendment to the Land Use By-Law. In addition to the criteria contained in Policy IM7, Council shall require that the lot meet the minimum lot of frontage and area requirements for the applicable zone.	
(a) Minimum lot of frontage is 80 feet	Sufficient frontage.
(b) Minimum lot area is 12,000 ft <sup>2</sup>	Sufficient lot area.
In considering amendments to the Land Use By-law and/or the entering into a Development Agreement, in addition to the criteria set out in various policies of this Strategy, Council shall consider:	
(a) That the proposal is in conformance with the intents of this Strategy and with the requirements of all other Town By-laws and regulations:	Proposal is generally consistent with the Municipal Planning Strategy.
(b) That the proposal is not premature or inappropriate by reasons of:	
(1) The financial capability of the Town to absorb any costs relating to the development	No known impact. The end use will be a financial benefit to the Town, increase density on existing infrastructure and contribute to the tax base without increase infrastructure costs.
(2) The adequacy of sewer and ground water to support the proposed density of development;	The property can connect to municipal sewer and storm water is managed through a ditch system. Water will be provided by onsite well.
(3) The adequacy and proximity of school, recreation, and other community facilities;	No concerns.
(4) The adequacy of road networks adjacent to, or leading to the development;	No concerns.
(5) The potential for the contamination of watercourses or the creation of erosion or sedimentation	No known impact.
(6) The potential for damage to or destruction of historical buildings and site;	N/A
(c) That controls are contained in a Land Use By-law or a Development Agreement so as to reduce conflict between the development and any other adjacent or nearby land use by reason of:	

(1) Type of use;	Upon rezoning, the proposed use of one duplex, totalling 2 units, will be permitted.
(2) Emissions including air and water pollutants and noise	Regulated by LUB.
(3) Height, bulk and lot coverage of proposed building	Regulated by LUB.
(4) Traffic generation, access to and egress from the site, and parking;	Regulated by LUB.
(5) Open storage	Regulated by LUB.
(6) signs	Regulated by LUB.
(7) similar matters of planning concern;	Regulated by LUB.
(d) The suitability and development costs of the proposed site in terms of steepness of grades, soil and geological conditions, marshes, swamps, or bogs and proximity of highway ramps, railway rights-of-way and other nuisance factors;	No impact.
(e) That provision is made for buffering, landscaping, screening and access control to reduce potential incompatibility with adjacent land uses and traffic;	Regulated by LUB.
(f) That the development is located so as not obstruct any natural drainage channels or watercourses	N/A

## Appendix B – R2 Zone Requirements

### 6.3. Residential Two Unit (R2) Zone

#### 6.3.1 R2 Uses Permitted

No development permit shall be issued in a Residential Two Unit (R2) Zone except for one or more of the following uses:

- All Residential Single Unit (R1) Uses subject to R1 Zone Requirements
- Semi-detached Dwelling
- Duplex Dwelling
- Converted Dwelling to a maximum of two (2) Units

#### 6.3.2 General Lot Requirements

In a Residential Two Unit (R-2) Zone, no development permit shall be issued except in conformity with the following requirements:

	<u>Duplex</u>	<u>Converted Dwelling or Semi-detached Dwelling Per Unit</u>
Minimum Lot Area	1114 sq. meters (12,000 sq. ft.)	557 sq. meters (6,000 sq. ft.)
Minimum Lot Frontage	24.38 meters (80 ft.)	12.19 meters (40 ft.)
Minimum Front Yard	7.62 meters (25 ft.)	7.62 meters (25 ft.)
Minimum Rear Yard	7.62 meters (25 ft.)	7.62 meters (25 ft.)
Minimum Side Yard		
i) one side	3.65 meters (12 ft.)	3.65 meters (12 ft.)
ii) other side	3.65 meters (12 ft.)	3.65 meters (12 ft.)
iii) common lot line		0
Maximum Height of Main Building	10.66 meters (35 ft.)	10.66 meters (35 ft.)

### 6.3.3 Special Requirements: Converted Dwellings

In addition to all other requirements, the following special provisions shall apply to converted dwellings in a Residential Two Unit (R2) Zone:

- (a) Additions - No addition or alteration may be undertaken which changes the roof line or increases the height (except for the addition of dormers), or extends into the front or side yard of the lot (except for structures necessary for public safety purposes such as fire escapes).
- (b) Parking - Parking shall be provided only in the side or rear yard of the lot.

### 6.3.4 Side Yard, Attached Garage

An attached garage shall share common wall(s) with the main structure and shall not be considered attached by means of a breezeway, overhang or the extension of a roofline. The minimum side yard of the side where an attached garage of a permitted dwelling is located shall be as follows:

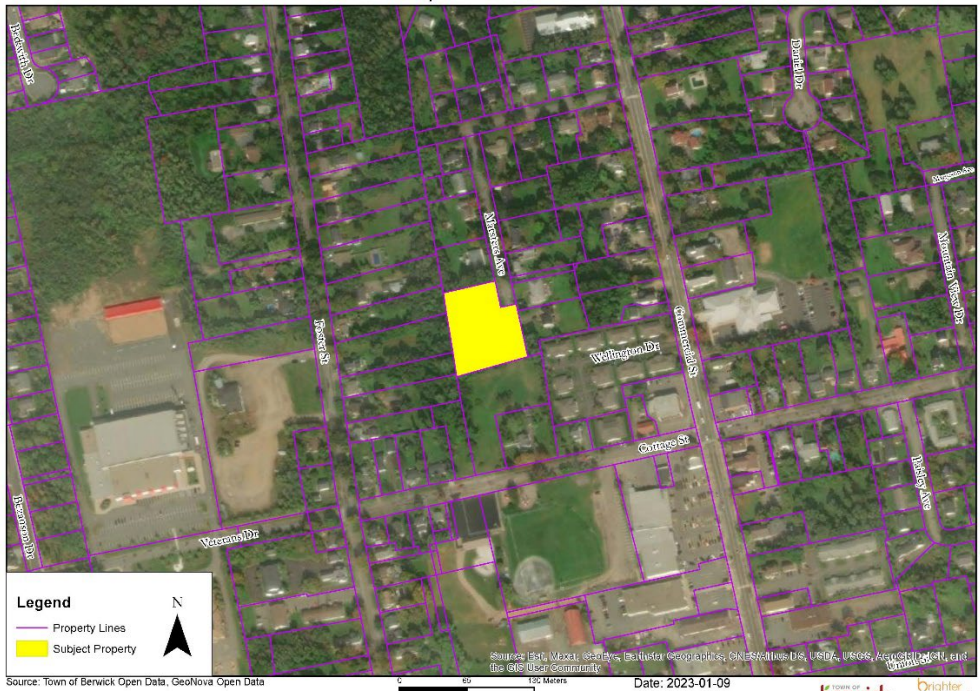
- 1 storey building: 1.22 meters (4 ft.)
- 2 or more storeys: 1.82 meters (6 ft.)

**Report to PAC – MPS amendments to consider accessory dwellings units within the residential designation**

Prepared by:	Darren Shupe of Brighter Community Planning
Subject:	Policy Review to Enable Accessory Dwelling Units
Date:	February 7, 2023
Purpose:	PAC consideration of planning report and recommendation
Draft Motion:	<b>That the Planning Advisory Committee recommend Town Council to direct the CAO to investigate a Municipal Planning Strategy and Land Use By-law amendments related to the development of specific criteria to enable Accessory Dwelling Units – Detached Suits in the R1 and R2 zones as-of-right.</b>

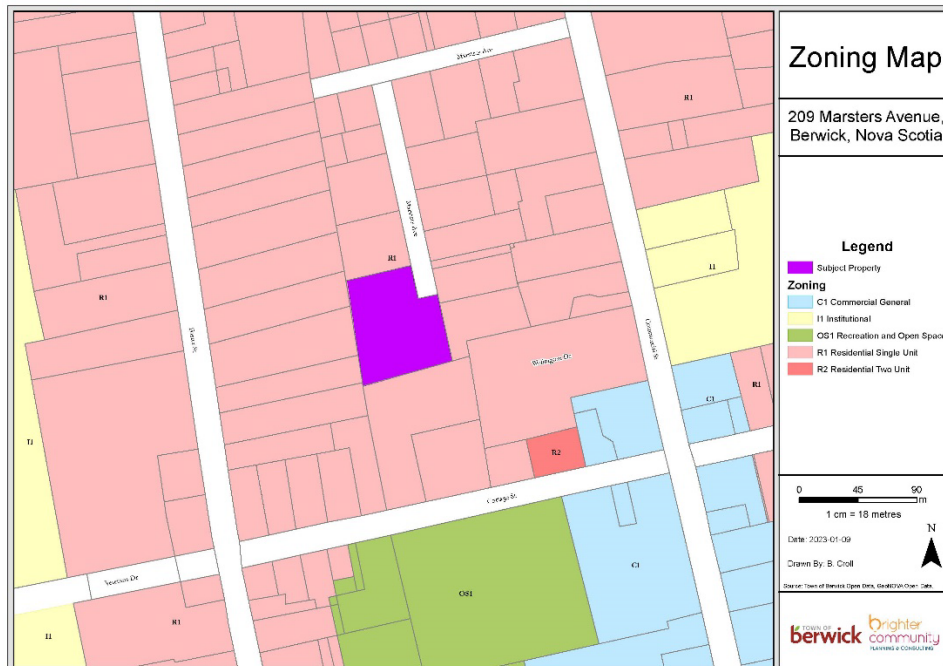
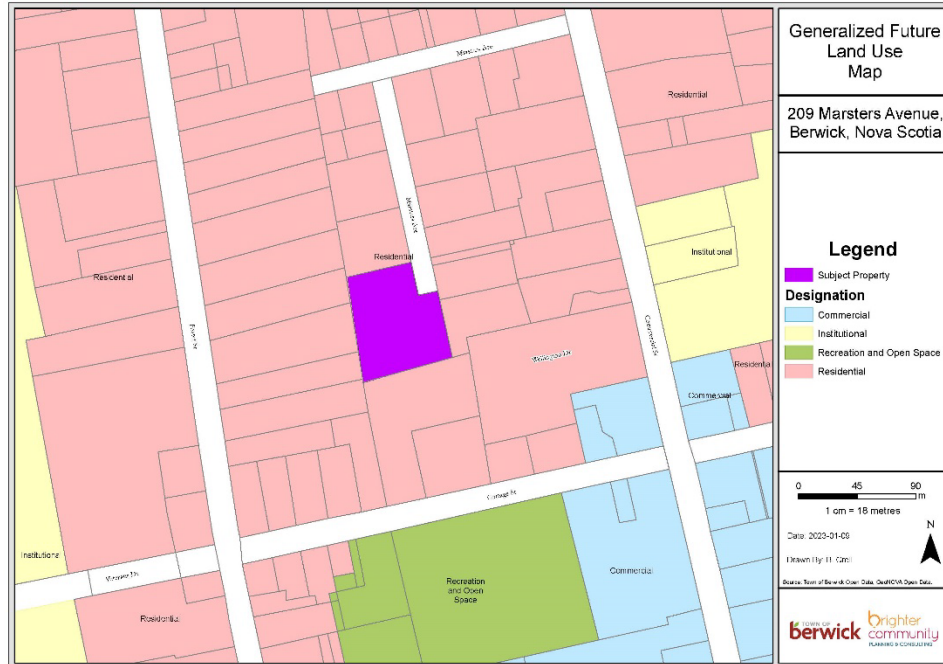
Part 1: Background

1.1: Introduction

Property Owner(s)	Robert and Mary Woodworth
Civic Address	209 Marsters Avenue – PID 55244867
Designation	Residential
Zone	Residential Single Unit (R1)
Subject Property	<p style="text-align: center;">Context Map for 209 Marsters Avenue</p> 
Subject Property Area	+/-56,200 ft <sup>2</sup> (1.29 acres)
Existing Land Use	Single Unit Dwelling
Adjacent Land Use	Primarily single unit dwellings
Recommendation	Amend the Municipal Planning Strategy and Land Use By-law to enable Accessory Dwelling Units in the Residential Single Unit (R1) and Residential Two Unit (R2) zones.

## 1.2: Location

The Subject Property is located on the west side of Marsters Avenue. The main property where the building is located (PID 55244867) has frontage along the cul-de-sac at the southern end of Marsters Avenue. The property is a large lot with a total area of +/- 56,200 square feet. The property immediately south is a vacant parcel. All other adjacent parcels are single unit dwellings.



### 1.3: Background

Robert Woodworth applied to amend the Land Use By-law on December 7, 2022 to rezone the property from Residential Single Unit (R1) to Residential Two Unit (R2) zone to allow for the construction of a stand-alone garage and living area towards the centre of the property. The current policies and provisions in the Berwick Municipal Planning Strategy and Land Use By-law do not permit detached residential units separate from the main dwelling on the property. The application requires an amendment to both the Municipal Planning Strategy and the Land Use By-law to permit detached accessory dwelling units within the current Residential Single Unit (R1) Zone.

An accessory dwelling unit (ADU) is a smaller, independent residential dwelling unit located on the same lot as the main dwelling. Accessory dwelling units are often distinguished between those which are contained within the main dwelling on the property and those which are part of an existing detached structure or a new dedicated detached structure. This report provides a review of dedicated detached dwelling structures (detached suites) and their potential as a new housing option for Berwick.

Staff has considered approaching this application as a general amendment to Berwick's planning documents as it exemplifies a potential policy direction to address the housing crisis through a gentle increase in density which may be attractive for many property owners in town.

### Part 2: Policy Analysis

Increasingly over the past few years, municipalities across Canada have undertaken reviews and updates of their planning documents to permit accessory dwelling units. For example, Halifax Regional Municipality amended their land use by-laws in 2019 to permit accessory dwelling units in nearly all their planning areas throughout the Municipality. This action was taken to help increase the overall rental supply and provide more affordable housing options throughout the Municipality.

While the Berwick Municipal Planning Strategy is silent on detached suites, it provides general guidance when considering residential development with respect to considering options and accommodating growth. Section 2.3 of the MPS provides direction regarding the overall policy for residential development. It states that the Town of Berwick will promote new residential development that provides a variety of housing options, affordability, to be respectful of the character of existing neighbourhoods, and to accommodate the need for growth.

#### *Section 2.3 Development and Land Use Control Principles and Objectives*

##### *Residential Principles and Objectives*

*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.*

### Part 3: Discussion

There are numerous benefits to permitting accessory dwelling units, including increasing the overall density of an area while not significantly affecting the built form or character of the neighbourhood. Accessory

dwelling units also provide additional affordable housing and rental options, which are beneficial as the current rental supply in the Town is limited. This is supported by significant anecdotal evidence and Provincial recognition of the housing crisis in general. These units could provide additional long-term rental units within Berwick for working professionals, families, and to accommodate aging in place. Additionally, ADUs provide the opportunity for extra income for homeowners through the rent generated.

Potential drawbacks of enabling ADUs are based primarily on the additional demand they place on infrastructure and resources; namely, sewer, groundwater, and parks. With respect to protection of groundwater, permitting ADUs for properties with an increased minimum lot size may be one measure to offset additional demand. Additional Town-wide capacity studies for sewer, groundwater, and parks would provide additional data to determine the effect of demand.

The purpose of secondary suites and garden suites is to allow for gentle increased density, and it is anticipated that permitting accessory dwelling units will have a minimal impact on traffic or parking.

#### Part 4: Proposed Amendments

Based on the policies for housing, staff are recommending that the Planning Advisory Committee recommend the proposed amendments to the Berwick Municipal Planning Strategy and Land Use By-law to permit detached accessory dwelling units in the Residential Single Unit (R1) to Residential Two Unit (R2) Zones. These amendments will allow properties located within the R1 and R2 zone to have one accessory dwelling unit as a detached unit as-of-right, subject to building and development permits.

#### Part 5: Recommendation

After a review of the applicable policies, staff is recommending the following motion for PAC's consideration.

**That** the Planning Advisory Committee recommend Town Council to direct the CAO to investigate a Municipal Planning Strategy and Land Use By-law amendments related to the development of specific criteria to enable Accessory Dwelling Units – Detached Suites in the R1 and R2 zones as-of-right.

## Appendix A- Berwick MPS Amending Pages

Policies R5 and R6 of the Town of Berwick Municipal Planning Strategy is hereby amended by:

1. Adding the following text in bold:

R5 It shall be the intention of Council to include in the Land Use By-law a Residential Single Unit (R1) Zone. This Zone shall permit one (1) **main** residential dwelling unit **and one (1) accessory dwelling unit – detached suite** as-of-right and establish minimum zone requirements and development control provisions for uses within the Zone. The R1 Zone shall be applied to all existing single unit dwellings and all vacant lots 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.

R6 It shall be the intention of Council to include in the Land Use By-law a Residential Two Unit (R2) Zone. This Zone shall permit one (1) and two (2) unit main residential dwellings units **and up to two (2) accessory dwelling units – detached suite total, one per main residential unit**, as-of-right and establish minimum zone requirements and development control provisions for uses within the Zone. The R2 Zone shall be applied to all existing two unit dwellings located within the Residential Designation.

## Appendix B – Berwick LUB Amending Pages

Part 3: Definitions of the Berwick Land Use By-law is hereby amended by:

2. Adding immediately the following text in bold after “Accessory Building or Structure”:

**“Accessory Dwelling Unit- Detached Suite”:** One freestanding single dwelling accessory to a single unit dwelling or semi-detached dwelling on the property intended as an independent and separate unit that contains its own sleeping, living, cooking and sanitary facilities, and its own independent entrance that is located in the back or side yard of the main dwelling and may be located within a new or existing detached garage in the rear or side yard of an attached garage.

Part 5: General Provisions for All Zones of the Berwick Land Use By-law is hereby amended by:

3. Adding the following text in bold:

### 5.3 Accessory Buildings

5.3.1 Accessory uses, buildings and structures shall be permitted in any zone within the Town of Berwick but shall not:

- (a) be used for human habitation; **except where all applicable provisions and requirements for an Accessory Dwelling Unit – Detached Suite under the Berwick Land Use By-law are met;**

4. Adding the following text in bold after Accessory Uses Permitted:

### **Accessory Dwelling Units – Detached Suite**

5.4.1 **Notwithstanding anything else in the By-law, the establishment of one (1) Accessory Dwelling Unit - Detached Suite to a Single Unit Dwelling, or Semi-Detached Dwelling shall be permitted in the Residential Single Unit (R-1) and Residential Two Unit (R2) Zones subject to the following requirements:**

<b>Accessory Dwelling Unit - Detached Suite</b>	
Maximum Number of Bedrooms	1
Minimum Lot Area	557m <sup>2</sup> (6,000 ft <sup>2</sup> )
Yard Setbacks	Side Yards: 3.65 metres (12 ft.)
	Rear Yard: 3.05 metres (10 ft.)
	Garden and Garage Suites must not be built closer to the front lot line than the main building
Maximum accessory dwelling unit floor area	60% of the gross floor area of the main building up to 75m <sup>2</sup> (807.3ft <sup>2</sup> )
Maximum building height	Equal to the height of the main building up to 10.66 meters (35 ft.)
Minimum setback from other buildings	2m from non-habitable structures on the same lot
	3m from all other structures
<b>Design Parameters</b>	
Exterior	Must match the main dwelling in building material type, cladding colour, roof type, and roof pitch.
Entrance, Main Windows, and Entry	Must be oriented toward the main dwelling, flankage yard, or front yard

Part 6: Residential Zone Provisions of the Berwick Land Use By-law is hereby amended by:

5. Adding the following text in bold: R1 and R2 Uses Permitted

6.2.1 R1 Uses Permitted

No development permit shall be issued in a Residential Single Unit (R1) Zone except for the following uses:

- Accessory Dwelling Unit – Detached Suite**
- Detached Single Unit dwellings
- Day Nurseries licensed to a maximum of 5 children
- Bed and Breakfast and Guest House
- Existing Transportation and Truck Facilities
- Existing Mobile Home Parks
- Existing Residential Care Facilities, Boarding and Rooming Houses

6.3.1 R2 Uses Permitted

No development permit shall be issued in a Residential Two Unit (R2) Zone except for one or more of the following uses:

- All Residential Single Unit (R1) Uses subject to R1 Zone Requirements
- Accessory Dwelling Units – Detached Suite subject to R2 Zone Requirements**
- Semi-detached Dwelling
- Duplex Dwelling
- Converted Dwelling to a maximum of two (2) Units