

Planning Advisory Committee Meeting

April 2, 2024

Town of Berwick Council Chambers

6:30pm

PAC Meeting Agenda

- 1. Call to Order**
- 2. Approval of the Agenda**
- 3. Approval of the Minutes**
 - November 15, 2024 PAC Meeting
- 4. New Business**
 - Development Agreement – 106 Commercial Street
 - MPS Plan Review – Draft Documents
- 5. Other Business**
 - Activity reports – November 2023 – February 2024
- 6. Adjournment**

Report to PAC – Development Agreement Application for 106 Commercial Street (PID 55240022)	
Prepared by:	Ben Croll of Brighter Community Planning
Subject:	Development Agreement Application for 106 Commercial Street (PID 55240022)
Date:	April 2 nd , 2024
Purpose:	For PAC to make a recommendation to Council to consider entering into a Development Agreement to permit the development of 16 residential units in two buildings at 106 Commercial Street.
Motion	That PAC forward the attached development agreement to Council for First Reading with a positive recommendation.

Part 1: Background

1.1: Introduction

Property Owner(s)	Rydel Homes Limited
Applicant	Riley Peckford
Civic Address	106 Commercial Street
Designation	Residential
Zone	R1
Subject Property Area	41, 548 ft ²
Existing Land Use	Residential – Single Unit Dwelling
Adjacent Land Use	A low-density residential area with the United Church Camp Meeting to the West and Grandview Manor to the East.

1.2: Location

The Subject Property is located on Commercial Street in the southern section of the town's boundaries. Although primarily in a low-density residential area, there are two large institutional uses adjacent to the property. To the east, directly across Commercial Street, is the Berwick Campgrounds. The property to the north is the entrance to the Grandview Manor which lies to the east of the Subject Property. The Commercial District and access to the Harvest Moon Trail is within a 10-minute walking distance to the north.

The property is designated Residential (R) and zoned Residential Single Unit (R1). There is currently a single unit dwelling on the Subject Property, which will be demolished if the proposed development proceeds. The Subject Property is mainly cleared and grassed with a tree line bordering the south and east property lines. There are no easements, burdens, or significant environmental features on the lot.

Context Map for 106 Commercial Street



Figure 1 Context Map

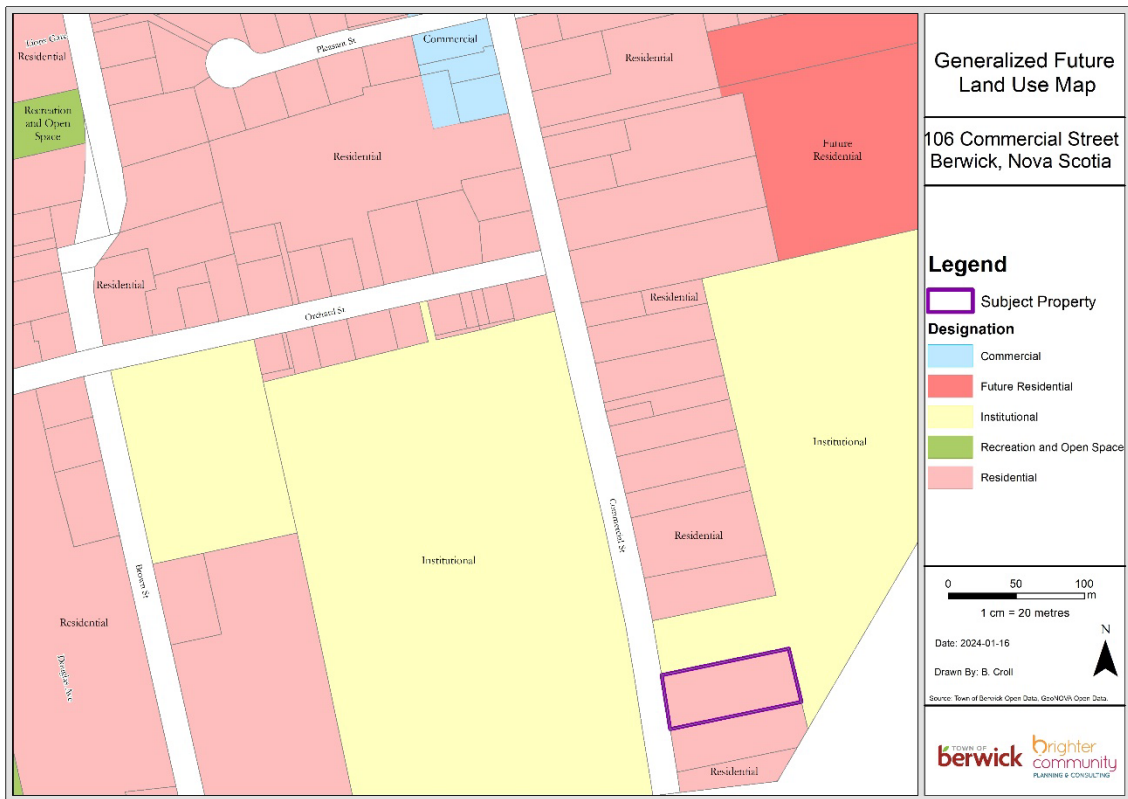


Figure 2 Generalized Future Land Use Map

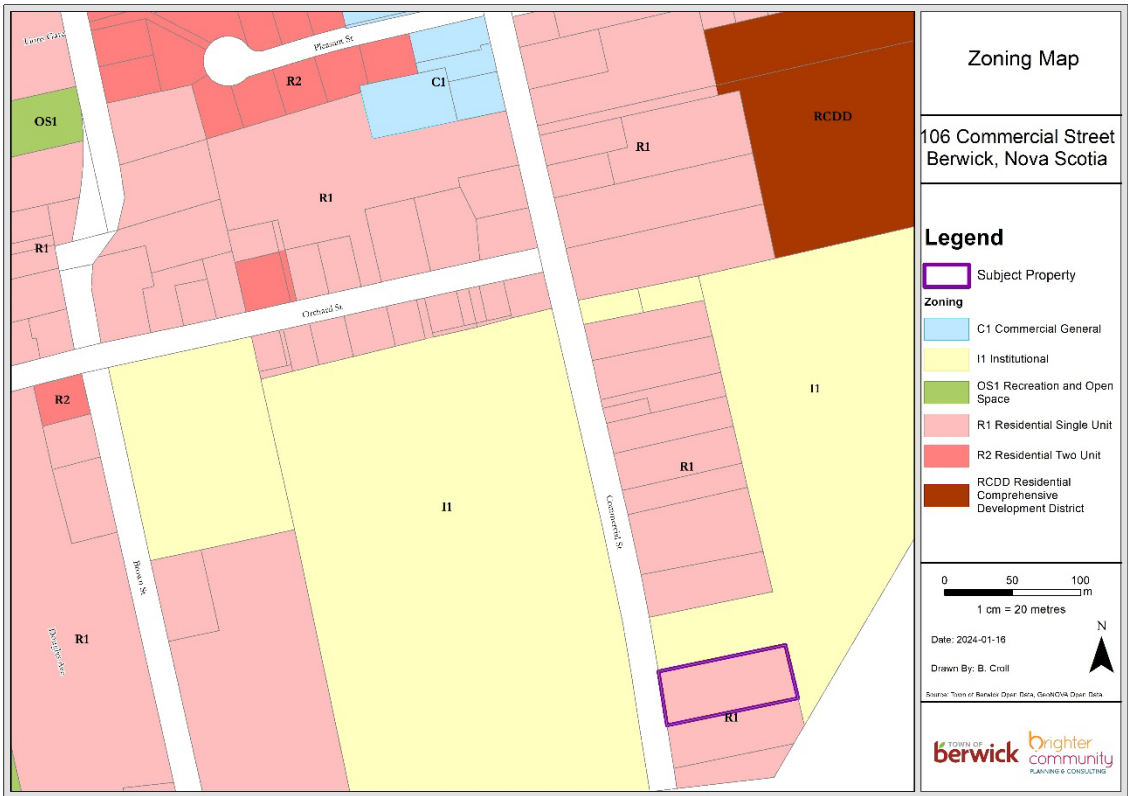


Figure 3 Zoning Map

1.3: Background

The owner of the property is Rydel Homes Limited, but the Development Agreement has been submitted by Riley Peckford. Scott Peckford, Riley's father, is an owner of Rydel Homes Limited. The Town of Berwick received the Development Agreement application on January 11th, 2024.

1.4: The Proposal

The applicant originally applied for 20 units within 3 buildings but amended the application to be more consistent with the Town of Berwick Municipal Planning Strategy ("MPS") policies. More specifically, regarding the compatibility criteria with the surrounding area. The amended application is now seeking a Development Agreement to permit 16 units over 2 buildings on the site. The proposed buildings are two-storeys in height with each containing 8 units. There will be one entryway off Commercial Street that will lead to the development's parking lot containing a total of 25 parking spaces. This parking lot will include 4 accessible stalls and 4 EV charge stations. There is a proposed fence on the south property line to provide a sense of separation and privacy to the adjacent resident. There is a proposed fence and landscaping fronting Commercial Street to enhance the streetview of the development while a green buffer is proposed on the north abutting the Grandview Manor entrance.

This applicant is proposing to leave the rear of the property vacant to help more effectively manage stormwater and to provide amenity space for the residents.

Each unit is approximately 880 ft², resulting in approximately 7,040 ft² per building. With a proposed 16 units on the lot, this results to a gross density of 16.8 units/acre. The applicant intends to market this development to younger family and the workers of Grandview Manor.

See Appendix A for site plan.

Part 2: Policy Analysis

When considering Development Agreement applications, the policies of the MPS guide decision making. The property is designated Residential on the Future Land Use Map. Within this designation, Policy R8 allows for the development of multi unit buildings. Policy R8 also helps guide the development of new multiple unit dwellings or grouped dwellings on a single lot only by Development Agreement subject to the general enabling policies of Policy IM7. Policy R9 establishes the specific compatibility criteria for evaluating proposals. The chart in Appendix B addresses each policy separately.

The main policies for consideration by Council are related to ensuring compatibility of uses. Compatibility does not mean mimicry of a building, but rather considers if the development integrates well with the existing built form in the area. To assess compatibility, the policies of R9 speak to issues such as landscaping, building heights, roof line, window places and other similar issues.

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

2.1: Consistency with existing development

To the north and south of the property is a series of single unit dwellings with a height mixture of single and two storeys. Although the proposed buildings are larger than the surrounding single unit dwellings, they do not exceed two storeys in height. The opaque fence on the south property line will further differentiate the proposed multi unit dwellings to the adjacent single unit dwelling.



Figure 4 Single Unit Dwellings to the South

To the west, across Commercial Street, is the United Church Camp Meeting that is surrounded by a wooded fence. The proposed fence and landscaping of the development fronting Commercial Street provides consistency with the neighbourhood along with a buffer to the multi unit building.

To the north of the property is the entrance to Grandview Manor. This entrance is mainly cleared with a selection of trees throughout. The proposed development will transition from that landscape to the multi unit building by implementing a natural buffer of shrubs and trees.

Due to the layout of the buildings running lengthwise of the property, the exterior design does not present any concerns with the consistency of the neighbourhood. Only one side of an 8-unit building will be facing Commercial Street, which will be subdued by a fence and landscaping.

Initially, the developer applied for a total of 20 units within 3 buildings. Staff considered this density excessive for the site and requested that the developer resubmit with a lesser density. The current request includes a reduction in density, building massing, and parking. It also includes additional details on landscaping, buffering, and recreational space.

2.2: Parking

The Land Use Bylaw requires a minimum of 1.5 parking spaces per unit. The proposed development will have one parking area with maximum of 25 parking stalls resulting in a parking ratio of 1.6 stalls per unit. However, the draft Development Agreement proposes a minimum of 20 parking stalls resulting to a parking ratio of 1.25 stalls per unit.

2.3: Implementation Policies (IM7)

The implementation policies were reviewed and no issues arose. The property will be serviced by municipal sewer and will require an onsite well.

2.4: Public Information Meeting Summary

A Public Information Meeting (PIM) was held on February 6th, 2024, to get feedback on this application. The purpose of a PIM is to identify public issues of concern so that these concerns, if possible, can be addressed through the approval process or within the Development Agreement

itself.

Approximately 17 people attended the PIM. Overall, there were two major concerns that were identified: Accessibility and stormwater management. The following chart provides a summary of the concerns, the staff or developer comments, and if (or how) the draft Development Agreement will respond to the issue.

Concern raised by the public	Staff or Developer Comments	Addressed within the DA
Concerns that the units will be built in an accessible manner	The units will be built to the accessibility requirements in the current building codes. The units will also be electric heated with heat pumps.	This is regulated by the Building Code and the DA does not address this issue.
The amount of hard surfacing and how this will impact stormwater management	Stormwater must be managed on site according to provincial and Town requirements.	Section 3.2 of the DA requires a stormwater management plan acceptable to the Town

2.5: Summary

The proposal has been reviewed against the policies of the MPS. Although the proposal is denser than the surrounding properties, the site plan and elevations (see appendix B) demonstrate a layout that is generally consistent with the character of the neighbourhood using criteria such as roof lines, height, buffering, and landscaping. Furthermore, it will provide much needed housing to the town and province. The town's infrastructure is capable of supporting the development.

Part 3: Draft Development Agreement

The draft Development Agreement is attached and has provisions regarding the use and references the site plan. Key components of the Development Agreement:

- Two (2) eight-unit residential buildings
- Water withdrawal permit, if required, is needed before a development permit can be provided.
- A drainage plan that is acceptable to the Town Engineer
- A servicing connection plan that is acceptable to the Town Engineer
- Must comply with parking regulations of section 5.26 of the Land Use Bylaw. The entryway shall not be less than 7 meters in width.
- The minimum number of parking spaces of 20 units
- No development shall occur in the area shown as “the Stormwater Management Area” as shown on the Site Plan
- Buffering and landscaping requirements
- Commencement date of 2 years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office
- Completion date of 5 years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office

Part 4: Recommendation

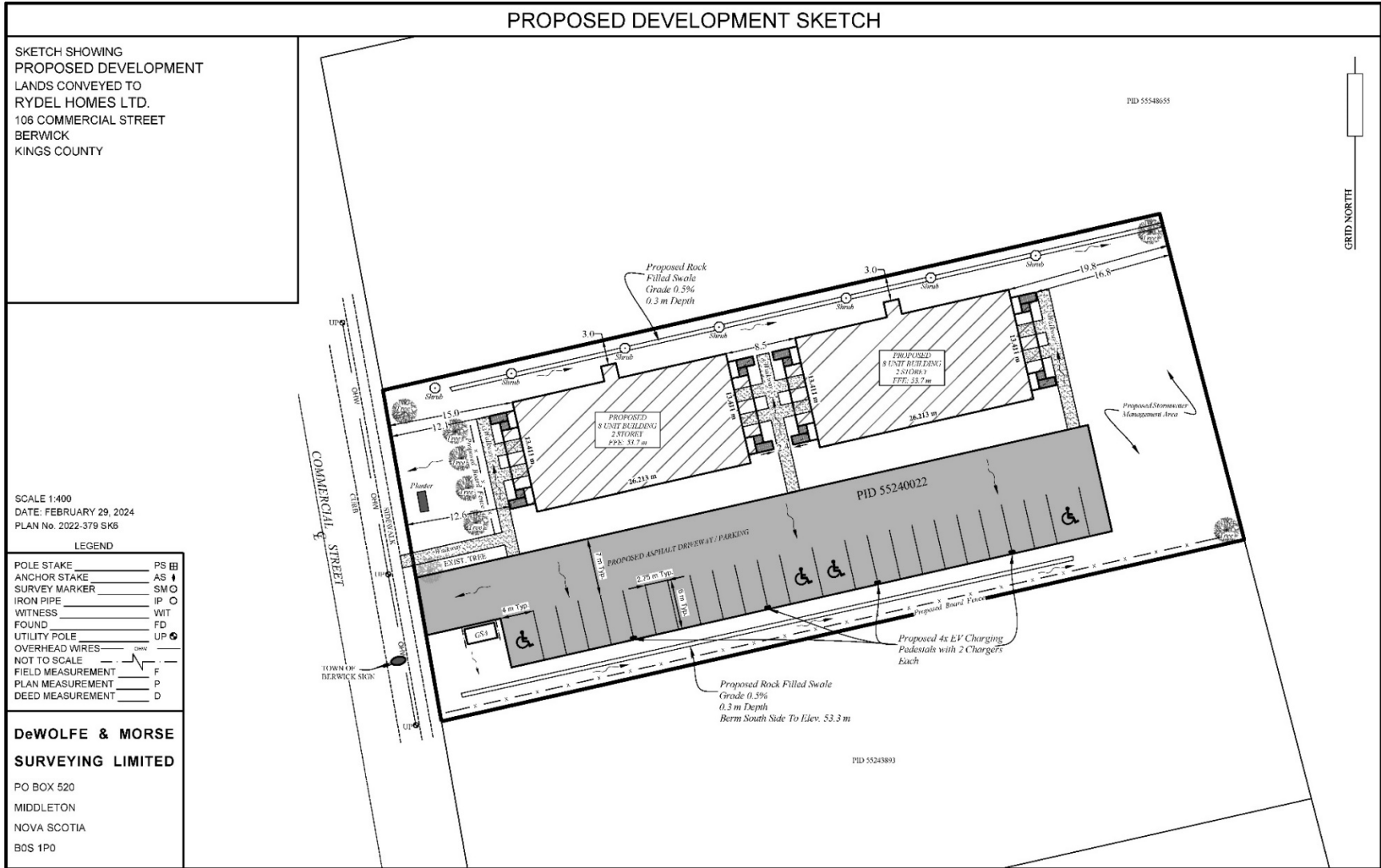
The subject lands are in a primarily low-residential area with Grandview Manor to the north and

east of property, and the Berwick Campgrounds to the west. From a municipal perspective, maximizing the use of existing infrastructure such as streets and underground pipes is a positive. New development that does not entail the municipality assuming new streets and services is fiscally and environmental beneficial.

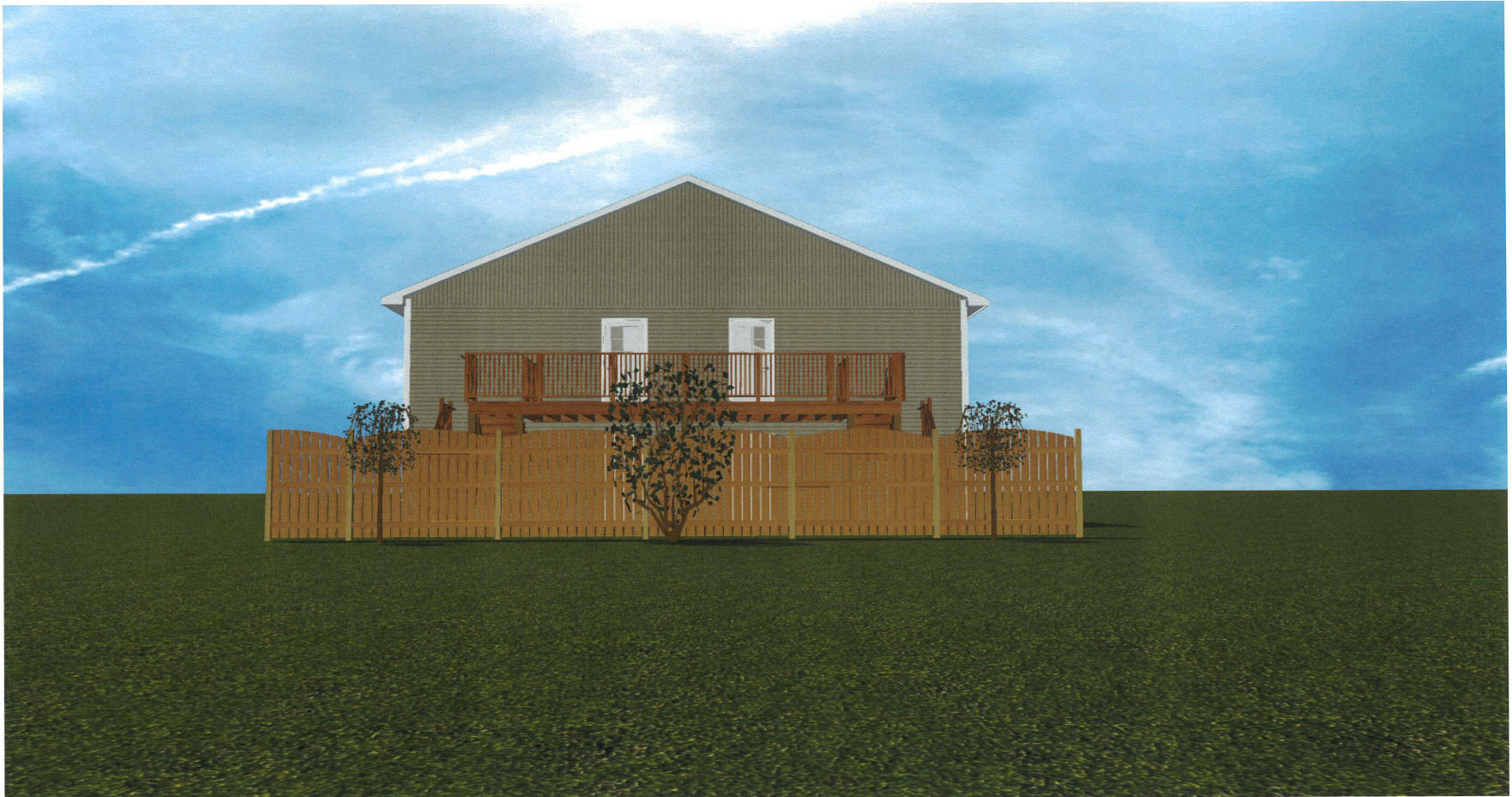
After a review of the applicable policies, the specifics of the site, the receipt of internal departmental comments and the information received from the public information meeting and applicant, planning staff are recommending the following motion for PAC's consideration:

That PAC forward the attached development agreement to Council for First Reading with a positive recommendation.

Appendix A



Appendix B



Appendix C

Policy R8. It shall be the intention of Council to consider the development of new multiple unit residential dwellings containing four (4) or more units or grouped dwellings on a single lot only by Development Agreement subject to the criteria contained in Policy IM7.	
Policy R9. It shall be the intention of Council to zone all existing residential structures containing four (4) or units and/or existing grouped dwellings located on a single lot as Residential Single Unit (R1). Expansion or redevelopment of existing residential structures containing four (4) 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 IM7, Council shall give consideration to 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;	Proposal compatible with adjacent properties and neighbourhood.
(b) That the design of the proposed structure and site reflects and is consistent with adjacent existing dwellings with respect to:	
(1) Building Mass;	Building mass is larger than surrounding dwellings, but generally consistent. The buffering and landscaping helps reduce the impact.
(2) Relationship to and setback from the street line	Only one side of a building will be fronting the street line. The buffering and landscaping will enhance the streetview.
(3) Roof line heights and orientations;	Orientation differs than surrounding properties, but height is generally consistent.
(4) Building Height:	The proposed development consists of two-storey buildings keeping the building height compatible with the neighbourhood dwellings.
(5) Placement and Proportions of window and door openings along the primary façade;	Due to the placement of the development, windows and door openings are parallel to the frontage. The side that is fronting Commercial street will be subdued with buffering and landscaping.
(6) Location of on-site parking	The parking lot will be located parallel to the buildings.
(7) Landscaping and landscape treatment	Landscaping will be provided as shown

	on the site plan. This includes natural buffers, walkways, and a recreational area. Fence/landscaping to be added in front of garbage.
IM7 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, Land Use Bylaw, and all other Town By-Laws.
(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;	No concerns. Approval from NSE for the private sanitary sewer connection is required upon permitting.
(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 concerns. A drainage plan demonstrating the net zero requirement is required upon permitting.
(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;	Use is permitted by development agreement, subject to policies.
(2) Emissions including air and water pollutants and noise	No controls required.
(3) Height, bulk and lot coverage of proposed building	Bulk is larger than surrounding dwellings, but generally consistent. The buffering and landscaping helps reduce the impact.
(4) Traffic generation, access to and egress from the site, and parking;	Proposed development circulated to the traffic authority and no issues arose.
(5) Open storage	N/A
(6) signs	N/A
(7) similar matters of planning concern;	
(d) The suitability and development costs of the proposed site in terms of steepness of grades,	No impact.

soil and geological conditions, marshes, swamps, or bogs and proximity of highway ramps, railway rights-of-way and other nuisance factors;	
(e) That provision is made for buffering, landscaping, screening and access control to reduce potential incompatibility with adjacent land uses and traffic;	Installation of board fence and shrubs for buffering between adjacent neighbour.
(f) That the development is located so as not obstruct any natural drainage channels or watercourses	N/A

This Development Agreement made this _____ day of _____, A.D.,2024

Between:

Rydel Homes Limited, in Kingston, Nova Scotia, and hereinafter called the "Developer",

OF THE FIRST PART

-and-

Town of Berwick a duly incorporated municipal body incorporated under the laws of the Province of Nova Scotia, hereinafter called the "Town"

OF THE SECOND PART

WHEREAS the Developer is the owner of certain lands known as 106 Commercial Street in the Town of Berwick (PID 55240022) and more particularly described in the attached Schedule "A" and hereinafter called the "Property"; and

AND WHEREAS the Developer has submitted a detailed development proposal for the construction of two 8-unit residential buildings on the Property;

AND WHEREAS Policy R8 of the Town of Berwick Municipal Planning Strategy requires that new multiple unit residential dwellings containing four (4) or more units on a single lot to be considered and approved by Development Agreement;

AND WHEREAS the proposed development of the Property has been considered at a Public Hearing held on Insert Date of PH. and approved by a majority vote of the Town Council on Click or tap to enter a date. pursuant to requirements of the Municipal Government Act;

NOW THEREFORE in consideration of the various covenants and benefits hereinafter set out in this Agreement, the parties hereto agree as follows:

Part 1: General Requirements and Administration

1.1 Applicability of Agreement

1.1.1 The Developer agrees that the Property shall be developed and used only in accordance with and subject to the terms and conditions of this Agreement.

1.1.2 Variances to the requirements of the applicable Land Use By-law shall be permitted in accordance with the Municipal Government Act on the whole site as shown on Schedule B.

1.2 Applicability of Other By-laws, Statutes and Regulations

1.2.1 Nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Town applicable to the Property (other than the Land Use By-law to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government and the Developer or Lot Owner agree(s) to observe and comply with all such laws, by-laws and regulations, as may be amended from time to time, in connection with the development and use of the Property.

1.2.2 The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of the Town and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer or appropriate professional as required by this Agreement or other approval agencies.

1.3 Conflict

1.3.1 Where the provisions of this Agreement conflict with those of any by-law of the Town applicable to the Property (other than the Land Use By-law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.

1.3.2 Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

1.4 Costs, Expenses, Liabilities and Obligations

1.4.1 The Developer shall be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all Federal, Provincial and Municipal laws, by-laws, regulations and codes applicable to the Property.

1.5 Provisions Severable

1.5.1 The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

1.6 Property

1.6.1 The Developer hereby represents and warrants to the Town that the Developer is the owner of the Property and that all owners of the Property have entered into this Agreement.

Part 2: Definitions

2.1.1 All words used herein shall be defined as in the Land Use Bylaw and Subdivision Bylaw unless otherwise specifically defined herein. If not defined herein or in these Bylaws, the customary meaning shall apply.

2.2 When interpreting this agreement, the following words are defined as follows:

- a) *Land Use Bylaw* means the Town of Berwick Land Use By-law adopted by Council on October 9, 2012, as amended from time to time.
- b) *Municipal Planning Strategy* means the Town of Berwick Municipal Planning Strategy adopted by Town Council on October 9, 2012, as amended from time to time.

Part 3: Use of Property, Subdivision and Development Provisions

3.1 Schedules

3.1.1 The Developer shall develop the Property in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Agreement:

- a) Schedule A: Legal Description of the Property(s)
- b) Schedule B: Site Plan

3.2 Requirements Prior to approval

3.2.1 Prior to the issuance of a Development Permit, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:

- a) Submission of a site plan that
 - Generally complies with the Site Plan in Schedule B
 - Includes a fence and landscaping that includes an opaque fence with shrubs on the side of the building fronting Commercial Street, and the garbage disposal area
 - Demonstrates the utility pole and Town of Berwick sign are not obstructed
- b) Must comply with parking regulations of section 5.26 of the Land Use Bylaw. The entryway shall not be less than 7 meters in width
- c) The minimum number of parking spaces of 20 units
- d) The side setback on the north side of the building shall not be less than 3 meters
- e) No development shall occur in the Stormwater Management Area as shown in Schedule B
- f) A drainage plan that is acceptable to the Town Engineer
- g) A servicing connection plan that is acceptable to the Town Engineer

3.2.2 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Property for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Town. No Occupancy Permit shall be issued by the Town unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

3.3 General Description of Land Use

3.3.1 The use of the Property permitted by this Agreement are the following and as generally shown on Schedule B:

- Two (2) eight-unit residential buildings
- All uses provided in the R1 zone in the Land Use Bylaw, as amended from time to time.

3.3.2 Maintenance

The Developer shall be responsible to maintain the property in compliance with all Town By-laws and applicable Provincial regulations and to ensure that the property is maintained in a safe and clean condition.

Part 4: Streets and Municipal Services

4.1 Off-Site Disturbance

4.1.1 Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by the Developer as directed by the Development Officer, in consultation with the Town's Engineer or Director of Public Works.

Part 5: Amendments

5.1 Non-Substantive Amendments

5.1.1 The following items are considered by both parties to be not substantive and may be amended by resolution of Council.

- a) Changes to landscaping and buffering requirements
- b) Changes to the Timing and Completion of 6.3 and 6.4

5.2 Substantive Amendments

5.2.1 Amendments to any matters not identified under Section 5.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the Municipal Government Act.

Part 6: Registration, Effect of Conveyances and Discharge

6.1 Registration

6.1.1 A copy of this Agreement and every amendment or discharge of this Agreement shall be recorded at the Registry of Deeds or Land Registry Office for the County of Kings, Nova Scotia and the Developer shall incur all costs in recording such documents.

6.2 Subsequent Owners

6.2.1 This Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Property which are the subject of this Agreement until this Agreement is discharged by Council.

6.2.2 Upon the transfer of title to any lot(s), the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot(s).

6.3 Commencement of Development

6.3.1 In the event that development on the Property has not commenced within 2 years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Property shall conform with the provisions of the Land Use By-law.

6.3.2 For the purpose of this section, commencement of development shall mean issuance of a Building Permit.

6.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1, if the Town receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

6.4 Completion of Development

6.4.1 Upon the completion of the whole development, Council may review this Agreement, in whole or in part, and may:

- a) retain the Agreement in its present form;
- b) negotiate a new Agreement; or
- c) discharge this Agreement.

6.4.2 For the purpose of this section, completion of development shall mean issuance of an Occupancy Permit.

6.5 Discharge of Agreement

- 6.5.1 If the Developer fails to complete the development after 5 years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office Council may review this Agreement, in whole or in part, and may:
- a) retain the Agreement in its present form;
 - b) negotiate a new Agreement; or
 - c) discharge this Agreement.

Part 7: Enforcement and Rights and Remedies on Default

7.1 Enforcement

- 7.1.1 The Developer agrees that any officer appointed by the Town to enforce this Agreement shall be granted access onto the Property during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of the Town to inspect the interior of any building located on the Property, the Developer agrees to allow for such an inspection during any reasonable hour within seventy two hours of receiving such a request.

7.2 Failure to Comply

- 7.2.1 If the Developer fails to observe or perform any condition of this Agreement after the Town has given the Developer 30 days written notice of the failure or default, then in each such case:
- a) The Town shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defence based upon the allegation that damages would be an adequate remedy;
 - b) The Town may enter onto the Property and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Property or from the performance of the covenants or remedial action, shall be a first lien on the Property and be shown on any tax certificate issued under the Assessment Act;
 - c) The Town may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; or
 - d) In addition to the above remedies, the Town reserves the right to pursue any other remedy under the Municipal Government Act or Common Law in order to ensure compliance with this Agreement.

Part 8: Expenses

- 8.1.1 In addition to the costs to be paid pursuant to section 6.1.1, any expenses incurred by the Town in exercising its rights under Section 12 shall be paid by the Developer to the

Town. Such expenses may include, but are not limited to, costs incurred in returning property owned by the Town, or the Property to their original condition before the beginning of work on the development, costs incurred for entry on the Properties and performance of the Developer's obligations, and all solicitors' fees and disbursements incurred in terminating or discharging this Development Agreement. Such expenses shall be payable by the Developer to the Town as a debt and may be recovered from the Developer by direct suit. They shall form a charge upon the Properties. The Developer shall pay interest on any sum so expended by the Town at the same monthly rate charged by the Town for tax arrears on the outstanding balance from time to time. Such interest shall be treated as an expense.

8.1.2 The Developer shall be liable for any damage caused to public or private property by Developer or any contractor or other individual doing work related to the development. The Developer shall indemnify the Town and save it harmless from any claim, cause of action, or liability in any way relating to the development. The Developer shall obtain and maintain in force throughout the course of construction on the development, liability insurance coverage to ensure the responsibilities which the Developer is assuming in this section.

Part 9: Notice

Any notice to be given under this Development Agreement shall be made in writing and either served personally or forwarded by courier or by registered mail, postage prepaid,

if to the Town to:

Town of Berwick
236 Commercial Street
Berwick, NS
B0P 1E0
Attention: Chief Administrative Officer

And if to the Developer to:

Riley Peckford
BO Pox 130
Kingston, Nova Scotia
Rileypeckford@gmail.com

THIS AGREEMENT shall enure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, administrators, agents, successors and assigns.

IN WITNESS WHEREOF, this Agreement was properly executed by the respective parties on the day and year first above written

SIGNED, SEALED AND DELIVERED

In the presence of:

Developer

Witness

Scott Peckford, President of Rydel Homes Limited

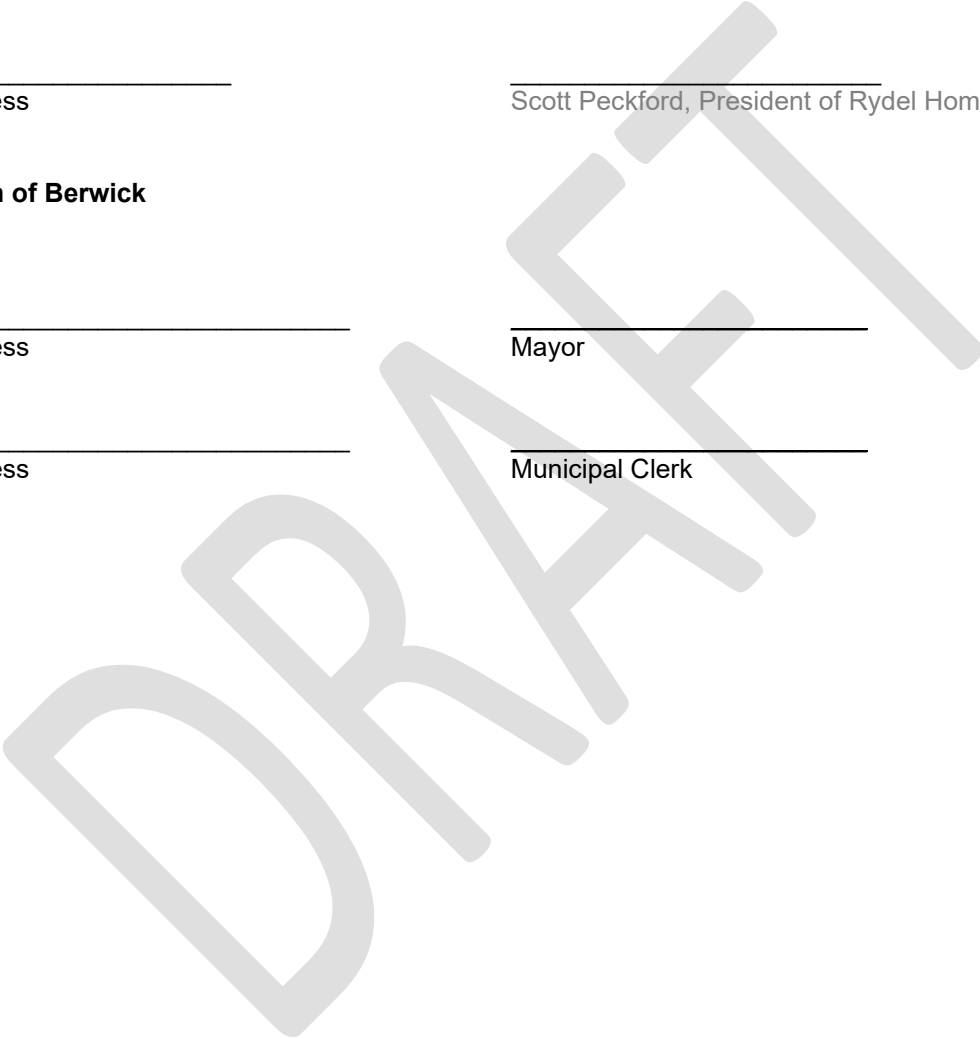
Town of Berwick

Witness

Mayor

Witness

Municipal Clerk



Schedule “A”, - Property Description

ALL that certain lot of land and premises situate on the East side of Commercial Street (opposite the Camp Meeting ground) in the Town of Berwick, in the County of Kings, and Province of Nova Scotia, bounded and described as follows:-

BEGINNING at a stake and stones on the East limit of Commercial Street (formerly sometimes called Main Post Road), at the Northwest corner of lands formerly in possession of Joseph Lovelace;

THENCE Easterly along the North side line of said lands formerly of Joseph Lovelace, eighteen (18) rods to a stake and stones;

THENCE North 6 Degrees East, ten (10) rods (along the rear of the lots) to a stake and stones;

THENCE North 85 Degrees, West eighteen (18) rods to a stake and stones on the East limit of said Commercial Street;

THENCE South 6 Degrees West along the East limit of said Commercial Street ten (10) rods to the place of BEGINNING.

SAVE AND EXCEPTING thereout and therefrom a certain piece of land on the South side of the lot above described, having a frontage of 2 rods and a depth of 18 rods, conveyed by Cecil Huntley and wife to Paul Wilson in April, 1965 more particularly described as follows:

BEGINNING at the point where the North line of lands of Fred T. Cleveland, occupied by Aubrey Day, intersects the East limit of the Street;

THENCE Northerly along the East limit of the Street two (2) rods to a stake;

THENCE Easterly and parallel to Clevelands North Line eighteen (18) rods to a stake on the West line of lands of Minas Basin Pulp & Power Co. Ltd.;

THENCE Southerly along the West line of lands of said Company two (2) rods to the North line of lands of Fred T. Cleveland;

THENCE Westerly along Clevelands North line eighteen (18) rods to the place of beginning.

BEING AND INTENDED TO BE Lot 1 of those lands as conveyed from Gladys Boylan to Cecil P. Huntley and Elenora Marie Huntley as Joint Tenants by Deed dated the 25th day of January, A.D., 1966 and recorded at the Registry of Deeds, Kentville, in the County of Kings, Province of Nova Scotia in Book 246, at Page 316 on the 8th day of March, A.D., 1966.

DRAFT

Town of Berwick

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.





INTRODUCTION

1 Introduction

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.



COMMUNITY CONTEXT AND VISION



2 Community Context and Vision

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 Provincial Housing Needs Assessment for Berwick provides additional analysis to inform 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, the Nova Scotia Department of Economics and Statistics estimates Berwick's population as of July 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.

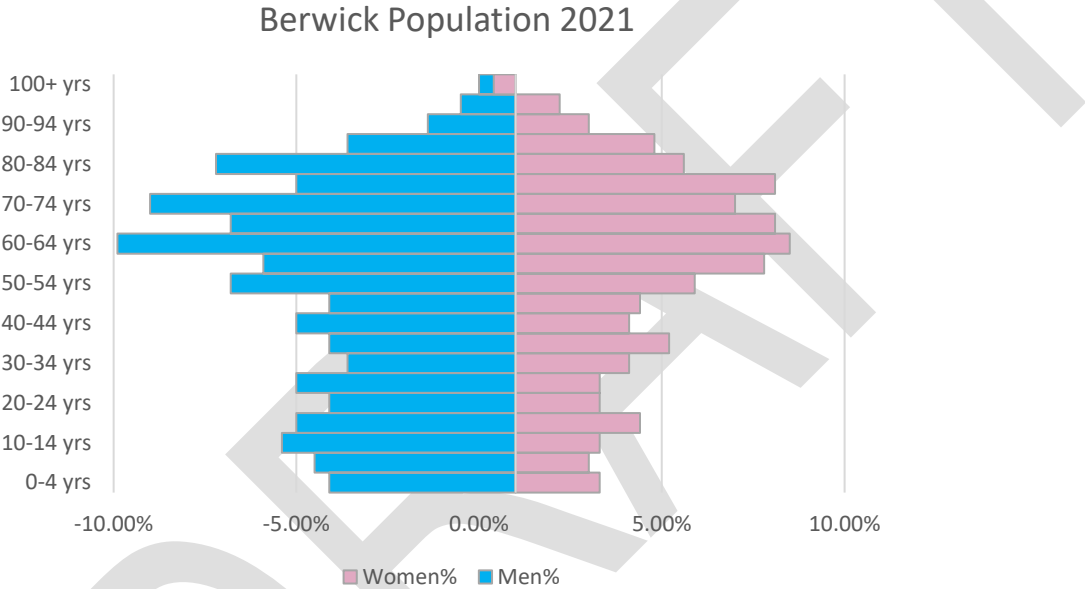


Figure 1. Population Pyramid of Berwick (Statistics Canada Census of Population 2021)

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.

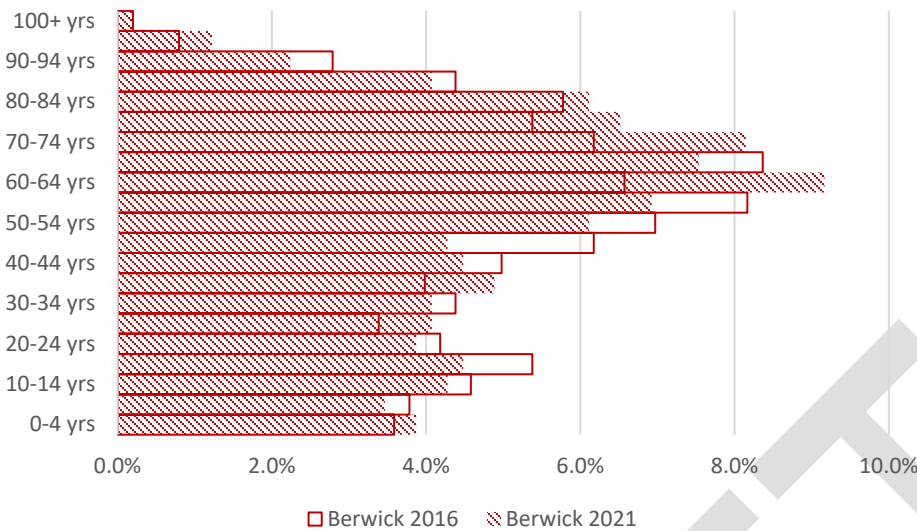


Figure 2. Population Comparison for Between 2016 and 2021(Statistics Canada Census of Population 2016 & 2021)

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.

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.

The Provincial Housing Needs Assessment completed in 2023 assumed a 7% increase in population between 2022 to 2027 (2,670) and an 8% increase from 2027 to 2032 (2,890).

2.2 Housing Needs Assessment

The Provincial Housing Needs Assessment was completed for the Town of Berwick in late 2023. 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.

The Province's report indicated a need for an additional 170 housing units over the period of 2022-2032. Given the Province's goal of doubling the provincial population by 2060, there may be opportunities for growth beyond the report's projections.

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 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.

2.5.1 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. In 2023, there were 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]

2.5.2 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. Provincial flood mapping will provide better information which can be integrated into the Town's planning documents.

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

2.5.3 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]

2.5.4 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]

2.5.5 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]

2.6 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.

2.6.1 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.

2.6.2 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.

2.6.3 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 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.

2.6.4 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.

2.6.5 Other Uses

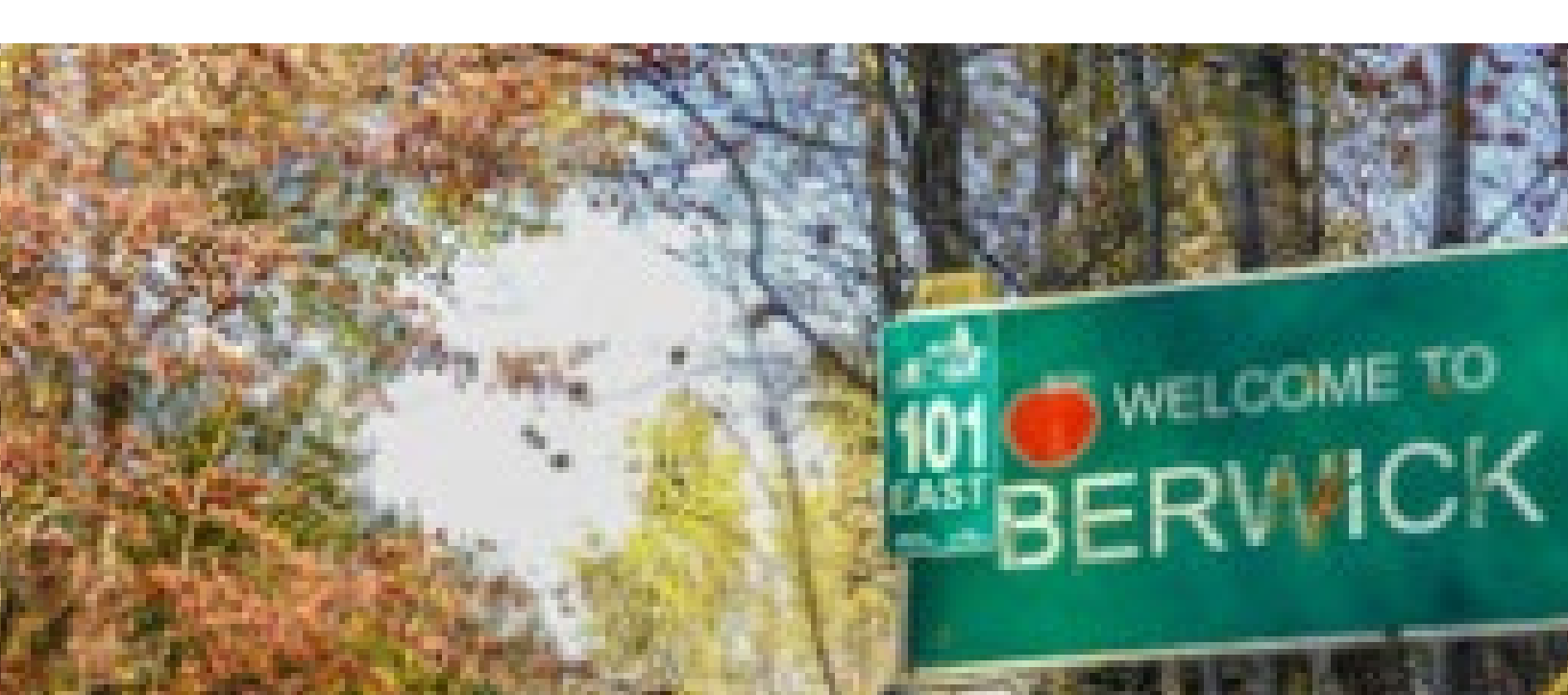
Berwick's residences and businesses are supported by several other uses including agricultural, open space, and institutional. Council intends to permit existing agricultural, open space, and institutional uses within all land use designations, as well as new open space and institutional uses.

2.6.6 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.

2.6.7 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.



ENVIRONMENTAL DESIGN POLICIES



3 Environmental Design Policies

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.

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 and accepting our responsibility toward future generations.

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 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 also 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.

3.1.1 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.

3.1.2 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.

3.1.3 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. Flood areas identified in the 2012 Municipal Planning Strategy will continue to be

observed until updated with new Provincial flood mapping. 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 as data becomes available.

3.1.4 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 Provincial Electricity Act requires 80 percent of Nova Scotia's electricity to come from renewable sources—such as hydro, solar, wind, and tidal—by the year 2030. 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 industrial and agricultural zones.

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.

3.1.5 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.

Policy 3-8 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, support development by reducing parking requirements.

3.1.6 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. Council wishes to ensure options are available for all incomes and stages of life. The Provincial Housing Needs Assessment and/or subsequent studies will help support the development of future housing policies for the Town.

- Policy 3-9** 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 3-10** 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 3-11** It shall be the intention of Council, following additional study, to amend the Land Use Bylaw and/or adopt administrative policies or bylaws as necessary to implement inclusionary zoning.

3.1.7 Streets

Berwick's street network includes all Town owned and maintained streets and bridges, private roads, and associated sidewalk and crosswalk infrastructure. The town relies on its street network and associated transportation infrastructure to support high rates of through and local traffic on a daily basis. To manage these transportation demands, Council has established policies to help ensure the street network will continue to meet the community's service needs, and that comprehensive planning for the expansion of the street network will be completed to maximize the efficiency and benefits of the infrastructure.

- Policy 3-11** It shall be the intention of Council to update and maintain Map # - Street Classification, as defined in the Municipal Services Specification Manual of the Town of Berwick, to identify the function and level of service required for all town streets.
- Policy 3-11** It shall be the intention of Council to update and maintain Map # - Street Classification to identify planned future collector and arterial streets. Further, Council shall require that all future street extensions are constructed in a manner that is consistent with the Map 4 - Street Classification, the Subdivision By-Law and the Municipal Specifications.
- Policy 3-11** It shall be the intention of Council to maintain and upgrade sidewalks and pedestrian walkways within the town, as

necessary, to provide for safe and convenient pedestrian movement.

- Policy 3-11** It shall be the intention of Council to require developers to construct new sidewalks and walkways, as set out in the Subdivision By-law and Municipal Specifications, in order to provide pedestrians with continuous, integrated sidewalks and walkways for access to public facilities, shopping areas and residential neighbourhoods throughout the town.
- Policy 3-11** It shall be the intention of Council to require all new streets and extensions to existing streets to be constructed to standards referred to in the Town's Subdivision By-law and Municipal Specifications.
- Policy 3-11** It shall be the intention of Council to require developers to construct streets within new subdivisions in accordance with the street connectivity standards referred to in the Subdivision By-law, to promote convenient, efficient and safe traffic patterns.
- Policy 3-11** It shall be the intention of Council to prohibit the development of new cul-de-sacs and deadends, except where geographical or environmental constraints require them, to improve traffic flow and walkability.
- Policy 3-11** It shall be the intention of Council to limit the size of future residential street blocks, in accordance with the Subdivision By-law and Municipal Specifications, to promote efficient development patterns and a walkable, permeating transportation network.
- Policy 3-11** It shall be the intention of Council to encourage right-of-ways to be reserved for arterial and collector streets, in accordance with Map # – Street Classification, when land is being subdivided within the town pursuant to Section 271 of the Municipal Government Act. The location shall be determined by the Town Engineer, in consultation with the Planning Department, at the time of subdivision.

Policy 3-11 It shall be the intention of Council to improve the street connectivity of the existing street network, where possible, as part of future capital projects involving major road works, in accordance with Map # – Street Classification.

Policy 3-11 It shall be the intention of Council to develop a Future Streets Master Plan, which identifies the location of future collector and arterial roads in underserved areas of Berwick, to ensure the Town’s street network and transportation system is developed in an efficient and well-planned manner.

3.1.8 Parking and Loading

Council recognizes the vital role that efficient and fair parking plays in fostering community development. A well-designed parking policy is crucial for ensuring accessibility, bolstering economic vitality, and creating a sustainable and livable environment. We are committed to striking a balance that meets the diverse needs of residents, businesses, and visitors while simultaneously fostering vibrant, pedestrian-friendly urban spaces. Our town is dedicated to promoting alternative transportation, reducing congestion, and lessening the environmental impact of excessive vehicular traffic.

Policy 3-11 It shall be the intention of Council to establish minimum off-street automobile parking requirements for all development permitted as-of-right, in accordance with the Land Use By-law.

Policy 3-11 It shall be the intention of Council to ensure that all developments permitted by site plan approval and development agreement include provisions for adequate automobile parking to serve the development.

Policy 3-11 It shall be the intention of Council to establish reduced off-street minimum parking requirements for residential development in the Commercial General (C1) Zone, of 0.5 parking spaces per residential unit, in accordance with the Land Use Bylaw.

3.1.9 Active Transportation

Berwick's street network forms the backbone of a transportation system, supporting both automobile use as well as active transportation. Active transportation (AT) refers to all human powered modes of transportation, including walking, cycling, skate boarding, rollerblading, skiing, and more. Active modes of transportation provide people with improved mobility, and help strengthen the overall livability of a community due to the wealth of environmental, health, social, and economic benefits that they provide. Council has established policies to ensure that active transportation is integrated with new development and that efforts to maximize the use of AT infrastructure are supported.

Policy 3-11 It shall be the intention of Council to encourage the development of sidewalks and trails for nonmotorized modes of transportation as part of the Town's Active Living Strategy and future Active Transportation Plan.

3.1.10 Public Transit

Policy 3-11 It shall be the intention of Council to work with and support public transit suppliers to enhance transit service through the expansion of routes and increased frequency of service as well as addition of bus shelters and other supporting infrastructure that will encourage transit ridership.

3.2 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 3-12 It shall be the intention of Council, through the creation of an Asset Management Plan, to periodically reassess growth within the Town.

3.2.1 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 3-13 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 3-14 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 3-15 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 3-16 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.

3.2.2 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.

3.2.3 Environmental Designation

Policy 3-17 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.

Policy 3-18 It shall be the intention of Council to enable the following zones within the Environmental Designation:

- a) Parks and Open Space (OS-1)
- b) Conservation (OS-2)

3.2.4 Recreation and Open Space Policies

Policy 3-19 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 3-20 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 3-21 It shall be the intention of Council, through the Town's Recreation Strategy, to identify, develop and maintain recreation and open space facilities which address the needs of all segments of the community.

Policy 3-22 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 creation of residential subdivisions containing two (2) or more lots.

Policy 3-23 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.

3.2.5 Conservation Policies

Policy 3-24 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 3-25 It shall be the intention of Council to identify known environmentally sensitive areas, including but not limited to, steep slopes, flood areas, and watercourses, where development activity will be restricted or prohibited and to apply the Conservation (OS2) Zone to all lands so identified.

Policy 3-26 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 3-27 It shall be the intention of Council, except for a limited number of institutional uses as described in the Land Use By-law, 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 within the Environmental Designation

Policy 3-28 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 3-26, which shall not require an amendment to this Plan.

A photograph of a light-colored wooden house model with a gabled roof and four arched window cutouts. A large, bright red heart-shaped cutout is attached to the side of the house. The house is placed on a wooden surface against a blurred green background.

DEVELOPMENT DESIGNATIONS

4 Development Designations

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) Residential Comprehensive Development District (RCDD)
- e) Institutional (I1)
- f) Parks and Open Space (OS1)
- g) Agriculture (A1)

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 unserviced lands under the Future Residential Designation on the Generalized Future Land Use Map.

Policy 4-6 It shall be the intention of Council to consider only by development agreement in the Residential Designation, residential proposals for uses that are not otherwise permitted or cannot meet the standards of the applicable residential zone. In evaluating such development agreements, Council shall be satisfied that:

- a) the proposal is consistent with the existing character of the neighbourhood including prevailing building types, lot size and frontage, setback patterns, and parking locations;

b) the condition(s) that prevents the proposal from being permitted as-of-right in the zone is addressed by the development agreement including but not limited to enhanced buffering and the positioning and design of buildings and structures; and

c) the proposal meets the general development agreement criteria set out in Section 5.5 Amending the Land Use By-law and Adopting Development Agreements.

Policy 4-7 It shall be the intention of Council to include specific criteria for lots serviced either by central sewer or by an on-site system in the Land Use By-law.

Policy 4-7 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 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.

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 Low Density (R2) located on the south side of Orchard Street between Commercial Street and the Western Kings Memorial Health Centre.

Policy 4-8 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:

d) Expansion of a non-conforming use

e) Grouped Dwellings – 4 or Fewer Dwelling Units on a Lot

f) Fourplex Dwelling – 4 or Fewer Dwelling Units on a Lot

g) Townhouse Dwelling – 4 or Fewer Dwelling Units on a Lot

Policy 4-9 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 land-lease communities within the Residential Low Density (R2) Zone;

Policy 4-10 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, low and medium density residential uses (up to six (6) dwelling units), as outlined in the Land Use Bylaw.

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

Policy 4-11 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 4-12 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 4-13 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 5-22 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 4-14 It shall be the intention of Council to consider the following uses by Site Plan Approval in the Residential Multi-unit (R4) Zone, as outlined in the Land Use Bylaw.

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

Policy 4-15 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 4-16 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 Residential Multi-unit (R4) Zone only by Development Agreement.

In addition to the criteria contained in Policy 5-22, 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 4-17 It shall be the intention of Council that when considering proposals for uses pursuant to Policy 4-15, and in addition to criteria contained in Policy 5-22, 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 4-18 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 5-22, Council shall require that the lot meet the minimum lot frontage and area requirements for the Residential Medium Density (R3) Zone.

4.1.1.1 Residential Comprehensive Developments

The **Residential Comprehensive Development District (RCDD) Zone** is intended for integrated and comprehensive planning of new large-scale neighbourhoods by development agreement. This zone is appropriate for locations that are environmentally sensitive or prominently located within an established community, or where an innovative development form is desirable.

The Residential Comprehensive Development District (RCDD) Zone provides an opportunity for alternative lot standards and development forms, as well as innovation in open space and community amenities, such as pedestrian pathways and bike lanes, or energy-efficient technologies such as district heating.

Policy 4-19 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.

Policy 4-20 It shall be the intention of Council to zone as Residential Comprehensive Development District (RCDD) lands that are intended to enable the development of large-scale and comprehensively-planned districts. This zone may be applied to areas that:

- a) are a minimum of five (5) acres in size;
- b) would benefit from a public planning process, such as lands that are prominently located within an established community; and
- c) need to be well integrated with surrounding lands to meet the goals of this Strategy, including, but not limited to, areas that require the construction of important transportation infrastructure, that require complex sewer or water infrastructure, that contain or abut environmentally sensitive features, or where an innovative development form is desired.

Policy 4-21 It shall be the intention of Council to consider only by development agreement proposals for comprehensive planned developments within the Residential Comprehensive Development District (RCDD) Zone. In evaluating such development agreements, Council shall be satisfied that the proposal:

- a. consists of land uses that are consistent with the intent of the Residential Designation, including but not limited to residential uses, community facilities, recreational facilities and commercial uses intended to serve the development;
- b. provides a mix of housing options rather than only one building type;
- c. has an overall minimum density of four (4) units/acre for developments provided the environment can sustainably support the proposed density;

- d. has a neutral or positive long-term impact on Town finances, as shown by a fiscal impact analysis, or the community or environmental benefits outweigh the costs;
- e. includes appropriate phasing to ensure orderly development that minimizes the creation of vacant parcels of land between the existing developed lands and the proposed site;
- f. results in public infrastructure that is efficient to service and maintain;
- g. encourages active transportation by providing sufficient sidewalks, pathways and/or trails consistent with the transportation infrastructure policies contained in section 3.4, Infrastructure;
- h. minimizes environmental impact by protecting sensitive natural features and incorporating low-impact approaches for managing storm water;
- i. completing 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;
- j. provides a minimum 100-foot-wide vegetated buffer within Residential Comprehensive Development District (RCDD) Zones adjacent to the Agricultural (A1) Zone. This buffer area must be entirely contained within the development and may be used for park, recreation and service utility purposes, but must not contain buildings for any other use. The width of the buffer area may be reduced where natural or built features, including but not limited to a ravine, watercourse or road create a buffer with the Agricultural (A1) Zone;
- k. notwithstanding the minimum requirements set out in the Subdivision By-law, provides a minimum of ten (10) per cent open space contribution;
- l. utilizes, alternative road, lot, servicing and other infrastructure standards where appropriate;
- m. provides sufficient vehicle and pedestrian transportation linkages with any adjacent municipality or property through the dedication of land intended for use as a road reserve;

- n. complements existing and planned development within an adjacent municipality in location, design, and any linkages between Town and municipal infrastructure; and
- o. meets the general development agreement criteria set out in section 5.22 Development Agreements and Amending the Land Use By-law;

4.1.1.2 Home Occupations

Policy 4-22 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.

4.1.1.3 Land-Lease Communities

Policy 4-23 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 land-lease communities located within the Residential Designation as of the effective date of this Plan. The establishment of new land-lease communities and/or the expansion of existing land-lease communities shall be considered only by Development Agreement and in addition to criteria contained in Policy 5-22, 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 4-24 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 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 land-lease communities within the Residential Low Density R2 Zone;

Policy 4-25 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;

4.1.1.4 Rezoning within the Residential Designation

Policy 4-26 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.

4.1.2 Residential Care Facilities

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 4-27 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.

4.1.3 Future Residential Designation

Outside of the serviced residential and commercial areas of Berwick, there are areas that retain a more rural character. Some of these 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.

The Canada Land Inventory (CLI) was developed as a means of mapping and classifying lands based on their physical capabilities and limitations. This information was then used to guide decisions related to land use, zoning, and resource management. Some of these unserviced lands are classified under the CLI as 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 4-28 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 4-29 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)
- b) Recreation and Open Space (OS1)
- c) Conservation (OS2)
- d) Institutional (I1)
- e) Agriculture (A1)

4.1.3.1 Rezoning within the Future Residential Designation

Policy 4-30 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 4-29, based on the following criteria:

- 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 4-31** 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 4-32** 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 4-33** 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.

4.2.2 Commercial Designation

- Policy 4-34** 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 4-35** It shall be the intention of Council to designate as Commercial the traditional downtown core including lands fronting on Commercial Street generally between the Cornwallis River and Orchard Street, 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 4-36 It shall be the intention of Council to, through the Land Use Bylaw, permit the following zones as-of-right within the Commercial Designation:

- a) Commercial General (C1) Zone
- b) Commercial/Industrial Enterprise (C2) Zone
- c) Gateway Mixed Use (GMU1) Zone
- d) Open Space (OS1) Zone
- e) Conservation (OS2) Zone
- f) Institutional (I1) Zone

Policy 4-37 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 4-38 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 4-39 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 4-40 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 4-41 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 4-42 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 4-43 It shall be the intention of Council to encourage, promote and consider mixed use commercial/residential development with reduced parking requirements on those properties zoned Commercial General (C1) from Main Street to Orchard Street which abut Commercial Street by Development Agreement. In addition to criteria contained in Policy 5-22, 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 reduced 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 4-44 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 5-22, Council shall consider the following:

- a) The minimum number of dwelling units to be ten (10);
- b) The provision of reduced on-site parking;
- c) 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 4-45 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 5-22, 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.

4.2.3 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 5-22, 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.

4.2.4 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 4-34. 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 2.6.5.1 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 Bylaw 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 2.6.5.2 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 5-22.



IMPLEMENTATION AND REVIEW



5 Implementation and Review

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 Town's *Municipal Specifications* 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.

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 5-22 and is generally consistent with the intent of this Strategy and specific policies and provisions of this Strategy. Amendments to the Land Use By-law shall be considered in accordance with all enabling provisions of Municipal Government Act.

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 except where specified in this Strategy.

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 5-22.

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 until discharged by Council.

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 5-22.

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 5-22. 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;
- x) time limits for the initiation and/or completion of development;
- y) bonding; and
- z) other conditions as enabled by the Act, as amended from time to time.

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 5-22 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.

5.4 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 5-20 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 5-21 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 5-22 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; and
 - 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.

Policy 5-23 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;
- n) a noise study; and
- o) other studies as required.

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

Policy 5-24 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.

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 5-25 It shall be the policy of Council to consider an amendment to this Municipal Planning Strategy when:

- a) any policy intent is to be changed;
- b) an amendment of the Land Use By-law or Subdivision By-law would conflict with any portion of the Municipal Planning Strategy; or
- c) when this Municipal Planning Strategy is inconsistent with any Statements of Provincial Interest.

Policy 5-26 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 5-27 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.

Planning decisions made in the town may also affect neighbouring municipalities and communities, so it is important for the Town to continue to support a cooperative approach for land use decisions that may have broader impacts.

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.

Policy 5-28 It shall be the policy of Council to adopt a 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 approvals.

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. These are "nonconforming uses," and they are 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. They are called "non-conforming structures."

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

Policy 5-29 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 the following criteria:

- a) the proposal is not prohibited under any other policies of this Plan;
- b) the use will not adversely affect adjacent land uses;
- c) adequate buffering, setback or separation distances are maintained to reduce visual and other impacts on surrounding uses;
- d) the expanded use is not obnoxious by virtue of noise, odour, dust, vibration, smoke or other emission;
- e) adequate provision is made for the acceptable maintenance and appearance of the expansion; and
- f) the proposal meets the general evaluation criteria for development agreements in Policy 5-22.

Policy 5-30 It shall be the policy of Council, through the Land Use By-law, to establish regulations for non-conforming structures.

6 Schedules

6.1 Generalized Future Land Use Map

GENERAL FUTURE LAND USE MAP

MUNICIPAL PLANNING STRATEGY

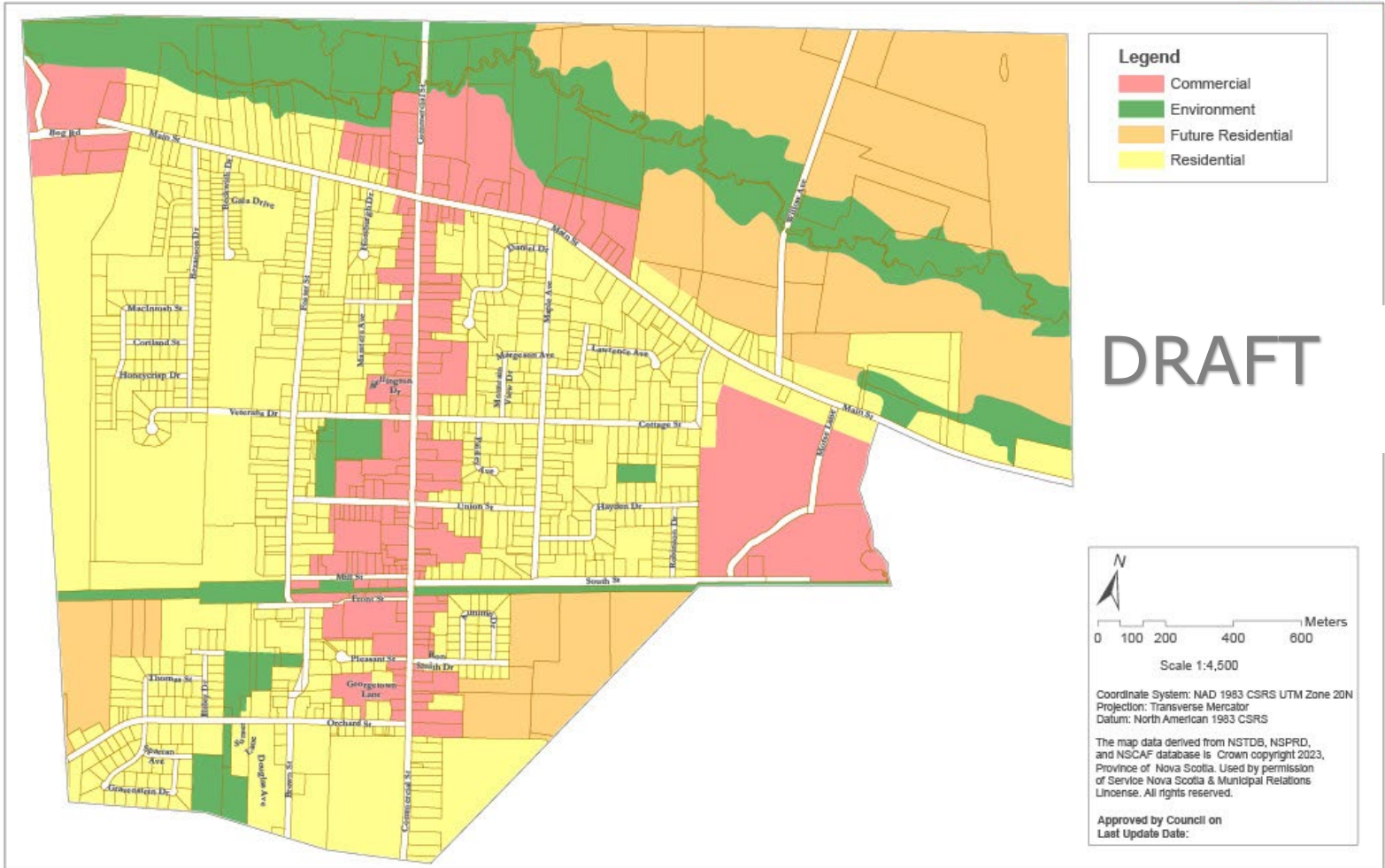


Figure 1

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.

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	<p>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.</p>
Floodplain Mapping	<p>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.</p>

Initiative	Purpose
Parks and Open Space Plan	
Housing Incentives Review	
Heritage and Culture Review	
Economic Development Strategic Action Plan	

DRAFT



Land Use By-law



Contents

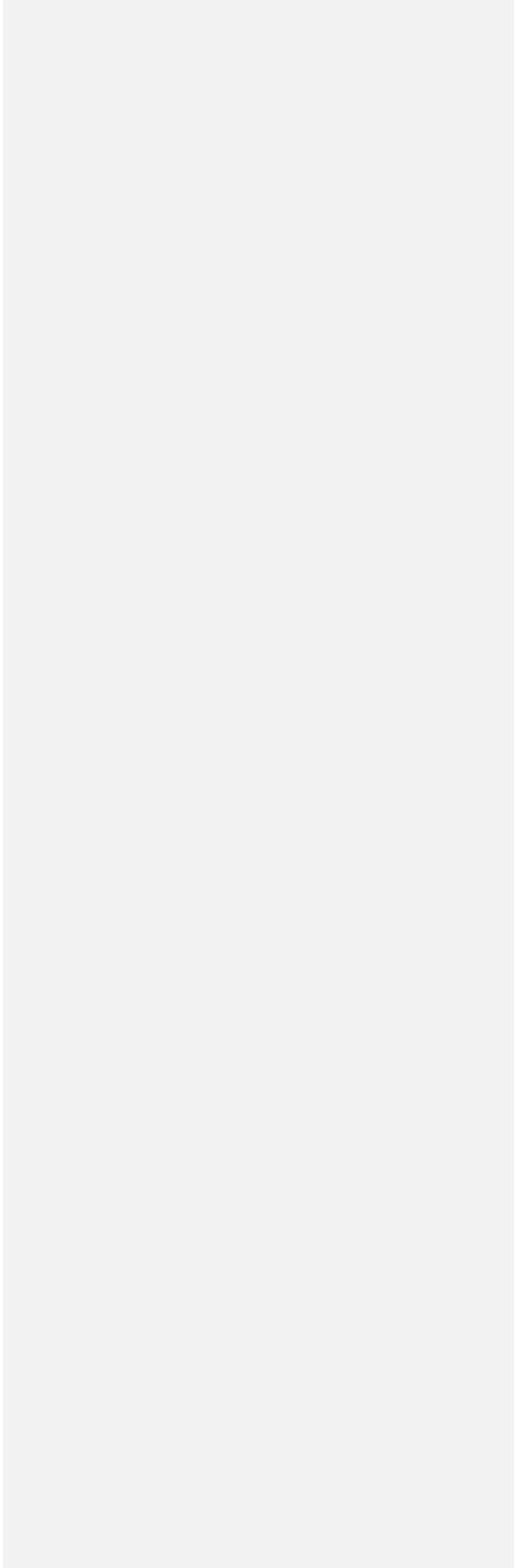
1	Title and Purpose	1
1.1	Title	1
1.2	Purpose	1
2	Administration	1
2.1	Development Officer	1
2.2	Right of Entry	1
2.3	Enforcement and Penalty	1
2.4	Compliance with Other Legislation	2
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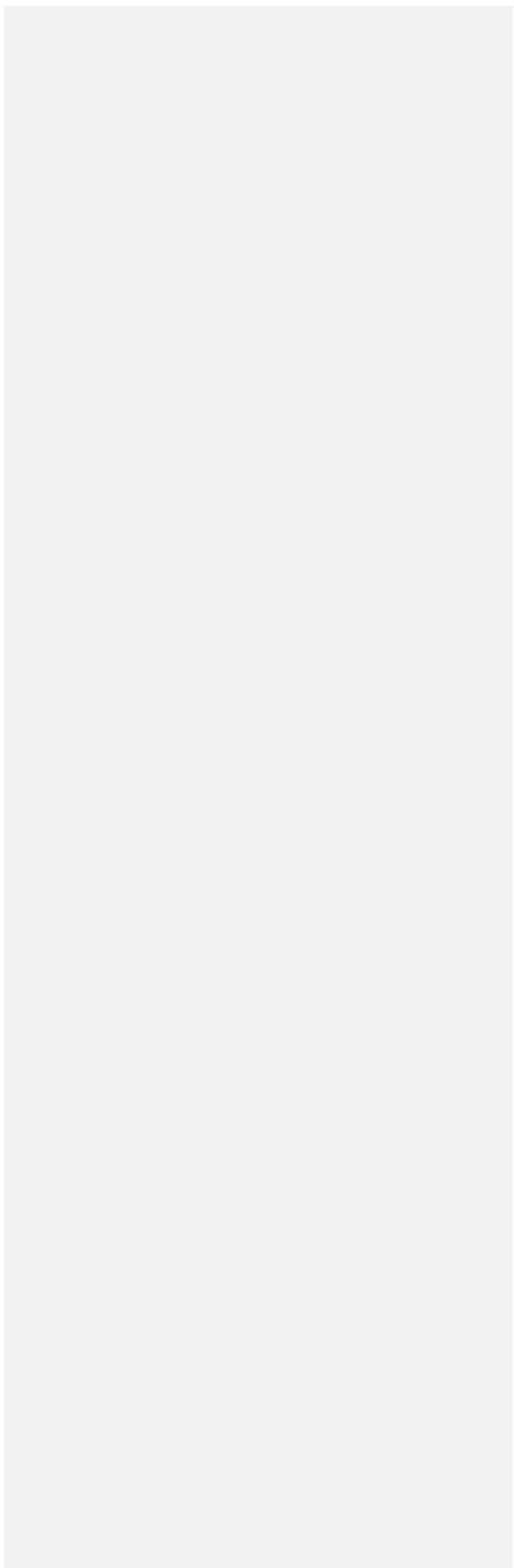
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Amendments

Effective Date	Amendments

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1 Title and Purpose

1.1 Title

This By-law shall be known and may be cited as the "Land Use By-Law" of the Town of Berwick.

1.2 Purpose

The purpose of this By-law is to implement the land use and development control provisions of policies contained in the Town's Municipal Planning Strategy as enabled through the Municipal Government Act ("Act")

2 Administration

2.1 Development Officer

Council shall appoint one (1) or more Development Officer(s) for the Town.

This By-law shall be administered by the Development Officer, who shall be responsible for the issuing of Development Permits.

In the absence or incapacity of the Development Officer, the Acting Development Officer appointed by Council shall act in the Development Officer's stead.

2.2 Right of Entry

The Development Officer is authorized to enter, at all reasonable times, into or upon any property within the Town for the purpose of any inspections necessary to administer this Bylaw in accordance with the Act, as amended from time to time.

2.3 Enforcement and Penalty

In the event of any contravention of this Bylaw, the Town may act as provided in the Act.

2.4 Compliance with Other Legislation

2.4.1 Nothing in the By-law shall exempt any person from complying with the requirements of another Town bylaw, or from obtaining any license, permission, permit, authority, or approval required by any other bylaw of the Town or statute or regulation for the Province of Nova Scotia or the Government of Canada. Where provisions in this Bylaw conflict with those of any other bylaw of the Town or regulation of the Province of Nova Scotia or the Government of Canada, the higher or more stringent provision shall prevail.

2.5 Restoration to a Safe Condition

2.5.1 Nothing in this Bylaw shall prevent the restoration of any building or structure to a safe condition, as determined by the Building Official.

2.6 Effective Date

2.6.1 This Bylaw shall come into force and take effect upon the date a notice is published as required by the Act.

2.7 Existing Structures and Uses

2.7.1 A structure or use of land shall be deemed to be existing on the effective date of this Bylaw if:

It has been lawfully constructed;

(a) It has been lawfully commenced;

(b) It is lawfully under construction: or

(c) All required permits for its construction or uses were in force and effect, except that this shall not apply unless the construction or use is commenced within 12 months after the date of the latest issuance of the required permits.

2.8 Repeal of By-law

2.8.1 As of the effective date of this Land Use Bylaw, the Land Use Bylaw for the Town of Berwick, passed and adopted October 9, 2012, as amended, is repealed.

2.9 Development Permits

- 2.9.1 No person shall use any land or erect, alter or use any building or structure or otherwise undertake any development unless a Development Permit has been issued unless an exemption is clearly stated elsewhere in this By-law.
- 2.9.2 No Development Permit shall be issued unless all the provisions of this By-law or terms of a variance, site plan approval, or development agreement relating to a proposed development are satisfied.
- 2.9.3 No Development Permit shall be issued by the Development Officer unless the proposed development is in conformance with:
- (a) The requirements of the Land Use By-law; or
 - (b) A development agreement that has been executed pursuant to Section 230 of the Act; or
 - (c) A variance from the terms of the By-law has been granted by the Development Officer, pursuant to Section 235 of the Act, and the time for appeal has elapsed or the appeal has been disposed or, pursuant to Section 237 of the Act.
 - (d) A site plan approval that has been executed pursuant to Section 233 of the Act.
- 2.9.4 A Development Permit shall be valid for a period of twelve (12) months from the date of issuance.
- 2.9.5 A Development Permit may be renewed for an additional twelve (12) months provided that the Permit has not been previously renewed, and the Development Officer is satisfied that the Permit is consistent with the existing Land Use By-law and any proposed amendments.
- 2.9.6 No deviation shall be made from the description of the proposed development without approval from the Development Officer.
- 2.9.7 The Development Officer may revoke any development permit issued under this Land Use By-law or any previous Land Use By-law where:
- (a) The requirements of the permit are not met; or
 - (b) The issuance of the permit was based on incorrect information; or
 - (c) The permit was issued in error.

2.10 Application for Development Permit and Development Agreement

2.10.1 All applications for development permits and/or entering into a Development Agreement shall be made using the form prescribed by the Town and shall be signed by the owner of the property or by the owner's agent.

2.10.2 Every application for a Development Permit shall be accompanied by plans, drawn to an appropriate scale and showing:

- (a) The true shape and dimensions of the lot to be used, and upon which it is proposed to erect any building or structure;
- (b) The proposed location, height, and dimensions of the building, structure, or work with respect for which the permit is applied;
- (c) The location of every building or structure already erected on or partly on such lot, and the location of every building upon abutting lots;
- (d) The location of all adjacent streets and rights-of-way, existing or proposed driveways and lot access and the proposed location and dimensions of parking spaces, loading spaces, and internal vehicle circulation;
- (e) Natural features such as wetlands, watercourses, vegetation and slopes;
- (f) Other such information as may be necessary to determine whether every such building, development, reconstruction, or redevelopment conforms with the requirements of this By-law; and
- (g) The Development Officer may waive the requirement to supply the above noted information if they deem it is not pertinent to the application.

2.10.3 Where the Development Officer is unable to determine whether the proposed development conforms to this By-law, the Municipal Planning Strategy or other by-laws and regulations in force which affect the proposed development they may require that the plans submitted under Part 2.3.2 be based upon a survey by a Nova Scotia Land Surveyor.

2.11 Uses Considered by Development Agreement

The Municipal Planning Strategy provides that the following uses shall be considered, approved, and regulated by Development Agreement:

- (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) and/or Residential Medium Density (R3) Zones respectively;

- (b) Expansion or alteration of existing commercial and/or industrial uses within the Residential Low Density (R2) Zone;
- (c) Expansion or alteration of existing land-lease communities within the Residential Low Density (R2) Zone;
- (d) New multiple-unit residential dwellings containing ten (10) or more units in the in the Residential Multi-unit (R4) zone;
- (e) Grouped dwellings with more than ten (10) units in the Residential Multi-unit (R4) zone;
- (f) Comprehensively planned residential development within the Residential Comprehensive Development District (RCDD) Zone;
- (g) Expansion of existing multiple-unit dwelling containing seven (7) or more units in the Residential Designation;
- (h) Mixed-use commercial/residential development on lands zoned Commercial General (C1);
- (i) Multiple-unit residential development containing seven (7) or more units within the Commercial General (C1) Zone;
- (j) All development other than Single Unit Residential uses located in the Gateway Mixed Use (GMU1) Zone;
- (k) Redevelopment or reuse of lands zoned Institutional (I1) for non-institutional purposes.

2.12 Site Plan Approval

2.12.1 Some zones in this Land Use By-law permit certain uses only by site plan approval. Unless specifically addressed in a different manner by the applicable criteria of Part 12, all other applicable criteria of this Land Use By-law shall still apply to any development proposed and undertaken through site plan approval.

2.12.2 For greater clarity, the provisions of Part 12 shall only apply to uses permitted by site plan approval.

Application Requirements

2.12.3 In addition to the requirements of Section 2.10, Application Requirements, applications for site plan approval shall meet the following requirements:

- (a) The plan shall be fully and accurately dimensioned and shall be made under the stamp of a qualified professional.
- (b) The application shall be accompanied by a written rationale and any necessary supporting illustrations addressing each of the applicable criteria as outlined in Part 12 of the By-law.
- (c) The application shall be accompanied by a fee, of the amount prescribed by Council.

Site Plan Approval Review

2.12.4 The Development Officer shall review applications for uses permitted by site plan approval, and amendments to existing site plan approvals, against all applicable criteria of this Land Use By-law with the applicable criteria in Part 12 of this Bylaw.

Notification

2.12.5 Where the Development Officer has granted a site plan approval, notification of the approval shall be served upon all assessed property owners within 100 meters of the property subject to the site plan approval. Notification of a site plan approval shall:

- (a) Describe the site plan approval;
- (b) Identify the property(s) subject to the site plan approval; and
- (c) Set out the right to appeal the decision of the Development Officer to Council.

Appeal of Site Plan

2.12.6 Appeals of the Development Officer's decision regarding a site plan approval shall be made to Council, as provided for by in the Act.

2.13 Uses Considered by Site Plan Approval

The Municipal Planning Strategy provides that the following uses shall be considered, approved, and regulated by Site Plan Approval:

- (a) Expansion of a non-conforming use;
- (b) Grouped dwellings with four (4) or fewer units located on a single lot in the Residential Low Density (R2) zone;
- (c) Fourplex Dwelling – 4 or Fewer Dwelling Units on a Lot in the Residential Low Density (R2) zone;
- (d) Townhouse Dwelling – 4 or Fewer Dwelling Units on a Lot in the Residential Low Density (R2) zone;
- (e) Grouped dwellings with nine (9) or fewer units located on a single lot in the Residential Medium Density (R3) zone;
- (f) Multiple unit dwellings from seven (7) to nine (9) units in the Residential Multi-unit (R4) zone;

2.14 Certain Words

In this By-law, words used in the present tense include the future; words in the singular number include the plural; words in the plural include the singular number; the word "used" includes "arranged", "designed" or "intended to be used", and the word "shall" is mandatory and not permissive.

2.15 Registry of Deeds

Where Council has entered into a Development Agreement, a copy of the agreement shall be registered by the clerk in the Office of the Registrar of Deeds for the County of Kings and thereupon the obligations thereof shall be binding upon the owner and any subsequent owner until discharged by the Town.

2.16 Amendment of the By-law

- 2.16.1 Any person who wishes to obtain an amendment, revision, or repeal of this By-law shall apply the form prescribed by the Town.
- 2.16.2 The applicant shall deposit with the Town an amount estimated to be sufficient to pay the cost of advertising required by the Act.
- 2.16.3 The applicant shall pay all fees as per the Municipal Planning Strategy.
- 2.16.4 After the notice of advertising required by the Act has been completed, the applicant shall pay to the Town any additional amount necessary to defray the cost of advertising or if there is a surplus the Town shall refund the same to the applicant

3 Zones and Zoning Map

3.1 Zones

For the purpose of this By-law, the Town of Berwick is divided into the following zones, the boundaries of which are shown in the attached schedule. Such zones may be referred to by the appropriate symbols. The provisions of this By-law shall apply to all such zones.

Zone	Symbol
Residential Low Density	R2
Residential Medium Density	R3
Residential Multi Unit	R4
Residential Comprehensive Development District	RCDD
Commercial General	C1
Commercial/Industry Enterprise	C2
Gateway Mixed Use	GMU1
Institutional	I1
Agriculture	A1
Recreation and Open Space	OS1
Conservation	OS2

3.2 Zoning Map

Schedule A, attached hereto, is titled the "Zoning Map" and forms part of this By-law.

3.3 Zoning Boundaries

The extent and boundaries of all zones are shown on Schedule A attached.

3.4 Interpretation of Zone Boundaries

Boundaries between zones, as shown on Schedule A, shall be determined as follows:

- (a) where a zone boundary is indicated as approximately following lot line, the boundary shall follow such lot lines; and
- (b) where a street, highway, railroad or rail right-of-way, electrical transmission line right-of-way, watercourse or other linear feature is included on Schedule A, it shall, unless otherwise indicated, be included in the zone in which it occurs; and
- (c) where a street, highway, railroad or rail right-of-way, electrical transmission line right-of-way, watercourse or other linear feature is included on Schedule A and serves as a boundary between two or more zones, a line midway on such right-of-way, watercourse or other linear feature, and extending in the general direction of the long division thereof, shall be considered the boundary between zones unless specifically indicated otherwise; and
- (d) where the zone boundary is indicated as following the shoreline of a river or bay, the boundary shall follow the actual shoreline, including wharves and piers; and
- (e) where none of the above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached Schedule A.

3.5 Standards of Measurement

The metric system of measurement is used throughout this By-law and in all cases represents the required standard. Any reference to imperial measurements are approximate and for convenience only.

4 General Provisions for all Zones

4.1 Permitted Uses

For the purpose of this By-law, if a use is not listed as a permitted or conditional use in any zone, it shall be deemed to be a prohibited use in that zone and no person shall use any land, or erect, alter, or use any building or structure for any such use.

4.2 Special Conditions

For the purpose of this By-law, if a use is listed subject to any special conditions, it shall be permitted subject to fulfilling any special requirements as defined in this By-law.

4.3 Accessory Buildings

4.3.1 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 Land Use By-law are met;
- (b) be located within the front yard of a lot;
- (c) where an accessory building is built on a corner lot, it shall be located in the rear yard or in the side yard which is not adjacent to the flanking street;
- (d) be built closer to a street on which the main building fronts than the main building is to that street;
- (e) be built closer than .6 meters (2 ft.) to a lot line except that common semi-detached garages may be centered on the mutual side lot line;
- (f) exceed 6.1 meters (20 ft.) in height, except for accessory buildings in the Commercial/Industrial Enterprise (C2) Zone which shall be a maximum height of 10 meters (32.8 ft.);
- (g) be built within 2 meters (6.5 ft.) of the main building

- 4.3.2 The maximum number of accessory structures which shall be permitted in any Residential Zone shall not exceed three (3).
- 4.3.3 The maximum building coverage on a lot in any residential zone, inclusive of the main building and all accessory buildings shall not exceed 40%.
- 4.3.4 Notwithstanding anything else in this By-law, drop awnings, clothesline poles, flag poles, garden trellises, gazebos, fences, and retaining walls shall be exempted from any requirements under Part 4.3.1.
- 4.3.5 Notwithstanding anything else in this By-law, Commercial Transportation Containers, "TEU"/"Twenty-foot Equivalent Units", shall not be considered as accessory structures and shall not be permitted to be located or used in any zone other than the Commercial/Industrial Enterprise (C2) Zone.
- 4.3.6 Where this By-law provides that any land may be used, a building or a structure may be erected or used for a purpose that includes any use accessory to that purpose.

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4.4 Accessory Dwelling Unit – Detached Suite

Notwithstanding anything else in this 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 all Residential zones subject to the following requirements:

Accessory Dwelling Unit – Detached Suite	
Maximum Number of Bedrooms	1
Minimum Lot Area	929 m ² (10,000 ft ²)
Yard Setbacks	Side Yards: 3.65 metres (12 ft.) Rear Yard: 3.05 metres (10 ft.) Accessory Dwelling Unit – Detached Suites must not be closer to the front lot line than the main building.
Maximum accessory dwelling unit floor area	Up to 60% of the gross floor area of the main building up to 75 m ² (807.3 ft ²)
Maximum building height	Equal to the height of the main building up to 10.66 metres (35 ft.)
Minimum setback from other buildings	2 metres from non-habitable structures on the same lot 3 metres from all other structures
Design Parameters	
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

4.5 Building to be Erected on a Lot

No person shall erect or use any building unless such building is erected upon a single lot.

4.6 Building to be Moved

No person shall move any building, residential or otherwise, within or into the area covered by this By-law without obtaining a development permit from the Development Officer.

4.7 Calculation of Lot Frontage for Corner Lots or Irregular Shaped Lots

The following means shall be used for the purposes of determining the lot frontage of corner lots or irregularly shaped lots:

- (a) In the case of a corner lot with a corner vision triangle the exterior lot lines (street lines) shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage;
- (b) In the case of other lots, lot frontage shall be deemed to be the horizontal distance between the side lot lines. This distance shall be measured perpendicularly to a line joining the middle of the front lot line with the middle of the rear lot line, at a point along this equal to the minimum applicable front yard.

4.8 Change of Use on an Existing Lot

Notwithstanding anything else in this By-law, the use of a building existing on a lot may be changed to a use permitted on the lot by this By-law where the lot frontage, front yard or area required or any two or all three is less than the requirements and provided that all other requirements in this By-law are satisfied.

4.9 Corner Vision Triangle

On a corner lot a fence, sign, hedge, shrub, bush or tree, or any other structure or vegetation shall not be erected or permitted to grow to a height greater than .6 meters (2 ft.) above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of 6.1 meters (20 ft.) from their point of intersection.

4.10 Electrical Vehicle Charging

4.10.1 Nothing in this By-law shall prevent the installation of a non-commercial electric vehicle charging station where the station is for the exclusive domestic use of a dwelling unit and shall not require a development permit.

4.10.2 Non-commercial electric vehicle charging stations that are not for the exclusive use of a dwelling unit shall be permitted as an accessory use in all zones and shall not require a development permit.

4.10.3 Commercial electric vehicle charging stations shall be permitted, or not, as indicated in each zone's permitted use tables.

4.11 Existing Buildings with Non-Conforming Yards

Where a building has been erected on or before the effective date of this By-law on a lot having less than the minimum frontage or area, and/or having less than the minimum setback or side yard or rear yard required by this By-law the building may be enlarged, reconstructed, repaired, or renovated provided that:

- (a) the enlargement, reconstruction, repair, or renovation does not further reduce the front yard or side yard or rear yard that does not conform to this By-law; and
- (b) all other applicable provisions of this By-law are satisfied.

4.12 Existing Undersized Lots

- 4.12.1 Notwithstanding anything else in this By-law, an undersized lot in existence on the effective date of this By-law, having less than the minimum frontage or area required by this By-law, may be used for a purpose permitted in the Zone in which the lot is located, and a building may be erected on the lot provided that all other applicable provisions such as use, side yards, setbacks, and lot coverage in this By-law are satisfied.
- 4.12.2 Such existing undersized lots may undergo an increase in size and/or frontage and still be considered as an existing undersized lot under this By-law.

4.13 Existing Uses

- 4.13.1 Existing uses which are still in existence and which would not be permitted as new uses in the Zone in which they are located shall be regarded as conforming uses for the purposes of this By-law, provided that they are listed in the zone in which they are located or satisfactory documentation can be provided by the property owner to substantiate the existence of the use before the effective date of this By-law.
- 4.13.2 Existing uses which are still in existence, and which are not included as permitted uses within the zone in which they are located shall be regarded as non-conforming and shall be subject to Parts 238 through 241 of the Act.

4.14 External Staircases

- 4.14.1 External staircases shall not be permitted between the building and any street in any zone unless required as a result of site, life-safety, or structural limitations.

4.15 Farm, Fish, and Forest Sales from a Stand or Parked Motor Vehicle

- 4.15.1 Outdoor sales from a stand or parked motor vehicle of fresh flowers, fruit, and vegetables; products from the sea; and forestry products such as, but not limited to, Christmas trees, wreaths, and maple products is allowed in the Commercial General (C1) Zone, Commercial/Industrial Enterprise (C2) Zone, Gateway Mixed Use (GMU1) Zone, and Rural Use Zone without the requirement for a development permit, subject to the Vending By-law.
- 4.15.2 Stands shall not exceed a footprint of 10 square metres (107 square feet).
- 4.15.3 Outdoor sales from a stand or parked motor vehicle shall not be located within the street right-of-way.

4.16 Fences

4.16.1A Development Permit shall not be required for fences under 2 meters (6.6 ft.) in height.

4.16.2A Development Permit shall be required for fences exceeding 2 meters (6.6 ft.) in height.

4.16.3Fences shall be limited to a maximum height of 2.4 meters (8 ft.) in all Residential Zones and 3.6 meters (12 ft) in all other Zones.

4.16.4All fences, regardless of whether a Development Permit and/or a Building Permit is required, shall conform to the following general requirements:

- (a) corner vision triangle restrictions shall apply for all corner lots;
- (b) fences cannot be electrified;
- (c) fences cannot contain barbed wire unless erected in conjunction with a permitted industrial use and in such cases barbed wire is prohibited from use in any yard which abuts a residential Zone.

4.17 Frontage on a Street

No development permit shall be issued unless the lot or parcel or land intended to be used or upon which the building or structure is to be erected, abuts and fronts upon a public street or has deeded access to a public street.

4.18 Front Yard for a Through Lot

In the case of a through lot, the front yard shall be deemed to be any yard which abuts either of the two opposite public streets.

4.19 Habitation of Vehicles

4.19.1No automobile, truck, bus, coach, streetcar, recreational vehicle, trailer, camper, or other motor vehicle, or part thereof, with or without wheels, shall be used for human habitation of commercial occupancy, except where a permit has been issued for temporary vending under the Vending By-law and for which a development permit shall not be required.

4.19.2Notwithstanding Subsection 4.19.1, recreational vehicles or campers may be used for human habitation provided that:

- (a) such vehicle is not connected to town services;
- (b) such use is not used or intended to be used for the travelling public;
- (c) such use is not located in the minimum front or flankage yard setback; and

(d) such use occurs only on a property with an established main dwelling.

4.20 Height Regulations

The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, chimneys, clock towers or wind turbines.

4.21 Illumination

No person shall erect any sign or illuminate in an area outside any building unless such illumination is directed away from adjoining properties and any adjacent streets.

4.22 Loading Spaces

4.22.1 For every building or structure to be erected or enlarged, or structure for manufacturing, storage, warehouse, department store, retail store, wholesale store, market, freight or passenger terminal, hotel, hospital, mortuary or other uses involving the frequent shipping, loading or unloading of persons, animals, or goods, there shall be located on the same premises with every such building, structure or use, one off street space for standing, loading, and unloading for every 2787 square meters (30,000 sq. ft.) or fraction thereof of building floor area in excess of 278 square meters (3,000 sq. ft.) to a maximum of six (6) loading spaces.

4.22.2 Each loading space shall be at least 3.6 meters (12 ft.) by 12.2 meters (40 ft.) with a minimum of 4.3 meters (14 ft.) height clearance.

4.22.3 No such loading spaces shall be located within any required front yard or be located with any required yard which abuts a Residential, Recreation and Open Space, or Institutional Zone.

4.22.4 Loading space areas, including driveways leading thereto, shall be constructed of and maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.

4.22.5 Ingress and egress to and from the required loading space areas shall be provided by means of unobstructed driveways of a minimum width of 3.1 meters (10 ft.) for one-way traffic or a minimum of 6.1 meters (20 ft.) for two-way traffic.

4.23 Maximum Permitted Projection into a Required Yard

Except for accessory buildings, every part of any yard required by this By-law shall be open and unobstructed by any structure from the ground to the sky provided, however, that those structures listed in the following table shall be permitted to project into a yard for the specified distances indicated as follows:

Structure	Yard	Maximum Projection
Sills, belt course, cornice, eaves, gutters, chimneys, pilasters, or canopies Window Bay	Any yard	.6 meters (24 in.)
Fire Escapes and Exterior Staircases	Front, Rear and Flanking yards only	1 meter (3 ft.) and a maximum width of 3 meter (9.8 ft.)
Open/roofed porches not exceeding one storey, uncovered terraces	Rear and side yards only	2 meters (6.5 ft.)
	Flanking yards only for single unit, semi-detached, duplex, and triplex dwellings, any yard for other residential dwellings	2.4 meters (8 ft.) including eaves and cornices

4.24 Multiple Uses

Where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. Where there is conflict, such as in the case of lot size or lot frontage, the higher or more stringent standard shall prevail.

4.25 Non-Conforming Structures

4.25.1 Notwithstanding lot area, lot frontage, and minimum setback requirements of this Bylaw, the use of a non-conforming structure may be changed by Development Agreement to any other in that zone, provided all other requirements of this Bylaw are met.

4.25.2 Non-conforming structures may be replaced, reconstructed, enlarged, renovated, and/or repaired, by Development Agreement, provided:

- (a) Any such construction does not further infringe on the Bylaw requirement(s) that created the non-conformity, and
- (b) All other requirements of this By-law are met.

4.26 One Main Building to a Lot

No person shall erect more than one (1) main building on a lot except for:

- (a) Buildings located in a Commercial General or Commercial/Industrial Enterprise Zone;
- (b) Buildings located in a land-lease community;
- (c) Non-residential buildings located in Agriculture Zone;
- (d) Grouped dwellings considered by Site Plan Agreement;
- (e) Accessory structures.

4.27 Outdoor Wood Furnaces

Outdoor wood furnaces shall be prohibited in all zones.

4.28 Parking Requirements

For every building or structure to be erected or enlarged, off street parking located within the same zone as the use and having unobstructed access to a public street or a private road, shall be provided and maintained in conformity with the following Schedule:

Type of Use	Parking Required
Residential uses in the Commercial General (C1) Zone	0.5 spaces per unit
Dwelling containing not more than three (3) dwelling units	One (1.00) space per unit
All other dwellings containing four (4) or more dwelling units	One (1.00) space per unit Existing uses
Churches, church halls, auditoria, restaurants, private clubs, and other places of assembly	Where there are fixed seats one (1) space for every five (5) seats. Where there are no fixed seats one (1) space for each 9.3 square meters (100 sq. ft.) of floor area devoted to public use
Hospitals and Nursing Homes	One (1) space for each two (2) beds or each 122 square meters (400 sq. ft.) of floor area whichever is greater
Senior Citizens Apartment Dwelling Units	One (1) space for every two (2) dwelling units
Hotels, motels and guest houses	One (1) space per rental unit or suite plus one (1) space for each 4.6 square meters (50 sq. ft.) of floor area devoted to public use exclusive of lobbies and hallways
Offices	One (1) parking space per 27.8 square meters (300 sq. ft.) of floor area
Shopping Centre	Total parking area to be three (3) times the total floor area exclusive of common area
Funeral Home	One (1) parking space for each five (5) seats capacity of chapel, with a minimum of ten (10) parking spaces

Type of Use	Parking Required
Bowling Alleys and Curling Rinks	One (1) parking space for each two (2) persons in the designed capacity where design capacity means six (6) persons per bowling lane and eight (8) persons per curling sheet. In other parts of the building additional parking spaces shall be provided in accordance with the requirements set out in this By-law for the use to which the other parts of the building may be put
All other Commercial Uses	One (1) parking space for each 27.8 square meters (300 sq. ft.) of floor area
Industrial Uses	One (1) parking space for each 93 square meters (1,000 sq. ft.) of floor area plus additional parking spaces shall be provided in accordance with the requirements set out in this By-law for the use to which the other parts of the building may be put

4.29 Parking Area Standards

Where parking facilities for more than four (4) vehicles are required or permitted:

- (a) the parking area shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles;
- (b) the lights used for illumination of the parking lot or parking station shall be so arranged as to divert the light away from streets, adjacent lots and buildings;
- (c) a structure, not more than 4.6 meters (15 ft.) in height and not more than 4.6 square meters (50 sq. ft.) in area may be erected in the parking area for the use of attendants;
- (d) the parking area shall be within 91 meters (300 ft.) of the location which it is intended to serve;
- (e) when the parking area is of a permanent hard surfacing, each parking space shall be clearly demarcated and maintained as such;
- (f) no gasoline pumps or other service station equipment, with the exception of electric vehicle charging stations, shall be located or maintained on the parking lot;
- (g) approaches or driveways to any parking area, other than that required for a single unit dwelling, semi-detached, or a duplex dwelling shall be defined by a curb of concrete or rolled asphalt and

- the limits of the parking area shall be defined by a fence, curb or other suitable obstruction designed to provide a neat appearance;
- (h) in addition the location of approaches or driveways shall be not closer than 15.2 meters (50 ft.) from the limits of the right-of-way at street intersection;
 - (i) entrance and exit ramps to parking areas shall not exceed two (2) in number and each such ramp shall be a width of 7.6 meters (25 ft.) at the street line and edge of pavement;
 - (j) the width of a driveway leading to a parking or loading area, or of a driveway or aisle in a parking area, shall be a minimum of 3.1 (10 ft.) if for one-way traffic, and the maximum width of a driveway shall be 6.1 meters (25 ft.).

4.30 Public Uses

This By-law does not apply to the use of land or the use, construction or reconstruction of any building or structure by the Town of Berwick or by the Town in cooperation with another government body for the purposes of providing public services or facilities.

4.31 Public Utilities

4.31.1 Unless otherwise stated, any public utility that is essential for the actual provision of a service, but not including wind turbine generators, solar collector systems, and telecommunication towers, shall be permitted in any zone and shall be exempt from lot requirements, from setbacks, and the requirements of Section 4.17 related to road frontage. These utilities include, but are not limited to, telephone switching centres, electrical substations, sewage treatment facilities, and water supply facilities.

4.31.2 For greater clarity, uses not directly related to the provision of service shall not be included in the exemptions of this Section, and shall only be permitted in accordance with zone requirements. Such uses include, but are not limited to, administrative offices and maintenance depots.

4.32 Restoration to a Safe Condition

Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any building or structure, provided that in the case of a non-conforming use the provision of Section 241 - 242 of the Act of Nova Scotia shall prevail.

4.33 Short-term Rentals

4.33.1 Only one short-term rental shall be permitted on a lot.

4.33.2 Short-term rentals shall not be permitted in accessory dwellings or accessory buildings.

4.34 Side Yard on Corner Lots

Notwithstanding anything else in this By-law, on a corner lot in any zone, no part of any building other than accessory buildings shall be erected closer to the lot line of the flanking street than 1.8 metres (6 ft.).

4.35 Solar Panels – Residential

4.35.1 Solar panels attached to a structure shall be permitted in all zones and they shall not be considered as part of the height calculation for the building in which they are attached.

4.35.2 Solar panels attached to a structure shall be considered an accessory structure.

4.35.3 The capacity of all solar collector panels shall be less than 100kW/residence.

4.36 Temporary Uses Permitted

Temporary Uses Incidental to Construction

4.36.1 This By-law does not apply to the use of land or the erection of temporary buildings or structures incidental to construction.

4.36.2 A development permit is not required for land uses or temporary buildings or structures incidental to construction if a development permit has been issued or is not required by this By-law for the development being constructed.

4.36.3 Any land uses or temporary buildings or structures incidental to construction must be terminated or removed: after the completion of the development being constructed; or if construction has not completed within one (1) year of commencement, Council may, by resolution, order the termination or removal of the temporary land use or buildings or structures.

Temporary Uses for Special Occasions and Holidays

- 4.36.4 This By-law does not apply to the use of land or the erection of temporary buildings or structures for special occasions and holidays.
- 4.36.5 A development permit is not required for the use of land or the erection of temporary buildings or structures for special occasions and holidays.
- 4.36.6 Any land uses or temporary buildings or structures for special occasions and holidays must be terminated or removed within two (2) days after the end of the special occasion or holiday.

4.37 Variance

- 4.37.1 Notwithstanding anything in this By-law the Development Officer may grant a variance subject to provisions of the Act in relation to:
- (a) The percentage of land that may be built upon;
 - (b) The size or other requirements relating to yards;
 - (c) Lot frontage; and/or
 - (d) Lot area.

4.38 Wind Turbines

- 4.38.1 Wind turbines of any scale are not permitted as a use within town.

4.39 Signs and Signage

4.39.1 Safety and Maintenance of Signs

- (a) Every sign and all parts thereof, including framework, supports, backgrounds, anchors, and wiring systems shall be constructed and maintained in compliance with the building, electrical, and fire prevention by-laws.
- (b) All signs and all parts thereof shall be kept in a good state of repair and maintenance.

4.39.2 Signs Prohibited in All Zones

The following signs shall not be permitted in any zone:

- (a) Signs which by reason of flashing or moving illumination or moving parts may be confused by the motorist with traffic control signs or lights;
- (b) Roof signs;
- (c) Any sign or sign structure which constitutes hazard to public safety or health;

- (d) Signs which by reason of size, location, content, colouring, or manner of illumination obstruct the vision of drivers, either when leaving a roadway or effectiveness of any traffic sign or control device on public streets and roads;
- (e) Any sign which obstructs free ingress to or egress from a fire escape door, window or other required exit way;
- (f) Signs not erected by a public authority which make use of words such as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD", or any similar words, phrases, symbols, lights, or characters in such manner as to interfere with, mislead, or confuse traffic along a public road;
- (g) Any sign which no longer advertises a commercial use, or a product sold;
- (h) Signs on public property or public right-of-way, unless erected by a governmental body, but no sign located on public property or a public right-of-way shall bear any commercial advertising;
- (i) Signs not erected by a public authority which are located at or near sharp curves or below the crest of a steep road grade;
- (j) Signs painted on, attached to, or supported by a tree, stone, cliff or other objects;
- (k) String lights , other than temporary holiday decorations which are unshielded from off the property on which they are located;
- (l) Searchlights, pennants, spinners, banners, and streamers except for occasions such as grand openings, county fairs, public festivals, exhibitions, and similar occasions; and
- (m) Signs not related to any business or use located on the lot or premise.

4.39.3 Signs Permitted in All Zones

The following additional signs are permitted in all zones and do not require a permit pursuant to this Part.

- (a) Signs identifying name and address of resident and of not more than 0.5 square metres (5 sq. ft.) in sign area;
- (b) "No Trespassing" signs or other such signs regulating the use of a property and of not more than 0.18 square metres (2 sq. ft.) in sign area;
- (c) Real estate signs not exceeding 0.5 square metres (5 sq. ft.) in sign area in a Residential Zone and 1 square metres (10 sq. ft.) in other zones;
- (d) Signs regulating or denoting on-premises traffic, parking or other signs denoting the direction or function of various parts of a building or premise provided that such signs are less than 0.5 square metres (5 sq. ft.) in sign area;

- (e) Signs erected by a public authority or under the direction of such authority and signs located on public streets;
- (f) Memorial signs or tablets and signs denoting the date of erection of a structure;
- (g) The flag, pennant, or insignia of any public authority, or of any religious, charitable, or fraternal organization;
- (h) A sign having a sign area of not more than 5 square metres incidental to construction and located on the construction site;
- (i) Electoral signs;
- (j) Unless otherwise provide for through a Development Agreement no sign in a residential zone shall exceed .2 square metres (2 sq. ft.) in area or 1.5 metres (5 ft.) height and in the case of a ground sign be erected within 2 metres (6.5 ft.) of a property line.

4.39.4 Signs Permitted in Specific Zones

- (a) Within the Commercial General (C1), Commercial/Industrial Enterprise (C2), and Gateway Mixed-Use (GMU1) Zones, two menu signs shall be permitted in conjunction with a drive-through facility and such signs shall not count towards the number of ground signs permitted on the lot.
- (b) Within the Commercial General (C1), Commercial/Industrial Enterprise (C2), and Gateway Mixed-Use (GMU1) Zones, ground signs may have an additional signage area of not more than 1.0 square metres (10.7 sq. ft.) to denote the price of fuel.

5 Residential Zone Provisions

Zone	
Residential Low Density Zone	R2
Residential Medium Density Zone	R3
Residential Multi Unit Zone	R4
Residential Comprehensive Development District Zone	RCCD
Commercial General Zone	C1
Commercial/Industrial Enterprise Zone	C2
Gateway Mixed Use Zone	CMU1
Institutional Zone	I1
Agriculture Zone	A1
Recreation and Open Space Zone	OS1
Conservation Zone	OS2

5.1 General Provisions for all Residential Zones

5.1.1 Business Uses Permitted in Residential Zones

5.1.1.1 Home Based Businesses

Nothing in this By-law shall prevent the use of a dwelling in a Residential (R2, R3, R4 or RCDD) Zone for a home based business provided that:

- (a) the dwelling is occupied as a residence by the user and the external appearance of the dwelling is not changed by the business or professional use;
- (b) there shall not be more than two (2) employees (full-time equivalent) who are not residents in the dwelling employed within the residential structure;
- (c) the business use shall fall within one of the following types of uses: arts and crafts workshop, catering establishments, online/digital sales, offices, personal service shop, and studios.
- (d) where a business use is not listed above in 5.1.1.1 (c), and the business is similar in nature, the permission of the use shall be at the discretion of the Development Officer, provided all other provisions of this By-law are met;

- (e) not more than a total of thirty-five (35) percent of the total floor area of the dwelling or 37.16 sq. metres (400 sq. ft.) of an accessory building is devoted to the home based business;
- (f) one off-street parking space, other than that required for the dwelling, is provided for every 18.6 square metres (200 sq. ft.) of floor space occupied by the business or professional use;
- (g) there shall be no advertising other than a business identification plate or sign which has a maximum sign area of .9 square metres (10 sq. ft.);
- (h) no mechanical equipment is used on the premises which is capable of generating an amount or type of noise not reasonably consistent with the use of a dwelling; and
- (i) no open storage or outdoor display related to the business shall be permitted.

Uses Prohibited

For the purposes of this By-law no automobile repair or body shop, manufacturing which by its nature creates noise or emissions which are inconsistent with residential uses, or any use which includes the bulk storage of commercial materials or products shall be considered a permitted home occupation.

5.1.2 Conformity with Existing Setbacks

Notwithstanding anything else in this By-law, in the Residential Low Density (R2) or Residential Medium Density (R3) Zones, structures built between existing buildings within 61 metres (200 ft.) apart on the same block may be built with a setback equal to the average setback of the adjacent buildings, but this depth shall not be less than 3.1 metres (10 ft.) from the front lot line and need be no greater than setback regulations prescribed in the zone in which it is situated.

5.1.3 Parking of Commercial Motor Vehicles

No tractor-trailer combinations or cab (tractor unit) shall be kept or parked over night or longer in a Residential Low Density (R2), Residential Medium Density (R3) Zone, Residential Multi-Unit (R4), or Residential Comprehensive Development District (RCDD) Zone.

5.1.3.1

No commercial motor vehicle shall be kept or parked on any vacant lot in a Residential Low Density (R2), Residential Medium Density (R3) Zone, Residential Multi-Unit (R4), or Residential Comprehensive Development District (RCDD) Zone.

5.1.4 Yard Sales

Nothing in the By-law shall prevent yard sales within a residential zone, and no development permit shall be required, provided that:

- (a) no more than four (4) such sales take place from any lot in any calendar year;
- (b) no yard sale operate beyond the hours of 7:00 a.m. and 5:00 p.m.; and
- (c) all signs advertising such yard sale shall be removed within a twenty-four (24) hour period following the sale of goods.

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5.2 Residential Low Density (R2) Zone

5.2.1 Purpose

The Residential Low Density Zone is intended to permit lower density residential development on serviced and unserviced lots.

5.2.2 Uses Permitted As-of-Right

The following uses shall be permitted in the Residential Low Density Zone, subject to all applicable requirements of this By-law:

- (a) Single Unit Detached Dwelling
- (b) Semi-detached Dwelling
- (c) Duplex Dwelling
- (d) Day Care Facilities licensed to a maximum of ten (10) children
- (e) Short-term Rental
- (f) Existing Transportation and Truck Facilities
- (g) Existing Land-Lease Communities
- (h) Existing Shared Housing with Special Care
- (i) Accessory Dwelling Unit – Detached Suite
- (j) Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit
- (k) Small Options Home

5.2.3 Uses Permitted by Site Plan Agreement

The following uses shall be permitted in the Residential Low Density Zone, subject to Part 12 and all applicable requirements of this By-law:

- (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 Dwellings on a Lot

5.2.4 Uses Permitted by Development Agreement

The following uses shall be permitted in the Residential Low Density (R2) Zone, subject to the applicable policy of the Municipal Planning Strategy:

- (a) New two (2) 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 Land-Lease Communities within the Residential Low Density (R2) Zone

R2

5.2.5 General Lot Requirements

In a Residential Low Density (R2) Zone, no development permit shall be issued except in conformity with the following requirements:

Requirement	Detached Single Unit Dwelling	Duplex Dwelling	Semi-Detached Dwelling
Minimum Lot Area	929 sq. metres (10,000 sq. ft.)	1114 sq. metres (12,000 sq. ft.)	557 sq. metres (6,000 sq. ft.) per unit
Maximum Lot Coverage	40%	40%	40%
Minimum Lot Frontage	18.29 metres (60 ft.)	18.29 metres (60 ft.)	12.19 metres (40 ft.) per unit
Minimum Front Yard	7.62 metres (25 ft.)	7.62 metres (25 ft.)	7.62 metres (25 ft.)
Minimum Rear Yard	7.62 metres (25 ft.)	7.62 metres (25 ft.)	7.62 metres (25 ft.)
Minimum Side Yard			
i. One Side		3.65 metres (12 ft.)	
ii. Other Side	2.43 metres (8 ft.)	3.65 metres (12 ft.)	3.65 metres (12 ft.)
iii. Common Lot Line	3.65 metres (12 ft.)		3.65 metres (12 ft.)
Maximum Height of Main Building	10.66 metres (35 ft.)	10.66 metres (35 ft.)	10.66 metres (35 ft.)

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5.2.6 Lot Requirements, Orchard Street

The following standards shall apply to lots located on the south side of Orchard Street between Commercial Street and the Western Kings Memorial Health Centre:

Minimum Lot Area	589 sq. metres (6,350 sq. ft.)
Minimum Lot Frontage	19.8 metres (65 feet)

5.2.7 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 garage:	1.22 metres (4 ft.)
2 or more storeys garage:	1.82 metres (6 ft.)

5.2.8 Parking Requirements, Guest Homes

In addition to all other requirements, the following special provision shall apply to guest houses in a Residential Low Density (R2) Zone:

Parking One (1) parking space shall be provided for each guest room.

5.3 Residential Medium Density (R3) Zone

5.3.1 Purpose

The Residential Medium Density Zone (R3) is intended to permit low to medium density residential development on serviced and unserviced lots.

5.3.2 Uses Permitted As-of-Right

The following uses shall be permitted in the Residential Medium Density Zone (R3), subject to all applicable requirements of this By-law:

- (a) All Residential Low Density (R2) Uses subject to R2 Zone Requirements
- (b) Triplex Dwellings
- (c) Fourplex Dwellings
- (d) Townhouse Dwellings to a maximum of six (6) dwelling units
- (e) Multi-unit dwellings to a maximum of six (6) dwelling units

5.3.3 Uses Permitted by Site Plan Agreement

The following uses shall be permitted in the Residential Medium Density Zone, subject to Part 12 and all applicable requirements of this By-law:

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

5.3.4 Uses Permitted by Development Agreement

The following uses shall be permitted in the Residential Medium Density Zone, subject to the applicable policy of the Municipal Planning Strategy:

- (a) New two (2) 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;

R3

5.3.5 General Lot Requirements

In any Residential Medium Density (R3) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	114 sq. metres (12,000 sq. ft.) or 371 sq. metres (4000 sq. ft.) per unit
Minimum Lot Frontage	24.38 metres (80 ft.)
Minimum Front Yard	7.62 metres (25 ft.)
Minimum Rear Yard	7.62 metres (25 ft.)
Minimum Side Yard	4.57 metres (15 ft.) or ½ the height whichever is greater
Maximum Height of Main Building	10.66 metres (35 ft.)
Maximum Lot Coverage	40%

5.3.6 Zero Lot Line

Notwithstanding Part 5.3.5 the minimum side yard requirement for the common lot line may be reduced to zero (0) for Townhouse dwellings.

R4

5.4 Residential Multi-Unit (R4) Zone

5.4.1 Purpose

The Residential Multi-unit Zone (R4) is intended to permit higher density residential development in the town core or on larger undeveloped parcels.

5.4.2 Uses Permitted As-of-Right

The following uses shall be permitted as-of-right in the Residential Multi-unit Zone (R4), subject to all applicable requirements of this By-law:

- (a) All Residential Low Density (R2) Uses subject to R2 Zone requirements;
- (b) All Residential Medium Density (R3) Uses subject to R3 Zone requirements;
- (c) Home-based Business;
- (d) Townhouse Dwellings to a maximum of six (6) dwelling units;
- (e) Multiple unit dwellings to a maximum of six (6) dwelling units;
- (f) Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit.

5.4.3 Uses Permitted by Site Plan Agreement

The following uses shall be permitted in the Residential Multi-unit Zone, subject to Part 12 and all applicable requirements of this By-law:

- (a) New multiple unit dwellings with from seven (7) to nine (9) units in the Residential Multi-unit (R4) zone

5.4.4 Uses Permitted by Development Agreement

The following uses shall be permitted in the Residential Multi-unit Zone, subject to the applicable policy of the Municipal Planning Strategy:

- (a) New multiple unit dwellings containing more than ten (10) units;
- (b) Grouped dwellings with more than ten (10) units;
- (c) Commercial Uses (ground floor commercial).

R4**5.4.5 General Lot Requirements**

In any Residential Multi-unit (R4) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	114 sq. metres (12,000 sq. ft.) or 371 sq. metres (4000 sq. ft.) per unit
Minimum Lot Frontage	24.38 metres (80 ft.)
Minimum Front Yard	7.62 metres (25 ft.)
Minimum Rear Yard	7.62 metres (25 ft.)
Minimum Side Yard	4.57 metres (15 ft.) or ½ the height whichever is greater
Maximum Height of Main Building	10.66 metres (35 ft.)
Maximum Lot Coverage	40%

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Residential Comprehensive Development District (RCDD) Zone

5.4.6 RCDD Uses Permitted

No development shall be issued in a Residential Comprehensive Development District (RCDD) Zone, except for one or more of the following uses:

- (a) Residential Low Density (R2) Uses
- (b) Residential Medium Density (R3) Uses
- (c) Residential Multi-Unit (R4) Uses
- (d) Recreation and Open Space Uses
- (e) Institutional Uses

5.4.7 Development by Development Agreement

No development shall be permitted in the Residential Comprehensive Development District (RCDD) Zone except in conformity with the provisions of a Development Agreement approved pursuant to the Municipal Planning Strategy.

5.4.8 Development Standards

Minimum Lot Requirements as established pursuant to this By-law may be varied of any permitted use within the Residential Comprehensive Development District (RCDD) Zone subject to the terms and conditions of a Development Agreement approved pursuant to the Municipal Planning Strategy

6 Commercial and Commercial/Industrial Enterprise Zone Provisions

6.1 General Provisions for all Commercial Zones

6.1.1 Abutting Zone Provisions

Where a Commercial General (C1) or Commercial/Industrial Enterprise (C2) Zone abuts a Residential (R2, R3, or R4), Recreation and Open Space (OS1), or an Institutional (I1) Zone the following restrictions shall apply to an abutting yard of a commercial use within the Commercial Zone:

- (a) The minimum side yard requirement for the abutting side yard shall be 6.1 metres (20 ft.);
- (b) No open storage or outdoor display shall be permitted in an abutting yard in Commercial General Zone;
- (c) No parking space shall be permitted in an abutting yard within 6.1 metres (20 ft.) of a side or rear lot line in the Commercial Zone;
- (d) In addition to the provisions of Part 4.39, signs located in an abutting yard shall be subject to the following requirements:
 - I. all signs shall be non-illuminated;
 - II. only directional or business identification signs shall be permitted;
 - III. the maximum sign area shall be 1.4 square metres (15 sq. ft.) with the number of signs limited to two (2) per use; and
 - IV. the maximum height of a ground sign from the grade level to the highest part of the sign (including the sign structure) shall be 4 metres (13.1 ft.).

6.1.2 Restrictions on Open Space and Outdoor Display

- (a) Within the Commercial General (C1) Zone open storage or outdoor display shall not be permitted as a main use
- (b) Within the Commercial/Industrial Enterprise (C2) Zone open storage and outdoor display shall be permitted as a main or accessory use subject to the following:
 - I. no open storage or outdoor display shall be permitted within any required front yard of a lot; and
 - II. the area devoted to open storage or outdoor display shall not exceed fifty (50) percent of the total lot area.

Commercial General (C1) Zone

6.1.3 Purpose

The purpose of the Commercial General (C1) is to integrate a range of commercial and residential uses within a single area.

6.1.4 C1 Uses Permitted

No development permit shall be issued in a Commercial General (C1) Zone except for the following uses:

- Auto Sales and Service
- Banks and Financial Institutions
- Building Supply Retail Outlets
- Business and Professional Offices
- Commercial Schools
- Dressmaking and Tailoring Shops
- Existing Gasoline/Service Stations and accessory automobile sales and washing establishments conducted on the same lot
- Funeral Homes
- Hotels and Motels, Tourist Establishments and Inns
- Medical Clinics
- News and Magazine Stands
- Places of Entertainment, Recreation and Assembly which are conducted within wholly enclosed buildings
- Photography Studios
- Printing Establishments
- Repair Shops
- Restaurants
- Retail Stores
- Service and Personal Service Shops
- Animal and Veterinary Clinics
- Taxi and Bus Stations
- Government Offices
- Community Centres
- Institutional Uses
- Existing Residential R2, R3 and R4 Uses (subject to the applicable zones requirements)
- Taverns and Lounges
- Multiple Unit Residential Dwellings containing a minimum of eight (8) subject to approval by Development Agreement
- Dwelling Units located above or behind any commercial use

C1

6.1.5 General Lot Requirements

In a Commercial General (C1) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	557 sq. metres (6,000 sq. ft.)
Minimum Lot Frontage	18.28 metres (60 ft.)
Minimum Rear Yard	4.57 metres (15 ft.)
Minimum Side Yard for Fireproof Construction	0
Maximum Building Height	16.76 metres (60 ft.) (5 storeys)

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C2

6.3 Commercial/Industrial Enterprise (C2) Zone

6.3.1 C2 Uses Permitted

No development permit shall be issued in a Commercial/Industrial Enterprise (C2) Zone except for the following uses:

- All Commercial General (C1) Uses excepting Residential uses
- Heavy Equipment Sales and Service
- Service Industries
- Any manufacturing, industrial, assembly or warehousing operation conducted and wholly contained within an enclosed building and which is not obnoxious by reason of sound, odour, dust, fumes or smoke, or other obnoxious emission or refuse matter or water carried waste or by reason of unsightly premises
- Machine Shops
- Bulk storage of sand or gravel
- Power and Telephone Utility and Telecommunications Facilities
- Transportation Depots
- Agricultural Related Industry

6.3.2 General Lot Requirements

In the Commercial/Industrial Enterprise (C2) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area:	929 square metres (10,000 sq. ft.)
Minimum Lot Frontage:	24.38 metres (80 ft.)
Minimum Front Yard:	6.1 metres (20 ft.)
Minimum Rear Yard:	7.6 metres (25 ft.)
Minimum Side Yard:	4.6 metres (15 ft.)
Maximum Building Height	16.76 metres (60 ft.) (5 storeys)

7 Gateway Mixed Use (GMU1) Zone

GMU1

7.1 GMU1 Uses Permitted

No development permit shall be issued in a Gateway Mixed Use (GM1) Zone except for the following uses:

- All Residential Low Density (R2) Zone uses subject to R2 Requirements
- All Residential Medium Density (R3) Zone uses
- All Residential Multi-unit (R4) Zone uses
- General Commercial and Business Offices, Commercial Retail, Commercial Service and Personal Service Uses to a maximum of 609 sq. metres (2000 sq. ft.)
- Restaurants
- Hotels, Motels, Tourist Establishments, Short-term Rentals, and Inns
- Institutional Uses
- Recreation and Open Space Uses
- Shared Housing Use

7.2 General Lot Requirements

In the Gateway Mixed Use (GMU1) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area:	929 square metres (10,000 sq. ft.)
Minimum Lot Frontage:	24.38 metres (80 ft.)
Minimum Front Yard:	6.1 metres (20 ft.)
Minimum Rear Yard:	7.6 metres (25 ft.)
Minimum Side Yard:	4.6 metres (15 ft.)
Maximum Height of Main Building:	10.6 metres (35 ft.)
Maximum Lot Coverage	40%

8 Institutional (I1) Zone

I1

8.1 Institutional (I1) Uses Permitted

No development permit shall be issued in an Institutional (I1) Zone except for the following uses:

- Cemeteries
- Religious Institutions, places of worship and related facilities
- Church Camp Facilities
- Community centers
- Cultural facilities
- Educational Institutions (public and private)
- Emergency Services Depots
- Fire Stations
- Government Legislative Buildings
- Hospitals
- Institutional Uses
- Libraries
- Medical Clinics
- Museums and Art Galleries
- Nursing Homes
- Police Stations
- Post Offices
- Private non-profit clubs and Fraternal Organizations
- Public Works Building and Facilities
- Rectories, Manses and staff residences associated with uses permitted in this Part

I1**8.2 General Lot Requirements**

In an Institutional (I1) Zone, no development permit shall be issued except in conformity with the following requirements:

	Churches, Places of Worship and Religious Institutions, College & Non-Commercial Schools, Fire Stations, Hospitals, Public Works Uses	All other permitted uses
Minimum Lot Area	1858 sq. metres (20,000 sq. ft.)	929 sq. metres (10,000 sq. ft.)
Minimum Lot Frontage	30.48 metres (100 ft.)	24.38 metres (80 ft.)
Minimum Front Yard	7.62 metres (25 ft.)	7.62 metres (25 ft.)
Minimum Rear Yard	7.62 metres (25 ft.)	7.62 metres (25 ft.)
Minimum Side Yard	4.57 metres (15 ft.) or $\frac{1}{2}$ the height of the main building, whichever is greater	4.57 metres (15 ft.) or $\frac{1}{2}$ the height of the main building, whichever is greater
Maximum Height of Main Building	13.7 metres (45 ft.)	13.7 metres (45 ft.)

A1

9 Agriculture (A1) Zone

9.1 A1 Uses Permitted

No development permit shall be issued in an Agriculture (A1) Zone except for the following uses:

- Agriculture uses and related accessory uses
- Animal and Veterinary Clinics
- Animal kennels and stables
- Apiaries
- Commercial Greenhouses
- Dwelling units accessory to the main permitted use
- Existing Dwellings
- Existing Intensive Livestock Operations
- Livestock Operations
- Agricultural Related Industry
- Aabattoirs
- Agrotourism uses

9.2 General Lot Requirements

In an Agriculture (A1) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area:	4.04 Hectares (10 acres)
Minimum Lot Frontage:	30.1 metres (100 ft.)
Minimum Front Yard:	7.6 metres (25 ft.)
Minimum Rear Yard:	7.6 metres (25 ft.)
Minimum Side Yard:	7.6 metres (25 ft.)

9.3 Restricted Agricultural Uses

(a) Restrictions, New Livestock Operations

Livestock Operations shall not be permitted to exceed a maximum density of 3 animal units per acre as defined in the following schedule:

Type of Livestock	Number of Such Livestock Deemed to Equal 1 Animal Unit	Maximum for 1 acre or less (3 animal units)
Dairy Cow (plus calf)	1	3
Beef Cow (plus calf)	1	3
Bull	1	3
Horse	2	6
Sheep (plus lambs)	4	12
Sows (plus litter to weaning)	2	6
Laying Hens	25	75
Female Rabbits (plus associated males)	25	75

(b) Prohibited Agricultural Uses

Notwithstanding Part 10.1 the following agricultural uses shall be prohibited:

- i. Fur Farms
- ii. Feed Lots

OS1

10 Recreation and Open Space (OS1) Zone

10.1 OS1 Permitted Uses

No development permit shall be issued in a Recreation and Open Space (OS1) Zone except for the following uses:

- Arenas
- Community Centres
- Community Gardens
- Interpretation Centres
- Parks and playgrounds, including associated facilities
- Pavilions and Band Stands
- Recreation Facilities and uses
- Skating Rinks
- Sports Fields
- Swimming Pools
- Tennis Courts

10.2 General Lot Requirements

In a Public Open Space OS Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Setback for any main building from any lot line	7.6 metres (25 ft.)
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11 Conservation (OS2) Zone

11.1 OS2 Permitted Uses

No development permit shall be issued in a Conservation (OS2) Zone except for the following uses:

- Cemeteries
- Agriculture
- Garden Nurseries
- Public Parks, trails, and Passive Recreation Facilities
- Wastewater Treatment facilities
- Flood control facilities
- Market gardens

11.2 Permitted Structures

No permanent building may be erected, added to, or altered in a Conservation (OS2) Zone except for buildings or structures related to sewage treatment or flood control.

12 Site Plan Approval Criteria

The following Site Plan criteria shall apply to all new development that is permitted through the Site Plan Approval process in the Low Density Residential (R2), Medium Density Residential (R3) and the Multi-unit Residential (R4) Zones. No development permit shall be issued for development that is inconsistent with these criteria. All development subject to Site Plan Approval must also meet all applicable zone standards and all other requirements of this Bylaw.

12.1 Site Plan Criteria for Development in Residential Zones

The following site plan criteria shall apply to all new development that is permitted through the site plan approval process. No development permit shall be issued for development that is inconsistent with these criteria, in addition to all applicable zone standards and other requirements of this Bylaw:

- (a) the location of new structures (or an addition to an existing structure) is located on the lot so as to minimize any adverse impacts on the surrounding neighbourhood, including, but not limited to noise, dust, or lighting;
- (b) the location of off-street parking and loading facilities are located and designed as to minimize any adverse impact on the surrounding neighbourhood;
- (c) the location, number and width of ingress and egress points are designed to prevent traffic congestion, nuisance and inconvenience in the area and minimize any adverse impact on the surrounding neighbourhood;
- (d) the type, location and height of walls, hedges, fences, trees, shrubs, groundcover or other landscaping elements are designed and built so as to protect and minimize any adverse impact on neighbouring properties;
- (e) the existing vegetation, where possible and deemed practical, be retained so as to lesson or reduce any adverse impact on abutting properties or the surrounding neighbourhood;
- (f) the location of pedestrian walkways, and/or related infrastructure, shall be provided to link public walkways and parking areas to the entrance of the primary building;
- (g) the type and location of outdoor lighting is designed to light the structure, driveways and any pedestrian walkways, but shall not directed onto neighbouring properties;

- (h) the location of facilities for the storage of solid waste provides for a maximum separation for residential development, public areas, and adjacent properties;
- (i) the location of existing easements shall be identified;
- (j) the management of storm and surface water is addressed, and associated plans are approved by the Town Engineer;
- (k) the type, location, number and size of signs or sign structures do not negatively alter the appearance of the neighbourhood; and
- (l) the above listed items are maintained in a manner suitable and complementary to the surrounding neighbourhood.

12.2 Site Plan Criteria for Development in Mixed-Use and Commercial Zones

The following site plan criteria shall apply to all new development that is permitted through the site plan approval process in all applicable Commercial Zones. No development permit shall be issued for development that is inconsistent with these criteria, in addition to all applicable zone standards and other requirements of this Bylaw:

- (a) the location of new structures (or an addition to an existing structure) is located on the lot so as to minimize any adverse impacts on the surrounding neighbourhood, including, but not limited to noise, dust, or lighting;
- (b) the location of off-street parking and loading facilities are located and designed as to minimize any adverse impact on the surrounding neighbourhood;
- (c) the location, number and width of ingress and egress points are designed to prevent traffic congestion, nuisance and inconvenience in the area and minimize any adverse impact on the surrounding neighbourhood;
- (d) the type, location and height of walls, hedges, fences, trees, shrubs, groundcover or other landscaping elements are designed and built so as to protect and minimize any adverse impact on neighbouring properties;
- (e) the existing vegetation, where possible and deemed practical, be retained so as to lesson or reduce any adverse impact on abutting properties or the surrounding neighbourhood;
- (f) the location of pedestrian walkways, and/or related infrastructure, shall be provided to link public walkways and parking areas to the entrance of the primary building;

- (g) the type and location of outdoor lighting is designed to light the structure, driveways and any pedestrian walkways, but shall not be directed onto neighbouring properties
- (h) the location of facilities for the storage of solid waste provides for a maximum separation for residential development, public areas, and adjacent properties;
- (i) the location of existing easements shall be identified;
- (j) the management of storm and surface water is addressed, and associated plans are approved by the Town Engineer;
- (k) the type, location, number and size of signs or sign structures do not negatively alter the appearance of the neighbourhood; and
- (l) the above listed items are maintained in a manner suitable and complementary to the surrounding neighbourhood.

12.3 Expansion of Non-Conforming Use

12.3.1 Where a zone permits the expansion of non-conforming uses by site plan approval, the Development Officer shall approve a site plan where the requirements of this Land Use By-law and the following matters have been addressed:

- (a) Use Requirements
 - i. If the use is listed in the zone as a use permitted as-of-right, but is otherwise non-conforming for reasons such as, but not limited to, setbacks or other zone requirements, the conditions that prevent the proposal from being permitted as-of-right in the zone shall be addressed by the site plan. Measures to address these conditions may include, but are not limited to, enhanced buffering and the positioning and design of buildings and structures.
 - ii. If the use is not listed in the zone as a use permitted as-of-right, the site plan shall control the expansion in a manner that is compatible with the purpose and permitted uses in the zone. Controls may include, but are not limited to, enhanced buffering and screening; the positioning, bulk, and design of buildings and structures; mitigation measures for noise, dust, and other emissions; the location and design of parking areas; landscaping; lighting design; and controls on outdoor storage and display.

13 Definitions

For the purpose of this By-law, all words shall carry their customary meaning except for those defined in the Part.

Abut means where properties, lots, or yards share a common lot line or a common point along a lot line.

Accessory Building or Structure means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use but does not include a building, or a building located completely underground.

Accessory Dwelling Unit – Detached Suite means 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. The detached suite may be situated in a new or existing detached garage, or a new or detached existing building, and may be located in the back or side yard.

Accessory Use means a use subordinate and naturally, customarily, or normally incidental to and exclusively devoted to a main use of land or building and located on the same lot.

Act shall mean the Municipal Government Act, R.S. 1998, c.18, s.1, as amended.

Agricultural Use means the use of lands for the pasturing and keeping of animals, the cultivation of land, and can also include the raising of crops under artificial conditions. This shall also include necessary storage facilities; however, does not include permanent facilities for the retail sale of these products.

Agricultural Structures means any use or structure necessary for the cultivation of vegetation and the raising of animals or fowl for sale purposes.

Agricultural Related Industry means a use involving the processing of crops and livestock, including sorting, grading, packaging, slaughtering (abattoirs), manufacturing and packaging of food, livestock feed, fertilizer, and similar uses.

Alter means any change in the structural component of a building or any increase in the volume of a building or structure.

Amenity Space means the area situated within the boundaries of a residential development site intended and capable of being used for recreational purposes, and may include landscaped areas, patios, private amenity areas, verandahs, balconies, communal lounges, swimming pools, play areas, and similar uses, but does not include any area occupied at grade by a building's service area, parking lots, aisles or access driveways.

Animal and Veterinary Clinic means the premises where animals are treated or treated and kept on a temporary basis for monetary gain and shall not include an

Animal Shelter which is intended for the care of lost, abandoned, or neglected animals.

Apartment Building means a building containing three or more dwelling units that have a common entrance from the street level and the occupants of which have the right to use in common certain areas of the building and its property.

Automobile Repair Shop means the use of a building or property for the repair of automobile body and/or engine components and shall include detailing and painting of automobile bodies.

Automobile Service Station or Service Station means a building or part of a building or a clearly defined space on a lot used for the retail sale of gasoline and lubricating oils and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles other than an automobile washing establishment or an automobile sales establishment.

Automobile Washing Establishment means a building or part thereof used for the operation of automobile washing equipment, which is automatic, or semi-automatic.

Bank means the portion of a watercourse between the ordinary high-water mark and the boundary of the watercourse in its fullest natural state, but does not include any area of overflow onto a flood plain.

Basement means that portion of a building between two-floor levels that is partly underground, but which has more than one-half of its height from the finished floor to the underside of floor joists of the story next above, above the adjacent average finished grade level adjacent to the exterior walls of the building.

Bed means the portion of a watercourse that is commonly submerged in water.

Blank Wall means an exterior wall of a building containing no windows doors or other similar openings.

Building means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, material, or equipment. Any awning, bin, bunker, or platform, vessel or vehicle used for any of the said purposes shall be deemed a building.

Building Area means the maximum horizontal area of a building at grade.

Building Line means any line regulating the position of a building or structure on a lot.

Camp means a land and building complex designed or used for a group sport, recreational or cultural activities which may have facilities for sleeping and the preparation and serving of food, operated under single ownership on a temporary or seasonal basis.

Church means a building dedicated to religious worship and includes a church hall, church auditorium, Sunday School, parish hall, and day nursery operated by the church.

Commercial Motor Vehicle means any motor vehicle that is used for a business activity, and which has as its main purpose financial gain and includes ambulances, trucks, tractors, tractor trailers, buses, delivery vehicles, and oil delivery trucks.

Commercial Use means any use by which retail or wholesale trade is carried out, and those other uses providing the sale of goods, materials, or services.

Community Centre means any tract of land, or building or buildings, or any part of any buildings used for community activities whether used for commercial purposes or not, the control of which is vested in the Municipality, a local board or agent thereof.

Corner Vision Triangle means that part of a corner lot adjacent to the intersection of the exterior lot lines measured from such intersection, the distance required by this By-law, along each such street line and joining such points with a straight line. The triangular shaped land between the intersecting lines and the straight line joining the points the required distance along the street lines shall be known as the "corner vision triangle".

Council means the Council of the Town of Berwick.

Day Care Facility means a place where three or more people are cared for on a temporary daily basis without overnight accommodation but does not include a school.

Development includes any erection, construction, alteration, replacement, or relocation of or addition to any structure and any change or alteration in the use made of land, buildings, or structures.

Development Agreement means an agreement made pursuant to policies of the Town of Berwick Municipal Planning Strategy and provisions of the Municipal Government Act.

Development Officer means the officer of the Town of Berwick from time to time charged by the Town with the duty of administering the provisions of the Land Use By-law.

Dwelling means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units, and shall not include a hotel, a motel, or an apartment hotel.

Dwelling, Duplex means a building that is divided horizontally into two dwelling units each of which have an independent entrance either directly from outside the building or through a common vestibule.

Dwelling, Fourplex means a separate building containing only four dwelling units which are divided vertically into four parts, two perpendicular walls with each unit having direct access to the ground floor and used by not more than four families.

Dwelling, Grouped means three or more dwellings, not including accessory dwellings, located on a single lot.

Dwelling, Multiple Unit means a building containing three or more dwelling units.

Dwelling, Semi-Detached means a building that is divided vertically into two dwelling units each of which has an independent entrance.

Dwelling, Single Detached means a completely detached dwelling unit.

Dwelling, Stacked Townhouse means a building that is divided vertically and/or horizontally into three or more dwelling units, each of which has an independent entrance at grade.

Dwelling, Townhouse, or Rowhouse means a building that is divided vertically into three or more dwelling units, each of which has an independent entrance, to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.

Dwelling Triplex means a building that is divided horizontally into three dwelling units, each of which has an independent entrance either directly or through a common vestibule.

Dwelling Unit means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building.

Duplex - see "Dwelling".

Electric Vehicle Charging Station means a piece of infrastructure that supplies electric energy for the recharging of plug-in electric vehicles, including electric cars, neighbourhood electric vehicles and plug-hybrids.

Erect means to build, construct, reconstruct, alter, or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

Established Building Line means the average distance of the existing building from the street line of existing buildings in any block where more than half the frontage has been built upon at the effective date of this By-law.

Established Grade means, with reference to a building, the elevation of the finished grade of the ground where it meets the exterior of such building and when used with reference to a structure shall mean the average elevation of the finished grade of the ground immediately surrounding such structures, exclusive in both cases of any artificial embankment; and when used with reference to a street, road, or highway means the elevation of the street, road, or highway established by the Town or other designated authority.

Existing means existing as of the effective date of this By-law.

Floor Area

With reference to a **Dwelling** means the maximum area contained within the outside walls excluding any private garage, porch, verandah, sunroom, unfinished attic or basement and cellar or other room not habitable at all seasons of the year.

Commercial Floor Area means the total usable floor area within a building used for commercial purposes but excludes washrooms, furnace and utility rooms, and common malls between stores.

Gross Floor Area means the aggregate of the floor areas of building above or below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building, and for the purpose of this clause, the walls of an inner court shall be deemed to be exterior walls.

With references to a **Dwelling Unit** where more than one unit is contained within a building, means the maximum floor area contained within the finished wall surfaces of an individual dwelling unit, excluding closets, built-in cabinets and storage areas, and balconies.

Flanking Yard – see “Yard”.

Front Yard – see “Yard”.

Golf Course means a public or private area operated for the purpose of playing golf or a related activity.

Grade means the average elevation of the finished level of the ground at the exterior walls of the building.

Guest House means a living quarters, having no kitchen facilities, located on the same premises with a main building and occupied for the sole use of members of the family, temporary guests or persons permanently employed on the premises.

Height means the vertical distance on a building between the established grade and the highest point of the roof surface of the parapet, or a flat roof, whichever is the greater; the decline of a mansard roof; or the mean level between eaves and ridges of a gabled, hip, gambrel or other type of pitched roof; but shall not include any construction used as ornament or for the mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola or steeple.

Home Occupation means use of a dwelling for employment involving the provision or sale of goods or services or both goods and services.

Hospital means an institution for the treatment of persons afflicted with or suffering from sickness, disease or injury.

Hotel means a building or buildings or part thereof on the same site used to accommodate the travelling public for gain or profit, by supplying them with sleeping accommodation with or without meals but without private cooking facilities.

Industrial Use means the use of any building or land for the purpose of fabricating manufacturing, altering, repairing, processing, breaking up, demolishing, or treating of any article, commodity, or substance whatsoever.

Intensive Livestock Operation means the commercial production of swine, cattle or other livestock or rearing of animals for the production of fur including the accessory the storage of animal wastes at levels in excess of limits established in this By-law for Livestock Operations.

Institutional Use means any or all of the following uses or other similar uses.

- Churches, Places of Worship and Religious Institutions
- Colleges, Universities and Non-commercial Schools
- Fire Stations
- Public Building - municipal, provincial, federal
- Hospitals
- Libraries, Museums and Art Galleries
- Municipal Public Works Facilities
- Police Stations
- Public or Private Utility
- Any institutional use which is incorporated under the Societies Act, R.S. 1989, c. 435, s. 1, as amended, or any other private statute of incorporation.
- Public and private utilities
- Wastewater treatment plants.

Kennel means a building or structure where animals, birds or other livestock intended or used as domestic household pets are kept or boarded.

Land-lease Community means any lot, piece or parcel of land upon which three (3) or more occupied manufactured homes are located, and where the owner of the

manufactured home leases the land upon which the manufactured home is placed, and includes any building, structure or enclosure used or intended for use as part of the equipment of such land-lease community.

Landscaping means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening, or other architectural elements, all of which is designed to enhance the visual amenity of a property or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.

Light Warehousing means the long-term storage of goods inside an enclosed building, the goods being neither reactive chemical, nor toxic, nor perishable or odour emitting, including but not necessarily restricted to reusable bottle storage, and the long-term storage of furniture, household goods, crated used goods, or general merchandise, and not including retail sales and service or delivery of retail goods on the premises.

Livestock Operation means the commercial production of swine, cattle, fowl, or other livestock, excluding the production of fur and the accessory storage of animal wastes, at activity levels not exceeding the maximum established in this By-law.

Loading Space means a vacant area of land provided and maintained upon the same lot upon which the principal use is located and which area:

- (a) is suitable for the temporary parking of at least one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and such parking is not for the purpose of sale or display;
- (b) is not upon or partly upon any street, or highway.

Lot means any parcel of land described in a deed as a lot or as shown as an approved lot on in a registered plan of subdivision.

Corner Lot means a lot situated at the intersection of and abutting on two or more streets. The shorter lot line shall be deemed the front lot line of the said lot.

Infill Lot means a new residential lot created from an existing residential lot where both lots meet the minimum lot area and frontage requirements for the zone as established in this By-law.

Interior Lot means a lot situated between two lots and having access to one street.

Through Lot means a lot bounded on two opposite sides by streets or highway provided, however, if any lot qualifies as being both a Corner Lot and Through Lot as hereinbefore defined, such lot shall be deemed to be a Corner Lot for the purpose of this By-law.

Lot Area means the total horizontal area within the lot lines of a lot.

Lot Coverage means the percentage of the lot covered by the building area but excluding that portion of any building that is constructed entirely below grade.

Lot Depth means the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel, the lot depth shall be the length of a line joining the mid-points of the front and rear lot lines.

Lot Frontage means the length of a line measured at the front lot line joining the side lot lines and parallel to the front lot line.

Lot Line means a boundary line of a lot.

Front Lot Line means the line dividing the lot from the street. In the case of a **Corner Lot** the shorter boundary line abutting the street shall be deemed the front lot line and the longer boundary line abutting the street shall be deemed the side lot line and where such lot lines are of equal length the front lot line shall be either of the lot lines. In the case of a Through Lot, any boundary dividing the lot from a street shall be deemed to be the front lot line.

Rear Lot Line means the lot line furthest from or opposite to the front lot line.

Side Lot Line means a lot line other than a front or rear lot line.

Flanking Lot Line means a side lot line which abuts the street on a corner lot.

Lounge means a premise that sells liquor and wine by the glass and beer by the glass or bottle and is licensed under the Nova Scotia Liquor Control Act as a lounge.

Main Building means the building in which is carried on the principal purpose for which the building lot is used.

Main Wall means the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully or partially enclosed space or roof.

Maximum Lot Coverage means that percentage of the lot area covered by all building above ground level and shall include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level, and for the purpose of this definition the maximum lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said zone.

Manufactured Home means a detached dwelling designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembling, and for the purposes of this By-law, manufactured homes shall include mobile homes, mini-

homes, and modular homes that are either completely self-contained dwelling units or are sectional dwelling units that are assembled on the site, but does not include a travel trailer or recreational vehicle.

Medical Clinic means a building used wholly for the medical, dental, surgical, or therapeutic treatment of human beings and includes pharmacies, medical equipment suppliers, health care offices and other professional and commercial uses related to medical care but does not include a hospital.

Mobile Home means a detached dwelling designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy (except for minor and incidental unpacking and assembling operations), located on wheels, jacks or permanent foundation, and which may be connected to utilities and sanitary services, and the foregoing shall include mobile homes and modular dwellings having any main walls of less than twenty (20) feet.

Motel means a building or buildings or part thereof on the same site used to accommodate the travelling public for gain or profit, by supplying them with sleeping accommodation, with or without meals.

Municipality means the Municipality of the Town of Berwick.

Non-Conforming Use means any use of land or building or structure constructed, or being constructed, on or before the effective date of this By-law which has a prohibited use when subjected to this By-law.

Nursing Home means a building wherein nursing care, room and board are provided to individuals incapacitated in some manner for medical reasons but does not include a hospital or a senior citizen complex.

Obnoxious Use shall mean a use which, from its nature or operation creates a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material.

Office means a room where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retail selling of goods.

Office and Professional Use means a building or part thereof in which the principal or main use is the provision of professional services to the public.

Outdoor Display means the display of retail goods or materials intended for the immediate sale to the general public which are not enclosed within a structure.

Outdoor Storage means the storage of goods or materials not intended for immediate sale to the general public which are not enclosed within a structure.

Outdoor Wood burning Furnace means an accessory building or structure which operates as a heat source for associated main buildings.

Owner means a part owner, joint owner, tenant in common or joint tenant of the whole or any part of any land or building and includes a trustee, an executor, a guardian, an agent, a mortgagee in possession, or other person having the care or control of any land or building in the event of the absence or disability of the person having the title thereof.

Parking Lot and Parking Area means an open area containing parking spaces, other than a street, for two or more motor vehicles, available for public use or as an accommodation for clients, customers or residents and which has adjacent access to permit ingress or egress of motor vehicles to a street or highway by means of driveways, aisles or maneuvering areas where no parking or storage of motor vehicles is permitted.

Parking Space means an area of not less than one hundred and sixty (160) square feet, measuring nine (9) feet by eighteen (18) feet exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles.

Personal Service Shop means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, and without limiting the generality of the foregoing may include such establishments as barber shops, beauty parlours, automatic laundry shops, hairdressing shops, shoe repair and shoe shining shops, and depots for collecting dry cleaning and laundry, but excludes any manufacturing or fabrication of goods for sale.

Private Club means a building or part of a building used as a meeting place for members or an organization and may include a lodge, a fraternity, or sorority house, and a labour union hall.

Private Park means a park other than a public park which is privately owned and operated.

Professional Office means a building or structure where business may be transacted, a service performed, or consultation given but shall not include the manufacturing of any product or the retailing or selling of goods.

Public Authority means His Majesty the King in the Right of Canada, the Province of Nova Scotia, the Town of Berwick or any Board, Commission or Committee of the Town of Berwick established by or exercising any power or authority under any general or specific statute of Nova Scotia with respect to any of the affairs or purposes of the municipality or a portion thereof and includes any committee or local authority established by the By-law of the Town.

Public or Private Utility means a system, works, plant, equipment, or service whether owned or operated by or for the Municipality, or by a corporation, or under a federal or provincial statute which furnishes services including but not limited to:

- communication;
- public transportation;
- production, transmission, deliver or furnishing of water, gas or electricity to the public at large;
- collection and disposal of sewage, excluding septic tank sludge dumping stations; and
- fire departments.

Public Park means a park owned or controlled by a Public Authority.

Recreational Uses means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres and similar uses to the foregoing, together with necessary and accessory buildings and structures, but not including a track for the racing of animals, or any form of motorized vehicles.

Restaurant means a building or part thereof where food and drink is served to the public for consumption within the building or for takeout but not for consumption in parking areas appurtenant to the building.

Restaurant, Drive In means a building or part thereof where food and drink is served to the public for consumption in parking areas appurtenant to the building whether or not facilities are provided for consumption within the building.

Retail Store means a building or part thereof in which goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public.

Road - see "Street".

Roofed Accommodation means

- i. every building, part of a building, group of buildings or place of accommodation that provides one or more residential units used mainly for the reception of the travelling or vacationing public,
- ii. cottages or cabins, or
- iii. any building or part of a building designated as a roofed accommodation by the regulations;

Rowhouse Dwelling - see "Dwelling".

Scrap Yard and Salvage Yard means a lot or premises for the storage or handling of scrap material and without limiting the generality of the foregoing, shall include

waste paper, rags, bones, bottles, used bicycles, vehicles, tires, metal or other scrap material or salvage.

School

Commercial School means a school of seven or more pupils gathered at one time conducted for gain, and may include instruction in trades, skills, or services such as a secretarial, language, driving, art, modeling, beauty, dancing and music school and does not include day-care, day nursery or nursery schools.

Non-Commercial School means a public or private academic, religious or philanthropic school not operated for monetary gain.

Semi-Detached Dwelling - see "Dwelling"

Service Industries includes the processing of milk and dairy products, a bakery, a public garage including engine and body repair shop, a printing establishment, a laundry or cleaning establishment, a paint shop, a plumbing shop, sheet metal shop and similar uses.

Service Shop means a building or part thereof used for the sale or repair of household articles and shall include radio, television and appliance repair shops but shall not include industrial or manufacturing or motor vehicle repair shops.

Service Station - see Automobile Service Station

Setback means the distance between the street line and the nearest main wall of any building or structure and extending the full width or length of the lot. Required Setback means the minimum setback as prescribed by the Land Use By-law.

Shared Housing Use means a use that contains 4 or more bedrooms, that meets one of more of the following:

- (a) that are rented for remuneration as separate rooms for residential accommodation; or
- (b) that are operated by a non-profit organization or a registered Canadian charitable organization that provides support services to the occupants of the shared housing use and includes Shared Housing with Special Care but does not include short-term rental hotel, motel, or tourist accommodation as defined in the Tourist Accommodation Regulation Act.

Shared Housing with Special Care means a type of Shared Housing Use that is designed to provide a level of care to residents with cognitive, physical or behavioural limitations, and for greater certainty, shared housing with special care may include individual dwelling units for occupants and must meet the definition of Shared Housing Use.

Shopping Centre means a separate use of land containing a building or building complex on a lot designed, developed and managed as a unit by a single owner or tenant, or a group of commercial uses, distinguished from a business area comprising unrelated individual uses and characterized by the sharing of common parking areas and driveways.

Shopping Mall - see "Shopping Centre".

Short-term Rental means the provision of roofed accommodations to a single party or group, for payment or compensation, for a period of 28 days or less.

Sign means any structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, form, group, commodity, profession, enterprise, industry or business, or which shall display or include any letter, work, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the premises or from a parking lot. The word "sign" shall include signs which are affixed to the inside of windows and glass doors and are intended to be seen from roadways or parking lots. No other indoor sign shall be deemed a sign within this By-law.

Canopy / Awning Sign means any sign attached to or forming part of a canopy or awning.

Facial Wall Sign means a sign which is painted upon a building wall or is attached to and supported by a wall of a building.

Ground Sign means a sign supported by one or more up-rights, poles or braces placed in or upon the ground.

Illuminated Sign means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light focused upon or chiefly directed at the surface of the sign.

Off Premises Sign means a sign that is related to a business premises that is not located on the building or lot on which the sign is placed.

Projecting Wall Sign means a sign which projects from and is supported by a wall of a building.

Reader Board Sign means a sign designed with removable letters, marks, symbols, or pictorials or any combination of these to allow for periodic revisions of the sign message, but does not include signs used by theatres, art galleries, arenas, churches or similar premises, for the purpose of identifying a program or event that will take place at the premise.

Roof Sign means a sign supported by one or more uprights, poles or braces placed upon the roof of a building.

Sandwich Board Sign means a sign which is composed of two hinged or otherwise joined boards which leans on the ground.

Sign Area means the area of the smallest triangle, rectangle of circle or semi-circle which can wholly enclose the surface area of the sign. All visible faces of a multifaced sign shall be counted separately and then totaled in calculating sign area. Three dimensional signs shall be treated as dual-faced signs, such that the smallest triangle, rectangle or circle or semi-circle which can totally circumscribe the sign in the plane of its largest dimension is considered the sign area.

Number of Signs means that for the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship or elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

Single Detached Dwelling - see "Dwelling".

Single Room Occupancy *(does the Town currently use this definition?)*

Small Options Home means the use of a building or part thereof for a family home, group care facility, or similar facility for the non-medical care for not more than six persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual but does not include a facility licensed by Corrections Canada or Nova Scotia Corrections or successor bodies.

Small Scale Commercial Uses means small convenience stores, corner shops, or local boutiques that contain less than 18.58 square metres (200 gross square feet).

Solar Collector System means a device or combination of devices, structure or part of a device, or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply. Solar collectors may be attached to or detached from principal structures.

Solar Collector System – Commercial means an energy system consisting of solar photovoltaic panels or solar thermal collectors with a rated capacity between 100 kW and 2MW, designed for the purpose of generating electrical power or thermal energy from sunlight.

Solar Collector System – Residential means an energy system consisting of solar photovoltaic panels or solar thermal collectors with a rated capacity

less than 100 kW, designed for the purpose of generating electrical power or thermal energy from sunlight.

Split Level Dwelling - see "Dwelling".

Storey means that portion of a building which is situated between the top of any floor and the top of the floor above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

Street or Road, Public means the whole and entire right-of-way of every highway, road, or road allowance vested in the Province of Nova Scotia or the Town of Berwick.

Street Line means the boundary line of a street.

Structure means anything that is erected, built, or constructed of parts joined together or any such section fixed to or supported by the soil or by any other structure. A structure shall include buildings, walls and signs and also fences exceeding six (6) feet in height.

Telecommunications Tower, Antennas, Buildings and Equipment means any facilities, apparatus or other structure that is used for telecommunication transmissions purposes.

Tiny House means a dwelling unit that is 37 m² or less in building area.

Tourist Establishment means a building or buildings which are used to accommodate the travelling public for gain or profit by supplying them with sleeping accommodation, with or without meals, and shall include a guest home, tourist cabins, a motel, an auto court and a hotel.

Tower means any structure that is designed and constructed primarily for the purposes or supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers and includes personal wireless service facilities including radio and television transmission towers, microwave towers, common-carrier towers, and cellular telephone towers.

Town shall mean the Town of Berwick.

Townhouse Dwelling - see "Dwelling".

Travel Trailer or Recreational Vehicle means any vehicle or similar portable structure not exceeding one-hundred and two (102) inches wide and thirty-two (32) feet long supported by wheels designed for travel, recreational and vacation uses, to provide dwelling accommodation of a temporary nature.

Triplex Dwelling - see "Dwelling".

Use means the purpose for which any land, building, or structure is utilized, and also means the purpose for which any land, building, or structure is designed,

arranged, or intended, or the purpose for which and land, building, or structure is occupied or maintained.

Warehouse means a building where wares or goods are stored but shall not include a retail store.

Watercourse means the bed and shore of every river, stream, lake, creek, pond, spring, lagoon, or other natural body of water – whether it contains water or not – and the water therein, within the jurisdiction of the province. It also includes all groundwater.

Wind Turbine means a system of components which converts the kinetic energy of the wind into electrical or mechanical energy, and which includes all necessary components for energy storage, control systems and transmission systems.

Yard means an open, uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-law. In determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used.

Front Yard means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot; a "minimum" front yard means the minimum depth allowed by this By-law of a front yard on a lot between the front lot line and the nearest main wall of any main building or structure on the lot.

Rear Yard means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot; and "minimum" rear yard means the minimum depth allowed by this By-law of a rear yard on a lot between the rear lot line and the nearest main wall of any main building or structure on the lot.

Side Yard means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any building or structure on the lot; and "minimum" side yard means the minimum width allowed by this By-law of a side yard on a lot between a side lot line and the nearest main wall of any main building or structure on the lot.

Flanking Yard means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest main wall of any building or structure.

Yard Sale means the sale of new or used household goods from a residential property, whether from the yard of a lot, an accessory building or from within the main residence. Each ten-hour period shall be considered a separate yard sale.

Zone means a designated area of land shown on the Schedules of this By-law.



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Land of Orchards, Vineyards and Tides

Town of Berwick Activity Report - November 2023

<u>PERMIT COUNTS</u>	Last Fiscal Year		This Fiscal Year	
	Total For November 2022	Total For Year to Date	Total For November 2023	Total For Year to Date
Building Permits	3	35	2	19
Development Permits	0	0	0	0
Demolition Permits	0	1	0	0
Sign Permits	0	0	0	0
Total Permits	3	36	2	19

TOTAL BUILDING VALUE	\$271,370	\$4,783,945	\$33,080	\$1,417,960
PERMIT VALUE	\$367	\$6,074	\$103	\$2,588

NUMBER OF UNITS

One Unit	1	11	0	4
Two Unit	0	8	0	0
Multi Unit	0	0	0	0
Townhouse	0	0	0	0
Farm Dwelling	0	0	0	0
Mobile Home	0	0	0	0
Farm Tenement	0	0	0	0
Total Residential	1	19	0	4
Recreational Cabins	0	0	0	0

SUBDIVISIONS

Total Plans Approved	0	0	0	0
Total Lots Approved	0	0	0	0




What is a Plan Review?

TIMELINE



A plan review is a long-term guide for the municipality's growth & development, outlining goals and policies related to land use, housing transportation, infrastructure, and other aspects of community development.

LOOK INSIDE TO FIND OUT MORE ABOUT...

-  Key Changes to the Plan Review
-  New Zoning Maps
-  Digital links to even more information

Plan Review Highlights

INCREASING HOUSING OPTIONS

Creating a new low-density zone allowing up to 2 units per lot plus accessory dwellings

ENHANCING THE CORE

Will permit up to 5-storeys on Commercial Street; extension of Commercial Designation

REDUCED PARKING REQUIREMENTS

Minimum parking requirements are reduced to encourage better use of the lands in the commercial areas

FACILITATING DEVELOPMENT (RED TAPE REDUCTION)

Reduce administrative requirements by allowing more as-of-right or site plan approvals. Fewer development agreements

MODERNIZING DOCUMENTS

Easier to understand documents that meet new provincial minimum planning requirements

COMPREHENSIVE POLICY AREAS

Includes new environmental and growth management policies

COMPARING R1 TO THE PROPOSED R2 ZONE

What can you do in the R1 zone now?

- Single unit dwelling
- Daycare up to 5 children
- Bed and Breakfasts
- Accessory Dwelling units
- Existing uses such as mobile home parks, care facilities and boarding houses and trucking facilities

By Development Agreement

- Apartments and grouped dwellings with no max. number of units
- Boarding houses

By Site Plan Approval

- none permitted

What can you do in the proposed R2 zone?

- Single unit dwellings
- Semi-detached and duplex
- Daycares up to 10 children
- Short term rentals
- Accessory dwelling units
- Shared housing up to 10 units
- Small Options home
- The same existing uses that are currently permitted in R1.

By Development Agreement

- Expansion on land lease communities
- Expansion of existing uses
- New 2 or 3 unit dwellings on lots that do not meet minimum requirements of the zone

By Site Plan Approval

- Allows up to maximum of 4 units in this zone

This is not a complete list and is a summary of the major changes



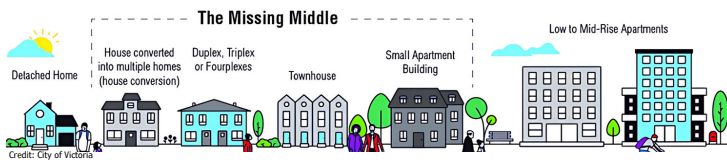
Read the draft Municipal Planning Strategy and the draft Land Use By-Law here: <https://www.berwick.ca/maps.html>

or visit Town Hall to request a copy.

Supporting gentle increases in density

The Proposed Change: Combine the R-1 zone and the R-2 zone into a new R-2 zone that allows for two units plus accessory dwellings.

The Impact: The R-1 zone currently allows for an accessory unit and multi-unit development by a development agreement. This change will allow for gentle increases in density as of right, without going through an expensive and time-consuming development agreement process.



This graphic shows different housing types that Berwick could consider. The proposed changes will encourage density in Berwick that falls into the missing middle category, a term planners use to identify an often missing category of housing. This kind of gentle density increase helps reduce housing costs and integrates well into existing lower-density areas.

Encouraging more commercial development

The Proposed Change: Small reductions in the parking requirements in the commercial areas and permit rezoning to commercial uses in new areas along Commercial Street and allowing up to 5 stories of mixed-use buildings under certain circumstances.

The Impact: Reductions in parking will allow existing residential properties to increase the amount of commercial on their properties. Commercial uses are important contributors to a vibrant town and are important for taxation purposes.



A rendering showing a 5 storey building. This helps to visualize the potential impact on the Commercial Street of this building height.

OTHER CHANGES

New Planning Documents often result in many small changes to allow the Town to respond to new situations, such as the current housing shortage, or make improvements that guide how the town develops. This list summarizes some of these changes.

- New requirements for groundwater studies for larger residential developments
- Climate change policies
- Make approvals quicker and less expensive by using site plan approvals instead of development agreements in certain situations
- Remove boarding houses and provide guidance for single-room occupancies
- Identify future development areas that will be planned comprehensively
- Make it more clear what is required when rezoning certain properties
- Allowing more units in the R-3 zone but with stricter criteria
- Adjusting the frontage and lot size requirements for the agricultural zone
- As of right provisions and a new definition for shared housing
- Revised unit limits within the residential zones and increased use of site plan approvals to allow for streamlined approvals

Development Agreements

are legal contracts between developers and the Town which detail exactly what can occur on the land. Before Council enters into a DA, the public must be consulted. Like site plans, DA's are registered against title.

Site plans

require the submission of a plan that shows exactly how the proposed development complies with the regulations in the Land Use bylaw. If approved, this document is registered against the title of the property and all future land owners must comply with it.

COME HEAR ABOUT THE POTENTIAL CHANGES TO THE PLANNING REGULATIONS

MARCH 27TH, 2024

6:00-8.00 PM

ANGLICAN CHURCH HALL (ANNEX)
238 COMMERCIAL STREET, BERWICK, N.S

There will be two times when our consultants will make a brief presentation followed by small group or individual conversations.

Please attend either of these times:

6:00-6:30 pm

7:00-7:30 pm

Stay Informed with 3 Easy Steps

1

Review the draft documents

2

Book an appointment
Email: planning@berwick.ca
Phone: 902-538-8068 Ext. 4020

3

Attend the meeting on March 27, 2024





Municipality of the County of Kings

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Land of Orchards, Vineyards and Tides

Report Date: 12/6/2023

Town of Berwick Building Permit Statistics - November 2023

Permits by Building Type

Building Type	Total
DECK	1
ONE UNIT	1
	2

Summary of Est. Value by Building Type

Building Type	Total Est. Value
DECK	\$13,080.00
ONE UNIT	\$20,000.00
	\$33,080.00

Dwelling Units Demolished

		Total
SINGLE-DETACHED	0	0
RECREATIONAL CABIN	0	0
SEMI-DETACHED	0	0
ROW	0	0
APARTMENT	0	0
	0	0

Town of Berwick

Building Permit Statistics - November 2023

	<u>Work Type</u>		<u>Building Type</u>		<u>Building Type</u>		<u>Proposed Use</u>
ADD	ADDITION	AB	ACCESSORY BUILDING	ID	INDUSTRIAL	AG	AGRICULTURAL
CON	CONSTRUCTION	AD	ACCESSORY DWELLING UNIT	IN	INSTITUTIONAL	CM	COMMERCIAL
LOC	LOCATION	AG	AGRICULTURAL	MH	MOBILE HOME	FI	FISHING
OTH	OTHER	AU	ACCESSORY USE	MU	MULTI UNIT	FO	FORESTRY
RNO	RENOVATION	BH	BOAT HOUSE	OU	ONE UNIT	IN	INSTITUTIONAL
DMO	DEMOLITION	CM	COMMERCIAL	RC	RECREATIONAL CABIN	MF	INDUSTRIAL
		DK	DECK	RV	RECREATIONAL VEHICLE	NA	NOT APPLICABLE
		FD	FARM DWELLING	SN	SIGN	RC	RECREATIONAL
		FI	FISHING	SP	SWIMMING POOL	RE	RESIDENTIAL
		F0	FORESTRY	SO	SOLAR		
		FT	FARM TENEMENT	TH	TOWN HOUSE		
		GA	GARAGE	TU	TWO UNIT		

Permit	Location	Work Type	Bldg Type	Prop Use	Est Value
230846	141 COMMERCIAL ST	RNO	OU	RE	\$20,000.00
230974	295 VETERANS DR	ADD	DK	RE	\$13,080.00
					\$33,080.00



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Town of Berwick Activity Report - December 2023

PERMIT COUNTS	Last Fiscal Year		This Fiscal Year	
	Total For December 2022	Total For Year to Date	Total For December 2023	Total For Year to Date
Building Permits	2	32	3	38
Development Permits	0	0	0	0
Demolition Permits	0	2	0	1
Sign Permits	0	0	0	0
Total Permits	2	34	3	39

TOTAL BUILDING VALUE	\$211,139	\$4,489,713	\$128,140	\$5,016,684
PERMIT VALUE	\$272	\$5,919	\$202	\$6,398

NUMBER OF UNITS

One Unit	1	12	1	12
Two Unit	0	8	0	8
Multi Unit	0	0	0	0
Townhouse	0	0	0	0
Farm Dwelling	0	0	0	0
Mobile Home	0	0	0	0
Farm Tenement	0	0	0	0
Total Residential	1	20	1	20
Recreational Cabins	0	0	0	0

SUBDIVISIONS

Total Plans Approved	0	0	0	0
Total Lots Approved	0	0	0	0



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Land of Orchards, Vineyards and Tides

Report Date: 1/12/2024

Town of Berwick Building Permit Statistics - December 2023

Permits by Building Type

Building Type	Total
ACCESSORY DWELLING UNIT	1
ONE UNIT	1
SOLAR	1
	3

Summary of Est. Value by Building Type

Building Type	Total Est. Value
ACCESSORY DWELLING UNIT	\$38,400.00
ONE UNIT	\$64,000.00
SOLAR	\$25,740.00
	\$128,140.00

Dwelling Units Created

Permits by Building Type

Building Type	Total
ONE UNIT	1
	1

Summary of Est. Value by Building Type

Building Type	Total Est. Value
ONE UNIT	\$64,000.00
	\$64,000.00

Dwelling Units Demolished

		Total
SINGLE-DETACHED	0	0
RECREATIONAL CABIN	0	0
SEMI-DETACHED	0	0
ROW	0	0
APARTMENT	0	0
	0	0

Town of Berwick

Building Permit Statistics - December 2023

<u>Work Type</u>		<u>Building Type</u>		<u>Building Type</u>		<u>Proposed Use</u>	
ADD	ADDITION	AB	ACCESSORY BUILDING	ID	INDUSTRIAL	AG	AGRICULTURAL
CON	CONSTRUCTION	AD	ACCESSORY DWELLING UNIT	IN	INSTITUTIONAL	CM	COMMERCIAL
LOC	LOCATION	AG	AGRICULTURAL	MH	MOBILE HOME	FI	FISHING
OTH	OTHER	AU	ACCESSORY USE	MU	MULTI UNIT	FO	FORESTRY
RNO	RENOVATION	BH	BOAT HOUSE	OU	ONE UNIT	IN	INSTITUTIONAL
DMO	DEMOLITION	CM	COMMERCIAL	RC	RECREATIONAL CABIN	MF	INDUSTRIAL
		DK	DECK	RV	RECREATIONAL VEHICLE	NA	NOT APPLICABLE
		FD	FARM DWELLING	SN	SIGN	RC	RECREATIONAL
		FI	FISHING	SP	SWIMMING POOL	RE	RESIDENTIAL
		F0	FORESTRY	SO	SOLAR		
		FT	FARM TENEMENT	TH	TOWN HOUSE		
		GA	GARAGE	TU	TWO UNIT		

Permit	Location	Work Type	Bldg Type	Prop Use	Est Value
231020	106 FOSTER ST	RNO	SO	RE	\$25,740.00
231013	MAIN ST	CON	OU	RE	\$64,000.00
231014	MAIN ST	CON	AD	RE	\$38,400.00
					\$128,140.00



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Town of Berwick Activity Report - January 2024

	Last Fiscal Year		This Fiscal Year	
	Total For January 2023	Total For Year to Date	Total For January 2024	Total For Year to Date
<u>PERMIT COUNTS</u>				
Building Permits	1	38	2	24
Development Permits	0	0	0	0
Demolition Permits	0	1	0	0
Sign Permits	0	0	0	0
Total Permits	1	39	2	24
<hr/>				
TOTAL BUILDING VALUE	\$21,600	\$5,016,684	\$38,769	\$1,584,869
PERMIT VALUE	\$52	\$6,398	\$79	\$2,869
<hr/>				
<u>NUMBER OF UNITS</u>				
One Unit	0	12	0	5
Two Unit	0	8	0	0
Multi Unit	0	0	0	0
Townhouse	0	0	0	0
Farm Dwelling	0	0	0	0
Mobile Home	0	0	0	0
Farm Tenement	0	0	0	0
Total Residential	0	20	0	5
Recreational Cabins	0	0	0	0
<u>SUBDIVISIONS</u>				
Total Plans Approved	0	0	0	0
Total Lots Approved	0	0	0	0



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Land of Orchards, Vineyards and Tides

Report Date: 2/7/2024

Town of Berwick Building Permit Statistics - January 2024

Permits by Building Type

Building Type	Total
DECK	1
INSTITUTIONAL	1
	2

Summary of Est. Value by Building Type

Building Type	Total Est. Value
DECK	\$25,000.00
INSTITUTIONAL	\$13,769.00
	\$38,769.00

Dwelling Units Demolished

		Total
SINGLE-DETACHED	0	0
RECREATIONAL CABIN	0	0
SEMI-DETACHED	0	0
ROW	0	0
APARTMENT	0	0
	0	0

Town of Berwick

Building Permit Statistics - January 2024

<u>Work Type</u>		<u>Building Type</u>		<u>Building Type</u>		<u>Proposed Use</u>	
ADD	ADDITION	AB	ACCESSORY BUILDING	ID	INDUSTRIAL	AG	AGRICULTURAL
CON	CONSTRUCTION	AD	ACCESSORY DWELLING UNIT	IN	INSTITUTIONAL	CM	COMMERCIAL
LOC	LOCATION	AG	AGRICULTURAL	MH	MOBILE HOME	FI	FISHING
OTH	OTHER	AU	ACCESSORY USE	MU	MULTI UNIT	FO	FORESTRY
RNO	RENOVATION	BH	BOAT HOUSE	OU	ONE UNIT	IN	INSTITUTIONAL
DMO	DEMOLITION	CM	COMMERCIAL	RC	RECREATIONAL CABIN	MF	INDUSTRIAL
		DK	DECK	RV	RECREATIONAL VEHICLE	NA	NOT APPLICABLE
		FD	FARM DWELLING	SN	SIGN	RC	RECREATIONAL
		FI	FISHING	SP	SWIMMING POOL	RE	RESIDENTIAL
		F0	FORESTRY	SO	SOLAR		
		FT	FARM TENEMENT	TH	TOWN HOUSE		
		GA	GARAGE	TU	TWO UNIT		

Permit	Location	Work Type	Bldg Type	Prop Use	Est Value
240011	115 COMMERCIAL ST	RNO	IN	IN	\$13,769.00
240040	137 COTTAGE ST	ADD	DK	RE	\$25,000.00
					\$38,769.00



Municipality of the County of Kings

181 Coldbrook Village Park Drive
Coldbrook NS B4R 1B9

Tel: (902) 690-6152
Fax: (902) 679-0911
Tel: 1-888-337-2999

www.countyofkings.ca
Land of Orchards, Vineyards and Tides

Town of Berwick Activity Report - February 2024

	Last Fiscal Year		This Fiscal Year	
	Total For February 2023	Total For Year to Date	Total For February 2024	Total For Year to Date
<u>PERMIT COUNTS</u>				
Building Permits	0	38	3	27
Development Permits	0	0	0	0
Demolition Permits	0	1	0	0
Sign Permits	0	0	0	0
Total Permits	0	39	3	27
<hr/>				
TOTAL BUILDING VALUE	0	\$5,016,684	\$14,279,420	\$15,864,289
PERMIT VALUE	0	\$6,398	\$15,809	\$18,678
<hr/>				
<u>NUMBER OF UNITS</u>				
One Unit	0	12	1	6
Two Unit	0	8	0	0
Multi Unit	0	0	0	0
Townhouse	0	0	0	0
Farm Dwelling	0	0	0	0
Mobile Home	0	0	0	0
Farm Tenement	0	0	0	0
Total Residential	0	20	1	6
Recreational Cabins	0	0	0	0
<u>SUBDIVISIONS</u>				
Total Plans Approved	0	0	0	0
Total Lots Approved	0	0	0	0



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Land of Orchards, Vineyards and Tides

Report Date: 3/11/2024

Town of Berwick Building Permit Statistics - February 2024

Permits by Building Type

Building Type	Total
INSTITUTIONAL	1
ONE UNIT	2
	3

Summary of Est. Value by Building Type

Building Type	Total Est. Value
INSTITUTIONAL	\$14,077,000.00
ONE UNIT	\$202,420.00
	\$14,279,420.00

Dwelling Units Created

Permits by Building Type

Building Type	Total
ONE UNIT	1
	1

Summary of Est. Value by Building Type

Building Type	Total Est. Value
ONE UNIT	\$177,420.00
	\$177,420.00

Dwelling Units Demolished

		Total
SINGLE-DETACHED	0	0
RECREATIONAL CABIN	0	0
SEMI-DETACHED	0	0
ROW	0	0
APARTMENT	0	0
	0	0

Town of Berwick

Building Permit Statistics - February 2024

<u>Work Type</u>		<u>Building Type</u>		<u>Building Type</u>		<u>Proposed Use</u>	
ADD	ADDITION	AB	ACCESSORY BUILDING	ID	INDUSTRIAL	AG	AGRICULTURAL
CON	CONSTRUCTION	AD	ACCESSORY DWELLING UNIT	IN	INSTITUTIONAL	CM	COMMERCIAL
LOC	LOCATION	AG	AGRICULTURAL	MH	MOBILE HOME	FI	FISHING
OTH	OTHER	AU	ACCESSORY USE	MU	MULTI UNIT	FO	FORESTRY
RNO	RENOVATION	BH	BOAT HOUSE	OU	ONE UNIT	IN	INSTITUTIONAL
DMO	DEMOLITION	CM	COMMERCIAL	RC	RECREATIONAL CABIN	MF	INDUSTRIAL
		DK	DECK	RV	RECREATIONAL VEHICLE	NA	NOT APPLICABLE
		FD	FARM DWELLING	SN	SIGN	RC	RECREATIONAL
		FI	FISHING	SP	SWIMMING POOL	RE	RESIDENTIAL
		F0	FORESTRY	SO	SOLAR		
		FT	FARM TENEMENT	TH	TOWN HOUSE		
		GA	GARAGE	TU	TWO UNIT		

Permit	Location	Work Type	Bldg Type	Prop Use	Est Value
240007	COMMERCIAL ST	CON	IN	IN	\$14,077,000.00
240050	HONEYCRISP DR	CON	OU	RE	\$177,420.00
240096	186 WILLOW AVE	RNO	OU	RE	\$25,000.00
					\$14,279,420.00