

Public Hearing Meeting

May 8, 2023

Town of Berwick, Council Chambers

6:30pm

AGENDA

1. Call to Order

2. Public Hearing

149 Cottage Street – redesignation from Institutional to Residential and rezone from I1 to R2.

- a. Overview of Proposal
- b. Comments from Applicant
- c. Public Input
- d. Written Submissions
- e. Final Comments from Applicant

3. Public Hearing

Enable Accessory Dwelling Units – Detached suites in R1 & R2 zones

- a. Overview of Proposal
- b. Comments from Applicant
- c. Public Input
- d. Written Submissions
- e. Final Comments from Applicant

4. Public Hearing

215 Marsters Avenue – Permit a single unit dwelling on PID 55550297

- a. Overview of Proposal
- b. Comments from Applicant
- c. Public Input
- d. Written Submissions
- e. Final Comments from Applicant

5. Adjournment

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

Part 1: Background

1.1: Introduction

Property Owner(s)	Mighty Metal Roofing Ltd.
Civic Address	149 Cottage Street
Designation	Institutional
Zone	I1
Subject Property	<p style="text-align: center;">Context Map for 149 Cottage St.</p> <p style="font-size: small;">Source: Town of Berwick Open Data, GeoNova Open Data Date: 2022-11-07 1 cm = 34 meters</p>
Subject Property Area	14,000 ft ² within 3 parcels.

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

1.2: Location

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

1.3: Background

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



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

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

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

Part 2: Policy Analysis

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

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

Policy I6 states that “It shall be the intention of Council to consider the redevelopment and/or reuse of lands zoned Institutional (I1) for non-institutional purposes only by Development Agreement subject to criteria contained in Policy IM7.” Although the applicant can proceed through a Development Agreement, staff are recommending that to redesignate and rezone the property to better conform with the surrounding neighbourhood and as it unlikely that the property will return to an institutional use.

Policy R1 states that “It shall be the intention of Council to create a Residential Generalized Future Land Use Designation on the Generalized Future Land Use Map and encourage the development, maintenance and enhancement of a wide variety of residential uses and related compatible uses within this Designation”. The Town will benefit by the amendment as it will create additional housing that is compatible with the existing neighbourhood.

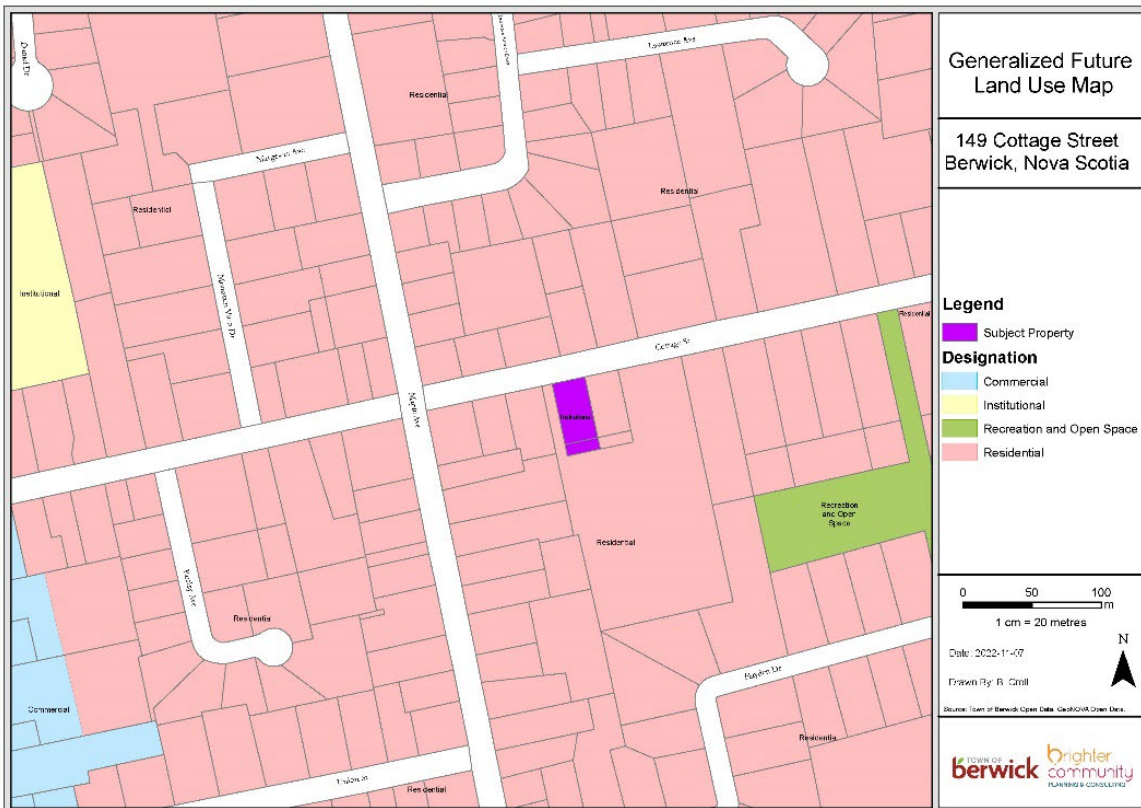
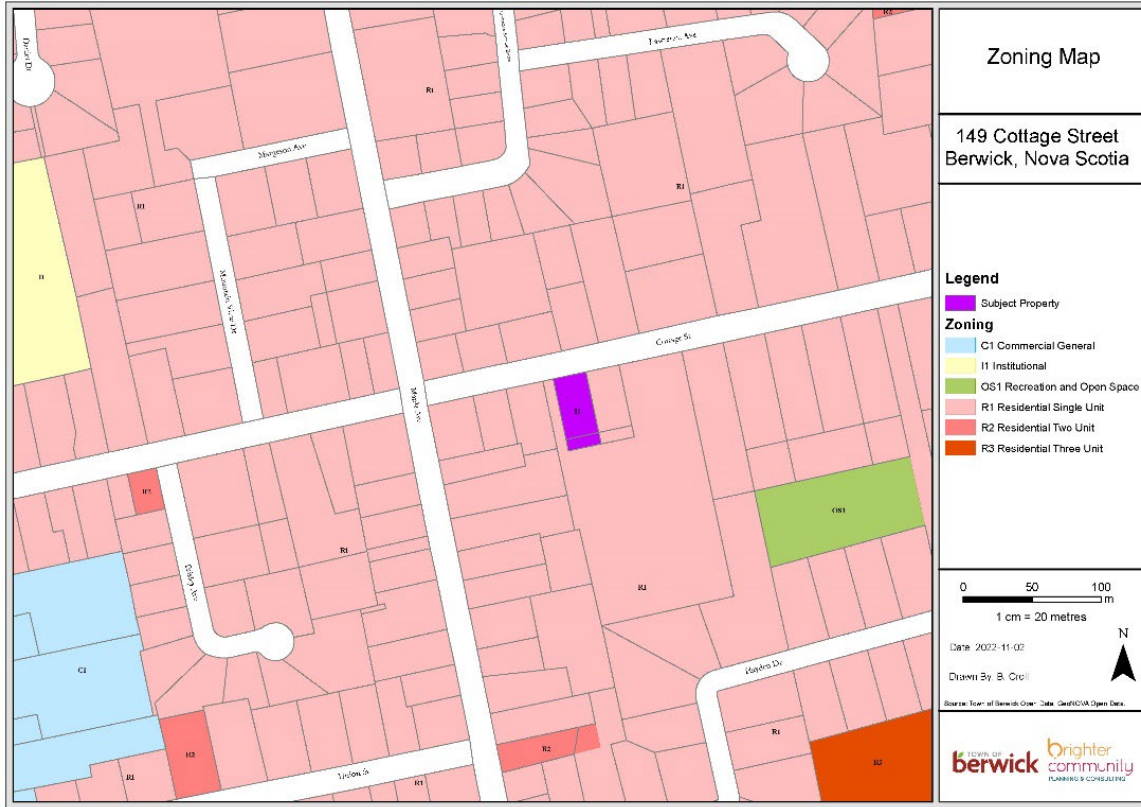
Policy R10 enables Council to consider new residential dwellings containing two units through a rezoning process. In addition to the implementation policies in IM7, the only requirement is that the minimum lot frontage and area requirements for the R2 zone are met. The minimum lot requirement in the R2 zone is 80 feet of frontage and the Subject Property has a frontage of 80 feet. The minimum lot area requirement of the R2 zone is 12,000 ft² and the Subject Property, once consolidated, has a total area of 14,000 ft². The minimum requirements for the R2 are met.

2.1: Implementation Policies

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

2.2: Provincial Statement of Interest

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



Part 3: Public Participation Comments

PAC held a public participation meeting on February 7th where four people provided comments. The comments can be summarized as follows:

Concern or comment	Developer Response	Staff response
Concern about the disrepair of the building	The building has been vacant for several years and once he understands what he is able to do with the building, the site will be improved.	The Town does not have an Unsightly premises bylaw and there is no breach of any Town regulation.
Who is the target market for the units?	No specific target market.	Planning documents do not address who potential occupants of units may be or the tenure (rental or homeownership)
Does the applicant own other buildings?	According to the applicant, they do own other buildings in the Port Williams area.	This issue is not relevant to a planning application.
Question about easement	N/A	Staff understand that the public was asking about the road frontage part of a Provincially owned parcel of land. This is not an easement. This planning application does not apply to that parcel of land

Part 4: Discussion

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

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

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

Part 5: Recommendation

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

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

Appendix A- Policy Summary

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

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

Appendix B – R2 Zone Requirements

6.3. Residential Two Unit (R2) Zone

6.3.1 R2 Uses Permitted

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

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

6.3.2 General Lot Requirements

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

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

6.3.3 Special Requirements: Converted Dwellings

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

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

6.3.4 Side Yard, Attached Garage

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

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

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

Prepared by:	Brighter Community Planning
Subject:	Policy Review to Enable Accessory Dwelling Units
Date:	March 7, 2023
Purpose:	To consider enabling accessory dwelling units within the MPS
Draft Motion:	That the Planning Advisory Committee provide positive recommendation to for Accessory Dwelling Units – Detached Suits in the R1 and R2 zones as-of-right and that Council forward the draft amendments to a Public Hearing.

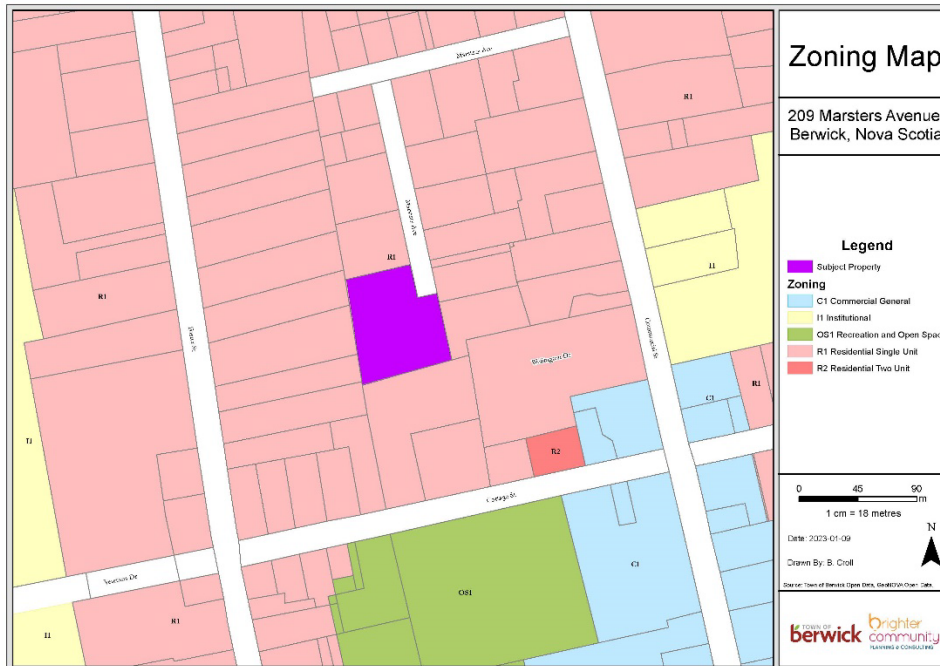
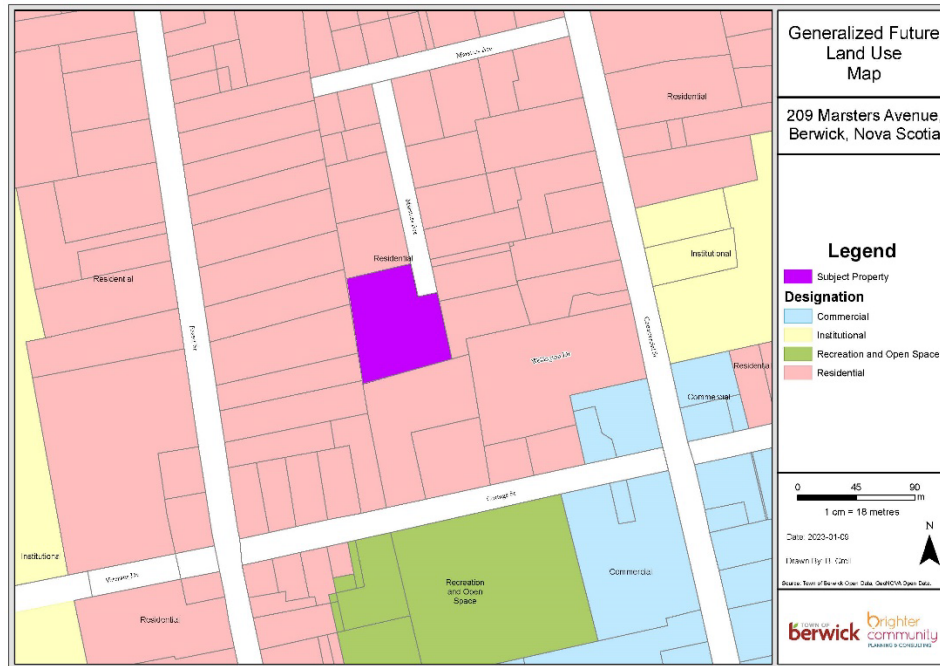
Part 1: Background

1.1: Introduction

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

1.2: Location

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



1.3: Background

Robert Woodworth applied to amend the Land Use By-law on December 7, 2022 to rezone the property from Residential Single Unit (R1) to Residential Two Unit (R2) zone to allow for the construction of a stand-alone garage and separate apartment above the garage. The current policies and provisions in the Berwick Municipal Planning Strategy and Land Use By-law are silent with regards to accessory units and do not permit human habitation within accessory buildings and structures. The application requires an amendment to both the Municipal Planning Strategy and the Land Use By-law to permit detached accessory dwelling units within the current Residential Single Unit (R1) Zone.

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

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

Part 2: Policy Analysis

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

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

Section 2.3 Development and Land Use Control Principles and Objectives

Residential Principles and Objectives

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

Part 3: Feedback from Public Information Meeting

Staff has had an opportunity to review four of the main themes that arose at the February 7, 2023 Public Information Meeting.

3.1: Groundwater Capacity

CBCL has been engaged by the Town of Berwick to determine whether infill development could affect existing potable water supplies. The study looks at the impact of 500 additional residential units on the groundwater aquifer, as the Town continues to expand. CBCL submitted their first draft of the Town of Berwick Groundwater Use Study on January 30, 2023. Town staff (including the Town Engineer) have reviewed the report and provided comments. CBCL will be finalizing the report prior to first reading. A supplementary report regarding groundwater capacity will be provided for first reading and made available on the Town's website as part of the meeting's agenda package. The groundwater aquifer has sufficient capacity to allow for the anticipated development resulting from the proposed change to the R1 zoning allowing accessory units. To alleviate any possible concerns, the motion from the Planning Advisory Committee should be conditional upon a supplementary report regarding groundwater capacity.

3.2: Wastewater Capacity

Figures from the 2021 annual wastewater treatment facility report submitted by Dillon Consulting indicate that the WWTP is at 36% capacity from a hydraulic loading perspective (1420/3978 m³/day).

Peak flows during rain events have been observed to exceed the design peak flow of 9,547 m³/day. However, during these peak flow events the influent concentration is diluted, and the Town has not identified any treatment issues with peak volumes. The Town plans to identify areas of inflow and infiltration (I&I) within the sewer collection system as part of their asset management strategy, and will seek to implement solutions in order to reduce I&I during future capital work.

From an effluent quality perspective, the quarterly limits and annual average for some testing parameters required by Nova Scotia Environment were exceeded in 2021. The Town has engaged Dillon Consulting to provide recommendations for improvements to the WWTP, and have identified a new filter and upgrades to the aeration systems in Cells 1 and 2 as priorities to improve the effluent quality. Approvals for large scale future development should be contingent on Council approval for these projects in the 5-year Capital Plan.

3.3: Housing Needs Assessment and Potential Demand for ADUs

The Provincial Housing Needs Assessment is expected to be released in 2023. The report will provide housing data specific to each municipality in the province. It is difficult to estimate the number of units that could be expected to be constructed with an ADU policy. Most studies are based on larger metropolitan areas and may not effectively represent the Berwick housing market.

Although no specific study has been completed on housing needs in Berwick, the province has recognized that there is a housing crisis and there is a general lack of housing. The lack of housing is creating a market shortage which is driving up prices and creating affordability issues for some.

CHMC continues to monitor housing needs across Canada and within Nova Scotia. In a July 2022 report, CMHC indicated that Nova Scotia was facing a gap of 50,000 housing units which must be closed by 2030 to regain a measure of housing affordability.

The Nova Scotia Affordable Housing Commission (NSAHC) report, '*Charting a new course for affordable housing in Nova Scotia*', (Nova Scotia Affordable Housing Commission, 2021) cites high provincial poverty figures as well as the recent housing market pressures as the most immediate factors underlying the crisis in accessing affordable housing. Two of the Commission recommendations cite as critical success factors

the need to “Adopt measures to require that secondary suites and shared housing be permitted in all residential zones across the province” and to “Ensure that no law, bylaw, covenant, or agreement prevents or prohibits the development of rooming houses, tiny homes, secondary suites, backyard suites, laneway houses, and other low cost housing models.” To date, the Province has not taken the step of mandating the provision of accessory dwelling units, but it is clear that the Commission view ADUs as an important affordable housing option.

Part 4: Discussion

There are numerous benefits to permitting accessory dwelling units, including increasing the overall density of an area while not significantly affecting the built form or character of the neighbourhood. Accessory dwelling units also provide additional affordable housing and rental options, which are beneficial as the current rental supply in the Town is limited. This is supported by significant anecdotal evidence and Provincial recognition of the housing crisis in general. These units could provide additional long-term rental units within Berwick for working professionals, families, and to accommodate aging in place. Additionally, ADUs provide the opportunity for extra income for homeowners through the rent generated.

Potential drawbacks of enabling ADUs are based primarily on the additional demand they place on infrastructure and resources; namely, sewer, groundwater, and parks. With respect to protection of groundwater, permitting ADUs for properties with an increased minimum lot size may be one measure to offset additional demand. Additional Town-wide capacity studies for sewer, groundwater, and parks would provide additional data to determine the effect of demand, along with infrastructure upgrades. The Town is considering future sewage treatment plan upgrades and further water studies. However, the proposed increase in units is not expected to adversely impact water or sewer infrastructure in the near term. Future infrastructure upgrades and ongoing studies will mitigate any infrastructure risk.

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

4.1: Potential Impact

It is difficult to estimate how much interest or potential uptake there will be in Berwick for ADU's. Limitations on potential uptake include:

- Meeting the required setbacks and lot area
- Meeting parking requirements
- Meeting fire separation distances between buildings
- Cost of construction ranges between \$200-\$250 a square foot, and quite possibly more, putting the cost out of reach for some homeowners.
- It is difficult for homeowners to find contractors to build, limiting market uptake.
- Interest rates are currently higher than they have been for some time.

Given all these current challenges, staff are not anticipating that there would be significant uptake on ADU's in the next year. We are assuming a potential uptake of five units per year but we intend to monitor this number to assess impact. The amount of impact on water and sewer infrastructure of ADUs is anticipated to be less than the impacts of some of the larger developments under consideration.

Here are some examples of other municipal units that have adopted ADU's and resulting ADU

constructed:¹

Name of Town	Population	Province	Date of ADU Policy Adoption	Number of ADUs Since Adoption
Stratford	33,000	Ontario	2015	43
Nelson	11,000	British Columbia	2010	49
Oak Bay	18,094	British Columbia	1992	173
Ladysmith	9,059	British Columbia	2016	21
Gibsons	4,605	British Columbia	2009	120
Amherstburg	21,936	Ontario	2018	3
Kaslo	1,032	British Columbia	2012	10
Montague	1,897	Prince Edward Island	2019	1
Colchester	50,585	Nova Scotia	2020	0

Part 5: Proposed Amendments

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

Part 6: Recommendation

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

PAC recommends that Council give first reading and forward to a public hearing the amendments to enable Accessory Dwelling Units in the Residential Single Unit (R1) and Residential Two Unit (R2) zones, conditional upon receiving a supplementary report regarding groundwater capacity.

¹ Data taken from Chat GDP and each reference was not independently verified.

Appendix A- Berwick MPS Amending Pages

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

1. Adding the following text in bold:

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

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

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

Appendix B – Berwick LUB Amending Pages

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

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

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

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

3. Adding the following text in bold:

5.3 Accessory Buildings

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

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

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

Accessory Dwelling Units – Detached Suite

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

Accessory Dwelling Unit - Detached Suite	
Maximum Number of Bedrooms	1
Minimum Lot Area	929m 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 built closer to the front lot line than the main building.
Maximum accessory dwelling unit floor area	60% of the gross floor area of the main building up to 75m ² (807.3ft ²)
Maximum building height	Equal to the height of the main building up to 10.66 meters (35 ft.)
Minimum setback from other buildings	2m from non-habitable structures on the same lot
	3m from all other structures
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

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

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

6.2.1 R1 Uses Permitted

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

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

6.3.1 R2 Uses Permitted


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

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

Report to PAC – Development on Infill Lot “2023” (PID 55550297)	
Prepared by:	Chrystal Fuller, MCIP, LPP of Brighter Community Planning
Subject:	Construction of Single Unit Dwelling on an infill lot
Date:	April 4, 2023
Purpose:	PAC consideration of planning report and recommendation.
Staff Recommendation	That the attached development agreement be forwarded to Council with a positive recommendation.
Motion	PAC recommends that Council gives first reading and forward to a public hearing the attached development agreement to permit a single unit dwelling on PID 55550297.

Part 1: Background

1.1: Introduction

Property Owner(s)	Adam and Katherine Rainforth
Civic Address	Unassigned
Designation	Residential
Zone	R1
Subject Property	<p style="text-align: center;">Context Map for Infill Lot '2023'</p>  <p>Source: Town of Berwick Open Data, GeoNova Open Data <small>Released Under the Access to Information Act / Révisé en vertu de la Loi sur l'accès à l'information</small> <small>© 2023 Brighter Community Planning & Consulting Inc. / © 2023 Brighter Community Planning & Consulting Inc.</small> <small>berwick brighter community</small></p>
Subject Property Area	10,313 square feet (958.1 m ²)
Existing Land Use	Vacant
Adjacent Land Use	Low density residential, mostly single unit dwellings

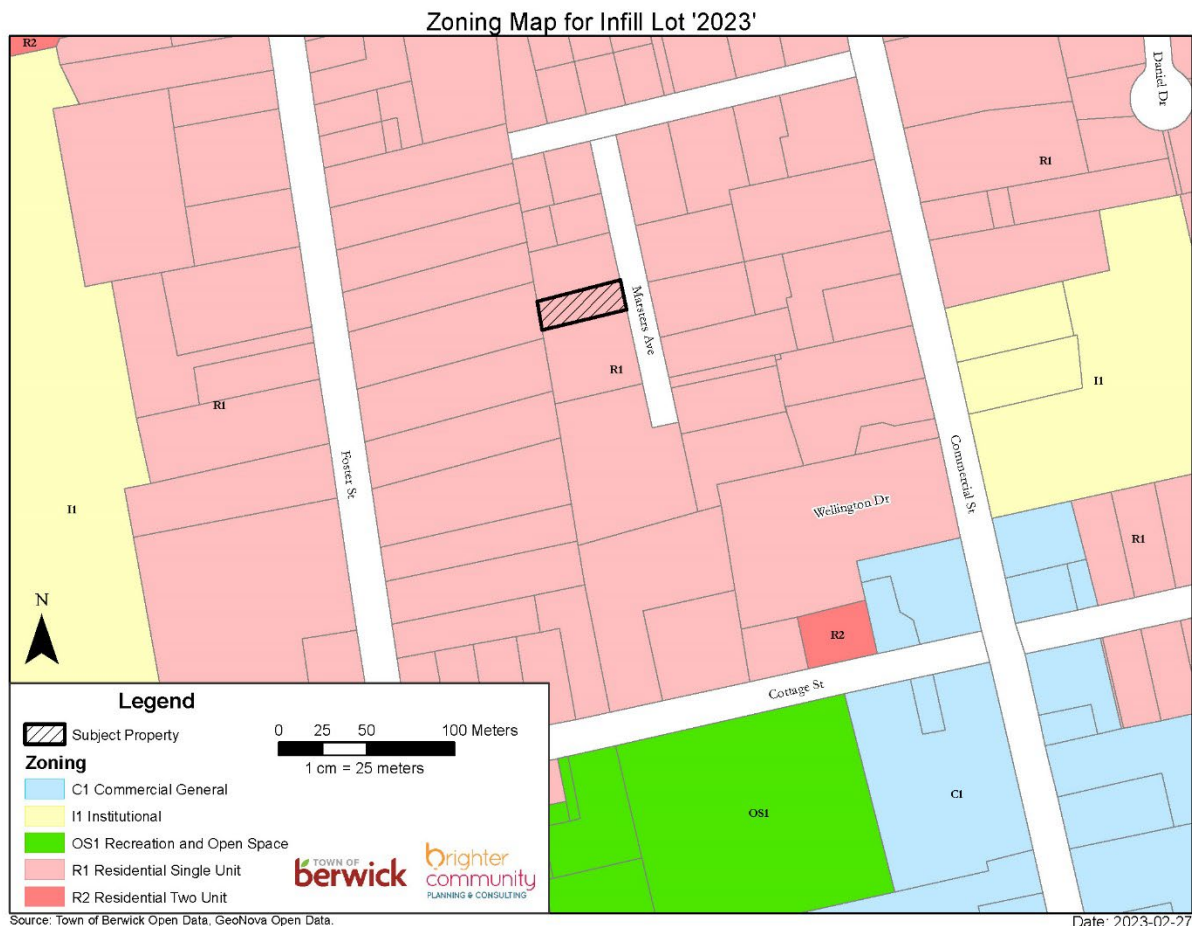
1.2: Location

The Subject Property is located on the west side of Marsters Avenue parallel to Commercial Street. The parcel is an infill lot subdivided from the southern section of its parent parcel at 215 Marsters Avenue (PID 55244842). An infill lot is a new residential lot created from an existing residential lot where both lots meet the minimum lot area and frontage requirements of the Town of Berwick’s Land Use Bylaw. The infill lot has an area of 10,313 square feet (958.1 m²) that is mainly cleared and grassed with a small selection of trees. There are no easements, burdens, or significant environmental features on the lot. There is a tentative subdivision to create new lots at the end of Marsters Avenue which the Town is still processing.

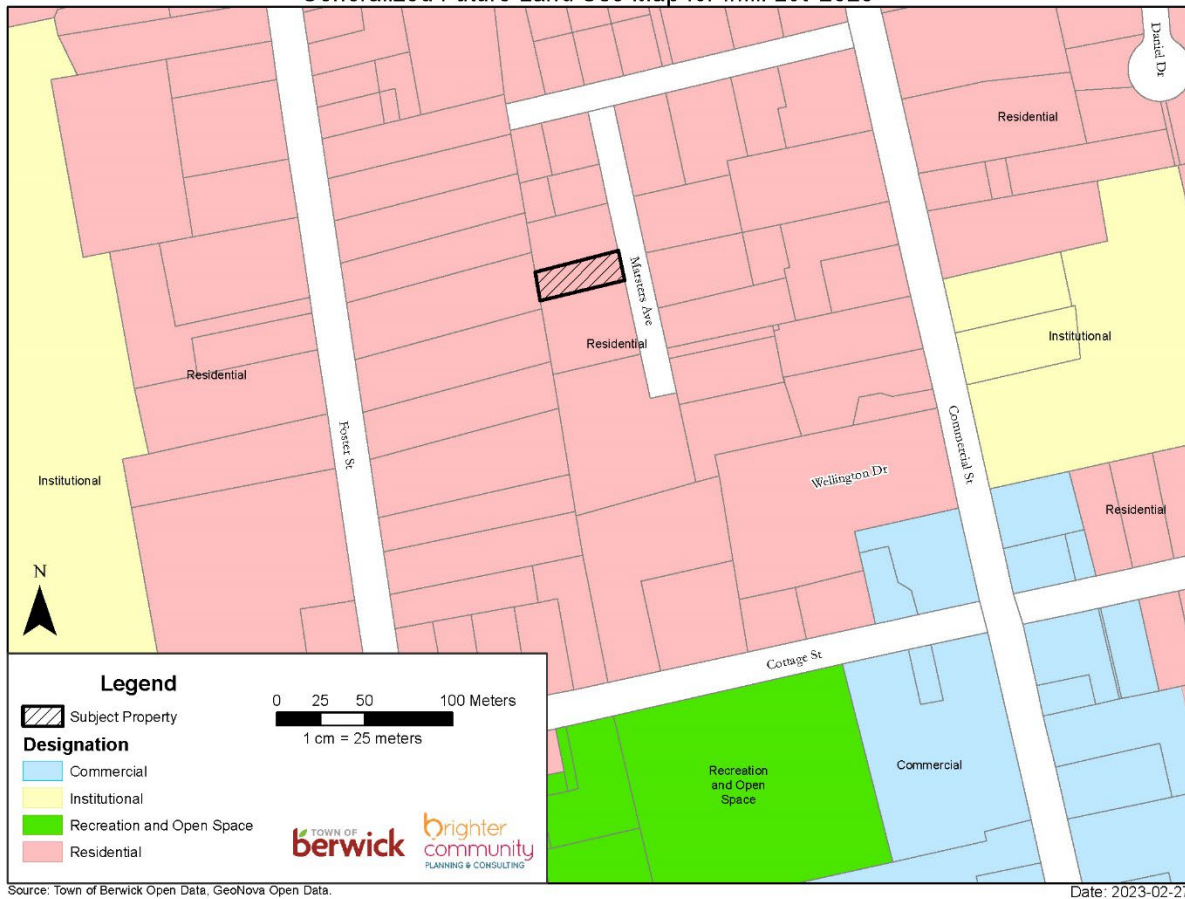
1.3: Background

Adam and Katherine Rainforth submitted the Development Agreement on January 16th, 2023 with the subdivision application on February 03rd, 2023. The infill lot was approved on February 17th, 2023. The applicants currently live in Halifax and are renting out the single unit dwelling on 215 Marsters Ave. The infill lot was created to allow a proposed single-unit dwelling development.

Part 2: Policy Analysis



Generalized Future Land Use Map for Infill Lot '2023'



Source: Town of Berwick Open Data, GeoNova Open Data.

Date: 2023-02-27

Municipal Planning Strategy provides guidance when considering development agreement applications.

The Subject Property is designated Residential. This designation enables several zones designed to provide a wide variety of housing types and related compatible uses. The Town includes significant areas of the Residential Single Unit (R1) zone, which can be subdivided to create infill lots subject to the policies contained in Section 2.4 of the MPS and general enabling policies contained in IM7.

Policy R14 enables Council to consider the creation of an infill lot in the R1 zone and the development of a new single unit dwelling through a development agreement. Infill lots permit a reduced frontage which does not meet the minimum general R1 zone requirements. This policy enables the creation of an infill lot and the development of a single unit dwelling with a reduced frontage of 60 feet instead of 80 feet to provide more housing options in the Town of Berwick. The Subject Property has a frontage of 61 feet.

Policy R14 also requires Council to give consideration to how the proposed structure and site are generally compatible with the neighbourhood. Although the infill lot has a reduced frontage, other properties on Marsters Avenue or adjacent to 215 Marsters also have a reduced frontage. The proposed development meets all other setbacks and requirements of the R1 zone.

The proposed building is a single storey dwelling with an attached garage. The driveway will be in front of the garage facing Marsters Avenue. The outside walls are to be finished with vinyl siding. All

this conforms with the adjacent properties and dwellings. There is no concern of conflict with the aesthetics and character of the neighbourhood.

2.1: Implementation Policies

The implementation policies in IM7 were reviewed and no issues arose. The property will be serviced by municipal sewer and will require an onsite well. See Appendix A for a detailed analysis.

Part 3: Discussion

The subject property is in a single unit dwelling area which is surrounded by a variety of lot sizes. The addition of the proposed dwelling is consistent with the existing built form of the neighbourhood and will provide a small increase in density. From a municipal perspective, maximizing the use of existing municipal infrastructure such as streets and underground pipes is a positive.

In addition, Berwick has a housing shortage, and optimizing the efficiency of the Town's land would help meet market demand.

This application has not been subject to any notifications to neighbours or public participation. No comments from the public have been received.

Part 4: Draft Development Agreement

The draft DA is attached. Key components of the DA include:

- Allows for a single unit dwelling on the property consistent with the R1 zone provisions.
- Development must commence within 36 months from the date of registration of the DA.
- The DA will automatically discharge upon issuance of an unconditional occupancy permit.

Part 5: Recommendation

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

PAC recommends that Council gives first reading and forward to a public hearing the attached development agreement to permit a single unit dwelling on PID 55550297.

Schedule A- Policy Summary

Policy R14 – It shall be the intention of Council to include in the Land Use By-law provisions for the creation of Infill Lots within the Residential Generalized Future Land Designation. The creation of Infill Lots, incorporating a reduced minimum lot frontage requirement, will be permitted with the R1 Zone provided the lot from which the Infill Lot is created can meet all relevant requirements of the R1 Zone. Development of Infill Lots will be considered only by Development Agreement, and in addition to criteria contained in Policy IM7, Council shall give consideration to the following:	
(a) That the proposed structure is generally compatible with existing dwellings on adjacent properties;	No concern.
(b) That the design of the proposed structure and site reflects and is consistent with adjacent existing dwellings with respect to:	
(1) Building Mass;	No concern.
(2) Relationship to and setback from the street line;	Meets LUB requirements.
(3) Roof Line Heights and Orientations;	No concern.
(4) Building Height;	No concern.
(5) Placement and Proportions of window and door openings along the primary façade;	No concern.
(6) Location of on-site parking;	No concern.
(7) Landscaping and landscape treatment.	No concern.
In considering amendments to the Land Use By-law and/or the entering into a Development Agreement, in addition to the criteria set out in various policies of this Strategy, Council shall consider:	
(a) That the proposal is in conformance with the intents of this Strategy and with the requirements of all other Town By-laws and regulations:	Proposal is generally consistent with the Municipal Planning Strategy
(b) That the proposal is not premature or inappropriate by reasons of:	
(1) The financial capability of the Town to absorb any costs relating to the development	No known impact. The end use will be a financial benefit to the Town, increase density on existing infrastructure and contribute to the tax base without increase infrastructure costs.
(2) The adequacy of sewer and ground water to support the proposed density of development;	The property can connect to municipal sewer and storm water is managed through a ditch system. Water will be provided by onsite well.
(3) The adequacy and proximity of school, recreation, and other community facilities;	No concerns

(4) The adequacy of road networks adjacent to, or leading to the development;	No concerns
(5) The potential for the contamination of watercourses or the creation of erosion or sedimentation	No known impact.
(6) The potential for damage to or destruction of historical buildings and site;	N/A
(c) That controls are contained in a Land Use By-law or a Development Agreement so as to reduce conflict between the development and any other adjacent or nearby land use by reason of:	
(1) Type of use;	Contained in DA
(2) Emissions including air and water pollutants and noise	No concerns
(3) Height, bulk and lot coverage of proposed building	As per LUB requirements
(4) Traffic generation, access to and egress from the site, and parking;	No concerns
(5) Open storage	As per LUB Requirements
(6) signs	N/A
(7) similar matters of planning concern;	N/A
(d) The suitability and development costs of the proposed site in terms of steepness of grades, soil and geological conditions, marshes, swamps, or bogs and proximity of highway ramps, railway rights-of-way and other nuisance factors;	No impact
(e) That provision is made for buffering, landscaping, screening and access control to reduce potential incompatibility with adjacent land uses and traffic;	N/A
(f) That the development is located so as not obstruct any natural drainage channels or watercourses	N/A