

Town of Berwick Council Meeting

June 10, 2025

Town of Berwick Council Chambers

6:30 pm

AGENDA

1. Call to Order

2. Approval of the Agenda

3. Approval of the Minutes

- a. Council Minutes, May 13, 2025

4. Review of Action Items

5. Presentation

- a. Julia Merritt, Annapolis Valley Regional Library

6. New Business

- a. First Reading of Municipal Planning Strategy and Land Use Bylaw
- b. RFD017-2025 Second Reading/Passing Deed Transfer Tax Bylaw
- c. RFD020-2025 Order to Remedy 109 Marsters Avenue
- d. RFD021-2025 Development Officer Appointment
- e. RFD022-2025 Bridge Beautification Expense Approval
- f. RFD023-2025 Charity Event Participation Policy
- g. Council Check In

7. Correspondence

8. Mayor's Report

9. In-Camera

10. Adjournment

Meeting Date	Action Item	Status	Comments
2025-04-22	How many Level 1 fire fighters do we have on the fire department?	Completed	We have two types of Level 1; we have those who are certified level 1 firefighters, and we have level 1 trained. The difference between the two is some have not
2025-05-27	Golf or event participation policy	Completed	Presented at June 10, 2025
2025-05-27	Notify fire departments of traffic issues for the next couple of weeks and suggest they contact neighbouring departments regarding response time.	Completed	Email and spoke with Fire Chief and Deputy on June 5.
2025-04-22	Flag flying policy - pass along comments to include/consider for update.	Completed	Comments have been shared with Community Development for a future update.
2024-12-10	Appoint an independent investigator into the Code of Conduct.	In-Progress	AMANS has shared their list of per-qualified independent investigators. Next step is to select one or more to engage for Berwick.
2025-01-14	Number of fines written by RCMP and how does it get directed to Town of Berwick revenue	In-Progress	Initial information was provided to the Police Advisory Board. Still more information to gather.
2025-01-14	Planning Fee review and determine whether changes to the MPS will change our planning services fees, whether a staff person makes sense and look at similar size MU for comparison on changes to MPS vs. costs.	In-Progress	Will be reviewed following the MPS Review.
2025-02-03	Explore a community calendar to share community events and what is going on in the gym?	In-Progress	
2025-02-11	Bring back Order on Property 109 Marster Avenue in a timely manner that allows staff to fully assess the issues and allow the property owner to meet the order.	In-Progress	Order presented at June 10 Council meeting.
2025-01-14	Is there revenue from VCFN that is returned to the owner parties?	In-Progress	VCFN has been asked at the presentation to Council and the question can be asked at that time.
2025-04-22	Develop a process to report incidents to RCMP and what the escalation and resolution process is for remedy the situation with the individuals.	In-Progress	All incidents will be reported to the RCMP. Staff are developing an internal process to ensure any evidence is identified and proper records are completed, retained and destroyed properly.
2025-03-25	What is the useful life of the STORHUB batteries packs.	In-Progress	
2025-04-22	Schedule VCFN to present to Council.	In-Progress	
2024-12-10	Reach out to other municipalities to understand how they are assessing the Code of Conduct criteria for establishing the exceptions.	Not Started	
2024-12-10	Electricity Regulations, educational materials to provide to Council on the Council SharePoint site.	Not Started	
2025-02-11	Review Snow Removal Policy prior to next winter plowing season with input from Accessibility and Active Transportation.	Not Started	Will be brought back in fall
2025-04-08	Arrange for KTA and Valley Waste to present to Council.	Not Started	
2025-04-08	Can staff look at an efficiency audit for the entire organization?	Other	Discuss during strategic planning.

Annapolis
Valley
Regional
Library

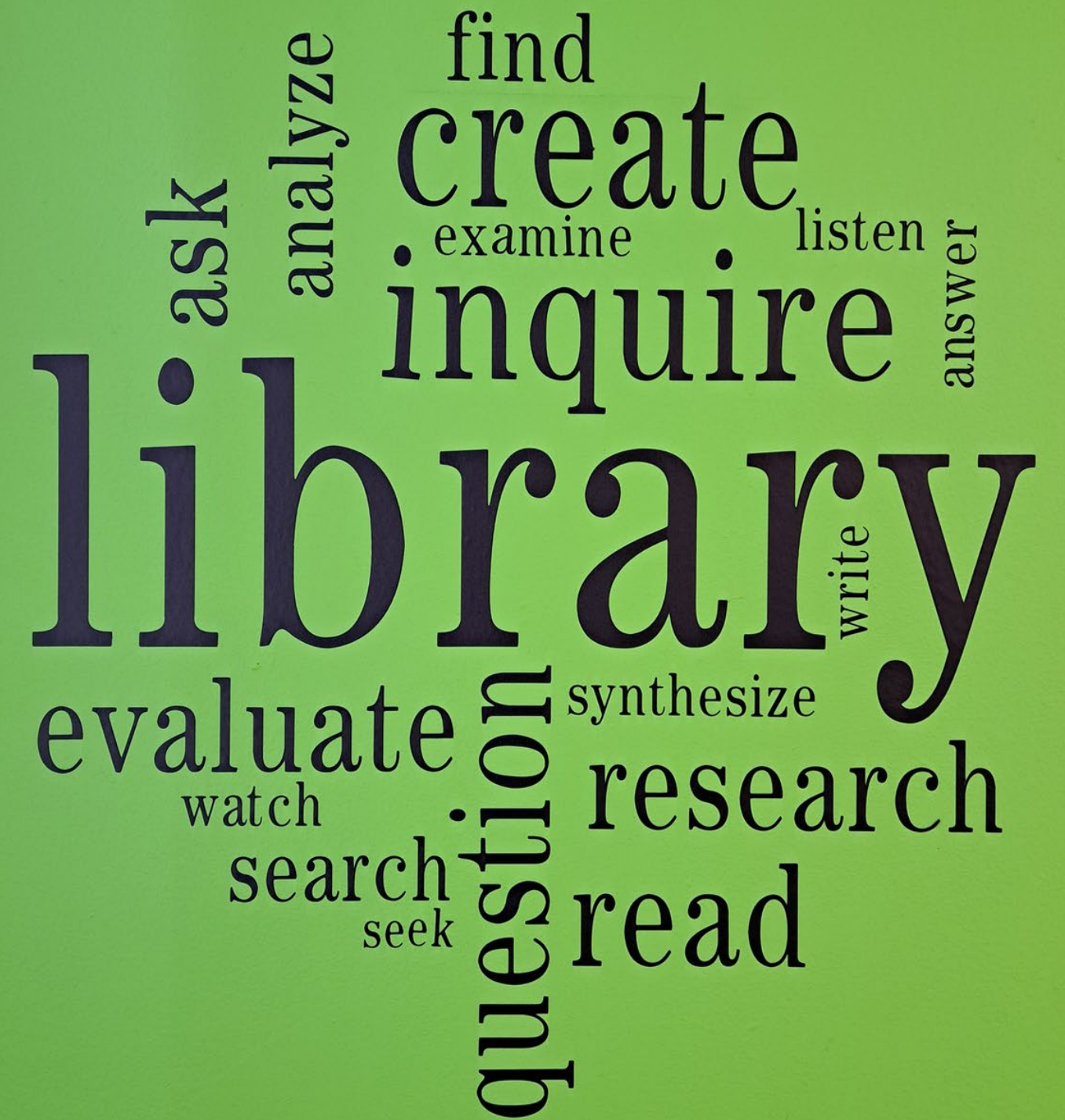
Annual Update
2024-2025



2024 - 25

In Review

- Summer Reading Club 2024 participation doubled over 2023: 2.3 million minutes read, over 2,000 registrants
- Over 3,700 new members and over 25,500 active library card holders: almost 1 in 4 residents!
- No more 5 -6:30pm supper hour closures: Bridgetown, Lawrencetown, Middleton, Port Williams



Long-term use trend:
circulation has increased
30% from 2009-2024. The
population has increased
10% in that time.



Eleven branch
libraries



Downloadable
eBook and
audiobooks



Borrow By
Mail service



Funding Review Update

- Library Funding Formula expired March 31, 2025
- No new funding was included in Provincial 2025 -26 budget; conversations with Ministry ongoing
- NS public libraries made 2 requests for interim funding:
 - \$800,000 – approved
 - \$1.6 million – no decision made to date
- Critical to continue discussion for long-term sustainable funding formula

AVRL Forecast

Successes

- Increasing use by the community
- Greater efficiency through Same Page consortium
- Service improvements like digital accessibility, eliminating supper hour closures

Risks

- Low wages, high staff turnover, loss of 12 FTE from 2015 -2024
- Lack of capacity = 50% less programs, saying no to partnerships
- Deficit budgets to meet labour bargaining agreements



RENEW
YOUR
CURIOSITY

TRANSIT 250
Are you following us?
www.valleylibrary.ca

Thank you!



ANNAPOLIS VALLEY REGIONAL LIBRARY

ANNUAL REPORT 2024-2025

Updates from the CEO and Board Chair

2024-25 continued to be a busy year at the Library – in fact, Summer Reading Club 2024 was our busiest ever, with over 2,000 participants and over 2 million minutes read! And over 2,500 new cardholders registered this past year, a 10% increase that means over 25,000 Valley residents are active library members.

As we look forward into the future, it's also helpful to check in with the past. From 2009-2024, book checkouts in the Valley have increased 30%, while the population has increased by 10% over the same period. It's thanks to you, the public, for continuing to make AVRL such a vibrant place. In 2025 we are looking forward to renewed funding support from the Province and municipalities so that we can continue to support our communities with improved services and programs.

Stay tuned for what comes next!

Julia Merritt, Chief Executive Officer



AVRL is a reflection of the changing times we are all experiencing. Following the provincial election in November, AVRL Board welcomed 5 new municipal appointees, all of whom bring a wealth of knowledge and interest in the issues that affect their municipalities and the role AVRL plays in the lives of the people in their communities.

Over 800 people contributed to AVRL's 2024 Community Consultation, strongly reinforcing that our libraries are community hubs where people go with hope to improve their lives; where welcoming, safe and accessible spaces bring people together; where everyone has access to reliable and accurate information, staff to help navigate questions; and where entertainment, lifelong learning opportunities, early literacy development happens. The Board looks forward to implementing a renewed strategic plan in 2025 to grow the services that our communities are asking of us.

Janet Ness, Chair

NEW USERS

3,723



ACTIVE USERS

25,529

TOTAL PROGRAMS

1,465

PROGRAM ATTENDANCE

8,698





ANNAPOLIS VALLEY REGIONAL LIBRARY

ANNUAL REPORT 2024-2025



Highlights

- Over 800 people contributed to the Community Consultation in Fall 2024. This feedback will form the basis of the Library's new strategic plan in 2025.
- Summer Reading Club was a banner year, with 2,315,459 minutes read and 2,095 registered participants, both numbers more than double the amount in 2023. Programs took place in all 11 branches equitably.
- 25,529 active members means almost 1 in 4 residents in the Annapolis Valley are actively using their library card.
- In 2024, AVRL eliminated the 5-6:30pm closures for continuous service on open days. This increased the hours at Bridgetown, Lawrencetown, Middleton, and Port Williams.
- The Wolfville Branch community fundraising kicked off with 3 sold-out performances of Murder By The Book, a community theatre play.

DIGITAL ITEMS BORROWED

130,397

TOTAL ITEMS BORROWED

759,399

PUBLIC COMPUTER ACCESS (HOURS)

20,820

WIRELESS USAGE (HOURS)

213,579



AVRL Backgrounder: Library Funding Formula, April 2025

Facts About AVRL Usage

- 11 locations in West Hants, Kings, and Annapolis Counties providing 375 open hours weekly.
- Between 2009 and 2024, AVRL circulation has increased by 30%; population has increased by roughly 10%. This number doesn't include other measures of use like programs, technology, or use as a community space/hub.
- In 2023-24, 1 in 5 Annapolis Valley residents has used their card in the last 2 years.
- Municipalities are investing in libraries: all 11 branches renovated or rebuilt since 2000.
- Internet connectivity is a priority: over 300,000 hours in 2023-24, a 20% increase in usage over the last 2 years.

AVRL Challenges

- The Bank of Canada calculates inflation at 43% from 2009 to 2025. AVRL funding has only increased 10%.
- Wages are extremely low; demographic and labour force changes mean that current model of staffing and salaries is unsustainable. AVRL is having significant difficulty in finding and retaining qualified staff.
- Roughly 60% of the staff has turned over since 2022; low wages are contributing to lack of retention.
- Amid the financial and labour challenges, there are continuing calls for increase in services: bigger collections in more formats, more programs, and additional duties for staff (technology and helping vulnerable people).

Service Impacts

To date, AVRL has had to make the following reductions to be able to operate within budget constraints:

- 2015 to 2024: eliminated 12 full-time jobs to meet inflation. Elimination of 5 full-time positions since 2023.
- 50% reduction in programming as of 2024; only core literacy and technology programs remain.
- Elimination of the bookmobile service, and the department in charge of programming and partnerships.
- Deficit budgeting starting 2023-24 and continuing in 2024-25 and 2025-26.

Additional Impacts 2025-26

Without its portion of the emergency \$1.6 million requested from the Province for 2025-26, the impact on AVRL will be:

- 2024-25 budgeted deficit was \$123,500. Real deficit will be \$0 due to additional staff resignations/gapping, loss of service to community.
- 2025-26 budgeted deficit is \$245,000 without any wage increases, and without adjusting for the minimum wage.
- Adjusting wages to include the increase to minimum wage will represent another \$280,000; the total potential deficit would be \$534,000. AVRL Board could operate at the current level of service for 2025-26 without further reductions. It would not be able to do so as of 2026-27.
- Continuing all cuts as above.

Library Funding Formula

Regional libraries in Nova Scotia are funded by operating grants from the Nova Scotia Government (Communities, Culture, Tourism and Heritage) and municipal governments. In the 8 rural regions (non-HRM), the split is 71% Provincial, 26% Municipal, 3% Library Board. The amount each pays, and the total, is determined by the provincial government in a 5-year Funding Formula. The current formula is for April 1, 2020 – March 31, 2025. The formula does not include any annual increases for inflation or other service increases. The 2020 increase was the first increase to funding since 2009. Since then, one-time relief grants have been provided in 2023, 2024 and 2025. **AVRL's base budget under the current formula is \$2,701,175.**



AVRL Backgrounder: Library Funding Formula, April 2025

Working towards a new formula:

In 2024 the province formed a Library Funding Review Committee to bring forward recommendations for an updated formula. The Committee was comprised of government officials (CCTH and Municipal Affairs), Library Board members, Municipal Councillors, Municipal CAOs, and Regional Library CEOs from across the province. Research was carried out in the top priority areas of staff salaries, collections, and technology. An independent consulting firm was hired to carry out a comparison between the job duties and education/skills of Nova Scotia library salaries to those in government and other libraries, across Nova Scotia and Canada. Below are the results for Annapolis Valley Regional Library.

Job Category	AVRL Wage 2023-24		NS Library Salary 75 th Percentile 2023-24		Cdn Public Library Wages 75 th Percentile 2022, 2023	
	Hourly	Annual	Hourly	Annual	Hourly	Annual
Library Clerk	\$19.43	\$35,363	\$21.98	\$40,006	\$29.17	\$53,089
Technician	\$21.64	\$39,385	\$26.36	\$47,966	\$32.03	\$58,295
Library Supervisor	\$27.18	\$49,468	\$33.69	\$61,316	\$59.37	\$108,053
Senior Manager	\$42.25	\$76,895	\$45.65	\$83,088	\$73.76	\$134,243

The Library Funding Review Committee reported their recommendations to government in September 2024. Several options were provided but all included increases in salaries, collections, and technology. The Committee also warned of the effects of “no increase” or “status quo” in funding and how it would severely impact libraries across the province.

Provincial Budget 2025-26

There was no increase in the 2025/26 provincial budget for public libraries. We are unsure of the future of the Funding Formula recommendations. Library Boards have submitted an emergency request to Communities, Culture, Tourism and Heritage to reduce harm to the library systems in this fiscal year. While disappointed we are hopeful there will be a resolution that recognizes the important role libraries play in communities.

Community Uses of Libraries

Libraries are places where people go because they hope to improve their lives. Public libraries are welcoming, accessible spaces that bring people together and are important partners in supporting key determinants of health – making sure everyone has access to reliable and accurate information, staff who can help you navigate questions, entertainment, lifelong learning opportunities, early literacy development, or just a safe place to be. They are community hubs that are in high demand and we want to be able to provide the services that our communities are asking of us.

Broader Public Library Impacts

- Average ROI of public libraries is 6:1 – AVRL direct impact/efficiency in the realm of \$17 million annually.¹
- A 1% increase in adult literacy rates could become worth \$67 billion in economic output for Canada.²
- Social Impact of Libraries – in 2023 Toronto PL was able to measure emotional, intellectual, creative and social impact; showing that the library creates a strong sense of wellbeing and focus for users; provides a vital and dynamic learning environment for personal and professional growth; helps people gain new skills and acting as a catalyst for inspiration; and providing a welcoming and inclusive environment that fosters connections and helps build community.³

¹ Canadian Urban Institute, “Overdue: The Case for Canada’s Public Libraries” (2023)

² Canadian Urban Institute, “Overdue: The Case for Canada’s Public Libraries” (2023)

³ Seismonaut for Toronto Public Library, “Enabling Torontonians to grow and thrive: the social impact of public libraries” (2023)

To:	Council
From:	Brighter Community Planning
Date:	2025-05-27
Re:	First Reading of Draft MPS and LUB

1. Background

Council gave First Reading to a new MPS and LUB in May 2024 and forwarded those documents to a Public Hearing on July 29, 2024. Council considered the documents for second reading but did not approve them due to concerns about the removal of the R-1 zone

Council initiated a process to adopt the 2024 version of the plan and directed staff, to focus on areas where a single unit dwelling zone (called Restricted Residential (RR) zone in this draft) could be established. To carry out this work, two meetings with PAC and an additional round of consultation (Public Participation Meeting - (April 25, 2025) and have now produced a revised MPS and LUB attached for Council’s consideration.

The purpose of this report is to outline:

- the principal differences between the 2024 Public-Hearing draft and the 2025 draft,
- how the revised documents address the Statements of Provincial Interest (SPI), and
- which 2024 draft MPS and LUB “key changes” remain in force.

Attached to this report is the summary report from the 2024 draft bylaw previously presented to Council, along with the report provided to PAC outlining the options for the RR zone.

Approval of the motions below will enable Council to proceed to a Public Hearing.

- *That Council give First Reading to the attached MPS & LUB and zone the areas labelled Area A* and Area B* on Zoning Map as Restricted Residential (RR)."*
- *That Council schedule a Public Hearing for July 7th at 6:30 p.m. at the Berwick Town Hall and direct staff to mail notice to all owners of properties proposed for RR zoning and to every property proposed for up-zoning or down-zoning."*

2. Main Changes between the 2024 Draft and the 2025 Draft

#	Topic	2025 Draft (Change)	Reason / Effect
1	Creation of RR Zone	New Residential Restricted (RR) zone created (s. 5.2 LUB). Permits only single-unit	Responds to community desire to safeguard

		dwelling plus one accessory dwelling; STRs limited to main dwelling; no up-zonings by site plan or DA.	established single-unit streets while still allowing gentle density elsewhere.
2	Location of RR Lands	Two initial RR areas recommended (Area A - Orchard/Gravenstein/Thomas; Area B - Veteran/Bezanson) as mapped during the April 23 PPM.	Balances preservation of character with housing supply and servicing efficiency.
3	Rezoning Ladder	Clarified intensity ladder: RR → R → RMD → RG with criteria for each step.	Gives Council and residents a transparent path for incremental change.
4	Parking in Core	0.5 stalls/unit for residential & 50 % reduction for other C-1 uses; wording refined.	Supports downtown infill and aligns with active-transportation goals.
5	Building Height in C-1	Five storeys remains permitted as-of-right with urban-design criteria.	Continues to enable residential density downtown while ensuring form-based controls.
6	Agricultural Infill (Willow Ave.)	Allows lots at 30 m frontage; farm-use frontage remains 60 m.	Provides limited rural subdivision options while protecting agricultural capacity.
7	Ground-water Protection	Mandatory hydro-geological study for rezonings to RMD/RG or >6 units; Asset-Management policy added.	Ensures that new growth does not impair groundwater quantity or quality.
8	Site-Plan Criteria	Compatibility criteria tightened for multiplex proposals abutting RR zones.	Mitigates edge impacts and reassures existing residents.

3. Process for Selecting the Restricted Residential (RR) Zones

The identification of Areas A and B for RR zoning followed a transparent, multi-stage process:

- Initial PAC Workshop (Autumn 2024): Planning Advisory Committee (PAC) first examined the concept of a Restricted Residential zone to address resident concerns about protecting established single-unit neighbourhoods.
- Public Participation Meeting (23 April 2025): Staff presented draft mapping options and received public feedback on the merits and boundaries of potential RR areas.
- Post-PPM PAC Meeting (7 May 2025) PAC reviewed public input and formally recommended to Council that the Orchard/Gravenstein/Thomas enclave (Area A) and the Veteran/Bezanson enclave (Area B) be designated RR. (see attached staff report)
- Council considered PAC recommendation (13 May 2025) and made the following motion: *Council direct staff to amend the draft zoning map to include the Restricted Residential to Area A & Area B, and to complete the Municipal Planning Strategy Review and prepare the draft documents for first reading.*
- Incorporation into 2025 LUB (Current Draft) The recommended Areas A and B are now included as RR on Schedule 'RR-1' of the latest LUB draft presented for First Reading.

4. Consistency with the Statements of Provincial Interest (SPI)

Staff have reviewed the 2025 planning documents against the five Statements of Provincial Interest and are satisfied they remain generally consistent. Key alignments include:

- Drinking Water - Policies 3-32 & 3-33 require hydro-geological studies before higher-density rezonings.
- Flood Risk - Policy 3-3 expands buffers around unmapped flood-prone waterbodies.
- Agricultural Land - Policy 4-53 retains limited rural subdivision while directing growth to serviced lands.
- Infrastructure - Policies 3-28 to 3-33 link servicing extensions to the Town's Asset-Management Plan.
- Housing - Goal 2, the RR zone, rezoning ladder and reduced parking collectively support housing diversity.

5. Other 2024 "Key Changes" Still in Effect

The comprehensive change package Council reviewed in May 2024 remains largely intact and is incorporated verbatim in the 2025 documents, including:

- Transportation Map & Street Hierarchy (Policies 3-12 - 3-22)
 - Reduction in Development Agreements - expanded as-of-right & site-plan pathways
 - Expanded DO Variance Powers & Non-substantive DA Amendments (Policy 5-9 et seq.)
 - Energy & Climate Language, Renewable-Energy Permissions, EV Infrastructure (Policies 3-4 - 3-6)
 - Downtown Ground-floor Commercial Requirement (Policy 4-42)
 - Future Residential Designation & RCDD framework for comprehensively-planned green-field areas
-

6. Next Steps & Draft Motions

1. Motion - RR Zoning Map

That Council give First Reading to the attached MPS & LUB and zone the areas labelled Area A and Area B* on Schedule 'RR-1' as Restricted Residential (RR)."*

2. Motion - Proceed to Public Hearing

"That Council schedule a Public Hearing for July 7th at 6:30 p.m. at the Berwick Town Hall and direct staff to mail notice to all owners of properties proposed for RR zoning and to every property proposed for up-zoning or down-zoning."

To:	PAC
From:	Brighter Community Planning
Date:	2025-05-07
Re:	Summary of Public Meeting for Plan Review – RR Discussion Paper

Introduction

PAC held a public participation meeting on April 23rd, 2025, to seek public input on the establishment and location of a proposed restricted residential (“Rural Restricted” or “RR”) zone in the new MPS and LUB that Council is seeking to adopt. The purpose of this zone is to create areas that are primarily for single unit dwellings to reinforce and preserve the small-town look and feel of Berwick. This report summarizes the comments from the public meeting, discusses the merits and challenges of the RR zone and provides a summary of the locations identified by the public for the RR zone placement.

To assist PAC in its deliberations, this report also includes an overview of the other proposed residential zones and explanations of what can occur in each so that the place of the RR zone can be considered as part of an overarching approach to providing appropriate locations for a variety of housing types.

Public Participation Meeting

The Public Participation Meeting notes are attached to this report. The meeting occurred in 2 parts. The first half was a formal presentation with a question-and-answer session, and the second half involved breaking into small groups for attendees to work together to identify the potential RR zone locations.

Summary of main points:

- On the whole, people were in favour of maintaining or increasing the amount of RR zoning from what was proposed. However, there were several people who supported reducing or eliminating the RR zone.
- Concerns about the ability of Berwick’s infrastructure to support increased density.
- Question about the use of development agreements and what can occur in each zone.
- Concerns about impact on property values of increases in density

Overview of Berwick Residential Zones

The proposed MPS and LUB establishes four main residential zones for Berwick. The approach is to permit more uses as-of-right and reduce the use of development agreements. To reduce development agreements, the draft MPS and LUB allows for the rezoning from one residential zone to another subject to criteria.

The various zones are structured to achieve the following:

- **Clarify the Intensity ladder** – RR (most restrictive) → R → RMD → RG (most flexible). This

will help residents and Council understand where development can go without

- **Clarify the Approval Pathway**- once a project exceeds the “as-of-right” unit cap, it moves to Site-Plan (smaller jump in density) and then to Development Agreement (major projects).
- **Growth management** - The RG zone is the primary vehicle for meeting future housing targets while preserving and identifying established RR/R areas.

These distinctions let staff scale the review process to the complexity and potential impacts of a proposal, giving Berwick both predictability and flexibility as it grows.

The following chart outlines the zones, the permitted uses and how each use would be regulated.

Zone	Purpose	As-of-Right Uses	Uses by Site-Plan	Uses by Development Agreement
RR - Restricted Residential	Recognize and preserve established single-unit neighbourhoods.	<ul style="list-style-type: none"> • Single-unit detached dwelling • Accessory dwelling unit (1) <ul style="list-style-type: none"> • Short-term rental (in main dwelling) • Small options home 	None	None
R - Residential	Permit low-density neighbourhoods on serviced & un-serviced lots.	<ul style="list-style-type: none"> • All RR uses • Semi-detached & duplex dwellings • Day-care (≤10 children) • Existing transport/truck facilities • Existing land-lease communities • Shared housing (≤10 bedrooms) • Accessory dwelling units (1 per main) 	<ul style="list-style-type: none"> • Expansion of a non-conforming use • Grouped / multiple / townhouse dwellings - ≤4 units 	<ul style="list-style-type: none"> • Expansion or alteration of existing industrial or commercial uses • Expansion or alteration of existing land-lease communities
RMD - Residential Mixed Density	Allow low to medium-density housing forms.	<ul style="list-style-type: none"> • All R uses • Townhouse dwellings - up to 6 units • Multi-unit dwellings - up to 6 units 	<ul style="list-style-type: none"> • Grouped dwellings - 5-9 units 	<ul style="list-style-type: none"> • New 2- or 3-unit dwellings on sub-standard lots
RG - Residential Growth	Accommodate higher-density neighbourhoods in the core & on large parcels.	<ul style="list-style-type: none"> • All R uses • Home-based businesses • Townhouse dwellings - up to 6 units • Multi-unit dwellings - up to 6 units 	<ul style="list-style-type: none"> • New multi-unit dwellings - 7-9 units 	<ul style="list-style-type: none"> • Multi-unit dwellings - 10+ units • Grouped dwellings - >10 units

Rezoning Criteria Summary

Berwick’s neighbourhoods are a patchwork of long-established single-unit areas, emerging medium-density blocks, and undeveloped tracts on the edge of the serviced core; fixed zoning can’t anticipate every shift in housing demand, infrastructure investment or economic opportunity that will arise as the town grows. The ability to rezone—subject to clear criteria—gives Council a flexible tool to guide that growth: it lets smaller lots in transit-served areas “step up” from single-unit to two to four units, allows green-field parcels to transition to higher-density neighbourhoods as sewer capacity expands, and provides a public forum to resolve traffic, servicing and design issues before development proceeds. In short, rezoning keeps the planning framework responsive, ensuring new housing and mixed-use projects can be welcomed where they make sense while protecting the character, infrastructure and environmental quality of existing areas. It also addresses the concern from the public that development agreements are a way of “skirting” the regulations of the zone and allowing inappropriate density in some areas of Town.

The rezoning criteria proposed requires certain intensity of uses to be related to the road network to restrict where higher density occurs. Or to put it another way, the rezoning process encourages higher density uses to go in certain locations and not in others. The current MPS does not provide this sort of guidance and therefore, higher density uses can occur within any residential zone.

The table below includes a summary of the criteria in the draft Planning document for Council to use when considering a rezoning to a higher-intensity residential zone. It is also important to note that any rezoning requires public input, two readings of Council, public notification and an appeal period.

Rezoning Path	Purpose of Higher Zone	Key Uses after Rezoning	Primary Council Criteria
RR to R	Move from restricted single-unit to low-density neighbourhood standards.	See RR & R columns above.	<ul style="list-style-type: none"> • New use must blend with RR character (building form, scale) • No new land-use conflicts (noise, light, odour, etc.) • Street lifecycle/maintenance can absorb extra traffic • Must satisfy general criteria in Policy 5-24
R to RMD	Enable low- to medium-density forms (≤6 units).	See R & RMD columns above.	<ul style="list-style-type: none"> • Walking distance to public transit • ≤100 m to Collector / Major Local Street with sidewalk • Ground-water assessment may be required (protect neighbours’ wells) • Must satisfy general Policy 5-24 criteria
R or RMD to RG	Permit higher-density (≥7 units) in core areas.	Townhouse / multi-unit ≤6 units	<ul style="list-style-type: none"> • Direct access to a transit street & a Collector/Major Local Street • Ground-water assessment to protect

Rezoning Path	Purpose of Higher Zone	Key Uses after Rezoning	Primary Council Criteria
			neighbours • Traffic Impact Statement - safety & Level of service acceptable • Improves walkability / active transportation • Parks & open-space within walking distance • Must satisfy general Policy 5-24 criteria

Discussion of single unit dwelling zones and key questions to consider

From a planning perspective, a mix of housing types supports a more walkable, accessible community. Berwick’s Planning Strategy should consider these quality-of-life factors when evaluating Restrict Residential zoning locations.

Numerically, Berwick is building enough total housing units to meet anticipated population growth (a projected surplus of units over the next decade). However, this does not mean the need is met in terms of housing types or affordability. Much of the existing and new supply under the existing R-1 zoning (which we will refer to as restricted residential for the remainder of this section) is single detached homes, whereas the greatest needs are emerging for more affordable and varied forms of housing (e.g. rentals, smaller units for singles and seniors). Restricted Residential zoning is not well aligned with these needs, because it limits construction to one of the costliest forms of housing. Below are issues that Council may want to consider when identifying the RR zone areas.

- **Affordability and Pricing:** The surge in home prices (+95% in three years)¹ and the large portion of residents unable to afford homes or even rents indicate that housing affordability is a serious issue.² Restricted residential zoning alone cannot be blamed for a global market trend, but it does constrain solutions. By preventing higher-density or lower-cost developments in many areas, zoning can contribute to limited supply of affordable units, thereby exacerbating price pressures. In essence, maintaining large areas of Restricted Residential zones could make it harder to introduce more affordable housing into the market, whereas relaxing some Restricted Residential restrictions could help ease pressure by enabling duplexes, townhouses, and apartments that are naturally cheaper per unit.
- **Demographic Mismatch:** The population is older and households are smaller on

¹ Berwick Housing Needs Assessment, 2023 Page 2

² Ibid, Page 3

average, yet Restricted Residential zoning prioritizes family-sized, low-density homes.³ This is increasingly mismatched with who lives in Berwick. Many seniors likely do not need or want the upkeep of a large lot and house, and many singles cannot afford one, yet Restricted Residential zoning offers them few alternatives within the same neighborhoods they may have lived in for years. This raises the issue of whether it is appropriate or fair to maintain zoning that does not accommodate a large portion of the town's own residents. Zoning should serve the community's needs; if nearly 40% of households are singles and a growing number are elderly, then zoning might need to adapt to encourage housing suited for those groups (e.g. garden suites, apartments, co-housing, etc.).

- **Housing Equity:** Restricted Residential zoning by nature excludes multi-unit housing, which can have unintended exclusionary effects. It can keep lower-income individuals and renters out of certain areas, effectively concentrating disadvantage or reinforce negative perceptions of those who live in rental housing. For a small and close-knit community, this may undermine values of inclusivity and equal opportunity. If Berwick values keeping young people, service workers, and seniors in the community, it should re-examine any zoning that forms a barrier to that. Allowing a mix of housing in more areas (sometimes called "gentle density" or "missing middle" housing) can distribute affordable options throughout town rather than isolating them. Many Canadian jurisdictions are moving toward this model, recognizing that pure single-use zoning is outdated in meeting modern housing challenges.
- **Community Character and Benefits of Restricted Residential:** It's important to acknowledge why Restricted Residential zoning exists and what its perceived benefits are. Residents often favor Restricted Residential for preserving the look and feel of neighbourhoods - quiet streets of single-family homes with yards. Such character is part of Berwick's appeal, and any changes should be sensitive to it. Not every street in town needs apartment buildings, and indeed a gradual approach to zoning reform is usually best. Maintaining some Restricted Residential areas may still be viable and useful for those who desire that lifestyle and to protect heritage streetscapes. The question is one of balance and scale.
- **Infrastructure and Growth:** As discussed, sticking strictly to Restricted Residential may not be the most efficient path for growth. Residents also have serious concerns about the ability of the Town to keep pace with its existing infrastructure needs and are concerned what additional growth will do to the already stressed infrastructure in Berwick. Berwick's budget constraints (like any small town) mean it must maximize the value of its infrastructure investments, but growth must consider the ability of Berwick to provide adequate infrastructure (sewer, roads, recreation, stormwater etc). Slightly higher density can improve that value but its important to be mindful of the impacts of density on infrastructure. The move towards growth is within the context of Nova Scotia as a whole

³ Stats Canada data shows that the only age segment that grew between 2016 and 2021 was the 65-84 (up by 9%) while younger cohorts declined or stayed flat.

addressing housing shortages and encouraging development -

If Berwick adopts large areas of Restricted Residential zoning, it risks:

1. not providing the kinds of housing many of its residents now require (affordable, smaller, accessible units),
2. pricing out or pushing out segments of the population, and
3. missing opportunities to broaden its tax base and community vibrancy through welcoming a mix of residents.

The benefits of the RR zone, in limited locations include:

1. Addresses and responds to the community concerns about overdevelopment and potential impacts on infrastructure.
2. Allows Council to assess how the R (Residential) and RR zones evolve, and fine tune as required.
3. Offers the opportunity to determine if Council wishes to explore heritage policies or a Municipal Heritage Registry to protect heritage properties and streetscapes. If Council does not wish to enact a Municipal Heritage Registry, the RR zone may offer some level of protection to older properties within that zone.

It is important to many in the community to integrate limited areas of Restricted Residential zoning into the Town's regulatory structure. Council has already provided direction that Restricted Residential is something that can and should be integrated into the zoning fabric in locations that serve the broader needs of the public. The question remains *how much of the Town should be in this zone and where should these locations be?* The following questions are provided to help guide PAC in its discussion and to recommend to Council where RR zoning should be.

- ✓ **Should undeveloped areas be included in the RR zone?** - If the purpose of this zone is to preserve low density neighbourhoods, then pre-zoning undeveloped areas seems inconsistent with the notion of preservation.
- ✓ **Should traditional/historical areas be zoned RR?** - Berwick does not have heritage policies and there are several locations with larger homes and a lovely streetscape where the RR may serve to preserve these homes and streets. However, sometimes those larger homes are appropriate for redevelopment due to the size or the cost of repair/grades.
- ✓ **Should RR zones be only on local streets?** - These are streets that may dead-end or not be able to accommodate high amounts of traffic. The draft plan identifies a street hierarchy based on how the street functions and limited higher density to those areas.
- ✓ **What is the impact on walkability and community context?**- Areas that are located near parks, schools and commercial areas are natural areas for limited additional density.

- ✓ **Is a non-conforming or downzoning situation being created?** – Some areas already have 2 or more unit on the property which indicates that the area is already accommodating of non-single unit dwellings. The property may also have a higher zone. If properties that already have more than one unit on a lot or that are in a zone that allows more density are downzoned to Restricted Residential, the property loses development rights, and a non-conforming use may be created. This has financial and practical implications

Property Values

One of the main issues identified by the public regarding when proposing missing middle housing form in established single unit neighbourhoods is property values.

The concern is that the values of individual properties will decrease and that homeowners will be negatively impacted. However, this not something typically considered by planners or Council. Planners are guided by provincial legislation that puts the broader public interest ahead of private gain. Neither the Nova Scotia Municipal Government Act nor the Berwick’s Planning Strategy lists “protect individual resale values” as a test for rezonings or development agreements.

The Canadian Institute of Planners’ Code of Professional Conduct reinforces this, requiring practitioners to weigh long-term community need, environmental risk, servicing capacity, and housing supply—not short-term market swings. Independent agencies such as PVSC set assessments annually, so a planning decision in Berwick does not automatically raise or lower anyone’s tax bill.

The MGA specifically insulates councils from compensation claims arising solely from the adoption, amendment, or repeal of planning documents—even if those documents limit how a lot may be used. This so that Council can make decisions that benefit the public interest and not individual property interests.

Residents’ concerns are important to planners and Council, so, to better understand this issue Staff undertook research to see if there is any basis for the concern regarding property values. Although the review was not exhaustive, the bulk of the studies reviewed show no negative financial impacts. Where there were reports that did identify some limited, short-term impact, this was often due to specific situational issues, not in situation that are comparable to what Berwick is considering.

Infrastructure Services

Residents have asked whether Berwick can afford the services needed to support a modest bump in housing. Ensuring that infrastructure can support growth is a critical piece of information for Council when establishing planning documents. The Town is already on a steady, pay-as-you-go program of maintaining, monitoring, and upgrading its pipes, roads and treatment plants to accommodate growth.

- The province has already committed \$2.28 million to expand the capacity of Berwick’s wastewater treatment plant, a cost-shared project under the Municipal Capital Growth Program. Construction is scheduled to begin this year and is sized specifically to handle projected housing growth.
- Groundwater studies carried out do not indicate any issues with quality or quantity. However, Berwick plans on doing addition study with pump tests to better understand recharge times.
- Berwick is constantly reviewing its capital plan to determine where road, stormwater upgrades will occur over the next several years.

From an infrastructure perspective, there are several reasons to support gentle density:

- Shorter pipes, lower bills. - CMHC’s national literature review notes that infill and gentle-density housing cost municipalities less per dwelling for water, wastewater and road extensions because the network length per unit drops⁴
- Higher tax efficiency - Adding secondary suites, duplexes and small multiplexes within the existing serviced area spreads operating costs across more ratepayers without triggering a parallel jump in capital spending.
- Built-in climate resilience - Re-using serviced lots keeps growth inside the walkable core, trimming vehicle kilometres travelled and the stormwater footprint compared with greenfield subdivisions.

Berwick’s existing systems—and the funded upgrades already in motion—are able to accommodate the gentle-density levels proposed. By pairing ongoing monitoring of water, sewer and road infrastructure with “pay-as-you-grow” approach, Council can allow incremental housing without saddling future ratepayers with runaway infrastructure bills.

Provincial Statement of Interest and Plan Goals

In the chart at the end of this report (page 13) is an analysis of how the residential zones align with the provincial statements of interest and the goals of this plan.

In general, all zones, including the RR zone, align to some degree with the Statements of Provincial Interest, and the goals of this draft Plan. Where alignment may not occur is if there is too much RR or Residential Growth zoning. A balance among several factors must be struck. Example of these factors include permitting or encouraging growth, providing a variety of housing types, maintaining the qualities of Berwick that are valued by all, infrastructure demands and affordability to both the tax payer and the occupant/owners of the housing unit.

Possible RR areas

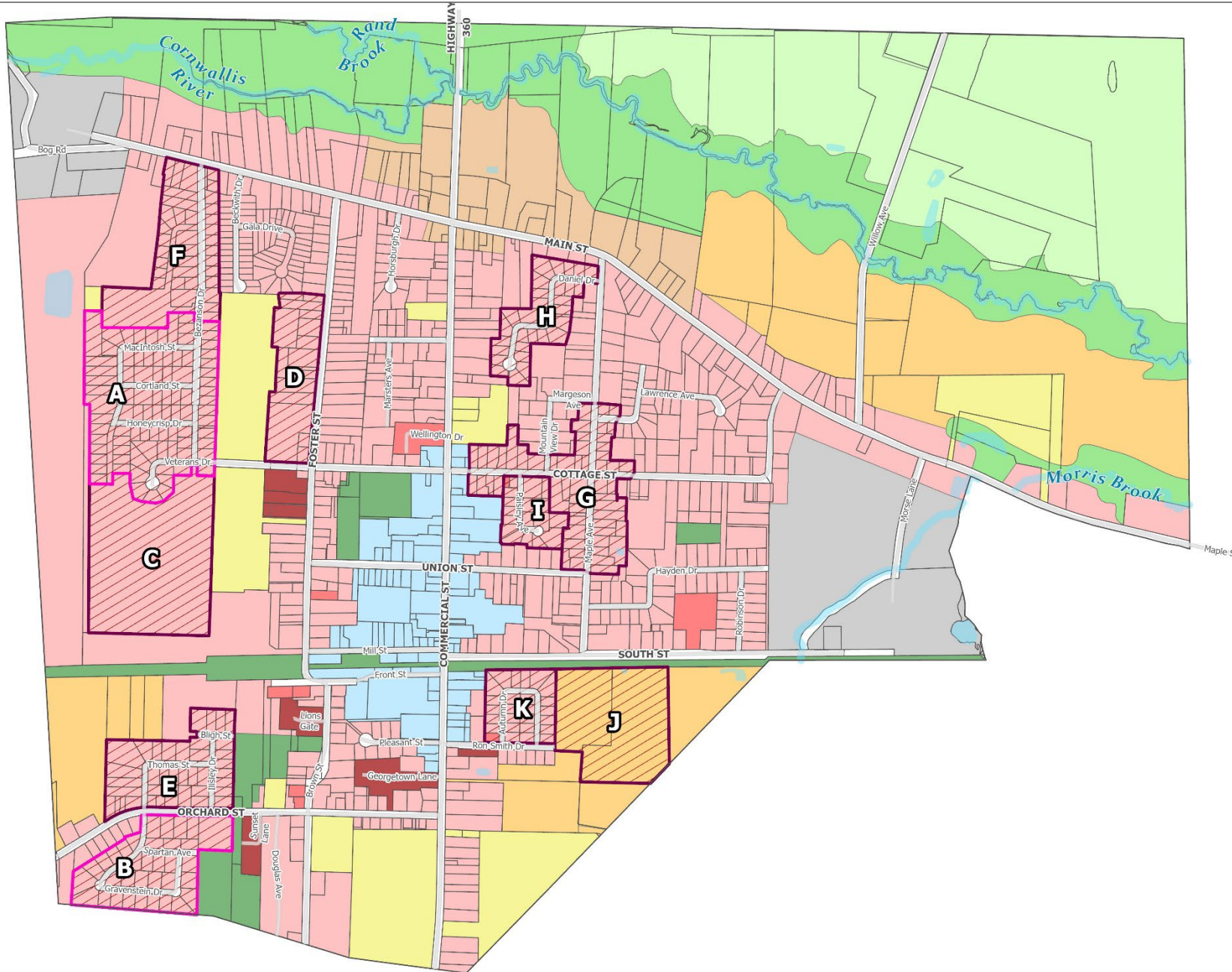
On the map attached are the locations suggested by the public and PAC for RR zones. It is important to note that there was no consensus around these locations and that some people

⁴ https://assets.cmhc-schl.gc.ca/sf/project/archive/research_6/appendix-b---literature-review.pdf



wanted one area, and others wanted it in another or all. Each area is briefly described below. PAC is tasked with making recommendations as to Council for where the RR zones should be.

Block	Description	No. of lots	Area of Block (acres)	Developed	Recommended By	No. of Lots Down Zoned	Current zone of proposed downzoned lots	Non-conforming uses created
A	Subdivision west of KMCC	88	35.9	Yes	April PAC 2025	0		0
B	Spartan & Gravenstein Drive	40	18.0	Yes	April PAC 2025	0		0
C	Subdivision west of District School	1	31.0	No	April 23rd PPM 2025	0		0
D	West of Foster Street	15	12.7	Yes	April 23rd PPM 2025	0		2
E	Thomas St	38	17.2	Yes	April 23rd PPM 2025	6	R2	0
F	Bezanson Dr & Main St	37	19.7	Yes	April 23rd PPM 2025	0		0
G	Cottage St & Maple Ave	55	22.5	Yes	April 23rd PPM 2025	0		0
H	Daniel Drive	31	11.3	Yes	April 23rd PPM 2025	0		0
I	Paisley Ave	18	6.5	Yes	April 23rd PPM 2025	2	R2,R3	2
J	Ron Smith Dr	2	20.3	No	April 23rd PPM 2025	2	RCCD	0
K	Ron Smith Dr	26	8.73	Yes	April 23rd PPM 2025	0		0



TOWN OF berwick

Potential RR Zones

Scale: 1 : 9,400

0 125 250 M

Legend

- Berwick Boundary
- ▭ Proposed RR Zones PAC
- ▭ Proposed RR Zones PPM

Proposed Land Use Zones

- Light Green: Agriculture (A1)
- Light Blue: Commercial General (C1)
- Grey: Commercial/Industrial Enterprise (C2)
- Light Green: Conservation (OS2)
- Orange: Gateway Mixed Use (GMU1)
- Yellow: Institutional (I1)
- Dark Green: Recreation and Open Space (OS1)
- Pink: Residential (R)
- Red: Residential Mixed density (RMD)
- Dark Red: Residential Growth (RG)
- Orange: Residential Comprehensive Development District (RCDD)

Data Source: The map data derived from NSTDB, NSPRD and NSCAF database, Town of Berwick, is Crown copyright 2024, Province of Nova Scotia. Used by permission of Service Nova Scotia & Municipal Relations License. All rights reserved.

Coordinate System: NAD 1983 CSRS UTM Zone 20N

Prepared by Brighter Community Planning and Consulting

Updated on: 2025-04-30

Disclaimer: This map is for informational and discussion purposes only. The zoning boundaries and designations shown are proposed and subject to change based on public input, further analysis, and formal approval by the Municipality. No rights, entitlements, or guarantees are conferred by this map. Final zoning decisions will be made through the official public hearing and adoption process.

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Draft Motion:

PAC recommends that Council give First Reading to the draft Land Use Bylaw and Municipal Planning Strategy attached. PAC further recommends the areas listed below as shown on the map be zoned RR and that the draft LUB Zoning map be changed to reflect this recommendation.

- ✓ Area A
- ✓ Area B
- ✓ Other areas

Alignment Matrix – Residential Zones vs. Vision, Plan Goals & Provincial SPI

Residential Zone	Vision Statement Alignment	SPI - overall fit	Goal 1 Environment	Goal 2 Housing Range	Goal 3 Responsible Growth	Goal 4 Economic Viability
Restricted Residential (RR)	⓪ Preserves small-town character & sense of belonging, but limited inclusivity/housing diversity.	✓ Ground-water protection strong; limited density hinders SPI-Housing & SPI-Infrastructure.	✓ Generous lots & setbacks protect wells/re-charge.	⓪ ADUs & small-options homes add some choice; still single-detached dominant but appropriate zone in limited locations	✗ Low (~4 u/ha) density under-utilises sewer,	⓪ Stable assessment; high per-capita service cost.
Residential (R)	✓ Supports 'vibrant and inclusive' vision with varied low-density forms and ADUs.	✓ Balanced densities; sewer lots meet SPI-Infrastructure.	✓ Allows gardens, moderate lot sizes.	✓ Mix of 1-2-unit dwellings + ADUs.	✓ ~10 u/ha average; some fringe car-oriented.	✓ Project good tax yield vs cost; incremental infill.
Mixed-Density Residential (RMD)	✓ Advances inclusive, age-friendly community through townhouses & small apartments.	✓ Meets SPI: efficient sewer use, housing supply.	✓ Lower lot coverage cap; landscaped setbacks.	✓ Townhouses & ≤6-unit buildings broaden tenure.	✓ Medium density supports walkability.	✓ Higher assessment/ha supports infrastructure lifecycle.
Growth Residential (RG)	⓪ Helps 'prosperous town' vision with higher-density infill & attainable units. Too much may impact small town feel	✓ Aligns with SPI-Housing & Infrastructure.	✓ Includes provisions for ground water assessment	✓ 7-plus-unit & grouped dwellings expand supply.	✓ Compact form near transit corridors.	✓ Strong fiscal performance; supports retail.
Residential Comprehensive Development District (RCDD)	✓ Embeds sustainability, mixed housing & amenities—mirrors Vision for innovative, high-quality neighbourhoods.	✓ DA can embed all SPI safeguards.	✓ Master-plan protects slopes, buffers.	✓ Mix of forms + 10 % open-space.	✓ Phasing & new collectors = orderly growth.	✓ Detailed planning allows for cost efficient development

**Municipal Planning Strategy & Land Use Bylaw
Plan Review**

**Public Participation Meeting
April 23, 2025
6:00 pm**

ATTENDING:

50 Residents (sign-in sheet attached)

ALSO IN ATTENDANCE:

6 Members of Council

2 Citizen Members of the Planning Advisory Committee

4 Staff members

Mayor Trinacty thanked everyone for attending and provided background on the plan review, explaining how the process has progressed to this stage. Mayor Trinacty then turned the meeting over to Chrystal Fuller, town planner with Brighter Communities Planning and Consulting.

Chrystal outlined the purpose and goal of the evening's session, which was to concentrate on residential zoning across the Town. It was noted that other components of the plan review had already been discussed and generally accepted, with zoning being the area of greatest concern. She explained that the Planning Advisory Committee had identified specific areas within the Town they believed should be designated as 'restricted residential,' meaning those areas would be limited to single-unit dwellings.

Questions and concerns from Attendees:

- Concerns of the current and future (approved) large developments on Foster Street with deteriorating infrastructure
- What protections are in place for developments (Large) in other areas that are not in the designated Restricted Residential zones
- Concerns about the preservation of heritage properties and maintaining the "small town" atmosphere
- What is the long-term vision for Berwick based on the changes that are being proposed
- What are the criteria used to decide the areas throughout Town that are suitable for more growth and development over other areas
- What would a water depletion scenario do to the tax base in the Town
- Does having the Town zoned for higher density increase the assessment of properties
- More recent data is needed to accurately report on the water depletion rate
- Was a survey done (door to door) of the number of people per dwelling unit in the Town

-
- When was the tabletop study done for the aquifer
 - Asked to provide a clear definition of the Restricted Residential zone
 - Would the "RR" zone allow for rented rooms
 - Can accessory dwelling units be in the basement of a home, in all zones

Attendees were invited to divide into three groups, each facilitated by staff and Council members, to discuss and identify preferred locations for Restricted Residential zones and provide reasoning for their choices.

Upon completion, staff will compile the results into a summary report, which will be presented to the Planning Advisory Committee. The Committee will then make a recommendation to Council.

As recorded by Krista Longmire, Planning Services Coordinator

To:	Mayor and Council
From:	Chrystal Fuller, MCIP, LPP
Date:	2024-05-27
Re:	First Reading Report - Plan Review to replace the MPS and LUB

Background

In the fall of 2022, the Town initiated a review of its Municipal Planning Strategy (“Plan”) and Land Use Bylaw (LUB). The Plan and LUB, last adopted in 2012, has been amended several times since being originally approved in 2012, and Council determined it was time to undertake a more comprehensive review. The terms of reference for the review were based on a SWOT assessment that was completed in 2020 where the report identified several issues and administrative improvements.

After Council approved the terms of reference, a number of engagement sessions were held. They included:

- Staff engagement session September 7, 2022
- Council workshop session - October 24, 2022
- PAC (Planning Advisory Committee) Meeting on Key Themes, summary of consultants to date, visioning and suggested directions, summary from other key documents
- World Café - May 17, 2023
- Engagement Session - November 11, 2023
- PAC Presentation - November 15, 2023, What We Heard Summary
- Newsletter to all Berwick residents summarizing key changes to documents - March 2024
- Engagement Session on draft MPS and LUB - March 27th, 2024
- PAC presentation - review of comments from public - April 2, 2024

Draft Motions for Council’s consideration arising from this report:

The following Council motions are required to receive direction on key issues and then a final motion to forward the draft document on to a public hearing.

Draft Motion regarding Parking:

Council directs staff to amend the MPS and LUB to reduced parking in the Core area as follows:

1. Residential uses: 0.5 parking spaces per unit.
2. Reduce commercial parking requirement in the C-1 by 50%.

Draft Motion regarding building height:

Direct staff to amend the MPS and LUB to permit five stories in the C1 zone.

Draft Motion regarding agricultural land

Council Motion: To permit subdivision on Willow Avenue on lots with 30 meter (100 ft) frontage and made residential dwellings and reduce lot frontage requirements for agricultural uses to 60 meters (196 feet).

Draft motion to forward amended documents to a public hearing:

Council forwards the draft MPS and LUB, and amended to reflect Council’s changes, to a public hearing on July 29th, 2024. Council further directs staff to notify property owners currently zoned R-1 and all properties that will be upzoned to R-3 or R-2 by letter of the date of the public hearing.

Key Changes

Council initiated this Plan review for several reasons:

- Respond to the changing needs of the community.
- To address short comings in the existing Plan as identified by Council, staff, and the public.
- To respond to legislative changes, strategies, and initiatives from the province.
- To address the critical lack of housing and the need to ensure that Berwick is doing its part to be part of the solution.
- To position Berwick to access new provincial and federal infrastructure funding opportunities.
- To support economic development.
- To maximize and make the best use of existing and future infrastructure.
- To streamline documents.

To help Council understand the changes, this chart outlines the major shifts within the Plan and LUB, provides the reference section in the Plan or the specific regulation in the LUB, which Plan principle it supports and, if applicable, which Statement of Provincial Interest (SPI) may be relevant to the policy. This chart does not capture every change but tries to identify the major ones.

Change	Reference	Principle	SPI
To add a policy regarding Asset Management	Policy 3-29	All	Infrastructure
Adopt a Transportation Map and Street Classification Policies	MPS Transportation Map and Policy 3-23	All	Infrastructure Residential

Change	Reference	Principle	SPI
To reduce the number of developments that must occur by development agreement.		Administrative	Housing
To introduce new definitions within the LUB to make it easier to administer.	General to both documents	Administrative	N/A
To add language in the Plan that acknowledges the risk posed by climate change.	Section 3.2.2	Administrative	N/A
To reduce the number of future land use designations by 4 and establish zones within each designation.	Generalized land use map	Administrative	
To expand the list of requirements where the DO (Development Officer) may issue a variance.	Policy 5-9	Administrative	N/A
To allow for non-substantive amendments to DA's approved after April 1, 2012	Policy 5-18	Administrative	N/A
To consider substantive amendments to DA prior to October 1, 2024, if the proposal is specifically enabled by and is consistent with the policies of this Plan	Policy 5-19	Administrative	N/A
To allow development agreements that were applied for before the date of first reading of this Plan to proceed under the policies of the Plan in place at the time of application.	Policy 5-20	Administrative	N/A
Policies relating to Plan updates and monitoring.	Section 5.6 of the MPS	Administrative	N/A

Change	Reference	Principle	SPI
To reduce the frontage requirement in the A-1 for agricultural uses to 60 meters (196 feet)	9.2 of the LUB	Agricultural	Agricultural Land
To require a Plan Amendment when considering the conversion of agriculturally zoned land that does not front on an existing street.	Policy 4-53	Agricultural Residential	Agricultural Land
To allow infill residential development on Willow Avenue.	Policy 4-53 and regulation 9.3 of the LUB	Agricultural Residential	Agricultural Land
To introduce site plan approvals for many types of development that previously occurred by development agreement.	Regulations in Section 11.4 and 11.5	Residential	Housing
To clarify that uses such as shared housing and small options homes may occur in all residential zones.	Policy 4-25 Definitions added to LUB, and included in the list of permitted uses in the R-2, R-3 and R-4 zone	Residential	Housing
To establish a road hierarchy that is linked to rezoning requests.	Section 3.1.7 of the MPS (Policy 3-12 to 3-23)	Residential	Housing Infrastructure
To remove the single dwelling unit zoning and establish three residential zones.	Policy 4-8, 4-9, 4-11, 4-13, 4-14	Residential	Housing
To rezone all existing multi-unit residential development that are subject to a development agreement to either R-3 or R-4.	See LUB Map	Residential	N/A

Change	Reference	Principle	SPI
To include rezoning policies to allow for rezonings to R-3 or R-4 subject to criteria.	Rezoning to R-3: Policy 4-21 Rezoning to R-4: 4-22	Residential	Housing
To revise DA criteria for the R-4 zone to permit developments over 10 units.	Policy 4-28	Residential	Housing
To establish rezoning criteria for zones enabled in the Future Residential Designation	Policy 4-28, 4-29	Residential	Infrastructure Housing Agricultural
To require ground water studies for larger scale developments.	Policy 3-34 and 3-35	Residential	Drinking Water
To restrict the number of units in the R-2 zone to 4 units, including accessory units.	5.2.1 of the LUB	Residential	Housing
To reduce the lot frontage requirements in the R-2 zone to support gentle density.	5.2.1 of LUB	Residential	Housing Infrastructure
To include setback and lot coverage requirements for Townhouses, multi-unit and grouped dwellings (up to 4)	5.2.6 of the LUB	Residential	Housing
To identify future development areas and the conditions under which they may be developed.	Section 4.1.3: RCDD Future Residential Designation: Policy 4-26	Residential Commercial	Infrastructure Housing Agricultural
To require all development in the Core area to have ground floor commercial.	Policy 4-42	Residential Commercial	N/A

Change	Reference	Principle	SPI
To encourage infill in the Core Area.	Reduce Parking (Policy)-26) and Policy 4-42	Commercial	Infrastructure
To establish a vision for the Town of Berwick that will guide the policies of the Plan and the regulations of the LUB.	Section 2.4 of the MPS	N/A	N/A
To establish goals for the Plan. These related to Environment, Housing, Responsible Growth, Economic Viability	Section 2.3.1	N/A	All

Points for discussion and decision by Council

The previous section identifies many small and substantial changes to the Plan and LUB. Below are issues where Council may require more detail and analysis to choose a specific policy direction. These issues were identified by PAC on April 2nd, and require Council’s direction and attention to move the documents to first reading.

Staff’s recommendation is included in the following discussions to assist Council in its decision making.

1. Parking In Core

Issue: Council wishes to increase the commercial tax base and densify its downtown core. A visual inspection of the core area shows that spatially downtown Berwick is defined by its parking areas. A review of Google maps shows that Berwick appears to have a lot of on-site parking for commercial uses, in addition to on street parking, all that is free. Anecdotally, parking availability is not a limitation. Parking does not create any tax revenue for the town. If Council wishes to expand commercial uses in town, it will either need to densify the existing commercial areas or expand the commercial areas. However, the public has not been supportive of extending the commercial areas further along Commercial Street.



Proposed Change: To reduce the required parking for development in the Core Area

Options:

1. No Change: Keep the minimum parking requirement the same as the current bylaw. With this option, staff recommend that Council conduct a parking utilization study to determine the usage of parking in Berwick.
2. Reduce parking requirements in the C-1 zone by 50%.
3. No minimum: Remove parking requirements for the C1 zone. The market will determine the required amount of parking.

Discussion

After reviewing other similar sized municipalities Berwick generally requires similar or slightly more parking than the other towns that were reviewed. Parking regulations for each towns' core area is shown in the chart below.

Town	Population (2021)	Zone	Parking Requirements
Berwick, NS	2,455	C1 (Commercial General)	Retail: 1 space per 27.8 sq m (300 sq ft) Overnight Accommodation: 1 space per suite Restaurant: 1 space per 9.3 sqm (100 sq ft)

Wolfville, NS	5,058	C-1 (Core Commercial)	Retail: 1 space per 30 sq m (323 sq ft) Overnight Accommodation: 1 space per suite Restaurant: 1 space per 10 sq m (108 sq ft)
Kentville, NS	6,630	General Commercial (C-1)	Retail: 1 space per 32.52sqm (350 sq ft) Overnight Accommodation: 1 space per suite Restaurant: 1 space per 18.58sqm (200 sq ft)
Town of Pictou, NS	3,107	C1A (Downtown Commercial)	Retail: 1 space per 28 sqm (300 sq ft) Overnight Accommodation: 1 per suite Restaurant: 1 space per 4.6 sqm (50 sq ft)
Town of Lunenburg, NS	2,396	CG (General Commercial)	No requirement about the number of vehicle parking space At least one bicycle parking is required for all uses
Town of Springhill, NS	2,654	CM (Mixed-use) & CDwn (Downtown Commercial)	Retail: 1 space per 30 sqm (323 sq ft) Overnight Accommodation: 1 per suite Restaurant: 1 space per 20 sqm (215 sq ft) Bicycle parking is required Retail: 1 space Restaurant: 2 spaces
Kensington, PEI	1,812	General Commercial (C1)	Retail: 1 space per 14 sqm (150 sq ft) Overnight Accommodation: 1 space per suite Restaurant: 1 space per four seats
St George, NB	1,579	U-1, U-2, U-3, & U-4 (Urban)	1 space per 100 sqm / (1076 sq ft) for all zones. No parking requirement for U-4

Reducing minimum parking requirements benefits cities and towns by promoting downtown and commercial development, reducing barriers to small business growth, and encouraging more housing¹. These include:

- For the Town of Berwick: reducing minimum parking requirements enables more

¹ <https://www.planning.org/planning/2022/spring/a-business-case-for-dropping-parking-minimums/>

developable lands and opportunities² in the town core area. The more efficient usage of land will bring more tax revenue³ to the Town.

- For Local Business Owners: less restricted parking requirements reduce auto presences, improve walkability, and increase local foot traffic. More “feet on the street” often equals more business.
- For Developers: reducing parking requirements decreases the construction costs⁴. Given the present high-interest rate and cost of construction, such a benefit is crucial for attracting development opportunities and supporting more affordable housing in mixed use developments.
- For Local Residents: thriving businesses and new developments beautify the downtown core, making it a more inviting and meaningful place to visit.
- For Visitors and Future Residents: The revitalization effects associated with reducing parking requirements support tourism. Enabling the most location-efficient lands in Berwick for development also lays the foundation for building more diversified housing options suitable for different people⁵.

Staff also considered possible impacts on reducing the parking. These include:

- Public perception – people are used to having lots of parking choice in Berwick.
- A significant portion of the town falls outside of the typical 400-metre walkable distance from the downtown core. Connecting these areas through non-automobile trip mode would require bike lanes and other active transportation infrastructure. The Town would need to continue to invest in active transportation infrastructure.

Draft Council Motion: Direct staff to amend the MPS and LUB to reduced parking in the Core area as follows:

- **Residential uses: 0.5 parking spaces per unit.**
- **Reduce commercial parking requirement in the C-1 by 50%.**

2. Building Height

Issue: To densify the downtown core, and to make more efficient use of the lands, Council has the option of increasing height in the core. As part of the Plan consideration, BCP had two renderings prepared to help Council visualize the impact of the height on the streetscape and pedestrian comfort.

² <https://www.nar.realtor/on-common-ground/parking-requirements-harm-the-value-of-land>

³ *ibid.*

⁴ <https://cal.streetsblog.org/2021/05/19/parking-requirements-are-not-a-useful-bargaining-chip-for-increasing-affordable-housing>

⁵ <https://www.naiop.org/research-and-publications/magazine/2023/Summer-2023/development-ownership/as-more-cities-eliminate-parking-minimums-what-happens-next/>

Proposed Change: That Council allows 5 storey buildings in the C-1 zone.

Options:

- Allow 5 storey buildings.
- Allow 4 storey buildings.



Figure 1 - Rendering of 4 storey building



Figure 2 - Rendering of a 5 storey building

Discussion

As part of the Plan consideration, BCP had two renderings prepared to help Council visualize the impact of the increase in height on the streetscape and pedestrian comfort. There are several reasons why BCP is recommending increasing height:

1. More efficient use of land.
2. Promoting housing in the downtown.
3. Recognizing that buildings above 3 stories must include additional safety and convenience elements. These include fire suppression (sprinklers and valves) and elevators. Developers need to accommodate for these costs within the project.
4. Increase vibrancy in the core area that promotes walkability and active living.

The draft Plan establishes policies to guide the integration of the buildings into the streetscape. During the public consultation, Staff received one concern about the draft policies for 4 and 5 storey buildings in the core. The concern is that the draft policies do not have clear guidelines against which to evaluate proposals. Staff have revised the policies slightly to reinforce the importance of compatibility but there is no detailed urban design policy included. Given the relatively low height of the buildings, staff believe that the risk of permitting higher building height to the streetscape is minimal. Council, in the future, can always undertake additional work to improve the policies.

Council Motion: Direct staff to amend the MPS and LUB to permit five stories in the C1 zone.

3. Agricultural Land Policies

Issue: The proposed changes will allow smaller lot development in the agricultural zone and permit large scale development proposals through a Plan Amendment. The Provincial Statement of Interests may conflict with this change and there is a risk that the Provincial Director of Planning may not support this approach.

Proposed Change:

Allow smaller lots for single unit dwellings on existing streets within the Agricultural zone. It is estimated that this could allow up to 10 -12 lots.

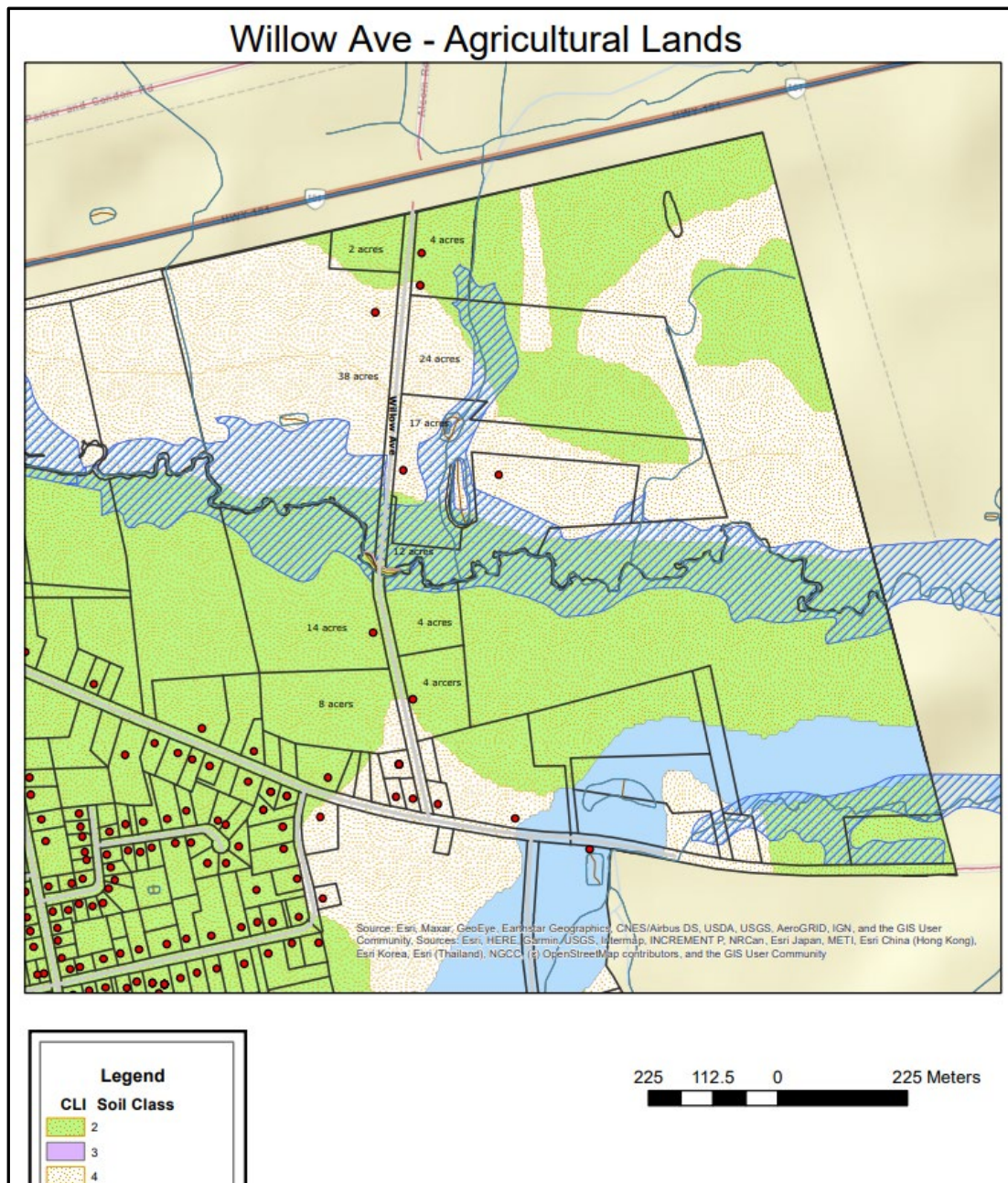
Option

Make no change to the policy, which would mean that those who have requested subdivision would not be able to do so.

Discussion

Several property owners have requested the ability to subdivide their properties along Willow Avenue to allow for residential building lots. The current bylaw requires a minimum frontage of 400 feet, making it difficult to create new lots. Agricultural land preservation is one of the five Provincial Statements of Interest that the Town must consider when drafting planning documents. The draft Plan recognizes this but also positions Berwick as a “growth centre” for the agricultural areas that surround it, providing necessary services and housing for the broader community. During consultations, we were informed that there is only one active farmer within Berwick. The remainder of the land is difficult to farm due to the proximity of housing, the Cornwallis River, and the urbanized surroundings. The agricultural lands are bounded by Highway 101, a solar farm, a sewage treatment plant, a graveyard, and housing, all of which create land use conflict.

Agricultural land is classified into categories through the Canada Land Inventory. Staff reviewed the classifications. The lands to the north of the river along Willow Avenue are mostly class 4, with the lands south of the river mostly class 2.



The draft policies would allow for subdivision along Willow Avenue only, while allowing the lands to the rear to continue to be vacant and possibly used for haying or other similar agricultural uses.

Council Motion: Direct staff to amend the MPS and LUB to permit subdivision on Willow Avenue on lots with 30 meter (100 ft) frontage and made residential dwellings and reduce lot frontage requirements for agricultural uses to 60 meters (196 feet).

Next Steps

Upon first reading of the draft MPS and LUB, the following steps are required or recommended. The statutory requirements are in Red, and the discretionary steps are in Orange.

First Reading	May 27 th , 2024
*Letters to all property owners impacted by zoning changes (All current R-1 property owners, and existing multi-unit buildings that are on R-1 or R-2 lots)	June 15 th
*Ad in the newspaper- notification of public hearing	
*Public Hearing	July 29 th , 2024
*Second Reading	July 30 th , 2024
*Ministerial Review	August/September

*Dates are subject to Council decision and direction and may be changes.

Please note that no development permit may be issues that is in contravention of the new Land Use bylaw after the advertising is placed in the paper for the public hearing. (Section 246(3) of the MGA)

TOWN OF **berwick**

Land Use Bylaw



DRAFT

May 27, 2025

V2 for Approval

DRAFT

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Credits:

This document was prepared by Brighter Community Planning & Consulting for the Town of Berwick. We would like to thank those who contributed their time, energy, knowledge, and resources to undertake this review.

Indigenous Land Acknowledgement

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



1 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 By-law in accordance with the Act, as amended from time to time.

2.3 ENFORCEMENT AND PENALTY

2.3.1 In the event of any contravention of this By-law, 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 by-law, or from obtaining any license, permission, permit, authority, or approval required by any other by-law of the Town or statute or regulation for the Province of Nova Scotia or the Government of Canada. Where provisions in this By-law conflict with those of any other by-law 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 By-law 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 By-law 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 By-law if:
- a. It has been lawfully constructed;
 - b. It has been lawfully commenced;
 - c. It is lawfully under construction: or
 - d. 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 By-law, the Land Use By-law 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 of, 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

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.

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.

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.

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. Expansion and/or alteration of existing commercial and/or industrial uses within the Residential (R) Zone;
- b. Expansion and/or alteration of existing land-lease communities within the Residential (R) Zone;
- c. New multiple-unit residential dwellings containing ten (10) or more units in the in the Residential Multi-Unit (R4) zone;
- d. Grouped dwellings with more than ten (10) units in the Residential Multi-unit (R4) zone;
- e. Commercial Uses (ground floor commercial) in the Residential Multi-unit (R4) zone;
- f. Comprehensively planned residential development within the Residential Comprehensive Development District (RCDD) Zone;
- g. Mixed-use commercial/residential development on lands zoned Commercial General (C1);
- h. Redevelopment or reuse of lands zoned Institutional (I1) for non-institutional purposes.

2.12 SITE PLAN APPROVAL

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 of this By-law, all other applicable criteria of this Land Use By-law shall still apply to any development proposed and undertaken through site plan approval.

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

APPLICATION REQUIREMENTS

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 this By-law.
- c. The application shall be accompanied by a fee, of the amount prescribed by Council.

SITE PLAN APPROVAL REVIEW

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 By-law.

NOTIFICATION

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

Appeals of the Development Officer's decision regarding a site plan approval shall be made to Council, as provided for 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 in the Residential (R) zone, Residential Mixed Density (RMD) Zone, and Residential Multi-unit (R4) zone;
- b. Grouped dwellings with four (4) or fewer units located on a single lot in the Residential (R) zone;
- c. Fourplex Dwelling with four (4) or fewer Dwelling Units on a Lot in the Residential (R) zone;
- d. Townhouse Dwelling with four (4) or fewer Dwelling Units on a Lot in the Residential (R) zone;
- e. Grouped dwellings with seven (7) to nine (9) units located on a single lot in the Residential Mixed Density (RMD) 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 Land Registration Office 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

Any person who wishes to obtain an amendment, revision, or repeal of this By-law shall apply the form prescribed by the Town.

The applicant shall deposit with the Town an amount estimated to be sufficient to pay the cost of advertising required by the Act.

The applicant shall pay all fees as per the Municipal Planning Strategy.

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.

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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. Such zones may be referred to by the appropriate symbols. The provisions of this By-law shall apply to all such zones.

Zone	Symbol
Restricted Residential	RR
Residential	R
Residential Mixed Density	RMD
Residential Growth	RG
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.

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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

The maximum number of accessory structures, excluding Accessory Dwelling Unit – Detached Suites, permitted in any Residential Zone shall not exceed three (3).

4.3.2 The maximum building coverage on a lot in any residential zone, inclusive of the main building and all accessory buildings shall not exceed 40%.

4.3.3 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.

4.3.4 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

4.4 ACCESSORY DWELLING UNIT – DETACHED SUITE

Notwithstanding anything else in this By-law, the establishment of one (1) Accessory Dwelling Unit to a Single Unit Dwelling or Semi-Detached Dwelling shall be permitted in all Residential zones subject to the following requirements:

Accessory Dwelling Unit –	
Maximum Number of Bedrooms	1
Minimum Lot Area	929 m2 (10,000 ft2)
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 unit up to 75 m2 (807.3 ft2)
Maximum building height	If not contained in the main building, equal to the height of the main building up to 10.66 meters (35 ft.)
Minimum setback from other buildings	2 metres from non-habitable structures on the same lot 3 metres from all other structures
Lot Coverage	The maximum building coverage on a lot in any residential zone, inclusive of the main building and all accessory buildings shall not exceed 40%.
Design Parameters	
Exterior	Must be similar to, or complementary 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

- 4.4.1 The minimum zone requirements shall be waived for the conversion of an existing accessory structure for residential use.
- 4.4.2 The ADU may be located within an existing single unit dwelling and shall have its own entrance.

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:

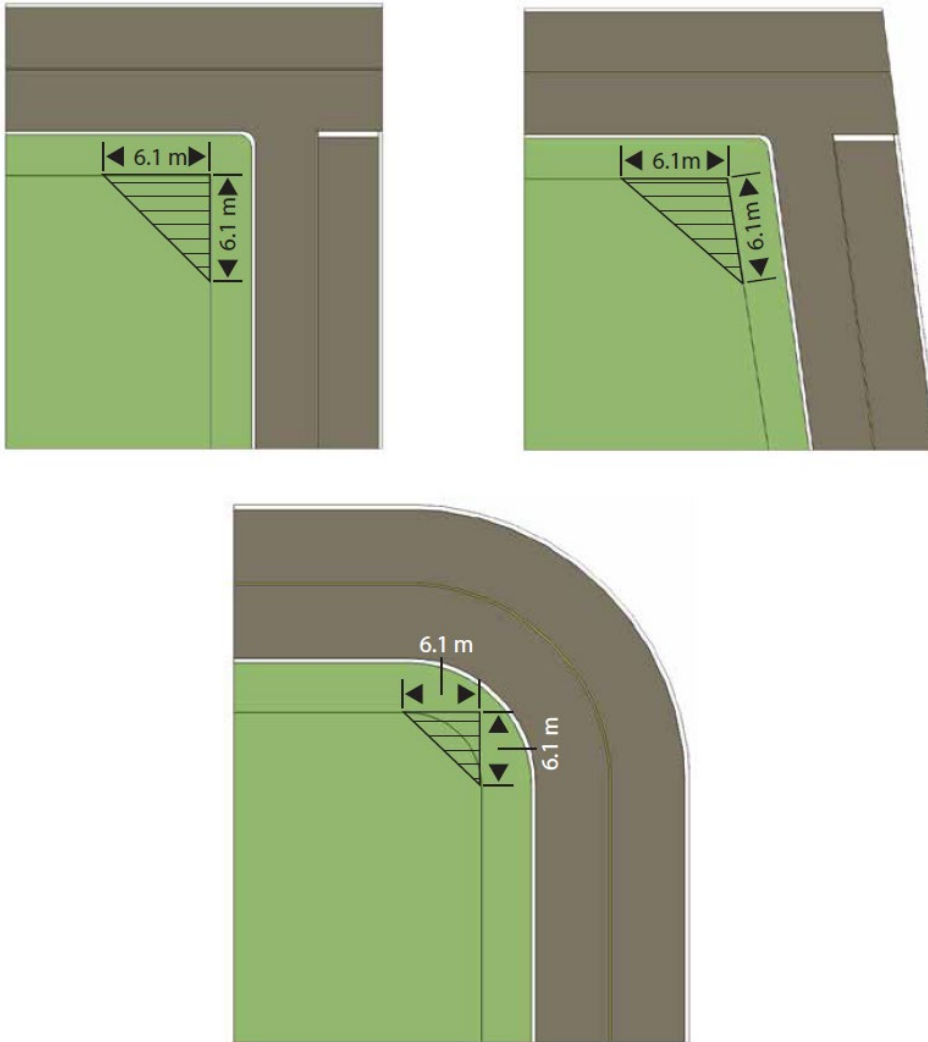
- a. In the case of a corner lot with a corner vision triangle the exterior lot lines (street lines) shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage;
- b. In the case of other lots, lot frontage shall be deemed to be the horizontal distance 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. (example of how to calculate is provided below)



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 AND SHARED BALCONIES

4.14.1 External staircases shall not be permitted in buildings with more than 6 units between the building and any street in any zone unless required as a result of site, life-safety, or structural limitations. Shared Balconies are not permitted.

4.15 FARM, FISH, AND FOREST SALES FROM A STAND OR PARKED MOTOR VEHICLE

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, without the requirement for a development permit, subject to the Vending By-law.

- 4.15.1 Stands shall not exceed a footprint of 10 square metres (107 square feet).
- 4.15.2 Outdoor sales from a stand or parked motor vehicle shall not be located within the street right-of-way.

4.16 FENCES

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

Fences 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.

- 4.16.3 No fence shall be located the front yard that exceeds 1.5 meters (5 ft.)

All 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

- 4.19.1 No 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.
- 4.19.2 Notwithstanding 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 an area outside any building unless such illumination is directed away from adjoining properties and any adjacent streets.

4.22 LOADING SPACES

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.

- 4.22.1 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.
- 4.22.2 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.
- 4.22.3 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.

4.22.4 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 meters (9.8 ft.)
Open/roofed porches not exceeding one storey, uncovered terraces	Rear and side yards only Flanking yards only for single unit, semi-detached, duplex, and triplex dwellings, any yard for other residential dwellings	2 meters (6.5 ft.) 2.4 meters (8 ft.) including eaves and cornices
Accessibility ramps or lifts	Any yard	1 meter (6.5 ft)

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 By-law, 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 By-law 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 By-law 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 the 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
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

Type of Use	Parking Required
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
Funeral Home	One (1) parking space for each five (5) seats capacity of chapel, with a minimum of ten (10) parking spaces
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
All other Commercial uses in the C1 zone.	The parking requirement shall be reduced by 50% of what is required if it were in any other zone.
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, except for Accessory Dwelling Units

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 meters (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 setbacks;
- c. Lot frontage and lot area if:
- 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.

4.38 WIND TURBINES

Wind turbines of any scale are not permitted as a use within the 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.

4.40 WATERCOURSE BUFFERS

- a. No residential, commercial, or industrial development may occur within 30 metres of the riparian edge or within 10 meters of the flood plain of the Cornwallis River.
- b. Notwithstanding (a), development may occur upon receipt of a flood risk assessment report prepared by a qualified professional confirming that the risk of flooding of the area to be developed is low according industry acceptable flood modeling.
- c. The Development Officer may request a report from a watercourse or riparian specialist to confirm the location of the riparian edge or extent of the flood plain

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5 Residential Zone Provisions

Zone	
Residential Restricted Zone	RR
Residential Zone	R
Residential Mixed Density Zone	RMD
Residential Growth Zone	RG
Residential Comprehensive Development District Zone	RCCD
Commercial General Zone	C1
Commercial/Industrial Enterprise Zone	C2
Gateway Mixed Use Zone	GMU1
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 (RR, R, RMD, RG 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 (R) or Residential Mixed Density (RMD) Zones, structures built between existing buildings within 61 meters (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 meters (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 Restricted Residential (RR), Residential (R), Residential Mixed Density (RMD) Zone, Residential Mixed Density (RMD) Zone, Residential Growth (RG) or Residential Comprehensive Development District (RCDD) Zone.

No commercial motor vehicle shall be kept or parked on any vacant lot in a Restricted Residential (RR), Residential (R), Residential Mixed Density (RMD) Zone Residential Mixed Density (RMD) Zone, Residential Multi-Unit (R4) Zone, 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 6:00 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.

5.2 RESIDENTIAL RESTRICTED (RR) ZONE

5.2.1 Purpose

To recognize existing single unit dwelling areas.

5.2.2 Use Permitted as of Right

- a. Single Unit Detached Dwelling
- b. Short-term Rental
- c. Accessory Dwelling Unit
- d. Small Options Home

5.2.3 General Lot Requirements

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

Requirement	All Uses
Minimum Lot Area	929 sq. metres (10,000 sq. ft.)
Maximum Lot Coverage	40%
Minimum Lot Frontage	18.29 metres (60 ft.)
Minimum Front Yard	7.62 metres (25 ft.)
Minimum Rear Yard	7.62 metres (25 ft.)
Minimum Side Yard	One side: 2.43 metres (8 ft.) Other side: 3.65 metres (12 ft.)
Maximum Height of Main Building	10.66 metres (35 ft.)

5.3 RESIDENTIAL (R) ZONE

5.3.1 Purpose

The Residential (R) Zone is intended to permit lower 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 (R) 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
- j. Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit
- k. Small Options Home
- l. Shared Housing with Special Care

5.3.3 Uses Permitted by Site Plan Approval

The following uses shall be permitted in the Residential (R) 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. Multiple Unit Dwelling – 4 or Fewer Dwelling Units on a Lot
- d. Townhouse Dwelling – 4 or Fewer Dwellings on a Lot

5.3.4 Uses Permitted by Development Agreement

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

- a. Expansion and/or alteration of existing commercial and/or industrial uses within the Residential (R) Zone;
- b. Expansion and/or alteration of existing Land-Lease Communities within the Residential (R) Zone

5.3.5 General Lot Requirements

In a Residential (R) 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.)	1,114 sq. metres (12,000 sq. ft.)	557 sq. metres (6,000 sq. ft.) per unit
Maximum Lot Coverage	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.)		
Minimum Rear Yard	7.62 metres (25 ft.)		
Minimum Side Yard	One side: 2.43 metres (8 ft.) Other side: 3.65 metres (12 ft.)	3.65 metres (12 ft.)	3.65 metres (12 ft.) Common Lot Line: 0 metre
Maximum Height of Main Building	10.66 metres (35 ft.)		

Requirement	Townhouse	Multi-unit Dwelling	Grouped Dwelling
Minimum Lot Area	325 sq. metres (3,500 sq. ft.) per unit	325 sq. metres (3,500 sq. ft.) per unit	325 sq. metre (3,500 sq. ft.) per unit
Maximum Lot Coverage	40%		
Minimum Lot Frontage	10 metres (32.81 ft.) per unit	18.29 metres (60 ft.)	18.29 metres (60 ft.)
Minimum Front Yard	7.62 metres (25 ft.)		
Minimum Rear Yard	7.62 metres (25 ft.)		
Minimum Side Yard	3.65 metres (12 ft.) Common Lot Line: 0 metre	3.65 metres (12 ft.)	3.65 metres (12 ft.)
Maximum Height of Main Building	10.66 metres (35 ft.)		

5.3.6 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)

5.3.7 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.)

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5.4 RESIDENTIAL MIXED DENSITY (RMD)

5.4.1 Purpose

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

5.4.2 Uses Permitted As-of-Right

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

- a. All Uses Permitted As of Right in the Residential Zone (R) subject to the R Zone General Lot Requirements
- b. Townhouse Dwellings to a maximum of six (6) dwelling units
- c. Multi-unit Dwellings to a maximum of six (6) dwelling units

5.4.3 Uses Permitted by Site Plan Approval

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

- a. Grouped dwellings with five (5) to nine (9) units.

5.4.4 Uses Permitted by Development Agreement

The following uses shall be permitted in the Residential Mixed Density (RMD) 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 Mixed Density (RMD) Zone

5.4.5 General Lot Requirements

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

Requirement	Townhouse	Multi-unit Dwelling, Grouped Dwelling
Minimum Lot Area	1,114 sq. metres (12,000 sq. ft.) or 279 sq. metres (3,000 sq.ft.) per unit for the first four units, and 232 sq. metres (2,500 sq.ft.) per additional unit, whichever is greater.	
Maximum Coverage	40%	
Minimum Frontage	10 metres (32.81 ft.) per unit	24.38 metres (80ft.)
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 Common Lot Line: 0 metre	4.57 metres (15 ft.) or ½ the height whichever is greater
Maximum Height of Main Building	10.66 metres (35 ft.)	

5.5 RESIDENTIAL GROWTH (RG) ZONE

5.5.1 Purpose

The Residential Growth (RG) Zone is intended to permit higher density residential development in the town core or on larger undeveloped parcels.

5.5.2 Uses Permitted As-of-Right

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

- a. All Uses Permitted As of Right in the Residential Zone (R) subject to the R2 Zone General Lot Requirements
- b. Home-based Business;
- c. Townhouse Dwellings to a maximum of six (6) dwelling units;
- d. Multiple unit dwellings to a maximum of six (6) dwelling units;

5.5.3 Uses Permitted by Site Plan Agreement

The following uses shall be permitted in the Residential Growth (RG) 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 Growth (RG) zone

5.5.4 Uses Permitted by Development Agreement

The following uses shall be permitted in the Residential Growth (RG) 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;

5.5.5 General Lot Requirements

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

Requirement	Townhouse	Multi-unit Dwelling, Grouped Dwelling
Minimum Lot Area	1,114 sq. metres (12,000 sq.ft.) or 279 sq. metres (3,000 sq.ft.) per unit for the first four units, and 186 sq. metres (2,000 sq.ft.) per additional unit, whichever is greater.	
Maximum Coverage	Lot 40%	
Minimum Frontage	Lot 10 metres (32.81 ft.) per unit	24.38 metres (80ft.)
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 Common Lot Line: 0 metre	4.57 metres (15 ft.) or ½ the height whichever is greater
Maximum Height of Main Building	10.66 metres (35 ft.)	

5.6 RESIDENTIAL COMPREHENSIVE DEVELOPMENT DISTRICT (RCDD) ZONE

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:

Single Unit dwellings on existing lots as per the requirements of the Residential zone.

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.

NEW LOTS

No new lots may be created in the RCDD zone except as enabled by the Development Agreement under the RCDD policies established in the Plan.

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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 (RR, R, RMD, RG) 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.

6.2 COMMERCIAL GENERAL (C1) ZONE

6.2.1 Purpose

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

6.2.2 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)
- Expansion of existing residential R2 Uses up to a maximum of 2 units (subject to the applicable zones requirements)
- Taverns and Lounges
- Dwelling Units located above or behind any commercial use
- Multiple unit Residential dwellings with ground floor commercial with over 10 units by Development Agreement

6.3 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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6.4 COMMERCIAL/INDUSTRIAL ENTERPRISE (C2) ZONE

6.4.1 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

6.4.2 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

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 (R) Zone uses subject to R2 Requirements
- All Residential Mixed Density (RMD) Zone Residential Mixed Density (RMD) 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

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

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 ½ the height of the main building, whichever is greater	4.57 metres (15 ft.) or ½ the height of the main building, whichever is greater
Maximum Height of Main Building	13.7 metres (45 ft.)	13.7 metres (45 ft.)

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:	60 metres (196 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 CONDITIONAL USE – RESIDENTIAL DWELLINGS

The following condition uses shall be permitted in the A1 zone subject to the requirements in this section:

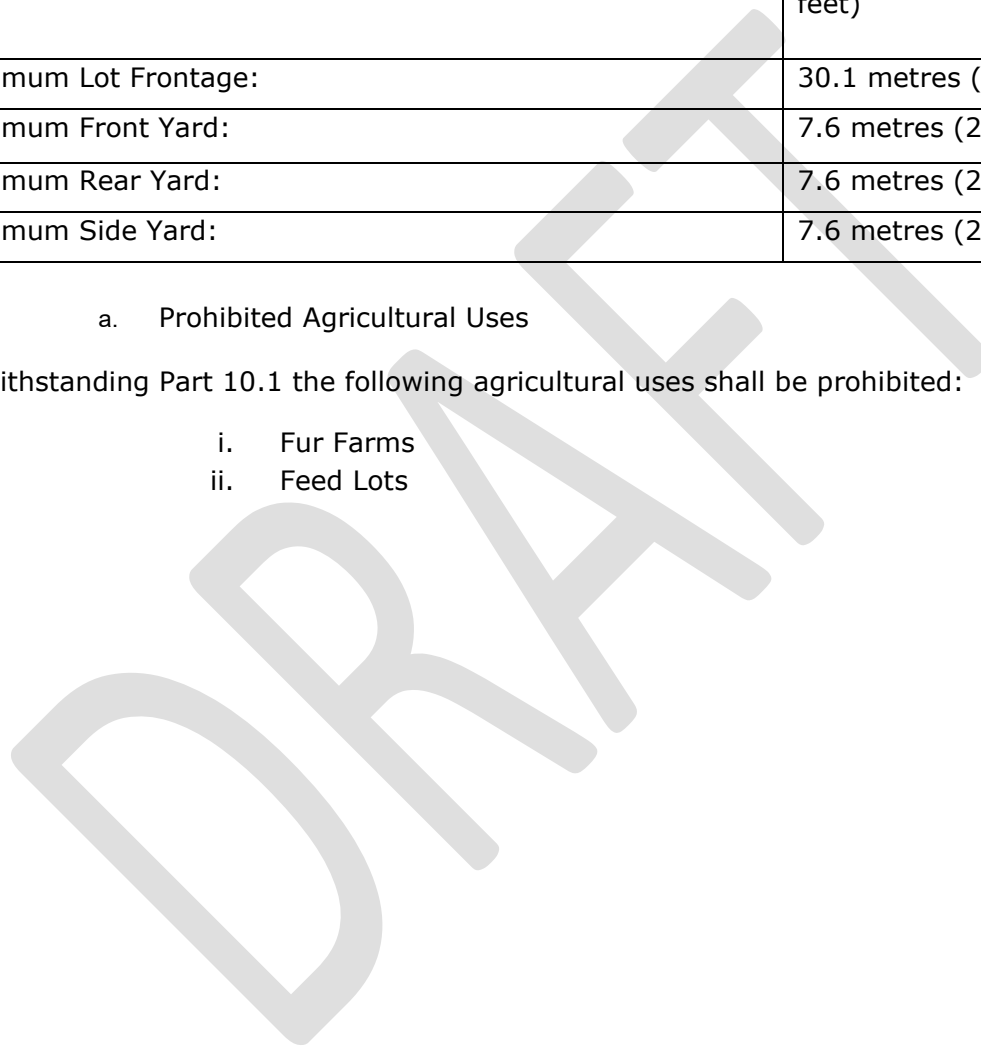
- Single Unit dwellings
- Accessory dwelling units
- Conformity with the following requirements:

Minimum Lot Area:	0.5 hectares (53,819 square feet)
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.)

a. Prohibited Agricultural Uses

Notwithstanding Part 10.1 the following agricultural uses shall be prohibited:

- i. Fur Farms
- ii. Feed Lots



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.)

10.3 FLOOD MITIGATION REPORT

Any permanent buildings permitted in this zone will require a flood mitigation report prepared by a qualified professional to determine the risks to any new structure and appropriate flood mitigation measures.

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.

11.3 FLOOD MITIGATION REPORT

11.3 Notwithstanding 11.2, permanent buildings permitted in this zone will require a flood mitigation report prepared by a qualified professional to determine the risks to any new structure and appropriate flood mitigation measures

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 Restricted Residential (RR) Residential (R), Medium Mixed Density (RMD) and the Residential Growth (RG) 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 By-law.

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 By-law:

- 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 lessen 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 Development Officer can vary the lot
- l. The type, location, number and size of signs or sign structures do not negatively alter the appearance of the neighbourhood; and

- m. 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 By-law:

- 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 lessen 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.

12.3 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 prevents 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. Expansion of the use shall occur on the lot where the use currently exists.

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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 means one additional 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. Accessory dwelling units may be located within the existing main building. 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 or and horizontally into four parts.

Dwelling, Grouped means two or more dwellings, not including Accessory Dwelling Unit -, 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 and includes mobile and tiny homes.

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.

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.

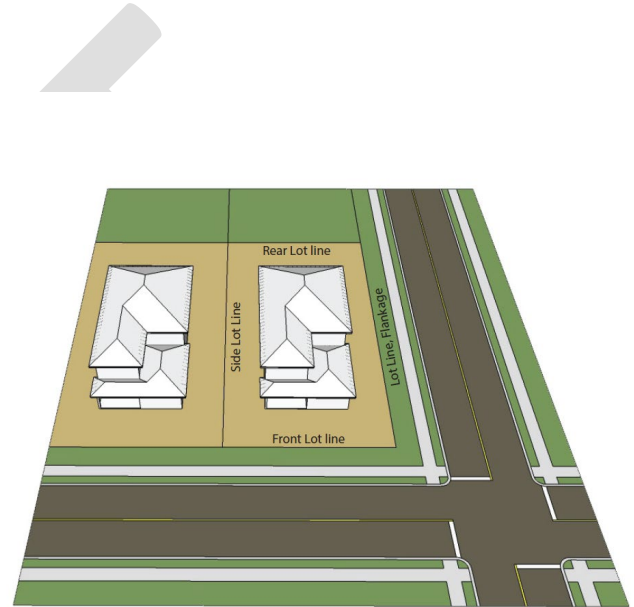
Lot Line means a boundary line of a lot.

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 residential use that contains 4 or more bedrooms, that meets one or more of the following:

- a. Where bedrooms rooms are rented for remuneration as residential accommodation. Individual bedrooms rooms shall not include a kitchen facility and have shared common space.
- 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.

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 or 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".

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 of 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.

Proposed Zoning Map

DRAFT

Approved on :
Amended on :

Scale: 1 : 9,500

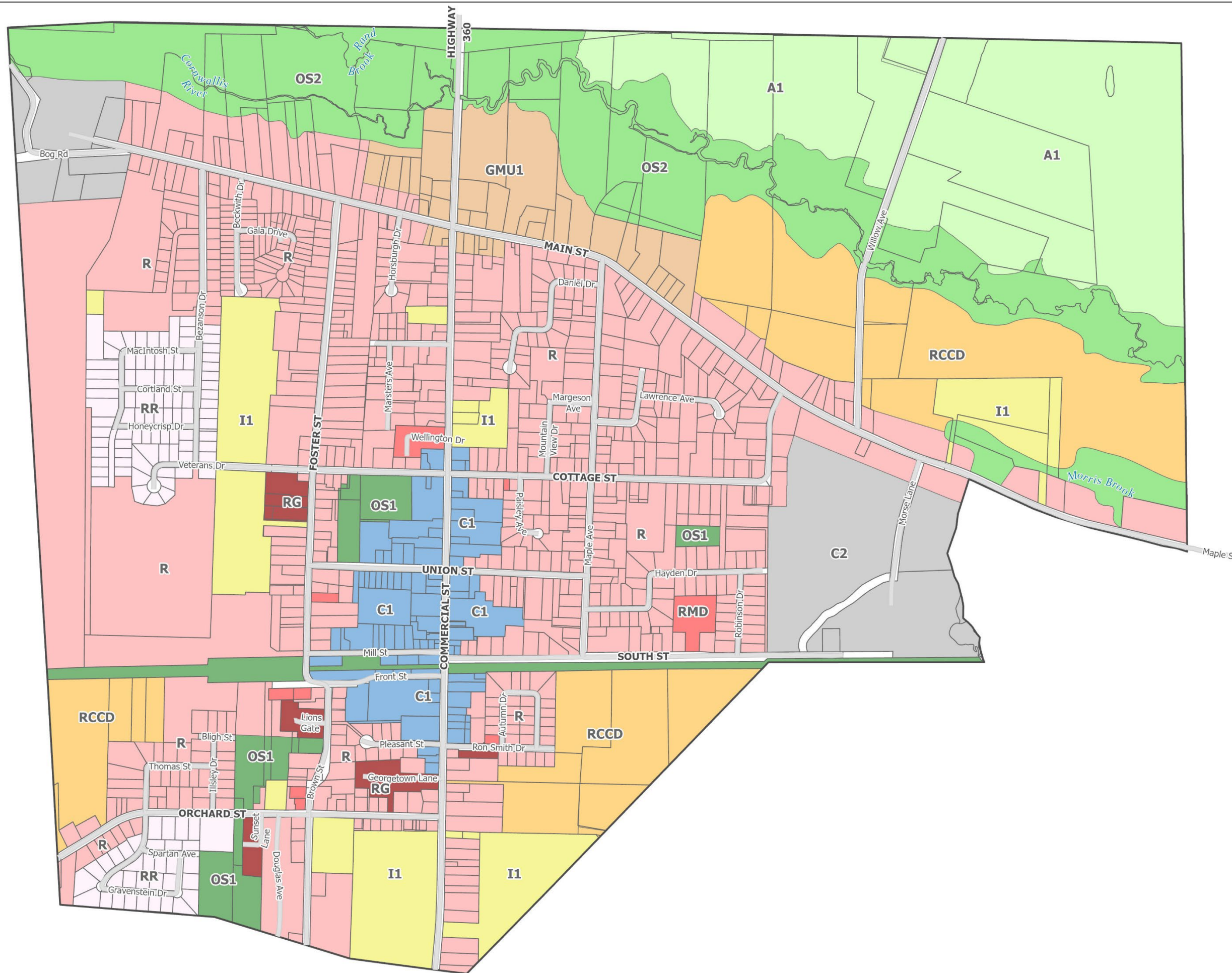


Legend

— Berwick Boundary

Land Use Zones

- Agriculture (A1)
- Commercial General (C1)
- Commercial/Industrial Enterprise (C2)
- Conservation (OS2)
- Gateway Mixed Use (GMU1)
- Institutional (I1)
- Recreation and Open Space (OS1)
- Residential Restricted (RR)
- Residential (R)
- Residential Mixed Density (RMD)
- Residential Growth (RG)
- Residential Comprehensive Development District (RCDD)



Data Source: The map data derived from NSTDB, NSPRD and NSCAF database, Town of Berwick, is Crown copyright 2024, Province of Nova Scotia. Used by permission of Service Nova Scotia & Municipal Relations License. All rights reserved.

Coordinate System: NAD 1983 CSRS UTM Zone 20N
Prepared by Brighter Community Planning and Consulting
Updated on: 2025-05-13

Disclaimer: This map is a graphic representation of property boundaries and Municipal Boundaries. It is not a survey and is not intended to be used to calculate exact dimensions of area. This map is a draft for consultation purposes only and is not legally in effect. Do not rely on this map for legal or development decisions.

TOWN OF **berwick**

Municipal Planning Strategy



DRAFT

May 27, 2025

V2 for Approval

DRAFT

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TOWN OF BERWICK MUNICIPAL PLANNING STRATEGY

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This document was prepared by Brighter Community Planning & Consulting for the Town of Berwick. We would like to thank those who contributed their time, energy, knowledge, and resources to undertake this review.

Indigenous Land Acknowledgement

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



1 Introduction

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.

This Plan is intended to be a living document and it is anticipated that, like the Plan that 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, demographic trends as well as assessments of infrastructure capacities and opportunities for growth and redevelopment within the Town.

In May 2023 and March 2024, the Town hosted open house sessions to present and discuss general directions for planning policy and land use controls. The Town held additional consultation in 2025 to seek additional input from the public on residential policies and zoning. Key planning topics, developed during the staff and council workshops, were further discussed at the open houses. 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.

2 Community Context and Vision

2.1 CURRENT DEMOGRAPHIC CONTEXT

A review of census and other data sources gives 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. The information helps plan for municipal services that match the different groups of people who live in Berwick. It is 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.

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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 2,469 (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.

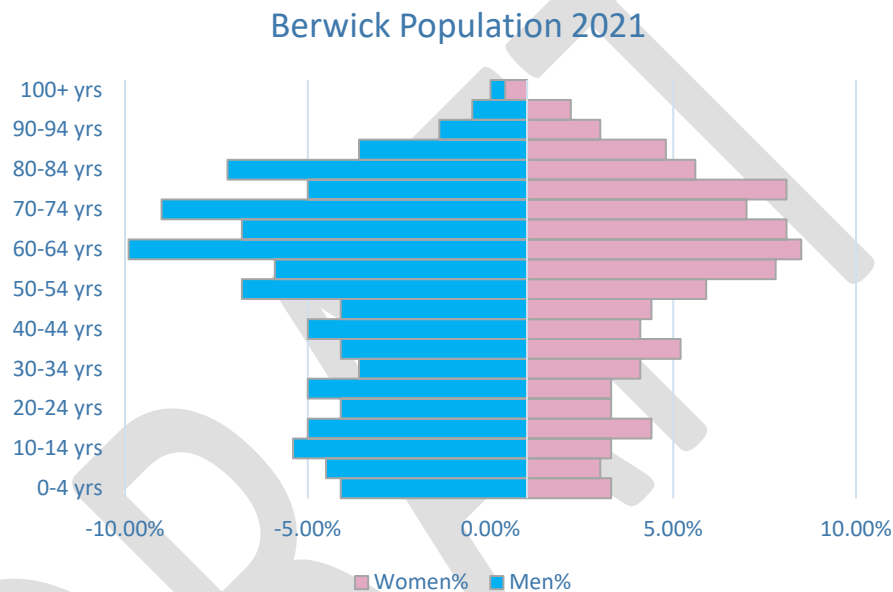


Figure 1. Population Pyramid of Berwick (Statistics Canada Census of Population 2021)

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.

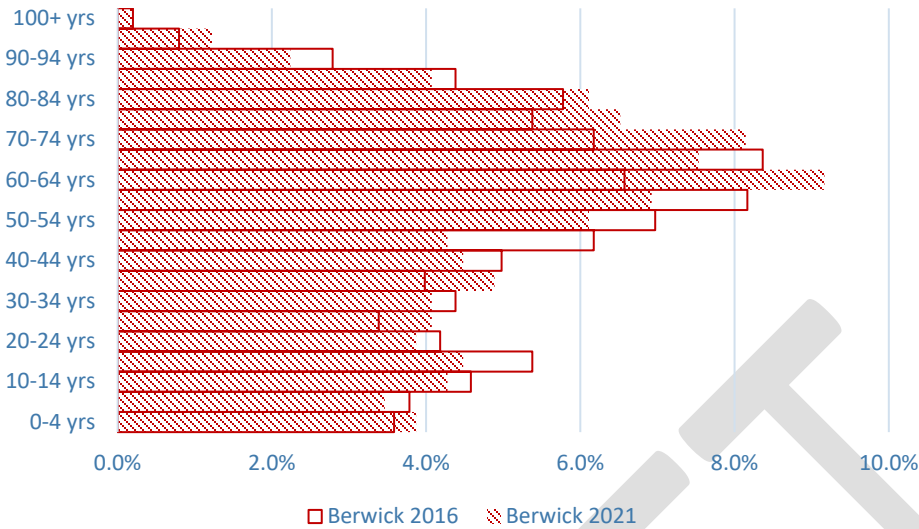


Figure 2. Population Comparison for Between 2016 and 2021 (Statistics Canada Census of Population 2016 & 2021)

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 labour 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 that 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.

2.3.1 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 honours its heritage while embracing the opportunities of the future."

The four goals are established to guide the Municipality.

GOAL 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.

GOAL 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 neighbourhoods that encompass a range of housing types, including affordable housing units, rental properties, townhouses, and single 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.

GOAL 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.

GOAL 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. 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.

2.3.2 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 properties are serviced 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 the 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.

2.3.3 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 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.

2.3.4 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.

2.3.5 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.

2.3.6 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

dwelling 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.

2.4 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.

2.4.1 ENVIRONMENTAL PRINCIPLES

To promote the development of active and passive recreation facilities and opportunities which promote health and wellness for all citizens, and 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 that 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.

2.4.2 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 to 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.

2.4.3 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.

2.4.4 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 neighbourhoods 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.

2.4.5 AGRICULTURAL PRINCIPLES

Council intends to preserve the ability of existing agricultural activities to continue and evolve. However, Council also recognizes that Berwick is a service centre for the surrounding rural agricultural areas, and it plays an important role in accommodating future residential, commercial, and agricultural industries that are not well suited to being in the rural areas surrounding Berwick. Berwick will play its part in preserving agriculture by providing the locations for urban services to be established.

2.4.6 INSTITUTIONAL PRINCIPLES

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

3 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 and those from outside Berwick who come to Berwick to meet their needs.

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 interact 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. As new data is gathered and identified,

Council may adjust these regulations to reflect the most up to date information.

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 that it may reduce the ability of the land to absorb water, such as tree clearing and paving, and 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 will 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 By-law, permit non-commercial 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 By-law, 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 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 By-law and/or adopt administrative policies or by-laws 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 3.12 It shall be the intention of Council to update and maintain Map 3 - 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 3.13 It shall be the intention of Council to update and maintain Map 3 - 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 3 - Street Classification, the Subdivision By-Law and the Municipal Specifications.
- Policy 3.14 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 3.15 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 3.16 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 3.17 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 3.18 It shall be the intention of Council to prohibit the development of new cul-de-sacs and dead ends, except where geographical or environmental constraints require them, to improve traffic flow and walkability.
- Policy 3.19 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 3.20 It shall be the intention of Council to encourage right-of-ways to be reserved for arterial and collector streets, in accordance with Map 3 - 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 3.21 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 3 – Street Classification.
- Policy 3.22 Council shall adopt the following street classification system:
- Policy 3.23 Collector Street – A public street that collects traffic from other streets and discharges it onto other collectors or highways, such as Highway 101 or Highway 1. Collector Streets include a wide range of uses, such as commercial, higher density residential, institutional and mixed use. These streets may have on street parking that service adjacent commercial or residential uses.
- a. Major Local Street – A public street that often includes sidewalks on one side that feeds traffic to the collector system. Major Local Streets may contain bus routes and connects to Collector Streets. Major Local Streets do not accommodate the same level of traffic as Collector Streets but may include higher density residential uses or connect to industrial areas.
 - b. Local Street – A public street that provides access from properties and directs traffic to Major Local Streets and usually have low traffic. Buses and heavy vehicles are less expected on Local Streets
 - c. Private Lane – A privately owned lane services groups of buildings or dwellings that are often on the same property. Buildings on Private Lanes often have their own civic numbers but the Lane is not publicly owned and typically no municipal services are provided to the Lane. Although these lanes have a have a “street name”, usually for 911 purposes, they are not public streets.

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 3.24 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 3.25 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.

It shall be the intention of Council to establish reduced off-street minimum parking requirements for residential development.

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 3.26 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 3.27 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 3.28 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 3.29 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 3.30 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 the 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 3.31 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 3.32 It shall be the intention of Council, through the Land Use By-law, 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.
- Policy 3.33 It shall be the policy of Council to monitor the ground water supply and undertake the necessary studies to ensure sufficient potable water for all residents and business.
- Policy 3.34 Council may require ground water assessment studies to support higher density development or rezonings to accommodate high water consumption uses to ensure the viability of the water supply to the Town as a whole or to adjacent property owners.

3.2.2 ENVIRONMENTAL POLICIES

Climate change poses risks to our build environment and planning policies and regulations need to mitigate these risks.

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 3.35 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 3.36 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 3.37 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 3.38 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 3.39 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 3.40 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 3.41 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 3.42 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 3.43 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 3.44 The Town will undertake a floodplain mapping exercise, either individually or in cooperation with other provincial or regional studies, to identify at-risk areas within the Town of Berwick. Until this study is completed, all new residential, commercial or industrial development within the Environmental Designation may require a flood risk assessment study, which shall be completed by a qualified person.
- Policy 3.45 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.

3.2.6 REZONING WITHIN THE ENVIRONMENTAL DESIGNATION

It shall be the intention of Council to not rezone lands within the Environmental Designation without an amendment to this Plan.

3.2.7 RENEWABLE ENERGY

The Town of Berwick is a municipal leader when it comes to renewable energy initiatives. Berwick owns its own electrical utility and is a part of the Alternative Resource Energy Authority (AREA), a 100% municipally-owned company. AREA brings together municipal units that own their own energy utility with the goal of investing in and supporting renewable energy projects that reduce costs and our environmental foot print. Berwick hosts a solar garden, and through AREA, has invested in windfarms outside of Berwick.

Town will continue to invest in the Berwick Electrical Utility and AREA to support renewable energy projects at scale.

- Policy 3.46 The Town will invest in renewable energy initiatives through Berwick Electrical Utility and the Alternative Resource Energy Authority.

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. 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

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 4.1 It shall be the intention of Council to enable the following zones within the Residential Designation:
- a. Restricted Residential (RR)
 - b. Residential (R)
 - c. Mixed Density Residential (MDR)
 - d. Growth Residential (GR)
 - e. Residential Comprehensive Development District (RCDD)
 - f. Institutional (I1)
 - g. Parks and Open Space (OS1)
 - h. Agriculture (A1)
- Policy 4.2 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 4.3 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 4.4 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 4.5 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.
 - d. 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 4.6 It shall be the intention of Council to include in the Land Use By-law a Restricted Residential Zone in limited areas of Berwick and establish regulations in the Land Use By-law and establish minimum zone requirements and development control provisions for uses within the Zone. The RR Zone is to enable areas that are primarily comprised of single unit dwelling and to support the continuation of these areas as areas where growth is constrained.
- Policy 4.7 It shall be the intention of Council to include in the Land Use By-law a Residential (R) Zone. This Zone shall permit one (1) and two (2) unit main residential dwellings units and up to two (2) accessory dwelling units –, 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 (R) 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 (R) Zone, as outlined in the Land Use 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 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 (R) Zone, as outlined in the Land Use Bylaw:
- a. Expansion and/or alteration of existing commercial and/or industrial uses within the Residential (R) Zone;
 - b. Expansion and/or alteration of existing land-lease communities within the Residential (R) Zone;
- Policy 4.10 It shall be the intention of Council to include in the Land Use By-law a Residential Mixed Density (RMD) 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 By-law. The Residential Mixed Density (RMD) 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 Mixed Density (RMD) Zone, as outlined in the Land Use By-law:
- a. Multi unit or 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 Mixed Density (RMD) Zone for 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 Mixed Density (RMD) Zone; subject to the following criteria:
- a. That separation distances between adjacent single detached and two unit dwellings are sufficient to reduce land use conflicts.
 - b. Parking areas are not located in the side yards
 - c. The frontage is sufficient to integrate into the existing neighbourhood.
 - d. The site plan identifies outside amenity space that is sufficient for the number of expected residents in the buildings.
- Policy 4.13 It shall be the intention of Council to include in the Land Use By-law a Residential Growth (RG) Zone. This Zone shall permit seven (7) or more unit residential dwellings unit by either Site Plan Approval or Development Agreement as per Policy 5-21 and 5-24 and establish minimum zone requirements and development control provisions for uses within the Zone. The Residential Growth (RG) 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 Growth (RG) Zone, as outlined in the Land Use By-law.
- a. Multi-unit dwellings with from seven (7) to nine (9) units in the Residential Growth (RG) zone; and
 - b. Residential care facilities.

- Policy 4.15 It shall be the intention of Council to consider the following uses in the Residential Growth (RG) Zone, as outlined in the Land Use By-law on a single lot only by Development Agreement subject to criteria listed in Policy 4-16:
- 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 that when considering proposals for uses pursuant to Policy 4-15, and in addition to criteria contained in Policy 5-21, 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.

4.1.2 REZONING WITHIN THE RESIDENTIAL DESIGNATION

- Policy 4.17 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 that:
- 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 By-law, set out in Policy 5-24.
- Policy 4.18 It shall be the intention of Council to permit rezonings from R to RMD- subject to the following criteria:
- a. The property shall be located within walking distance of public transit.
 - b. The property shall be within 100 meters of a Collector or Major Local Street. An abutting street shall have sidewalks at least on one side of the street.
 - c. Council shall consider potential impacts on the neighbours' potable water supply and may require a groundwater assessment to understand the potential impacts of the proposal on adjacent property(s) groundwater supply.
 - d. The policies contained in Policy 5-24
- Policy 4.19 It shall be the policy of Council to rezone R or RMD zones to RG subject to the following criteria:
- a. The property shall be on or have direct access to a street with public transit.
 - b. The property shall be on or have direct access to a Collector or Major Local Street.

- c. Council shall consider potential impacts on the neighbours' potable water supply by requiring a groundwater assessment to understand the potential impacts of the proposal adjacent property(s).
- d. The submission of a Traffic Impact Statement that demonstrates, to Council's satisfaction, that the anticipated traffic will not create a safety concern or that the Level of Service is acceptable.
- e. The location will promote walkability and active transportation goals.
- f. There are adequate parks and open spaces within walking distance.
- g. The policies contained in **Policy 5-24**

Policy 4.20 Notwithstanding **Policy 4-17**, rezoning from RR to R shall only occur subject to the following criteria

- a. The proposed use is compatible with the character and form of the existing RR zone; and
- b. The rezoning will not create any land use conflicts
- c. The road infrastructure is able to support any additional traffic. This criteria specifically relates to the lifecycle of the street replacement and its ongoing maintenance.
- d. The policies contained in **Policy 5-24**

4.1.3 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 4.21 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 4.22 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 4.23

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. There are four RCDD areas that may be considered for future development. 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 local 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 6) units/gross 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. Ensures that if the proposal is for a portion of the RCDD zone, there must be a master plan for the entirety of the RCDD area with which the proposal must be consistent.
- o. Complements existing and planned development within an adjacent municipality in location, design, and any linkages between Town and municipal infrastructure; and
- p. The policies contained in Policy **5-24**

4.1.4 HOME OCCUPATIONS

Policy 4.24 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.

4.1.5 LAND-LEASE COMMUNITIES

Policy 4.25 It shall be the intention of Council to include as permitted uses within the Residential (R) Zone and apply the Residential (R) 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 5-24, Council shall give consideration to the following:

- a. That the minimum lot area be 2.02 hectares (5 acres);
- b. That a minimum amenity space of 5% of the gross lot area be provided.
- c. That the site adequately buffered by from existing low density development to reduce land use conflicts such as, but not limited to, noise, light, and odour impacts.
- d. Any other issue to ensure the integration of the Land Leased community into the existing build form.

Policy 4.26 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. Multiple unit residential dwellings containing more than ten (10) or more units;
- b. 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;

- c. Comprehensively planned residential development within the Residential Comprehensive Development District (RCDD) Zone;
- d. Expansion and/or alteration of existing commercial and/or industrial uses within the Residential (R) Zone;
- e. Expansion and/or alteration of existing land-lease communities within the Residential (R) Zone;

Policy 4.27 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. Multiple unit residential dwellings with from seven (7) to nine (9) units in the Residential Mixed-Density(RMD) Zone;
- b. Grouped dwellings with from seven (7) to nine (9) units in the Residential Mixed Density (RMD) Zone;

4.1.6 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 4.28 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.

4.1.7 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 can 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 4.29 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.

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- Policy 4.30 It shall be the intention of Council to, through the Land Use By-law, permit the following zones as-of-right within the Future Residential Designation:
- a. Residential (R)
 - b. Recreation and Open Space (OS1)
 - c. Conservation (OS2)
 - d. Institutional (I1)
 - e. Agriculture (A1)

4.1.8 REZONING WITHIN THE FUTURE RESIDENTIAL DESIGNATION

- Policy 4.31 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 except for A-1, as identified by Policy 4-29, based on the following criteria:

- a. There are not undue negative impacts on active and future agricultural activities;
- 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 policies contained in **Policy 5-24**

- Policy 4.32 It shall be the intention of Council to consider a rezoning from A-1 to any other zone in the residential designation subject to the following criteria:

- a. The impact on existing and future agricultural activity.
- b. That the lands front on an existing public street
- c. The policies contained in **Policy 5-24.**

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 Berwick 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 on 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 4.33 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 4.34 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 4.35 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 4.36 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 4.37 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 4.38 It shall be the intention of Council to, through the Land Use By-law, 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 4.39 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 4.40 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 4.41 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 central district.
- Policy 4.42 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 4.43 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 4.44 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 4.45 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) 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. The ground floor commercial shall front on a public street.

- d. Parking shall not front on Commercial Street. Underground parking is encouraged.
- e. Council may consider waiving commercial parking requirements if it determined there is adequate street parking or off site parking is provided.
- f. Commercial buildings shall help create a positive and pedestrian scale street wall
- g. 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.
- h. That the design of the proposed structure is complementary to the existing building form:
 - i. Building Mass;
 - ii. Materials
- i. The policies contained in Policy 5-24

Policy 4.46 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 5-24, the General Criteria for Development Agreements:

- a. 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 4.47 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 4.48 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 4.49 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 5-24, consideration shall be given to the following:

- a. 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;
- b. That the proposed structure is generally compatible with existing dwellings on adjacent properties;
- 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. 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.
- d. 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.
- e. 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 4.50 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. The policies contained in **Policy 5-24**

4.3 GENERAL POLICIES

4.3.1 AGRICULTURAL USE POLICIES

Berwick's historical development pattern is linked to the agricultural industry. The Town is surrounded by some of the best agricultural land in the province and has many commercial and industrial uses that are linked to a successful and productive agricultural sector. Berwick

has a limited amount of active agricultural land, and has grown into a thriving service centre with streets, schools, a hospital, and other amenities that are characteristic of an urban environment.

The agricultural area of Berwick is bounded by Highway 101 and has limited opportunities to grow, especially as Berwick becomes more dense and urbanized. There is little agricultural activity left in town, and that is experiencing pressure. To support agriculture in the Annapolis Valley, Berwick is better served to provide services to rural residents to help alleviate housing and commercial pressures in the rural area that surrounds it.

Property owners along Willow Street have expressed a desire to create lots along the frontage of Willow Street. Policies are included below which allows the creation of new lots in the A-1 zone along Willow Street but other agricultural lands will require more in depth analysis and planning before more development shall be permitted.

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 4.51 It shall be the intention of Council to include in the Land Use By-law an Agriculture (A1) Zone and to include as permitted uses a broad range of agricultural production, agricultural sales, and farm related residential uses. Provisions shall be established for zone standards, including the identification of prohibited agricultural uses, which promote compatibility between agricultural and non-agricultural areas.
- Policy 4.52 It shall be the intention of Council to Zone as Agriculture those lands fronting on Willow Avenue north of the Cornwallis River.
- Policy 4.53 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 4.54 It shall be the intention of Council to restrict the establishment of new agricultural uses and operations to lands zoned Agriculture (A1) as of September 1, 2024.
- Policy 4.55 It shall be the policy of Council to consider the conversion of any Agriculturally zoned land that does not front on an existing street through an Amendment to this Plan.
- Policy 4.56 It shall be the policy of Council to permit reduced lot sizes on Willow Street within the Agricultural zone.

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 4.57 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 4.58 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 4.59 It shall be the intention of Council to consider the redevelopment and/or reuse of lands zoned Institutional (I1) by rezoning, subject to the applicable policies of this Plan.

DRAFT

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:

- i. – Chapter
- ii. – Section
- iii. – Subsection
- iv. (a) – Clause
- v. (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 By-law 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 5-24 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 the 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 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 By-law 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 5-24**.

5.2.4 DEVELOPMENT AGREEMENTS

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.

5.2.5 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:
- Specify the development, expansion, alteration, or change permitted;
 - Specify the conditions under which the development may occur; and
 - 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 5-24.
- 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 5-24. Such conditions may include, but are not limited to, controls regarding:
- The emission of noise, odour, light, liquids, gases, and dust;
 - The use, type, location, and orientation of structures;
 - The percentage of that may be built upon and the size of yards, courts or other open spaces;
 - The maximum density of the population within a development;
 - 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;
 - The type, size, and location of signage;
 - The location and type of landscaping, including fences and other forms of screening;
 - Alteration of land levels;
 - Pedestrian, bicycle, and vehicular circulation;
 - Connections to existing or planned pedestrian, bicycle, and vehicular networks;
 - The location and number of bicycle and vehicular parking and loading spaces;
 - Access for emergency vehicles;
 - The type and orientation of exterior lighting;
 - Hours of operation;
 - Management of solid waste, compost, and recycling;
 - The type of materials stored and/or sold on site;
 - The provision of open space and amenities;
 - 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.

5.2.6 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 April 1, 2012 subject to the criteria for non-substantive amendments outlined in the particular development agreement and subject to Policy 5-24 of this Plan.
- Policy 5.19 It shall be the policy of Council to only consider substantive amendments to development agreements adopted prior to October 1, 2024 if the proposal is specifically enabled by, and is consistent with, a policy of this Plan
- Policy 5.20 It shall be the Policy of Council to consider applications for development agreements on file on or before the date of First Reading of this MPS under the Municipal Planning Strategy policies in effect at the time the complete application was received. Where any such application is withdrawn, significantly altered, or refused by Council, any new development proposal shall be subject to all applicable requirements of the current MPS and LUB.

5.3 SITE PLAN APPROVAL

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

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

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

Policy 5.21 It shall be the policy of Council to, through the Land Use By-law, use site plan approval as the tool for reviewing developments that require some additional oversight or where there is a benefit to providing flexibility in the ways land use controls are implemented.

Policy 5.22 It shall be the policy of Council to, through the Land Use By-law, establish a notification area of 30 metres for the approval of site plan agreements on lots one (1) hectare or less in area and 100 metres for the approval of site plan agreements on lots greater than 1 hectare in area.

5.4 AMENDING THE LAND USE BY-LAW & ADOPTING DEVELOPMENT AGREEMENTS

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

Policy 5.23 It shall be the policy of Council to not amend the Land Use By-law or approve a development agreement unless Council is satisfied the proposal:

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

- viii. The creation of a new, or worsening of a known, pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses;
- ix. The potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;
- x. The potential for damage to or destruction of historical buildings and sites;
- xi. Impacts on known habitat for species at risk;
- xii. Risks presented by geohazards; 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 5.24

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

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

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

5.4.2 NOTIFICATION TO AMEND THE LAND USE BYLAW OR ADOPT A DEVELOPMENT AGREEMENT

Policy 5.25 Where Council has given notice of its intention to adopt an amendment to the Land Use By-law, 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.

5.5 MONITORING, REVIEWING, AND UPDATING THIS PLAN

5.5.1 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 5.26 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 5.27 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.

5.6 FEES

5.6.1 LEVYING OF FEES

Policy 5.28 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.

5.7 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 5.29 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 By-law Amendments, and for Site Plan approvals.

5.8 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 5.30 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:

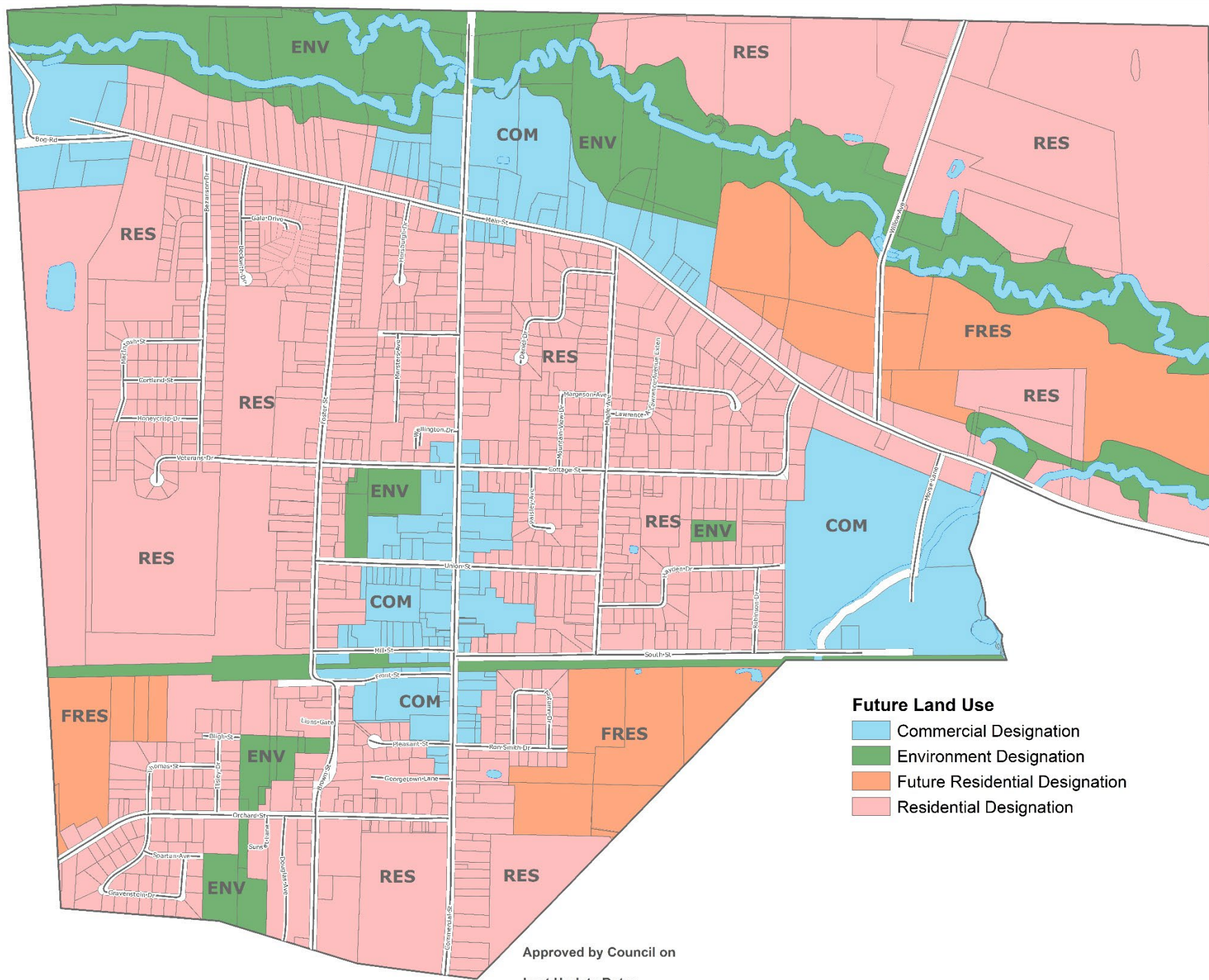
- a. The proposal is not prohibited under any other policies of this Plan;
- b. The use will not adversely affect adjacent land uses;
- c. Adequate buffering, setback or separation distances are maintained to reduce visual and other impacts on surrounding uses;
- d. The expanded use is not obnoxious 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 5-24.

Policy 5.31 It shall be the policy of Council, through the Land Use By-law, to establish regulations for non-conforming structures.

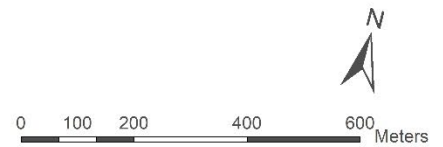
**GENERAL FUTURE
LAND USE MAP**

**Municipal Planning
Strategy**

DRAFT



- Future Land Use**
- Commercial Designation
 - Environment Designation
 - Future Residential Designation
 - Residential Designation



Scale 1:4,394

Prepared by BCP

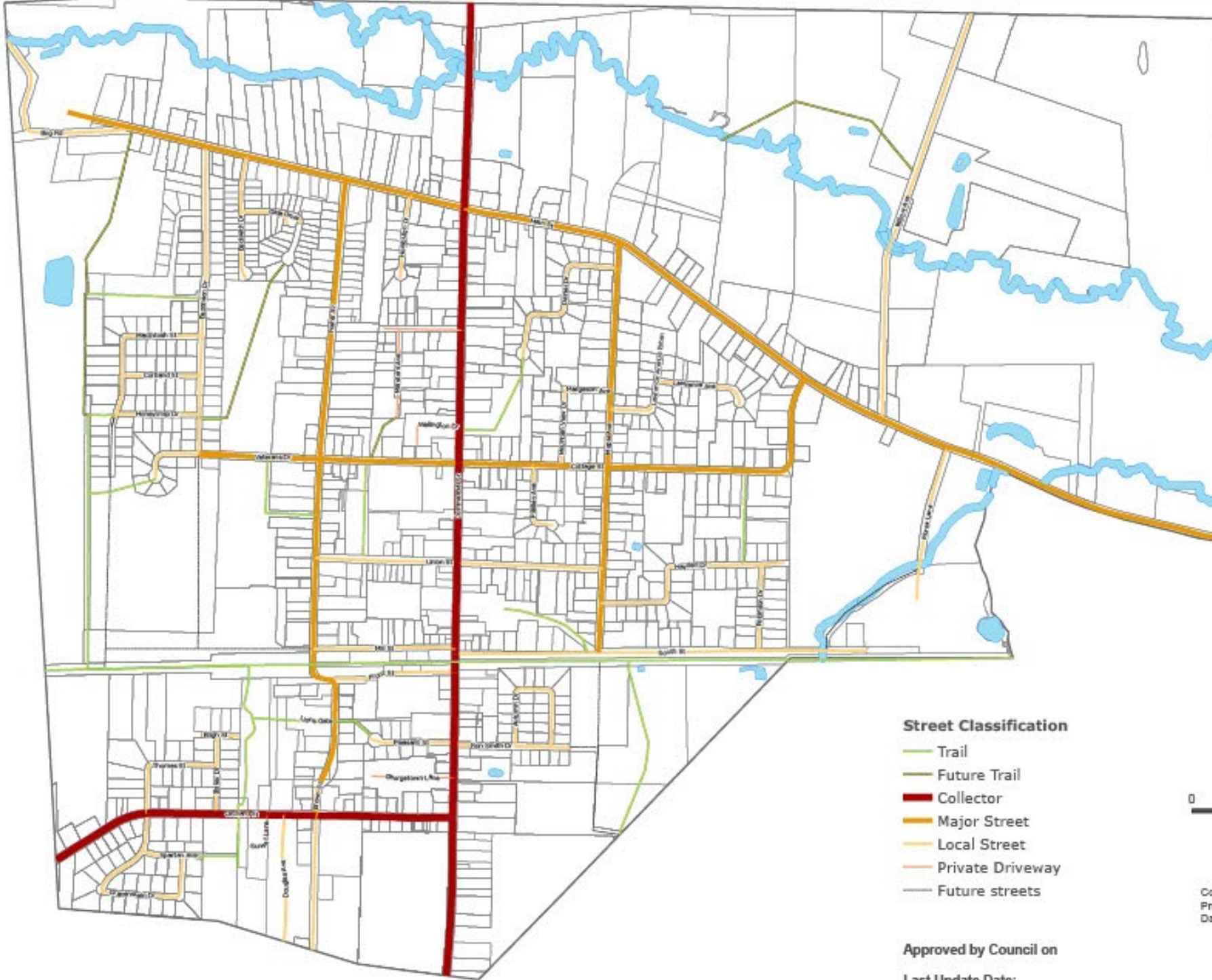
Coordinate System: NAD 1983 CSRS UTM Zone 20N
 Projection: Transverse Mercator
 Datum: North American 1983 CSRS

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Approved by Council on
 Last Update Date:

**TRANSPORTATION
MAP**

DRAFT



Street Classification

-  Trail
-  Future Trail
-  Collector
-  Major Street
-  Local Street
-  Private Driveway
-  Future streets

Approved by Council on

Last Update Date:



Scale 1:4,304

Prepared by BCP

Coordinate System: NAD 1983 CGRS UTM Zone 20N
Projection: Transverse Mercator
Datum: North American 1983 CGRS

REQUEST FOR DECISION

RFD017-2025: Deed Transfer Tax Bylaw, Repeal and Replace



To: Council
From: Administration
Date: June 10, 2025
Subject: Deed Transfer Tax Bylaw, Repeal and Replace

References/Attachments

- Draft Deed Transfer Tax Bylaw, Chapter 121

Legislation

- Section 102 of the *Municipal Government Act*

Recommendation

That Council provide second reading/passing to repeal and replace the Town of Berwick's Deed Transfer Tax Bylaw, Chapter 121 as presented.

Background

Under the *Municipal Government Act* (MGA) municipalities may elect to enact a deed transfer tax bylaw, with a percentage not exceeding 1.5% applied to the transfer of a deed, or sale of a property. The Town enacted a deed transfer tax bylaw in 1998, including an amendment in 2013. The current deed transfer tax is 1%.

Through budget deliberations, Council discussed increasing the amount of the deed transfer tax. On April 22, Council directed staff to draft an amendment to increase the current rate of 1% to 1.25% for first reading consideration.

A review of the bylaw identified a significant portion was a repeat of the MGA. Where applicable, it is best to reference the MGA, rather than repeat it in a bylaw. Staff have pared down the bylaw to include necessary information only with reference to the MGA. Due to the significant amendment, the Town's solicitor has recommended that the bylaw be repealed and replaced rather than amended.

Financial Implications

Deed Transfer Tax revenue is often hard to predict because it is based on the number of property transactions in a given year and their value. However, if the value remained the same as the previous year, the increased rate would produce an additional .25% in revenue.

**REQUEST FOR DECISION
RFD017-2025: Deed Transfer Tax
Bylaw, Repeal and Replace**



Priority Alignment

Check Applicable	Strategic Priority Area	Comments
x	Economic	
	Environmental	
	Social	
	Cultural	

Alternatives

Council may defer the passing of the replacement deed transfer tax bylaw or retain the current Deed Transfer Tax (DTT) bylaw.

Community Engagement/Communication

As per the MGA, the proposed repeal and replacement DTT bylaw was advertised in the May 22nd edition of the Annapolis Valley Register.

CAO Comments

I support the recommendation.

CAO Initials: JB

Target Decision Date: June 10, 2025

TOWN OF BERWICK BYLAW
CHAPTER 121

DEED TRANSFER TAX

- 1.0 This Bylaw is known as and may be cited as the "Deed Transfer Tax Bylaw".
- 2.0 Under the authority of Section 102 of the Municipal Government Act of Nova Scotia, 1999, the Council of the Town of Berwick determines that a Deed Transfer Tax shall apply in the Town of Berwick.
- 3.0 The rate of the deed transfer tax in the Town of Berwick shall be one point two five percent (1.25%) of the value of the property transferred.
- 4.0 The Registrar of Deeds shall be the agent and collector of the deed transfer tax for the Town of Berwick in accordance with the agreement to that effect between the Town of Berwick and the Minister of Service Nova Scotia and Municipal Affairs and Housing.
- 5.0 The Town of Berwick Deed Transfer Tax bylaw amended on July 9, 2013, is hereby repealed.

CERTIFICATION

I, Jennifer Boyd, Town Clerk/CAO for the Town of Berwick, do hereby certify that the bylaw, of which the foregoing is a true copy, was duly passed at a called meeting of the Town Council of the Town of Berwick held on the --- day of -----, 2025.

GIVEN under the hand of the Town Clerk/CAO and the corporate seal of the Town of Berwick this --- day of ---, 2025.

Jennifer Boyd
Town Clerk/CAO

Bylaw Adoption:

Date of First Reading: May 13, 2025

Publication of Notice of Intent:

Date of 2nd Reading & Passing:

Date of Publication of Notice of Passing:

REQUEST FOR DECISION

RFD020-2025: Order to Remove Derelict Vehicles



To: Town Council
From: CAO
Date: June 10, 2025
Subject: Order to Remove Derelict Vehicles

References/Attachments

- Part XV, Dangerous or Unightly Premises, MGA
- Order, 109 Marsters Avenue

Recommendation

Council hereby determines that the condition of the property known as 109 Marster Avenue in the Town of Berwick is dangerous or unsightly as defined by the *Municipal Government Act*, specifically because the property contains derelict vehicles and other items, including but not limited to motor vehicles that lack license plates or current vehicle registrations, motor vehicles which appear disused by reason of mechanical condition, and a personal watercraft that appears disused by reason of its mechanical condition; and, as a result, the owner(s) of the property (as defined in the *Municipal Government Act*) are ordered to remedy this situation by complying with the following requirements no later than 3 pm on July 17, 2025:

- a. Remove from the property any motor vehicle which does not display a license plate with a current registration for that vehicle and which does not display a current motor vehicle inspection sticker if required for use of the motor vehicle on public streets, and which motor vehicle can be seen from a public street or neighbouring property; and
- b. Remove from the property any motor vehicle and any personal watercraft which is disused by reason of mechanical condition, and which motor vehicle or personal watercraft can be seen from a public street or neighbouring property.

Background

The *Municipal Government Act* (MGA) defines dangerous or unsightly property as "partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing: (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or machinery, or bodies of these or parts thereof..." Further, a "derelict vehicle, vessel, item of equipment or machinery" includes a vehicle, vessel, item of equipment or machinery that: (i) is left on property, with or without lawful authority, and (ii) appears to the administrator to be disused or abandoned by reason of its age, appearance, mechanical condition or, where required by law to be licensed or registered, by its lack of license plates or current vehicle registration."

REQUEST FOR DECISION

RFD020-2025: Order to Remove Derelict Vehicles



The property of 109 Marsters Avenue has been a source of numerous complaints since at least 2023. Below is a timeline of actions taken to date:

- December 12, 2023 – Mr. Lenton appealed the order to remove the derelict vehicles. CAO Boyd reported that the property owner, Anthony Lenton, appealed the order to remove the derelict vehicles. Council approved the appeal, overturning the order and directed the CAO to work with the property owner to find appropriate storage for the vehicles by March 2024 Council meeting.
- March 13, 2024 – a letter was sent to Mr. Lenton requesting a meeting because he was not responding to phone calls.
- April 15, 2024 - CAO Boyd and Deputy Mayor Trinacty met with the property owner and discussed acceptable storage or concealment options for follow up in 4 weeks.
- August 6, 2024 – after numerous attempts to reach Mr. Lenton by phone, a letter was sent requesting a meeting given that no progress has been made. No response was ever received.
- January 13, 2025 – the CAO provided the history and Council directed staff to prepare an order on the property to bring back to the next meeting for review.
- February/March 2025 – the CAO indicated that due to budget preparation, grant writing and weather conditions, that a new order had not yet been prepared. Council agreed that staff should take the time required to prepare the order.
- As of May 13, 2025, the property consists of the following:
 - A large portable garage along the west side of the property, facing the road.
 - Multiple vehicles parked in the driveway and on the lawn behind the portable garage and visible from the street,
 - A personal watercraft parked on the lawn on top of a block,
 - An old vehicle parked on “display” in front of the portable garage,
 - The frame of a portable garage without the covering,
 - Pictures are attached.

A portable garage is a permitted use per the Town’s Land Use Bylaw (LUB). However, a development permit is required and must meet the requirements set out in the LUB. It is the responsibility of the Development Officer to enforce the LUB and they will be seeking compliance from the property owner(s). Council’s authority relates to the dangerous and unsightly enforcement as set out in the MGA.

The Town of Berwick currently does not have a policy delegating any Council authority to the “administrator” or a standing committee. Therefore, Council must approve any order to remedy the condition under section 346 of the MGA.

Furthermore, if the Order is issued by Council, there is not a statutory right of appeal by the property owner. Council may consider a request to change or overturn the Order, but it is not required. If Council approves the order, it will be posted in a conspicuous place upon the property and sent as registered mail to the property owner.

REQUEST FOR DECISION

RFD020-2025: Order to Remove Derelict Vehicles



Where the owner fails to comply with the requirements of an order within the time specified in the order, the administrator may enter upon the property without warrant or other legal process and carry out the work specified in the order. Any costs incurred by the Town to remedy condition shall be placed as a lien on the property.

Where the owner fails to comply with the requirements of an order within the time specified in the order, the administrator may enter upon the property without warrant or other legal process and carry out the work specified in the order.

After the order is served, any person who permits or causes a dangerous or unsightly condition, continues to permit or cause a dangerous or unsightly condition or who fails to comply with the terms of the order is liable, on summary conviction, to a penalty of not less than one hundred dollars and not more than five thousand dollars, and in default of payment to imprisonment for not more than three months.

Every day during which the condition is not remedied is a separate offence.

Financial Implications

The cost of placing the order will include registered mail and staff time. Any costs incurred to remedy condition would be tracked and placed as a lien on the property.

REQUEST FOR DECISION
RFD020-2025: Order to Remove
Derelict Vehicles



Priority Alignment

Check Applicable	Strategic Priority Area	Comments
	Economic	
x	Environmental	
x	Social	
	Cultural	

Alternatives

Council may choose not to place an order on the property or direct staff to try other ways to remedy the situation.

Community Engagement/Communication

Staff will comply with the requirements of the Municipal Government Act to notify the property owner of the Order.

CAO Comments

Though there are other properties within the Town of Berwick that meet the definition of Dangerous or Unightly, staff respond when a complaint is received. We begin by sending communication to the property owner and try to work with the owner to remedy the condition. Staff feel that the environmental and safety concerns related to the derelict vehicles warrant moving forward with an order to remedy condition.

CAO Initials: JB

Target Decision Date: June 10, 2025

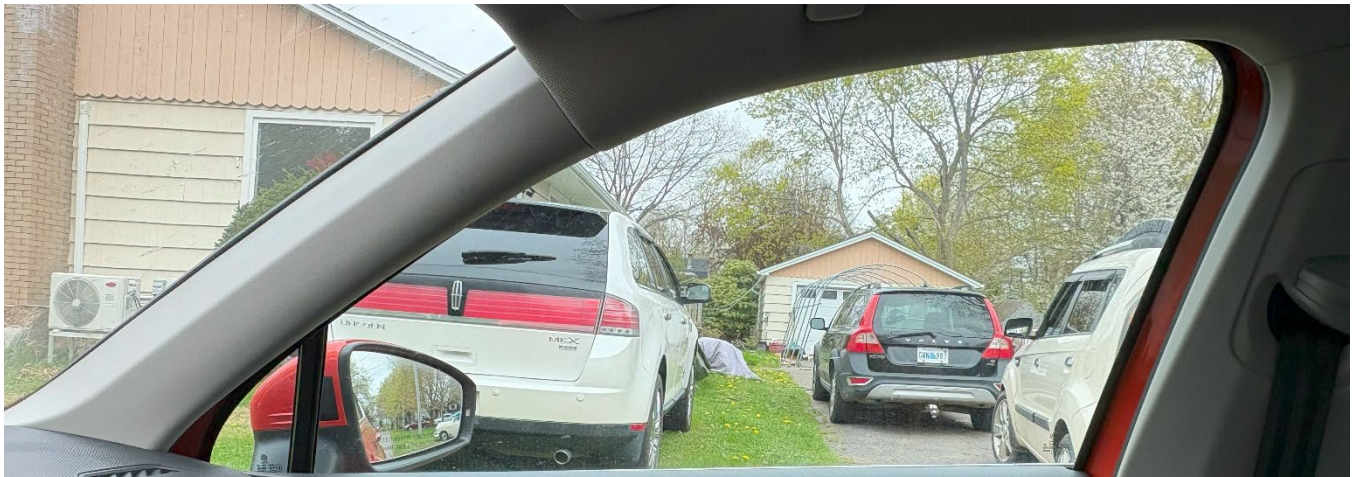
REQUEST FOR DECISION
RFD020-2025: Order to Remove
Derelict Vehicles



REQUEST FOR DECISION
RFD020-2025: Order to Remove
Derelict Vehicles



REQUEST FOR DECISION
RFD020-2025: Order to Remove
Derelict Vehicles



REQUEST FOR DECISION
RFD020-2025: Order to Remove
Derelict Vehicles



REQUEST FOR DECISION
RFD021-2025: Development Office
Appointment



To: Council
From: CAO
Date: May 27, 2025
Subject: Development Officer Appointment

References/Attachments

- Municipal Government Act, section 243

Recommendation

That Council appoints Lauren Isabelle as a Development Officer for the Town of Berwick, pursuant to Section 243 of the *Municipal Government Act*.

Background

Lauren Isabelle is a planning consultant with Brighter Community Planning. Lauren has previously worked as a Development Officer with the Town of Lunenburg and has been a member of the Municipal Development Officers Association of Nova Scotia since 2023. Ms. Isabelle would be replacing Ning Liang as the Development Officer for the Town of Berwick.

Financial Implications

N/A

Priority Alignment

Check Applicable	Strategic Priority Area	Comments
	Economic	
	Environmental	
	Social	
	Cultural	

**REQUEST FOR DECISION
RFD021-2025: Development Office
Appointment**



Alternatives

Town Council may not approve the appointment

Community Engagement/Communication

N/A

CAO Comments

CAO Initials: JB

Target Decision Date: June 10, 2025

**REQUEST FOR DECISION
RFD022-2025: Beautification
Project Expense Approval**



To: Council
From: Manager, Community Development
Date: June 10, 2025
Subject: Beautification Project Expense Approval

References/Attachments

2025/26 Capital Budget

Recommendation

That Council support the use of up to \$5,641.98 from operating reserves to the 2025/26 capital budget to cover costs associated with the installation of beautification elements at the Town of Berwick entryway.

Background

Council previously approved this project as part of the 2025/26 capital budget, which includes the installation of beautification features at the Town of Berwick entryway to build on the improvements already underway with the bridge reconstruction.

Project elements at that time included lighting, banners, pathways, and plaques, with a total budget allocation of \$25,000. Of this amount, the Town committed \$12,500, with the remaining \$12,500 expected from the Province of Nova Scotia's Beautification and Streetscaping Program. This program had historically been offered annually, and staff had no prior indication that it would be discontinued. However, in May, the Town was informed that the program would not proceed this year, resulting in the loss of the anticipated \$12,500 in matching funds. The project budget is now reduced to \$12,500.

The current projected costs for the project are as follows:

Berwick Public Works labor (traffic control): \$526.02
Berwick Electric Commission labor and equipment (installation): \$1,116.96
Beautification elements (lights and posts): \$16,499.00
Total estimated project cost: \$18,141.98

With the grant no longer available, there is now a shortfall of \$5,641.98 needed to complete the project.

It is important to note that the concrete bases for the originally selected lighting fixtures have already been installed at no additional cost to the Town. Staff have also reached out

**REQUEST FOR DECISION
RFD022-2025: Beautification
Project Expense Approval**



to the supplier to explore options to reduce the cost of the lights/posts and to identify any additional cost savings.

Should the project move forward, the lighting units will have a delivery time of approximately 10 weeks, with installation planned for late summer or early fall.

Financial Implications

A transfer of \$5,641.98 from operating reserves to the capital budget would be required to complete the project.

Priority Alignment

Check Applicable	Strategic Priority Area	Comments
X	Economic	
	Environmental	
X	Social	
X	Cultural	

Alternatives

Council may choose to defer the project to the next fiscal year or provide direction for staff to explore alternative beautification options for the area. Should this occur, the existing lamp post bases will need to be addressed, either by covering or managing them appropriately.

Community Engagement/Communication

N/A

CAO Comments

I support staff's recommendation.

CAO Initials: JB

Target Decision Date: June 10, 2025

REQUEST FOR DECISION

RFD023-2025: Charity Events Participation Policy



To: Council
From: Jen Boyd, CAO
Date: June 10, 2025
Subject: Charity Events Participation Policy

References/Attachments

- Charity Events Participation Policy

Recommendation

That Council approve the Charity Events Participation Policy as presented.

Background

The Town regularly receives invitations to participate in local charitable events, including golf tournaments and other community-based fundraisers. These events offer valuable opportunities for Town staff and members of Council to engage with the community, support important causes, and represent the Town in a positive and visible manner.

To ensure fairness, transparency, and consistent decision-making regarding participation for Council and staff in such events, Council agreed that a policy should be developed. The policy should provide clear guidance on eligibility, cost-sharing, and expectations, ensuring that participation aligns with the Town's values, budget considerations, and operational needs.

Financial Implications

Council will approve an annual budget amount to support participation in the charity events.

Priority Alignment

Check Applicable	Strategic Priority Area	Comments
X	Economic	
X	Environmental	
X	Social	
X	Cultural	

REQUEST FOR DECISION
RFD023-2025: Charity Events
Participation Policy



Alternatives

Council may decide not to approve the policy
Make changes to the policy

Community Engagement/Communication

N/A

CAO Comments

N/A

CAO Initials: JB

Target Decision Date: June 10, 2025

Charity Events Participation Policy

Department: Administration
Adopted: 2025-06-

Policy No:
Revision Dates

1.0 Purpose

This policy outlines the guidelines for Town of Berwick Council and Employee participation in charity events (e.g.: golf tournaments).

2.0 Scope

This policy applies to all Town of Berwick Council and employees, including full-time and part-time staff.

3.0 Definitions

3.1 Charitable Event

An event organized to raise funds, awareness, or support for a recognized nonprofit or charitable cause that benefits the public or a specific community group.

3.2 Local Area

The geographic region surrounding the Town of Berwick, including the town limits and adjacent communities within the County of Kings. Communities within the Annapolis Valley may be considered if the charitable event supports residents of the Town of Berwick.

3.2 Registration Costs/Fee

Fees associated with participating in an event, including entrance fees, ticket purchases, or other mandatory payments required to attend or compete. Non-eligible items include expenses incurred during the event such as 50/50 tickets, silent auctions bids, personal donations, meals (if not included in the price of the ticket), alcohol, snacks or beverages.

3.3 Participation

The act of attending and representing the Town of Berwick at an event, whether during or outside of regular work hours.

4.0 Eligible Events

To qualify under this policy, events shall meet the following criteria:

4.1 Charitable Purpose

Events shall support a registered charitable cause or nonprofit

organization that support the residents of the Town of Berwick through programing, financial support, etc.

4.2 Local Community Focus

Events shall take place within the local area..

Events that do not meet both criteria may not be eligible for support or participation under this policy.

5.0 Approvals

Council may approve a budget to cover the Town's portion of registration fees in the annual operating budget.

The Chief Administrative Officer, or designate, shall approve the charitable event prior to registration. The event shall meet the eligibility criteria, and be within the approved budget.

6.0 Registration and Fees:

For approved events that have a registration fee, the Town of Berwick shall cover 50% of the registration cost. The remaining 50% shall be the responsibility of the participants.

The Town will not register and/or commit to the event until the specified number of participants have confirmed participation. The participants registration fee shall be paid to the Town of Berwick prior to the event to participate.

Any expenses incurred during the event will be the responsibility of the participant.

6.0 Participation Guidelines

6.1 Voluntary Basis

Participation in charitable events is strictly voluntary. No employee or Council member shall be required or pressured to take part in any charitable event. Priority shall be given to any employee or Council member who has not participated in a previous event during the fiscal year.

6.2 During Work Hours

- a) Employees shall obtain prior approval from their direct supervisor if the event occurs during scheduled work hours and should not impact operations.
- b) Employees will not be required to use vacation or lieu time to participate in events that occur during work hours.

- c) If the duration of the event continues past an employee's regular hours of work, overtime will not be accumulated or paid.

6.3 Expenses

Participants are not eligible to claim mileage or expenses such as meal allowances. Participants may car pool using a Town vehicle if it does not impact operations.

6.4 Representation

Employees and Council members participating in events on behalf of the Town of Berwick shall maintain a professional demeanour and reflect the Town of Berwick's Code of Conduct.

7.0 Safety and Liability

Employees and Council members must follow all applicable safety protocols during events. The Town of Berwick is not liable for injuries or damages incurred during the activity.

8.0 Policy Review

This policy will be reviewed every two years.

CAO

Date

Council Check In

In January 2025, staff and Council implemented a new process for meeting and minute preparation for Council and Committees of Council, including the addition of action items, committee reports, and a Council SharePoint site. In late May, members of Council provided feedback on the new process, meeting schedule, workload, and meeting items.

Staff also reviewed the new process, and those comments have been added to the relevant sections below..

1. Connection Between Chairs and Resource Staff

Most of Council reported a generally positive relationship and good communication with staff regarding agenda and discussion items.

Staff have had a generally positive experience as well. There have been some challenges with receiving feedback on agenda items from chairs that should be addressed.

Recommendation:

- Remind committee chairs of their role to communicate with staff on preparing committee agendas, including input on agenda items.

2. Timeliness and Accuracy of Agendas and Minutes

Council noted that agendas and minutes are generally reflective of meetings and distributed in a timely fashion. Though some noted occasional delays, especially when meetings and report deadlines are close together. Minor edits to minutes are normal and expected.

Staff discussed the timeline for distributing draft minutes and clarified the three-day goal. The goal is for the administrative support to have the draft minutes completed within three (3) business days of the meeting and shared with the employee responsible. The employee responsible should review the draft minutes within five (5) business days of receiving them. Overall, the goal is to have the draft minutes distributed to the committee members within eight (8) business days of the meeting.

Although we aren't meeting the timelines all the time, staff find the timelines helpful and a goal to work towards.

Recommendation:

- Remind that Council that minutes for Council and Committee of the Whole are uploaded directly to SharePoint. Minutes are only emailed to committees of council who have citizen members.
- Additionally, Council should remember to check SharePoint weekly for correspondence.
- Email should be checked at least once every 24 hours.

3. Meeting Frequency and Scheduling

Council noted that the current schedule is generally viewed as appropriate, with flexibility to add meetings as needed during busy periods. Some suggest Police Advisory Committee (PAC) meetings could be used more effectively during slower periods rather than being cancelled.

One respondent mentioned it was hard to maintain momentum with bi-monthly meetings.

Staff agree that the current schedule and spacing of meetings is appropriate.

Recommendation:

- Maintain the flexible scheduling approach.
- Consider educational/training opportunities for committee members during slow periods. Should this be just for PAC? Other meetings?

4. Workload to Date

Most of Council feel workloads are manageable and appropriate, with members engaged. Some express challenges balancing committee responsibilities with other commitments, and a concern about redundant reporting.

Recommendation:

- Monitor workload balance
- Explore options to reduce redundant reporting.

5. Participation of Councillors and Community Members

Council noted participation is viewed as positive and balanced. Active engagement and respectful discussions were noted. A desire for increased citizen participation and better inclusion of virtual participants was expressed.

Recommendation:

- Provide tips or assistance for Chairs to better engage virtual participants.
- Remind Chairs that presenters at Council or committee meetings are there for a specific topic and not a member of the committee to continue as participants when the presentation and discussion are completed. They should return to the gallery if they wish to stay for the remainder of the meeting.
- Members of the public are also not members of the committee and should not be active participants. Members of the committee volunteered their time and have been selected to be a member of the committee.

6. Committee Reporting Template and Process

While some members of Council find the template easy to use, many experience technical difficulties, unintuitive formatting, and tight timelines. Delays in receiving meeting minutes hinder timely report preparation. Suggestions include AI-assisted summaries and executive summaries in minutes.

One member mentioned that some report updates were vague or provided little to no new information. For example, reports topics that note "continue to work on..." without any new information could be removed until new information is available to share.

Staff noted that some members of Council are not completing committee reports and/or are having trouble with the template. There are also varying levels of content that are provided for reports.

Recommendation:

- Explores alternative options for reporting and review the process, template, timeline, contents, etc.
- Additional training on SharePoint to navigate where documents are located – i.e., draft minutes – should be arranged.
- Council should revisit the purpose of committee reports to discuss their effectiveness to improve the review process identified above.

7. Action Items and Meeting Breaks

Council noted that both the action items and scheduled breaks (around the 2-hour mark) are well received and valued. Flexibility in breaks based on meeting pace is appreciated. More specific updates on action items are desired.

Recommendation:

- Continue the practice of breaks.
- Are members looking for more details in the action item list or on reporting back on an action item? Both?

8. Meeting End Times

Council's views varied but favor a flexible approach to meeting end times. Most support a target end time between 9:30 PM and 11:00 PM, with the possibility of extension by vote. Budget meetings may warrant stricter limits with scheduled continuations.

Staff identified 9:30 PM as a reasonable target for ending meetings with flexibility to extend by vote and based on the remaining agenda items.

Recommendation:

- Monitor remaining the time and remaining agenda items.
- The Mayor and CAO (or Chair and employee responsible) will strive to put high priority items at the beginning of the meeting as well as keep the number/length of items manageable.

9. Open Public Session Before Meetings

Council's opinions are mixed on holding an open public session at a meeting. Some support a brief, structured public input session with time and topic limits. Others prefer existing methods for public input or suggest separate quarterly open house events.

Recommendation:

- No consensus. Continue to allow members of the public to request a presentation to Council through the CAO's office per policy. Members of the public are also encouraged to email Council directly with comments or questions.

10. Councillor Announcements on Agendas

There was strong support from council members to add a brief councillor announcements agenda item. This would be seen as fostering engagement and connection. Suggestions include limiting time and ensuring announcements do not turn into discussions.

Recommendation:

- Polit a councillor announcements agenda item at the end of the meeting, identify a time limit and focus on community events/activities.

11. Land Acknowledgment Statement

Council responses are split between adopting a standard statement before meeting with Annapolis Valley First Nations (AVFN) and waiting for direct

consultation. The importance of meaningful engagement and cultural sensitivity is emphasized.

Recommendation:

- Continue efforts to consult AVFN before adopting a statement.

12. General Feedback on Procedures

Overall, council and committee procedures are viewed positively. Strong staff support and committed councillors contribute to efficient, well-functioning committees. Attendance and engagement are generally good but can vary.

Conclusion

The feedback indicates a generally well-functioning committee and council structure. Opportunities exist to enhance communication, streamline reporting, improve inclusivity, and formalize certain procedural elements.