

# **Town of Berwick**

## **Municipal Planning Strategy**

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## **1.0 Introduction**

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### **1.1 Preface**

This document is the official Municipal Planning Strategy of the Town of Berwick. This Strategy replaces the previous Municipal Planning Strategy adopted by the Town in February 1995. Between 1995 and the adoption of this Strategy the Town approved a variety of changes to the Strategy to keep current with development trend and to respond to numerous development proposals which were otherwise not contemplated at the time the Strategy was originally prepared. While the Strategy served the community well during the time it was in effect, the preparation of this new Strategy is seen by Town Council and the community as an opportunity to assist guiding growth and development in light of new realities which the Town faces and new opportunities which the Town can capitalize on.

This Planning Strategy contains Council's policies to guide future development and use of land within the Town. This Strategy and the accompanying Land Use By-law focus specifically on development and land use control issues. In 2009 the Town adopted an Integrated Community Sustainability Plan which establishes a framework of policies and action plans relating to broad economic, environment and social components of the Town's character and the community fabric. While the ICSP provides direction for broader community aspirations and goals, this Strategy supports the strengthening of the community through the provision of a clear, balanced and progressive planning and development control framework.

This document is not intended to be “set in stone” and it is anticipated that like the Strategy which it replaced, changes will be identified which will be incorporated into the Strategy as growth and development occur. It is anticipated that a deliberate review of this Strategy will be undertaken within 5 years of its adoption to ensure the Town is capable of responding 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.

## **1.2 Purpose**

The Town of Berwick Municipal Planning Strategy establishes the broad framework and policy guidance to manage future growth and development within the Town. The Strategy should be used as a guide when making major decisions on the directions for growth and development, the provision of municipal services or the use of land within the Town.

This Strategy also provides specific rationale and enabling policies for development control provisions contained in the accompanying Land Use By-law.

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

### **1.3 Review Process and Context**

In 2010 Town Council, through the Planning Advisory Committee, initiated a structured review of the 1995 Municipal Planning Strategy and Land Use By-law. The review process followed the preparation and adoption of an Integrated Community Sustainability Plan. Public consultation which was incorporated into the ICSP preparation process provided invaluable information concerning community opinion relating to growth and development related issues, concerns and opportunities.

The MPS review process included detailed discussion and analysis by the Planning Advisory Committee of planning policies, development control issues, community profile and demographic trends as well as assessments of infrastructure capacities and opportunities for growth and redevelopment within the Town.

In April 2012 the Planning Advisory Committee hosted a series of public workshops and an open house to present and discuss general directions for planning policy and land use control which had been established in light of its discussions. An innovative community consultation format was utilized to afford participants an opportunity to vote on their degree of support for a wide range of strategic directions for planning policy. The input and comments from the workshops served to assist the Committee in preparing this document.

The public was afforded an opportunity to provide direct input to Town Council concerning this Strategy through a formal public hearing which was conducted by Town Council prior to the adopt the Strategy and accompanying Land Use By-law.

## **1.4 Organization**

This Municipal Planning Strategy is organized into six sections. They are:

### **Section 1.0 Introduction**

This section introduces the municipal planning strategy. It explains the purpose of the Strategy and the context in which it was prepared.

### **Section 2.0 Land Use and Development Control Strategies**

This section contains the specific planning and development control objectives and policies for each of the land use “sectors” - residential development; commercial and industrial development; institutional development; recreation and open space development and municipal infrastructure.

This section provide rationale for policy as well as enabling land use control provisions contained in the accompanying Land Use By-law.

### **Section 3.0 Implementation and Administration**

This section explains how the Municipal Planning Strategy is to be implemented, monitored and revised.

### **Section 4.0 Generalized Future Land Use Map**

This section contains the Generalized Future Land Use Map. The GFLUM identifies the desired land use pattern of the Town and serves as the basis for the application of zones through the Land Use By-law as well as establishing the nature of changes to the Strategy which can be accommodated without the need to undertake policy review and amendment.

## **2.0 Land Use and Development Control Strategies**

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### **2.1 Community Context, Goals and Provincial Interests**

Berwick prides itself as a vibrant and dynamic Town with a strong sense of community, a history of stable and prosperous growth and a belief in and a strong commitment to its future. Like many small communities throughout Nova Scotia Berwick is not however without its challenges.

Census Canada data indicates that between 1996 and 2006 the population of Berwick grew from approximately 2195 to 2454 persons, a growth of some 11 per cent over a ten year period. This growth occurred during a time when a number of major employers within the Town closed. Berwick, being well positioned geographically, benefitted from stable growth in the Valley region. Between 2006 and 2011 Census Canada data indicate that the population of the Town remained essentially static at the 2006 level of 2454 persons. During this period however the Town again shared some challenging demographic trends reflected throughout the Province as a whole with the average age of its population increasing and the relative size of households remaining unchanged or being reduced slightly.

The broader community context in which this Strategy was prepared includes: ongoing efforts to retain and attract a stable economic base including new large scale employment opportunities to replace recent losses; inter-municipal cooperation on the provision of services and the promotion of regional growth; recognition of opportunities presented through the ownership and operation of the Berwick Electrical Utility as an economic development advantage; the presence of strategic municipal infrastructure; and the strengthening of community facilities such as the Kings Mutual Century Centre and a new District Fire Station.

The goal of this Strategy is to provide a planning and land use control framework which balances the community's hopes for attracting new growth and development while maintaining the character of the community which contributes to making Berwick such an attractive and livable place.

The ability to solidify and enhance the role and position of the community of Berwick within the context of the ongoing growth within the Valley region represent a significant opportunity. The ability to encourage and accommodate new growth and development in a balanced and responsible manner is a critical objective of this Strategy and the accompanying Land Use By-law.

## **2.2 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.

This Strategy has been prepared with a recognition and acknowledgement of the Statements of Provincial Interest and it contains policies which are consistent with the goals and objectives of these Statements. To this end, this Strategy addresses the following relevant issues:

- The identification and regulation of certain land uses which represent potential risks to groundwater contamination given that all residents are responsible for their domestic water requirements in the absence of a municipal water system;

- Policies relating to the utilization and maintenance of the Town's Wastewater Collection and Treatment system and the efficient use of existing municipal infrastructure and requirements for servicing of new development;
- The encouragement of the provision of a range of high quality housing options which can meet the varied needs of all Town residents.

The Town does not contain any designated flood risk areas. The Cornwallis River does flow through the Town and the Strategy and Land Use By-law provide for development control provisions which are aimed at mitigating the risk of damage due to flooding by development which occurs in proximity to the river's 100 year flood plain.

Being situated on the floor of the Annapolis Valley the Town does have a history of agricultural activity within the Town limits. With the presence of municipal wastewater treatment capacity and its historic role as a 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 deemed appropriate. The ability to service new growth within the Town can serve in the long run to limit the development pressure on existing agricultural lands located outside but in close proximity to the Town.

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

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

### **Residential Principles and Objectives**

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

### **Commercial and Industrial Principle and Objectives**

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 Strategy and By-law will include development control provisions necessary to allow encourage development and new economic “enterprise”. Opportunities to promote and accommodate new commercial and industrial type growth will be focused on specific designated areas and care will be taken to ensure that concerns relating to potential land use conflicts between adjacent residential and business enterprise areas are considered.

### **Gateway Mixed Use Principles and Objectives**

To identify lands which serve as the critical “gateway:” to the community and encourage a range of residential and commercial uses which are designed and constructed to integrate visual appeal, vibrant activity, public amenity and which can serve to reinforce the character of the Town. The Town has adopted a “Northern Gateway Strategy” which 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 Strategy encourages fulfillment of the Gateway concept through encouraging mixed use development and the integration of new public amenity as a major component of redevelopment.

### **Institutional Principle and Objectives**

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 of significant importance to the character of these areas and therefore particular care should be taken when managing such change. Institutional uses are present throughout the Town therefore development control considerations for institutional uses are incorporated into relevant sector policy areas.

### **Agriculture Principles and Objectives**

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

### **Recreation, Open Space and Conservation Principles and Objectives**

To promote the development of active and passive recreation facilities and opportunities which promote health and wellness for all citizens and which contribute to supporting strengthened civic pride. The overall direction for development and programming of recreation and open space facilities will be established through the Town's Recreation and Open Space Strategy. Policies and By-law provisions will serve to clearly identify existing public facilities and regulate their future use and development. In addition, the Town does contain lands which are environmentally sensitive. Any use or development of these lands must consider and respond to environmental constraints which are present.

### **Infrastructure Principle and Objectives**

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.

## **2.4 Residential Development Policies**

In light of the goals and objectives contained in the Strategy and in particular the commercial and industrial development principles and objectives identified in Part 2.3 the following policies are intended to regulate residential development within the Town.

- R1 It shall be the intention of Council to create a Residential Generalized Future Land Use Designation on the Generalized Future Land Use Map and encourage the development, maintenance and enhancement of a wide variety of residential uses and related compatible uses within this Designation.
- R2 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.
- R3 It shall be the intention of Council to create a Future Residential Generalized Future Land Use 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.
- R4 It shall be the intention of Council to designate unserviced lands generally located south of South Street and east of Ron Smith Drive, lands located at the west end of Orchard Street in the vicinity of the Town boundary and lands located south of the Cornwallis River adjacent to Willow Avenue as Future Residential on the Generalized Future Land Use Map.
- R5 It shall be the intention of Council to include in the Land Use By-law a Residential Single Unit (R1) Zone. This Zone shall permit one (1) residential dwelling unit as-of-right and establish minimum zone requirements and development control provisions for uses within the Zone. The R1 Zone shall be applied to all existing single unit dwellings and all vacant lots located within the Residential Designation.

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

- R6 It shall be the intention of Council to include in the Land Use By-law a Residential Two Unit (R2) Zone. This Zone shall permit one (1) and two (2) unit residential dwellings unit as-of-right and establish minimum zone requirements and development control provisions for uses within the Zone. The R2 Zone shall be applied to all existing two unit dwellings located within the Residential Designation.
- R7 It shall be the intention of Council to include in the Land Use By-law a Residential Three Unit (R3) Zone. This Zone shall permit one (1), two (2) and three (3) unit residential dwellings unit as-of-right and establish minimum zone requirements and development control provisions for uses within the Zone. The R3 Zone shall be applied to all existing dwellings containing 3 units located within the Residential Designation.
- R 8 It shall be the intention of Council to consider the development of new multiple unit residential dwellings containing four (4) or more units or grouped dwellings on a single lot only by Development Agreement subject to the criteria contained in Policy IM7.
- R9 It shall be the intention of Council to zone all existing residential structures containing four (4) or units and/or existing grouped dwellings located on a single lot as Residential Single Unit (R1). Expansion or redevelopment of

existing residential structures containing four (4) or more units and group dwellings on a single lot shall be considered only by Development Agreement. In addition to the criteria contained in Policy IM7, Council shall give consideration to the following when reviewing applications for the development of multiple unit dwellings:

- (a) That the proposed structure is generally compatible with existing dwellings on adjacent properties;
- (b) That the design of the proposed structure and site reflects and is consistent with adjacent existing dwellings with respect to:
  - (1) Building Mass;
  - (2) Relationship to and setback from the street line;
  - (3) Roof Line Heights and Orientations;
  - (4) Building Height;
  - (5) Placement and Proportions of window and door openings along the primary façade;
  - (6) Location of on-site parking;
  - (7) Landscaping and landscape treatment.

R10 It shall be the intention of Council to consider the development of new residential dwellings containing two (2) units, or the conversion of existing single unit dwellings within the Residential Designation by amendment to the Land Use By-law. In addition to the criteria contained in Policy IM7, Council shall require that the lot meet the minimum lot frontage and area requirements for the applicable zone.

R11 It shall be the intention of Council to consider the development of new residential dwellings containing three (3) units or the conversion of existing

single or two (2) unit dwellings within the Residential Designation by amendment to the Land Use By-law. In addition to the criteria contained in Policy IM7, Council shall require that the lot meet the minimum lot frontage and area requirements for the R3 Zone.

R12 Notwithstanding Policies R10 and R11, it shall be the intention of Council to consider proposals for new two (2) unit, three (3) unit and the conversion of existing single unit dwellings on lots which do not meet the applicable minimum lot frontage and/or area requirements by Development Agreement. Subject to the criteria contained in Policy IM7.

R 13 It shall be the intention of Council to include in the Land Use By-law a Residential Comprehensive Development District (RCDD) Zone. This zone shall permit a variety of residential types including low, medium and high density residential uses within comprehensively planned development. This zone will be applied to vacant lands within the Future Residential Generalized Future Land Use Designation. Development within the Residential Comprehensive Development District will be considered only by Development Agreement. When considering approval of a Development Agreement for lands within the Residential Comprehensive Development District Zone Council shall give consideration to:

- (a) The provision for and integration of trunk wastewater and storm water into the existing municipal systems;
- (b) The provision for and integration of collector and local road systems into the existing municipal road network;
- (c) Criteria contained in Policy IM7.

R14 It shall be the intention of Council to include in the Land Use By-law provisions for the creation of Infill Lots within the Residential Generalized Future Land Use Designation. The creation of Infill Lots, incorporating a reduced minimum lot frontage requirement, will be permitted with the R1 Zone provided the lot from which the Infill Lot is created can meet all relevant requirements of the R1 Zone. Development of Infill Lots will be considered only by Development Agreement, and in addition to criteria contained in Policy IM7, Council shall give consideration to the following:

- (a) That the proposed structure is generally compatible with existing dwellings on adjacent properties;
- (b) That the design of the proposed structure and site reflects and is consistent with adjacent existing dwellings with respect to:
  - (1) Building Mass;
  - (2) Relationship to and setback from the street line;
  - (3) Roof Line Heights and Orientations;
  - (4) Building Height;
  - (5) Placement and Proportions of window and door openings along the primary façade;
  - (6) Location of on-site parking;
  - (7) Landscaping and landscape treatment.

R 15 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 for economic opportunities for residents.

R 16 It shall be the intention of Council to include as permitted uses within the Residential Single Unit R1 Zone and apply the Residential Single Unit R1 Zone to commercial and industrial uses existing within the Residential Designation as of the effective date of this Strategy. The establishment of new commercial or industrial uses, other than home occupation uses provided for in Policy R15 *and commercial use of civic 136 Orchard Street (PID 55237150) as provided for in Policy I6*, shall be prohibited within the Residential Designation. Existing commercial and industrial uses within the Residential Designation may expand or be altered only by Development Agreement. The change of use of any existing commercial or industrial use within the Residential Designation shall only be in conformity with the provisions of the Residential Single Unit R1 Zone.

R 17 It shall be the intention of Council to include as permitted uses within the Residential Single Unit R1 Zone and apply the Residential Single Unit R1 Zone to existing mobile home parks located within the Residential Designation as of the effective date of this Strategy. The establishment of new mobile home parks and/or the expansion of existing mobile home parks shall be considered only by Development Agreement and in addition to criteria contained in Policy IM7, Council shall give consideration to the following:

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

R18 Notwithstanding the policies contained in this Part it shall be the intention of Council to consider the following developments within the Residential Designation only by Development Agreement:

- (a) New Multiple unit residential dwellings containing four (4) or more units;
- (b) New Group residential dwellings located on a single lot;
- (c) Expansion of existing multiple unit dwellings containing four (4) or more units;
- (d) Expansion of existing residential group dwellings on a single lot;
  
- (e) 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;
- (f) Comprehensively planned residential development within the Residential Comprehensive Development District RCDD Zone;
- (g) Single unit dwellings on Infill Lots;
- (h) Expansion and/or alteration of existing commercial and/or industrial uses within the Residential Single Unit R1 Zone;
- (i) Expansion and/or alteration of existing mobile home parks within the Residential Single Unit R1 Zone;
- (j) New day nurseries licensed for six (6) or more children;
- (k) New Rooming and Boarding Houses.

## **2.5 Commercial and Industrial Development Policies**

In light of the goals and objectives contained in the Strategy and in particular the commercial and industrial development objectives identified in Part 2.3 the following policies are intended to regulate commercial and industrial development within the Town.

- C1 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.
- C2 It shall be the intention of Council to Designate as Commercial the traditional downtown core including lands fronting on Commercial Street generally between Cottage and Pleasant Streets, lands fronting on Union Street west of Commercial Street, lands fronting on Mill Street and Front Street adjacent to the former DAR right-of-way as well as lands on the south side of Front Street between Commercial and Brown Streets.
- C3 It shall be the intention of Council to create a Commercial/Industrial Enterprise Designation on the Generalized Future Land Use Map and to encourage a comprehensive mix of general commercial, personal and commercial service, institutional, manufacturing and industrial uses and in particular to foster the establishment and growth of business park type redevelopment of former large scale industrial sites within the Town.
- C4 It shall be the intention of Council to designate as Commercial/Industrial Enterprise lands of the Berwick Industrial Park, adjacent properties abutting Morse Lane and lands generally located at the west end of Main Street.
- C5 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.

- C6 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.
- C7 It shall be the intention of Council to establish development control standards and requirements within the Commercial General (C1) Zone which reflect the character and pattern of existing development within the traditional downtown district.
- C8 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, institutional and commercial and personal service uses as-of-right.
- C9 The Commercial/Industrial Enterprise (C2) Zone will be applied to those lands within the Commercial/Industrial Enterprise Designation.
- C10 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.
- C11 It shall be the intention of Council to encourage, promote and consider mixed use commercial/residential development on those properties zoned Commercial General (C1) at Mill Street and Front Street which abut the former DAR right-of-way by Development Agreement. In addition to criteria contained in Policy IM7, Council shall give consideration to the following:

- (a) That the proposed structure is generally compatible with existing dwellings on adjacent properties;
- (b) That the proposed development can be integrated into and accommodated within the adjacent road network;
- (c) That the proposed site plan provide for, where appropriate, access to the multi-use trail;
- (d) That the design of the proposed structure and site reflects and is consistent with adjacent existing dwellings with respect to:
  - (1) Building Mass;
  - (2) Relationship to and setback from the street line;
  - (3) Roof Line Heights and Orientations;
  - (4) Building Height;
  - (5) Placement and Proportions of window and door openings along the primary façade;
  - (6) Provision and location of on-site parking;
  - (7) The provision of a minimum amenity space of 19 sq. meters per unit consisting of lawn, gardens or a combination thereof designed for the provision of opportunities for passive recreation and enjoyment.

C12 It shall be the intention of Council to consider the development of new multiple unit residential development within the Commercial General (C1) Zone only by Development Agreement. In addition to criteria contained in Policy IM7, Council shall give consideration to the following:

- (a) The minimum number of Dwelling units to be eight (8);
- (b) The provision of adequate on-site parking;
- (c) The provision of a minimum amenity space of 19 sq. meters per unit consisting of lawn, gardens or a combination thereof designed for

the provision of opportunities for passive recreation and enjoyment.

C13 It shall be the intention of Council to require the following commercial and industrial uses, which could represent risk for contamination of groundwater resources, be considered within the Commercial and/or Commercial/Industrial Enterprise Designations only by Development Agreement:

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

C14 It shall be the intention of Council that when considering proposals for uses pursuant to Policy C13, in addition to criteria contained in Policy IM7, consideration shall be given to the following:

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

C 15 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 IM7, the General Criteria for Development Agreements:

(a) New Multiple Unit Residential dwellings containing eight (8)

- or more units within the Commercial General (C1) Zone;
- (b) Mixed Use commercial/residential development on lots on Mill and Front Streets adjacent to the former DAR right-of-way;
- (c) Uses identified as being potential risks to groundwater resource protection identified in Policy C13.

C 16 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/Industrial Enterprise by Development Agreement subject to criteria contained in Policy IM7:

- (a) Uses identified as being potential risks to groundwater resource protection identified in Policy C13.

## 2.6 Northern Gateway Area Policies

In light of the goals and objectives contained in the Strategy and in particular the Gateway development principles and objectives identified in Part 2.3 the following policies are intended to regulate development of the Northern Gateway District.

GMU 1 It shall be the intention of Council to create a Gateway Mixed Use Designation on the Generalized Future Land Use Map and encourage the development and redevelopment of a broad range of residential, commercial, institutional and public amenity uses within this Designation.

GMU2 It shall be the intention of Council to Designate 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.

GMU3 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.

GMU4 It shall be the intention of Council that within the Gateway Mixed Use (GMU1) Zone all development, except single unit residential uses, shall be considered by Development Agreement and in addition to criteria contained in Policy IM7, consideration shall be given to the following:

- (a) The proposed development is generally consistent with the design and development principles identified in the Northern Gateway Strategy (2009);
- (b) That provisions are made, where appropriate and possible, for the integration of access to public open space, recreation and amenity space into the proposed site plan;
- (c) That the proposed structure is generally compatible with existing dwellings on adjacent properties;
- (d) That the design of the proposed structure and site reflects and is consistent with adjacent existing dwellings with respect to:
  - (1) Building Mass;
  - (2) Relationship to and setback from the street line;

- (3) Roof Line Heights and Orientations;
  - (4) Building Height;
  - (5) Placement and Proportions of window and door openings along the primary façade;
  - (6) Location of on-site parking;
  - (7) Landscaping and landscape treatment.
- (e) That the site plan promote 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.

## **2.7 Institutional Use Polices**

In light of the goals and objectives contained in the Strategy and in particular the Institutional uses principles and objectives identified in Part 2.3 the following policies are intended to regulate the development of institutional uses within the Town.

- I1 It shall be the intention of Council to create an Institutional Designation on the Generalized Future Land Use Map in order to recognize existing institutional uses which are primary located within or adjacent to existing residential areas.
- I2 It shall be the intention of Council to Designate as Institutional those lands containing institutional uses which abut residential uses located within the Residential Designation. Existing Institutional uses which are located within any other Generalized Future Land Use Designation will be incorporated into the corresponding designation.

- I3 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.
- I4 It shall be the intention of Council to zone existing institutional use located within the Institutional Designation as Institutional (I1). Institutional uses shall be included as permitted uses within the Commercial General (C1) and Commercial/Industrial Enterprise (C2) Zones.
- I5 It shall be the intention of Council to consider the development of new Institutional uses outside of the Commercial and Commercial/Industrial Enterprise Designations only by amendment of this Strategy.
- I6 It shall be the intention of Council to consider the redevelopment and/or reuse of lands zoned Institutional (I1) for non-institutional purposes only by Development Agreement subject to criteria contained in Policy IM7.  
*Notwithstanding provisions contained in the Policy R 17, civic 136 Orchard Street (PID 55237150) may be considered for redeveloped for the purposes of a plumbing warehouse by Development Agreement.*

## **2.8 Agricultural Lands and Uses**

In light of the goals and objectives contained in the Strategy and in particular the Residential principles and objectives identified in Part 2.3 the following policies are intended to regulate the development of agricultural uses within the Town.

- A1 It shall be the intention of Council to create an Agriculture Designation on the Generalized Future Land Use Map in order to recognize existing

commercial agricultural uses and activities located within the Town.

- A2 It shall be the intention of Council to Designate as Agriculture those lands fronting on Willow Avenue north of the Cornwallis River.
- A3 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.
- A4 It shall be the intention of Council to include existing agricultural uses located within the Residential Designation as permitted uses within the Residential Single Unit (R1).
- A5 It shall be the intention of Council to allow existing agricultural uses located within the Residential Designation to continue to operate and expand within the confines of their properties.
- A6 It shall be the intention of Council to restrict the establishment of new agricultural uses and operations to lands zoned Agriculture (A1).
- A7 It shall be the intention of Council to consider redesignation of lands designated for agriculture for residential use at such time as municipal services may be extended to these lands.

## **2.9 Recreation, Open Space and Conservation Policies**

In light of the goals and objectives contained in the Strategy and in particular the Recreation, Open Space and Conservation principles and objectives identified in Part 2.3 the following policies are intended to regulate the development of recreation and open space facilities and uses and conservation lands within the Town.

- OS1 It shall be the intention of Council to create a Recreation and Open Space Designation on the Generalized Future Land Use Map and encourage the development of active and passive recreation opportunities within this Designation.
  
- OS2 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.
  
- OS3 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 multi-use trail corridor located on the former DAR right-of-way.
  
- OS4 It shall be the intention of Council, through the Town's Recreation and Open Space Plan, to identify, develop and maintain recreation and open space facilities which address the needs of all segments of the community.
  
- OS5 It shall be the intention of Council, through the Subdivision By-law, to provide for the acquisition of public open space and/or cash-in-lieu for the development of residential subdivisions containing three (3) or more lots.

OS6 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.

#### Conservation

CON1 It shall be the intention of Council to create a Conservation Designation on the Generalized Future Land Use Map and encourage the protection of environmentally sensitive areas through appropriate development control provisions.

CON2 It shall be the intention of Council to apply the Conservation Designation to lands located at or below the 29 meter contour interval adjacent to the Cornwallis River and other lands identified by the Department of Natural Resources database designated as being environmental features.

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

- a) Potential impacts on the watercourse and riparian area resulting from the proposed development can be appropriately mitigated;
- b) The proposed development does not create an increased risk of flood damage to adjacent upstream or downstream properties;

- c) All proposed structures on the property can be designed to mitigate damage due to flood;
- d) The proposed alteration of the property can receive all required approvals of the Nova Scotia Department of Environment.

CON3 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.

CON4 It shall be the intention of Council to apply the Conservation (OS2) Zone to all lands within the Conservation Generalized Future Land Use Designation.

CON5 It shall be the intention of Council, with the exception of institutional uses, to prohibit the development of new structures within the Conservation (OS2) Zone. The development of any structures within the Conservation (OS2) Zone relating to institutional uses shall only be permitted subject to review and confirmation by a qualified individual that appropriate and necessary flood damage mitigation for both structure and site can be approved pursuant to Nova Scotia Department of Environment regulations.

## **2.10 Municipal Infrastructure Policies**

In light of the goals and objectives contained in the Strategy and in particular the municipal infrastructure development principles and objectives identified in Part X

the following policies related to municipal infrastructure matters.

### Municipal Infrastructure

- MI 1 It shall be the intention of Council to require that all development within the Town front on a public street and be serviced with municipal wastewater services.
- MI 2 It shall be the intention of Council that a property owner be responsible for the construction of all proposed extensions of municipal road, sanitary sewer, storm sewer and related infrastructure for the purposes of enabling development of private property and that all construction be in conformity with the provisions of the Town Subdivision By-law and related regulations and servicing specifications.
- MI3 It shall be the intention of Council to undertake the necessary studies to identify a strategic approach to upgrading existing 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.

### 3.0 Implementation and Administration

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- IM1 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 (Map 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 Strategy.
- IM2 It shall be the intention of Council to adopt a Land Use By-law to implement the policies of this Planning Strategy. The Land Use By-law will apply zones and appropriate regulations to all land within the Town to carry out the goals, objectives and policies of this Strategy.
- IM3 It shall be the policy of Council to include in the Land Use By-law a broad range of development control provisions to ensure a high quality environment in all land use designations. General provisions which shall apply to development within all zones shall include, but not be limited to regulations concerning lot standards, building heights, property line setbacks, signage, landscaping and buffering, accessory buildings, parking, and obnoxious uses.
- IM4 It shall be the intention of Council to consider amendments to the Land Use By-law, pursuant to policies contained in this Strategy, provided that there are generally consistent with the intent of this Strategy and specific policies and provision of this Strategy. Amendments to the Land Use By-law shall be considered in accordance with all enabling provisions of Municipal Government Act.

- IM5 It shall be the intention of Council, in accordance with Section 243 of the Municipal Government Act, to appoint a development officer(s) to administer this Planning Strategy, the Land Use By-law, the Subdivision By-law and the granting of development permits, variances, site and any other such regulatory tool permitted by the MGA and enabled through policies contained in this Strategy.
- IM6 It shall be a policy of Council to review the Municipal Planning Strategy and Land Use By-law as deemed necessary by Council due to changing conditions but not later than every five years.
- IM7 In considering amendments to the Land Use By-law and/or the entering into of a Development Agreement, in addition to the criteria set out in various policies of this Strategy, Council shall consider:
- (a) That the proposal is in conformance with the intents of this Strategy and with the requirements of all other Town By-laws and regulations;
  - (b) That the proposal is not premature or inappropriate by reason of:
    - (1) the financial capability of the Town to absorb any costs relating to the development;
    - (2) the adequacy of sewer and groundwater to support the proposed density of development;
    - (3) the adequacy and proximity of school, recreation and other community facilities;
    - (4) the adequacy of road networks adjacent to, or leading to the development;
    - (5) the potential for the contamination of watercourses or the creation of erosion or sedimentation;

- (6) the potential for damage to or destruction of historical buildings and sites;
- (c) That controls are contained in a Land Use By-law or a Development Agreement so as to reduce conflict between the development and any other adjacent or nearby land use by reason of:
  - (1) type of use;
  - (2) emissions including air and water pollutants and noise;
  - (3) height, bulk, and lot coverage of the proposed building;
  - (4) traffic generation, access to and egress from the site, and parking;
  - (5) open storage;
  - (6) signs;
  - (7) similar matters of planning concern;
- (d) The suitability and development costs of the proposed site in terms of steepness of grades, soil and geological conditions, marshes, swamps, or bogs and proximity of highway ramps, railway rights-of-way and other nuisance factors;
- (e) That provision is made for buffering, landscaping, screening and access control to reduce potential incompatibility with adjacent land uses and traffic; and
- (f) That the development is located so as not to obstruct any natural drainage channels or watercourses.

IM8 It shall be the intent of Council that a Development Agreement made pursuant to the provisions and policies contained in this Strategy may contain such terms and conditions that are deemed necessary to ensure that the Development Agreement is consistent with the intent and policies of this Strategy. To this end, the agreement may include, but it not limited to, some or all of the following:

- (a) The specific use and size of the structure, either new or an expansion of an existing structure;
- (b) The location, design and exterior appearance of any structure within a development;
- (c) The percentage of land that may be built upon and the size of yards, courts or other open spaces;
- (d) The maximum density of the population within the development;
- (e) The architectural design or external appearance of structure, in particular its compatibility with adjacent structures;
- (f) The provision of services and utilities and integration of site services with adjacent municipal infrastructure;
- (g) Traffic generation, ingress to and egress from the site to abutting streets and parking;
- (h) The landscaping or buffering of developments which may include but not be restricted to plantings, gardens, lawns, fencing, walkways and outdoor lighting;
- (i) Alteration of land levels;
- (j) Open storage;
- (k) Public sign, display and advertising;
- (l) Identification of matters considered Substantial;
- (m) Penalties for noncompliance and/or violation of terms and conditions; and
- (n) Any other similar matter that may be addressed in a Land Use By-law which Council feels is necessary to ensure the general compatibility of the use and structure with adjacent areas.

IM 9 It shall be the intention of Council to regulate the granting of a variance pursuant to Section 235(1) of the Municipal Government Act. Pursuant to Section 235(2) it shall also be the intention of Council that the Development Officer be enabled to grant a variance in one or more of the requirements of the Land Use By-law:

- (a) the number of parking spaces and loading spaces;
- (b) ground area and height of a structure;
- (c) floor area occupied by a home based business;
- (d) height and area of a sign.

IM 10 It shall be the intention of Council to adopt a Subdivision By-law which reflects the intent and policies of this Strategy. The By-law shall include:

- (a) standards for the construction of public road;
- (b) standards for municipal wastewater and storm water services;
- (c) standards for electrical distribution services;
- (d) other requirements as permitted through the Municipal Government Act.

IM 11 It shall be the policy of Council to require all subdivision of land to occur on a public road.

IM 12 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.

## Repeal of Strategy

The Town of Berwick Municipal Planning Strategy as adopted by Town Council February 14, 1995, and all amendments thereto, are hereby repealed.