

Town of Amherst

# MUNICIPAL PLANNING STRATEGY







**Town of Amherst  
Municipal Planning Strategy**

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# 1. INTRODUCTION



## 1.1 Land Use Planning and the Municipal Planning Strategy

In its simplest form, land use planning provides a framework for cities, towns, and municipalities to guide how land is used, how and where growth and development happens, and how and where buildings are built. But land use planning is much more than that. It is a collaborative process that gives residents, businesses, and civic leaders the power to shape the future of their communities to work towards a shared vision and goals. It influences how people interact with the built environment, the types of housing that are available, how investments in infrastructure are made, and much more.

Land use planning can help the Town of Amherst prepare for change. As Amherst has experienced throughout its history, change is inevitable, and land use planning is an important tool and process that allows the Town and community to manage this change. It can help the Town respond to changing housing needs and preferences, changing demographic patterns, changing environmental conditions, and changing economic circumstances, all the while ensuring that a framework is in place so when change does happen, it contributes to the future the community wants.

This document—the Municipal Planning Strategy—establishes the broad framework and policy guidance to manage future growth and development within Amherst. The Town of Amherst has a long history of land use planning, and this Municipal Planning Strategy replaces the municipal planning strategy adopted by Town Council in 2005. The 2005 document replaced the 1993 municipal planning strategy.

This Municipal Planning Strategy establishes the long-term vision, goals, and policies for growth and development in Amherst. These policy statements reflect Council’s intention for land use in the town, as well as considering matters outside of the scope of land use planning that are nonetheless important to the community. The vision, goals, and policies contained within this Municipal Planning Strategy have their foundation in the 2005 document, but they also reflect contemporary issues and challenges, ideas, and perspectives held in Amherst.

As a main tool for implementing the Municipal Planning Strategy, Town Council will adopt an accompanying Land Use Bylaw—a document that establishes the specific standards and rules for development. Together with the Town’s Subdivision Bylaw, these three documents largely govern how land use, growth, and development happen in Amherst.

## 1.2 Strengths and Challenges

Land use planning policy and its supporting regulations must build off the community's strengths while looking to address then context specific challenges the town faces. This Section outlines some of the main strengths and challenges in Amherst.

### 1.2.1 Strengths

- **Regional Commercial Centre for Cumberland County:** Amherst is a retail and service centre for approximately 30,000 people in surrounding Cumberland County and Southeast New Brunswick. Thousands of regional residents visit Amherst every year to access the services and amenities that are available.
- **Strong Industrial Base:** Since the turn of the 20th century, Amherst has been an industrial hub in the Maritimes. While this industrial prosperity has declined from its heyday, Amherst continues to have a strong representation in industrial activity.
- **Largely Intact Historical Downtown:** As a result of that past prosperity, the town boasts many large homes and a traditional downtown with many historically significant buildings. These buildings not only reinforce the character of Amherst, but they can help to strengthen Amherst's local economy.
- **Extensive Services:** The Town of Amherst offers many municipal services that make the town a great place to live and visit. The Town provides fire, police, water, sewer, and stormwater services to its residents. Amherst is one of the very few communities in Nova Scotia that have access to natural gas.
- **Housing Diversity:** The housing stock in Amherst is very diverse. Less than half of residential units are within single dwellings, with the rest of the housing stock made up of duplex and semi-detached dwellings, apartments, and mobile homes.

## 1.2.2 Challenges

- **Housing Affordability:** Despite its diverse housing stock, Amherst has a shortage of affordable housing options, especially rental options.
- **Demographics:** The town's population is ageing. Since the previous plan's adoption in 2005, the town's median age has increased from 42.8<sup>1</sup> years to 48.8<sup>2</sup>. This has led to housing growth over recent years that is predominantly targeted toward an older demographic, without necessarily creating housing options that meet the needs of all ages, family sizes, and incomes.
- **Limited Land Supply:** At 12 square kilometres, Amherst is one of the smallest municipalities in Nova Scotia. Continued growth in town has left Amherst with limited vacant land for future development. Most of the vacant land that is left in Amherst is on the town's periphery, particularly on the southern and eastern sides of Amherst.
- **Oversupply of Parking:** A large amount of Amherst's land area is dedicated to automobile parking. Not only does this use up the town's limited land, but it is detrimental to creating pedestrian-friendly environments and creates negative environmental impacts.
- **Lack of Transit Options:** Movement within Amherst is structured around the private automobile. With much of the residential land uses radiating from the downtown but few residential uses and essential services (e.g., groceries) in the downtown, many people must rely on private automobiles to get the services they need.
- **Climate Change:** Climate change is expected to bring more extreme rainfalls and storm flooding, warmer temperatures, and sea level rise to Amherst<sup>3</sup>. Adapting to and mitigating climate change will be important over the planning period.
- **Ageing Infrastructure:** A significant portion of Amherst's infrastructure is older, and at a higher risk of needing maintenance and financial investment. Over 50% of the drinking water pipes and 54% of sewer pipes in Amherst are more than 50 years old, and the Town could face challenges over the next decade with financing the upkeep of this infrastructure.

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<sup>1</sup> Statistics Canada. Retrieved from: <https://www12.statcan.gc.ca/census-recensement/2006/dp-pd/prof/92591/details/page.cfm?Lang=E&Geo1=CSD&Code1=1211011&Geo2=PR&Code2=10&Data=Count&SearchText=Amherst&SearchType=Begins&SearchPR=01&B1=All&Custom=>

<sup>2</sup> Statistics Canada. Retrieved from: <https://www12.statcan.gc.ca/census-recensement/2021/dppd/prof/details/page.cfm?Lang=E&SearchText=Amherst&DGUIDlist=2021A00051211011&GENDERlist=1,2,3&STATISTIClist=1&HEADERlist=0>

<sup>3</sup> Province of Nova Scotia. (n.d.). Climate impacts. Retrieved from: <https://climatechange.novascotia.ca/climate-impacts>

## 1.3 Amherst at a Glance

### 1.3.1 Demographics

The Town of Amherst's total population has remained relatively stable over the last 25 years. Between 1996 and 2021, the town experienced a marginal decrease in its population of 2.7%—small in comparison to the 9.7% decrease in population for all of Cumberland County over the same period. Despite a relatively stable population, however, the demographic profile of the town has continued to shift, which will impact the form and function of the community over the next decade.

Amherst has an ageing population. Like many Canadian and Atlantic Canadian municipalities, older residents are making up a larger proportion of the population than previously. Between 1996 and 2021 the total number of residents aged 65 to 84 grew by more than 35%, and the number of residents over the age of 85 grew by almost 40%. Comparatively, between 1996 and 2021 the youth (0 to 19 years old) and working age (20 to 64 years old) populations decreased by 22% and 7%, respectively. These demographic patterns suggest that Amherst is attracting older residents who may be either looking for smaller and alternative housing options that are not available in nearby counties, or looking to be closer to the services they need, such as groceries and healthcare.

The loss of youth and working age population is an indication of the broader trends among these cohorts leaving smaller communities and likely moving to larger urban centres to better access to education and employment opportunities.

While the population characteristics noted above will continue to have a significant impact on Amherst's demographic profile, there are indications that the town's population size and dynamics may have changed since 2021. Positive net interprovincial migration rates in Nova Scotia and high international immigration levels into Canada over the previous five years may have increased Amherst's working age cohort and increased its ethnic diversity. The level to which immigration and migration have affected the demographic profile will not be fully understood until after the 2026 Census is complete.

### 1.3.2 Economy

Amherst has a strong local economy that contributes to the vitality of the town. The town is home to nearly 500 businesses, which span a variety of industrial and commercial sectors. Not only do these industries serve the many local and regional residents and businesses, but they provide employment opportunities to the residents of Amherst.

Healthcare and social assistance services also employ a large proportion of the town's population, likely influenced by the presence of the neighbouring Cumberland Regional Health Care Centre.

### 1.3.3 History

The Town of Amherst is located in the traditional and unceded territory of the Mi'kmaq, who thrived on the land due to its abundance of fish, fowl, and other wildlife. The population in and around Amherst began to grow following the arrival of the Acadians, as extensive dike-building provided more arable land. By the mid-1700s, Amherst was emerging as a centre in Nova Scotia. The town experienced unprecedented industrial growth following the extension of the railway service in 1872. Today, the legacy of Amherst's rich history is still evident through the protected dike lands, the railway, the many red sandstone buildings, and the town's industrial core.

## 1.4 Governance in Amherst

### 1.4.1 Town Council and Committees

Town Council is the elected body that undertakes the duties and responsibilities given to the Town of Amherst. The Town was incorporated in 1889 and is governed by six Councillors and the Mayor. These seven individuals are responsible for decision-making in Amherst, including establishing budgets and making decisions on land use planning matters.

To support Town Council in its decision-making, there are several committees of Council which include Council members and sometimes members of the public.

### 1.4.2 Town Responsibilities

The Town of Amherst, through Town Council, provides several services to the residents and businesses of the town. In addition to the provision of infrastructure, such as roads, sewer, and water, the Town provides fire and police protection services, recreational services, and land use planning services.

Like all municipalities in Nova Scotia, the Town of Amherst is given its responsibilities through Provincial Legislation—the *Municipal Government Act* (or in the case of the Halifax Regional Municipality, the *Halifax Charter*). The *Municipal Government Act* or “Act”, details what municipalities can and must do to fulfil their roles. The Act also establishes what municipalities can regulate through land use planning and the minimum standards that must be met through land use planning.

## 1.5 Statements of Provincial Interest

The Province of Nova Scotia has established six “Statements of Provincial Interest” as a way to ensure municipalities across Nova Scotia are functioning under the same planning framework and protecting the interests and values held across the province. These statements are intended to guide the actions taken by municipalities, especially with respect to supporting sustainable growth and development. Of the six Statements of Provincial Interest, five are applicable in the Town of Amherst:

### **Statement of Provincial Interest Regarding Drinking Water**

⇒ *To protect the quality of drinking water within municipal water supply watersheds.*

The Town of Amherst does not contain any public drinking water supplies within its boundaries. The Town’s water supply comes from the North Tyndall wellfields located within the Municipality of the County of Cumberland. Section 4.2.3 includes policies for collaborating with the Municipality on the protection of this wellfield.

### **Statement of Provincial Interest Regarding Flood Risk Areas**

⇒ *To protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains.*

This Municipal Planning Strategy and its related Land Use Bylaw recognize the importance of protecting people and property from flood hazards. Under the Canada–Nova Scotia Flood Damage Reduction Program, no flood risk areas have been designated within Amherst; however, local knowledge and mapping from the Upper Fundy Region Watersheds Municipal Flood Line Mapping (2023–25) identify areas at risk, including the northern parts of the Town along the marsh and Dickey Brook. Development in these areas will be managed to reduce risks to public safety, minimize property damage, and avoid increasing upstream or downstream flooding. Restrictions will apply to new development in floodways, sensitive or hazardous land uses will be limited in flood-prone areas, and flood-proofing measures will be required where appropriate. Policies will be updated as additional flood mapping or provincial guidance becomes available to ensure that development in Amherst is safe and sustainable.

### **Statement of Provincial Interest Regarding Agricultural Land**

⇒ *To protect agricultural land for the development of a viable and sustainable agriculture and food industry where applicable within the town's boundaries.*

As described in more detail in Section 5.7.3, the Town of Amherst is built on good agricultural soils as defined by this Statement of Provincial Interest. However, agriculture is challenging within the Town's boundaries due to the fragmentation of lands. More importantly, the town contains significant infrastructure that falls within the Statement of Provincial Interest Regarding Infrastructure, and development utilizing this infrastructure can help reduce development pressure on surrounding rural lands where agriculture is more viable.

### **Statement of Provincial Interest Regarding Infrastructure**

⇒ *To make efficient use of municipal water supply and municipal wastewater disposal systems.*

The Town of Amherst is serviced by sewer and water systems, as well as an extensive network of public roads. As described in more detail in Section 4.2.3, this Municipal Planning Strategy and its related Land Use Bylaw are fundamentally built on the approach of making the fullest use of these infrastructures to ensure their efficient and financially sustainable operation.

### **Statement of Provincial Interest Regarding Housing.**

⇒ *To provide diverse housing opportunities for all Nova Scotians by including provisions for various housing types. This includes supporting higher densities, smaller lot sizes, and reduced yard requirements to promote an inclusive and accessible community.*

This Municipal Planning Strategy and its related Land Use Bylaw are built around the idea of enabling and encouraging investments in diverse housing types. Minimum lot sizes have been reduced and the number of permitted units on a lot have been increased compared to previous planning documents, manufactured housing is permitted through the Land Lease Community Zone, and residential uses are enabled in commercial zones.

⇒ **Policy 1-1: It shall be the policy of Council to develop and implement policies that reflect and support these Statements of Provincial Interest, ensuring that municipal planning aligns with provincial objectives and promotes sustainable, coordinated development.**

## 1.6 How to Use this Municipal Planning Strategy

This Municipal Planning Strategy (“Plan”) plays a specific role in guiding the future of the Town of Amherst through its policies. These policies represent the statements of Council regarding growth and development in Amherst, as well as additional aspects of life in the town. The policies that are directly related to land use and development are typically implemented through the Land Use Bylaw, which contains the standards and specifications for land use development, or the Subdivision Bylaw, which contains the standards and specifications for dividing land.

### 1.6.1 Document Organization

This Municipal Planning Strategy is divided into six chapters:

1. The **Introduction and Context** chapter provides contextual information about the Town of Amherst and how it is governed and distinguishes the purpose, role, and scope of the Municipal Planning Strategy.
2. **Plan Process** highlights how this Municipal Planning Strategy was developed, including a summary of the engagement activities that took place.
3. In Chapter 3, **Vision and Goals** for the Town of Amherst are established. These high-level statements will provide context and guidance to all policies within this plan.
4. The **Land Use Strategy** chapter establishes the blueprint for growth and development in Amherst by designation areas of the town for specific types of growth. The policies in this chapter will direct different scales and types of growth to different areas of the town.
5. **Policy Areas** is a chapter dedicated to specific topics and policy areas this plan will look to address. Policy areas include the economy, the environment, and transportation.
6. The plan must be implementable from a land use, administrative, and legal perspective. The **Plan Implementation** chapter provides the framework for the Town to implement this Municipal Planning Strategy and timeline for review.

## 1.6.2 Interpreting the Contents of this Plan

Because this plan is a statutory, legal document, the language within it is precise and specific to ensure the expectations of the Town and public and clearly articulated when it comes to growth and development in Amherst. In this plan:

- “may” is permissive and typically indicates a future action for which the Town has policy support to undertake, but is not obliged to undertake; and
- “shall” is imperative and indicates a duty to act, which is typically implemented through the Land Use Bylaw or Subdivision Bylaw.

Additionally, this Plan uses illustrations, images, and maps to provide context to support the policies within. For greater clarity:

- Diagrams, sketches, or photos in this plan are provided for illustration purposes only and do not form the legal basis of this plan.
- Schedules, which are provided at the end of the Plan, form part of this Plan and its legal foundation, and they should be read in concert with the policies of this Plan.

Finally, nothing in this Plan will affect the continuance of uses or developments that were lawfully in existence as of the date of this Plan coming into effect. Development that was legally initiated prior to the existence of planning in the Town or under a previous set of planning policies and regulations can continue without needing to “come into compliance” with any regulatory or policy changes, subject to provisions for non-conforming uses and structures in Section 6.4 of this plan.

# 2. PLAN PROCESS



## 2.1 Basis of Plan Review

Before the adoption of this Plan and accompanying Land Use Bylaw, the planning policies and regulations in effect in the Town of Amherst were largely developed in 2005. This represented a nearly 20-year gap (2005 to 2022) between comprehensive reviews of the Town's municipal planning strategy—a period where many micro- and macro-level changes occurred in Amherst and abroad.

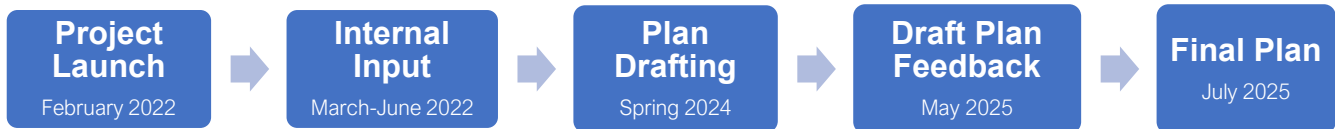
The review and update of the Town of Amherst's Municipal Planning Strategy and Land Use Bylaw also came in the midst of the COVID-19 pandemic. The pandemic had immense impacts on local and provincial economics and resulted in sizeable shifts in real estate markets, settlement patterns, and workforce trends across Nova Scotia, including in Amherst. The review of the Town's Municipal Planning Strategy and Land Use Bylaw represented an opportunity to update the planning documents to match these emerging trends.

## 2.2 Plan Development

The development of this Municipal Planning Strategy and Land Use Bylaw was completed under the project name “Plan Amherst.” Plan Amherst was a highly interactive and iterative process that involved significant background research, public consultation, and policy and regulatory development. The project was led by the Town’s Department of Planning and Economic Development in collaboration with the Town’s Planning Advisory Committee and Chief Administrative Officer.

The project officially launched at the February, 2022 Planning Advisory Committee meeting where the project was introduced to the Committee and community. Immediately following the project launch, from March to June 2022, the initial engagement phase took place. As part of this initial engagement the project team sought to collect information from residents, community members, and stakeholders about the future of Amherst. Following the conclusion of the initial input phase, the project team drafted a Municipal Planning Strategy and Land Use Bylaw, which was released to the public.

The second phase of engagement was focused on testing the draft documents to ensure they aligned with the community’s vision for the future. This was followed by refinement of the documents and then the formal adoption process.



## 2.3 Public Engagement

The public engagement for Plan Amherst was separated into two phases:

- Initial Engagement Phase, and
- Draft Engagement Phase.

### 2.3.1 Initial Engagement

The initial phase of engagement sought to gather input from residents and stakeholders to determine their priorities for the new Municipal Planning Strategy and Land Use Bylaw. Residents, community members, and other stakeholders were asked to share their perspectives and insights on land use and development in the Town of Amherst and to share their vision for the future of the community. Between March and June of 2022, a series of in-person and online engagement events were held to gather information from the public. Both the in-person and online events were promoted using several tools and methods, including:

- the Town’s website and social media;
- the project website;
- postcards, promoting the project website details and a “call to action” question; and
- an email listserv developed throughout the project.

The engagement activities for the initial phase of consultation for Plan Amherst included:

- A public survey (available online and hard copy upon request) with 336 respondents.
- An online mapping exercise with 284 unique visitors, over 700 page visits, and 37 comments.
- A Community Vision Workbook with four submissions.
- Two in person public workshops and one online public workshop, which were attended by nearly 20 individuals.

In addition to the input collected above 25 individuals representing a variety of community groups, businesses, and non-profit organizations, were interviewed or took place in group discussions.

### 2.3.2 Draft Plan Engagement

The second phase of engagement aimed to gather input from residents and stakeholders, seeking their feedback on the draft Plan. Participants were asked if the proposed changes to the Municipal Planning Strategy and Land Use Bylaw documents reflect the diverse needs of the community. In May 2025, the Town hosted a series of in-person and online engagement activities including a public meeting, online feedback form, and pop-up booth at the Amherst Home Show. Respondents to the draft engagement were generally pleased with the draft documents, and most of the comments addressed minor adjustments to strengthen policy related to topics such as housing and the environment.

## 2.4 Key Engagement Topics and Issues

### 2.4.1 Community Strengths

Engagement participants identified a number of strengths that drew them to the community (or have kept them here), make Amherst a good place to live, and can form a strong foundation for the future. These included the town's central location and access to regional infrastructure, the small-town atmosphere, social connections and a sense of community, and great access to nature and trails. Housing affordability has also traditionally been a strength of the community and a reason why many engagement participants moved to the community, though this has changed in recent years.

### 2.4.2 Housing

The Town of Amherst has not been immune to the trends in housing affecting Nova Scotians. While the relative affordability of housing (compared to other areas of Nova Scotia and Canada) has been a key driver in attracting new residents to the Town, this influx has also driven up property values and taxes, affecting fixed and low-income homeowners the most. In addition to rising home prices, residents feel the current housing stock is not meeting the diverse housing needs of the community. Similar issues are being faced by renters, as issues around the availability, affordability, and suitability of rental units available in the town came up often.

The increasing number of individuals experiencing homelessness in Amherst came up as a concern for many residents, and it was brought up that community support resources are limited in the town. However, there is a general understanding that housing is a complex issue and that further support beyond housing is needed.

### 2.4.3 Social Issues

There is a strong desire to see a more inclusive community where people of various backgrounds, ethnicities, and socioeconomic statuses are living together in a more integrated way. While the small-town feel of Amherst attracted many to move to the Town, not everyone has felt included or as part of the community. The divisions between long-time and newer residents, ethnic backgrounds, and along socioeconomic lines have left many feeling isolated, which was further exacerbated by the COVID-19 pandemic. Differences along socioeconomic lines also translate into other areas, as many felt that there is an unequal distribution of amenities, services, and funds across the town.

Substance use disorders in Amherst were brought up as a concern due to the gap in services and supports available to address them. Many also wanted to see more opportunities for awareness and education on substance use disorders in the town.

#### 2.4.4 Economic Development

Across engagement methods, residents saw Amherst as the hub of the Maritimes due to its central location, but many perceived a lack of capitalization on this identity. Instead, it was repeated several times that the town was mainly seen as a place to pass by on the way to other communities, leading to missed economic opportunities. A key concern was the limited variety of shopping and dining options for residents and visitors, which has contributed to the loss of vibrancy in the town. This gap was seen as more pronounced in the downtown area, with several calls for its revitalization and improved maintenance. The lack of a grocery store downtown was also seen as a detriment for residents and workers in the area. Some residents feel that there is a limited variety of employment opportunities, which was seen as discouraging for younger professionals to move to Amherst and for younger generations to stay in town. There is also a general concern about the effects of the housing shortage on the economy, as this was perceived as a deterrent for people and for new businesses to come to the Town.

#### 2.4.5 Transportation

The lack of transportation options available in Amherst limits residents' ability to access events and opportunities, which particularly affects seniors, new immigrants, individuals with low income, and students. Residents expressed a strong desire to have an affordable, public transit system in place, as taxis are currently the only option for those who are not able to travel by private vehicle or for whom active transportation is a challenge. While there are opportunities for active transportation, residents felt that services and amenities were located too far away for them to reach by walking. Also, residents expressed that transportation infrastructure needs urgent improvements, as the quality and conditions of roads and sidewalks make it unsafe for them to be used.

#### 2.4.6 Services and Amenities

Throughout the engagement process, several respondents expressed that services and amenities for younger people are limited in Amherst. Without more opportunities, programs, and activities for this age group, residents anticipated young people leaving the town. Additionally, the lack of accommodations for visitors was seen as hindering the town's ability to host more events and welcome visitors. Many respondents expressed the difficulties that residents have in accessing health care. From the lack of walk-in clinics to the lack of a palliative care facility for an ageing demographic, many expressed their frustration at the situation. The gap in access to health care is exacerbated by the shortage of hospital staff and challenges with recruitment.

### 2.4.7 Recreation

Space and programming emerged as the main issues related to recreation in Amherst. On the one hand, the current facilities are not meeting the needs of the town. Residents wished to see a space that could host a variety of sports and events, as well as safe accessible leisure spaces for teens and youth. On the other hand, gaps in programming variety for different age groups was also identified. Many respondents have a strong desire to make recreation as accessible and low-barrier as possible, and this was seen as an opportunity to improve social cohesion, especially for newcomers.

### 2.4.8 Parks, Trails, and Open Space

For a town of its size, Amherst has a considerable number of parks, trails, and open spaces. This was a key reason why many decided to move to Amherst. There was a strong desire to continue to improve the town's trail system, including its signage, which was seen as potentially benefiting residents and visitors alike. Residents also wanted to see better maintenance of the trail system, as well as its expansion and connectivity to the broader network of active transportation facilities.

# 3. GUIDING VISION AND GOALS



### 3.1 A Vision for the Future of Amherst

A vision statement has been adopted in this Municipal Planning Strategy to ensure Town Council, residents, and other stakeholders are working towards the same common future. Vision statements are meant to be aspirational and ambitious, and they provide a benchmark for all decisions made by the Town Council, irrespective of changes in the Town’s leadership, management, or plans.

In 2021, Town Council adopted a vision as part of its Strategic Plan—a plan that included updating the Town’s Municipal Planning Strategy and Land Use Bylaw as a key project. That vision has been adopted as the Vision for this Municipal Planning Strategy:

*Our vision is to be a healthy, prosperous, inclusive, and environmentally sustainable community in which people of all ages, abilities, and cultures are engaged and proud to live, work, and play*

⇒ **Policy 3-1: Council shall, through the policies and maps of this Municipal Planning Strategy and the Land Use Bylaw, implement the vision for the Town of Amherst.**

## 3.2 Goals

While vision statements represent high-level, immeasurable aspirations and ambitions, goals are meant to be long-term results that the community wants to achieve. To support the vision statement, this Plan establishes a series of ten goals that the Town and community will look to achieve or strive towards over the life of this Plan.

The implications of the Municipal Planning Strategy and Land Use Bylaw are important for growth and development, but there are limitations to the extent to which the Town can actively pursue its goals. For this reason, the following language has been adopted for the goals of this plan:

- Where “Support” is used, Council has limited ability to achieve the goal through its planning documents.
- Where “Promote” is used, Council has some ability to achieve the goal through its planning documents.
- Where “Ensure” is used, Council has direct control to achieve the goal through its planning documents.

The following ten goals will guide growth and development in Amherst over the next decade:

1. Promote a systematic and efficient use of land through the allocation of appropriate land for residential, commercial, industrial, open space, and mixed-use development.
2. Promote the efficient and financially-sustainable use of town services, including roads, water, and sewer.
3. Promote vibrant, diversified, and well-designed commercial areas, including in the downtown core and highway commercial areas.
4. Continue to support existing and new industrial operations and pursue the potential expansion of the Industrial Park.
5. Support the preservation of the historical integrity of the built environment.
6. Promote a diversity of housing options, including types and tenures, throughout the town to support current and future residents in acquiring adequate housing.
7. Promote a land use planning framework that looks to reduce and prevent land use conflicts.
8. Ensure that environmentally sensitive or significant areas are protected from human development.
9. Ensure that human development avoids hazardous locations when possible, and when development is necessary in hazardous locations it is carried out with the abundance of caution, and that any associated risks are mitigated.

10. Ensure there is a clear and transparent framework and process in place for land use policy and regulation.

⇒ **Policy 3-2: Council shall, through the policies and maps of this Municipal Planning Strategy and the Land Use Bylaw, implement the goals for the Town of Amherst.**

# 4. LAND USE STRATEGY



## 4.1 A Strategy for Land Use

This Chapter sets about the policies and strategies for how the Town of Amherst will manage growth and development. These policies and strategies are foundational to land use planning in the Town of Amherst.

## 4.2 Managing Growth and Development

This Section establishes policies for the management of growth and development throughout Amherst.

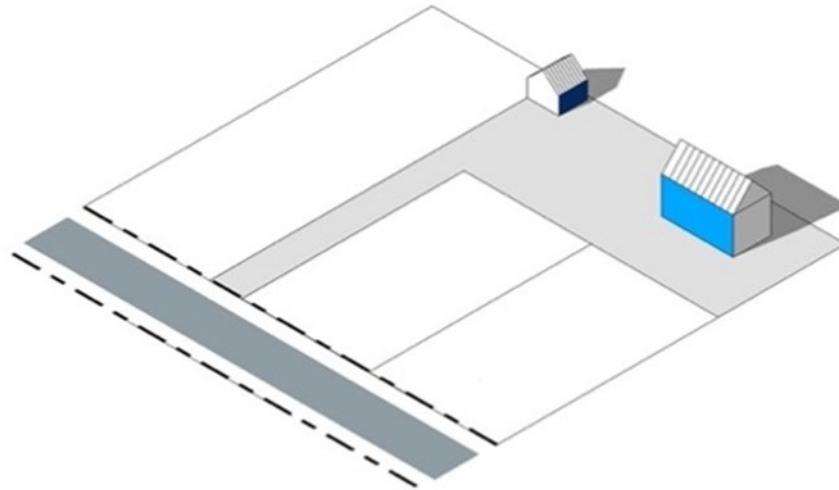
### 4.2.1 Buildings and Lots

Within Amherst, the built form and development pattern will need to be appropriately managed to ensure future growth and development contributes positively to the town, but also to ensure it is well integrated with and complimentary to existing land use patterns.

- ⇒ **Policy 4-1: Council shall, through the Land Use Bylaw, regulate the size, location, and number of buildings on a lot. The regulations shall reflect the intent of each specific land use zone within the Land Use Bylaw.**
- ⇒ **Policy 4-2: Council shall, through the Land Use Bylaw and Subdivision Bylaw, regulate the size of lots created in Amherst to ensure they are in keeping with the intent of each specific land use zone and in alignment with the availability of municipal water and sewer.**
- ⇒ **Policy 4-3: Council may, through the Land Use Bylaw, relax lot area and frontage requirements for undersized lots existing on the date of the Bylaw's adoption.**

## 4.2.2 Flag Lot Development

Flag lot development, as the name suggests, is a style of development that takes place on a lot shaped like a flag on a pole. These types of lots are normally situated behind lots abutting the street, but have a narrow driveway, or 'flag pole', that provides access to the lot.



Flag lot development can help to maximize the use of land by enabling development on land that may otherwise go unused.

Council sees value in permitting flag lot development in Amherst but will include provisions within the Land Use Bylaw to mitigate potential challenges created by this style of development.

⇒ **Policy 4-4: Council shall, through the Land Use Bylaw, regulate the development of flag lots to mitigate potential land use conflicts.**

## 4.2.3 Infrastructure and Services

The Town of Amherst and its residents are served by a comprehensive infrastructure system. However, maintaining this infrastructure requires constant capital and human resource investments. For this reason, it is critically important that existing services are used most efficiently by promoting development in areas where services already exist and maximizing the use of those services where possible. There are several benefits to promoting growth areas where services already exist:

- More efficient use of services lowers the operating and maintenance costs for the Town, meaning funds can be directed to upgrade ageing infrastructure or to other programs.
- It helps to support infrastructure and services that may not be feasible with lower-density development, such as public transit.

- It promotes development that is closer together, which enables easier access to services for pedestrians and active transportation users, contributing to better social, physical, and mental health.

The Town of Amherst gets its drinking water from the North Tyndall Wellfield—a series of four drinking water wells located 15 kilometres north of the town. The North Tyndall Wellfield is a protected wilderness area where significant development is prohibited in order to protect the water source. Additionally, the Municipality of the County of Cumberland has strict development controls on the North Tyndall Wellfield in its planning documents.

- ⇒ **Policy 4-5: Council shall, through the Land Use Bylaw, encourage the efficient use of central services in Amherst by permitting smaller lots and lot frontages in residential and commercial areas.**
- ⇒ **Policy 4-6: Council shall, through the Land Use Bylaw, require developments to connect to sewer services, where available. Unserviced developments may be permitted provided they meet the requirements and enabling criteria established in the Land Use Bylaw.**
- ⇒ **Policy 4-7: Council shall, through the Land Use Bylaw, permit public and private utilities, with the exception of electrical generation facilities, in all land use zones.**
- ⇒ **Policy 4-8: Council shall continue to lead in the protection of the long-term viability of the North Tyndal Wellfield.**
- ⇒ **Policy 4-9: Council shall continue to cooperate with the Municipality of the County of Cumberland and Province of Nova Scotia regarding the protection of the North Tyndal Wellfield where appropriate.**
- ⇒ **Policy 4-10: Council shall continue to pursue the acquisition of land within the North Tyndal wellfield as ownership opportunities present themselves and such purchases would contribute to the long-term preservation of the wellfield as a drinking water source for the town.**
- ⇒ **Policy 4-11: Council shall continue to maintain an appropriate short term backup water supply(s) in the event that transmission from the North Tyndal Wellfield is interrupted or the supply is compromised.**

## 4.3 Community Structure

Land use designations are a policy tool that guides the types and forms of development, and they are represented on the Future Land Use Map (Schedule 'A' of this Municipal Planning Strategy). These designations establish the high-level policy direction for specific areas of town and they prescribe certain types of uses and development for these areas. Each land use designation is supported by a series of land use zones outlined in detail within the Land Use Bylaw that implement the specific policies of each land use designation.

⇒ **Policy 4-12: Council shall, within this Municipal Planning Strategy, and on Schedule 'A', the Future Land Use Map, establish the following land use designations:**

- a. **Residential Designation,**
- b. **Commercial Designation,**
- c. **Industrial Designation, and**
- d. **Comprehensive Development Designation.**

## 4.4 Residential Designation

### 4.4.1 The Residential Designation and Permitted Zones

There is a large diversity in the residential built form in Amherst, tied to economic and demographic shifts that have occurred over the past 200 years. Large, stately homes, associated with Amherst's past industrial prosperity during the 20th century, are juxtaposed with more modest dwellings and mini homes, built in more recent times. But beyond the diversity in built form, there is also a significant diversity in the type and tenure of housing in Amherst.

Council intends to continue to facilitate a mix of housing types which reflect the diversified needs, income levels, ages, and lifestyles of town residents.

- ⇒ **Policy 4-13: Council shall, on Schedule 'A', the Future Land Use Map, designate "Residential" lands that are predominantly residential in character and intended to remain as such.**
  
- ⇒ **Policy 4-14: Council shall, on the maps of the Land Use Bylaw, permit the following zones in the Residential Designation:**
  - a. **General Residential Zone;**
  - b. **Land Lease Community Zone;**
  - c. **Neighbourhood Commercial Zone;**
  - d. **Institutional Zone;**
  - e. **Open Space Zone; and**
  - f. **Flood Plain Zone**

### 4.4.2 General Residential Zone

The General Residential Zone intends to establish a framework to promote diversity in the type and tenure of housing in Amherst using a range of planning tools to ensure they are developed appropriately.

The General Residential Zone includes all primary residential areas of the town, except those within the Land Lease Community Zone. The General Residential Zone will not only accommodate existing residential forms but is intended to promote infill development as well as appropriate medium- and higher-density residential development. Where medium- and higher-densities of housing are proposed, an applicant will be required to meet additional standards to ensure the proposed development can be appropriately integrated into the built form and neighbourhood.

- ⇒ **Policy 4-15: Council shall, through the Land Use Bylaw, establish the General Residential Zone that will permit a range of residential uses and densities throughout the Town of Amherst.**
- ⇒ **Policy 4-16: Council shall apply the General Residential Zone on the zoning maps of the Land Use Bylaw to all residential areas of the Residential Designation except where other specific land use zones are applied.**
- ⇒ **Policy 4-17: Council shall permit in the General Residential Zone a range of low-density residential uses, including, but not limited to single dwellings, double dwellings, and townhouse and multi-unit dwellings up to six units and boarding houses with up to six sleeping units.**
- ⇒ **Policy 4-18: Council shall permit, by site plan approval, in the General Residential Zone: grouped dwellings up to five dwellings, multi-unit dwellings with seven to twelve units, townhouse dwellings with seven to twelve units, boarding houses with seven to twelve sleeping units, supportive housing with seven to twelve housing units, and nursing homes and homes for special care with seven to twelve sleeping units.**
- ⇒ **Policy 4-19: Council shall consider entering into a development agreement for multi-unit developments with thirteen or more dwelling units and four to twelve-unit developments where the minimum zone requirements cannot otherwise be met, boarding houses with thirteen or more sleeping units, and converted dwellings that cannot otherwise meet Land Use Bylaw requirements within the General Residential Zone. Council shall only enter into such a development agreement if Council is satisfied:**
  - a. the proposal is situated along an arterial or collector street, or vehicular traffic from the development to the nearest arterial or collector street can be effectively managed;**
  - b. the architectural design of the building, including, but not limited to, building material and orientation; the location, orientation, and size of windows and doors; and the roof pitch and material is complementary and compatible with—but not necessarily the same as—surrounding land uses;**

- c. the bulk and massing of the building is complementary to and compatible with—but not necessarily the same as—neighbouring properties;
- d. the proposal is appropriately integrated into the built form of the existing neighbourhood through the use of setbacks and stepbacks;
- e. parking areas are planned and landscaped so as not to create adverse effects on neighbouring properties;
- f. stormwater runoff from impervious areas is appropriately managed and unlikely to cause disturbance on neighbouring properties or the natural environment; and
- g. the proposal complies with the general development agreement policies of Section 6.6 of this Plan.

⇒ **Policy 4-20: Council shall consider entering into a development agreement to enable proposals for a licensed restaurant open to the public as part of a bed and breakfast establishment within the General Residential Zone. Council shall only enter into such a development agreement if Council is satisfied:**

- a. the proposed development is sympathetic to any designated heritage property with 25 metres of the subject property;
- b. adequate parking facilities are provided on site, including safe access and egress to a street;
- c. the visual impact on adjacent property as well as the street is limited through the use of building design and orientation or through appropriate use of vegetation;
- d. the hours of operation are appropriate for the context;
- e. the square footage of the seating area is appropriate for the context;
- f. any outdoor seating, parking, lighting, signage or other elements are visually screened and sympathetic to adjacent property and the streetscape.
- g. the proposal complies with the general development agreement policies of Section 6.6 of this Plan.

### 4.4.3 Land Lease Community Zone

At the time of writing this plan, there are six mobile/mini home parks—otherwise known as “land lease communities”—located within Amherst. Land lease communities are residential developments where plots of unsubdivided land are leased and moveable dwellings are placed upon the plots of land. These developments often include complementary amenities such as small retail, day care services, and community centres for the residents of the mobile/mini home park.

Because mobile/mini homes are smaller in scale than traditional dwellings and tenants are not required to own the land their dwelling is situated upon, these types of residential development are typically more affordable than traditional forms of housing. Council is supportive of the continuation, and possible creation and expansion, of mobile/mini home parks within Amherst to promote the establishment of affordable housing. Given some of the unique aspects of this type of development (e.g. the lack of building foundation), the Town has also adopted additional regulations through the Land Lease Community Bylaw (the successor to the Mobile Home Bylaw) in 2013 to regulate land lease communities in Amherst.

- ⇒ **Policy 4-21: Council shall, through the Land Use Bylaw, establish the Land Lease Community Zone. This land use zone is intended to support predominantly land lease communities and mini and mobile home parks, but it will also support ‘traditional’ forms of housing such as single, double, townhouse, and multi-unit dwellings.**
- ⇒ **Policy 4-22: Council shall initially apply the Land Lease Community Zone on the maps of the Land Use Bylaw to the land lease communities and mini and mobile home parks existing on the date of this plan’s adoption.**
- ⇒ **Policy 4-23: Council shall, through the Land Use Bylaw, permit a range of residential uses within the Land Lease Community Zone, including mobile/mini homes and mobile/mini home parks. Single, double, and townhouse and multi-unit dwellings with six or fewer units shall also be permitted.**
- ⇒ **Policy 4-24: Council shall, through the Land Use Bylaw, permit grouped dwellings (small-option homes) up to five dwellings, multi-unit dwellings between seven and twelve dwellings, and townhouse dwellings between seven and twelve dwellings within the Land Lease Community Zone by site plan approval.**

⇒ **Policy 4-25: Council shall consider entering into a development agreement to enable proposals for multi-unit developments with thirteen or more dwelling units within the Land Lease Community Zone. Council shall only enter into such a development agreement if Council is satisfied:**

- a. the proposal is situated along an arterial or collector street, or vehicular traffic from the development to the nearest arterial or collector street can be effectively managed;**
- b. the architectural design of the building, including, but not limited to, building material and orientation; the location, orientation, and size of windows and doors; and the roof pitch and material is complementary and compatible with—but not necessarily the same as—surrounding land uses;**
- c. the bulk and massing of the building is complementary to and compatible with—but not necessarily the same as—neighbouring properties;**
- d. the proposal is appropriately integrated into the built form of the existing neighbourhood through the use of setbacks and stepbacks;**
- e. parking areas are planned and landscaped so as not to create adverse effects on neighbouring properties;**
- f. stormwater runoff from impervious areas is appropriately managed and unlikely to cause disturbance on neighbouring properties or the natural environment; and**
- g. the proposal complies with the general development agreement policies of Section 6.6 of this Plan.**

#### 4.4.4 Neighbourhood Commercial Zone

Just as there are needs for large-scale commercial uses in town, local neighbourhoods require immediate access to goods and services. Small grocery stores or convenience stores and cafés are examples of local uses in a neighbourhood that can make it an even better and more convenient place to live. Communities where residents can meet their day-to-day needs—or “complete communities”—help to promote social, cultural, and economic sustainability. Outside of Amherst’s major commercial areas, however, access to services and amenities within neighbourhoods is currently limited.

To help foster “complete communities” Council will establish the Neighbourhood Commercial Zone. This zone will be applied to existing small-scale retail uses in local neighbourhoods while also helping to promote the establishment of other local services and amenities that are needed within the town.

- ⇒ **Policy 4-26: Council shall, through the Land Use Bylaw, establish the Neighbourhood Commercial Zone to support small-scale commercial and community uses that serve local residential areas.**
- ⇒ **Policy 4-27: Council shall apply the Neighbourhood Commercial Zone to existing small-scale commercial uses within residential areas and shall not consider applications to rezone additional properties in the General Residential Zone to the Neighbourhood Commercial Zone. This approach ensures the protection of residential areas while maintaining access to local goods and services.**
- ⇒ **Policy 4-28: Council shall, through the Land Use Bylaw, permit commercial and residential uses in the Neighbourhood Commercial Zone, subject to General Residential Zone standards. Permitted commercial uses shall include retail stores, take-out restaurants, and eat-in restaurants.**
- ⇒ **Policy 4-29: Council shall, through the Land Use Bylaw, establish floor area maximums for commercial uses in the Neighbourhood Commercial Zone to promote appropriately scaled neighbourhood businesses.**

## 4.5 Commercial Designation

### 4.5.1 The Commercial Designation and Permitted Zones

The commercial areas of Amherst serve the 10,000 residents of the town, while also serving as the retail and service centre for the nearly 30,000 people who live in surrounding Cumberland County and Southeast New Brunswick.

In Amherst, there are two distinct, but mutually symbiotic commercial areas: the traditional downtown core and the highway commercial areas. These two areas offer different types of services, amenities, and user experiences, and both work towards the benefit of the town and community. The Commercial Designation will apply to both of these commercial areas, and support a variety of land use zones to promote and accommodate different scales and forms of commercial development while ensuring they all contribute to the overall quality of life in Amherst.

The Commercial Designation has also been applied to some residential areas, such as those along Albion Street and South Albion Street, where the uses are actively transitioning from residential to commercial. The application of the Commercial Designation in these areas will help to continue this transition by limiting regulatory barriers in the future.

- ⇒ **Policy 4-30: Council shall, on Schedule 'A', the Future Land Use Map, designate "Commercial" lands that are predominantly commercial in character, including the downtown core and the highway commercial area, and areas along major streets and roads that are actively transitioning from residential to commercial uses.**
  
- ⇒ **Policy 4-31: Council shall, on the maps of the Land Use Bylaw, permit the following zones in the Commercial Designation:**
  - a. **Business Park Zone;**
  - b. **Downtown Zone;**
  - c. **Highway Commercial Zone;**
  - d. **Mixed Use Zone; and**
  - e. **Neighbourhood Commercial Zone.**

## 4.5.2 Downtown Zone

Much of the commercial growth occurring in Amherst over the past two decades has occurred outside of the downtown core. Commercial growth has mainly occurred along South Albion Street and Robert Angus Drive in the form of big-box retailers and strip mall development. As cited in the Centre First: Downtown Amherst Action Strategy, this, “commercial shift from the downtown is not uncommon for many regional service centres in Canada, and overall, the economic activity and varied services and products that these commercial strips provide enhance the town’s economy and regional destination appeal.”

While big-box retailers and strip malls have a role to play in enhancing the quality of life in Amherst, downtowns are an indicator of the overall health of a community. A vibrant downtown helps to stimulate cultural and economic activity, preserve and highlight history and culture, and meet the needs of residents and visitors of the town. When planned appropriately, downtowns can also help to meet the diverse housing needs of residents and community members that are close to other services and amenities. However, there are currently spatial and land use gaps within the fabric of downtown Amherst that prevent it from achieving its full potential.

There is currently a lack of residential options in downtown, which is possibly linked to the higher challenges of building on small, confined sites and the increased building standards (e.g. fire separation) for mixed-use developments. In addition to the lack of certain uses, there are many parking lots in Amherst’s downtown that create physical gaps in the historic streetscape. A good planning framework can help turn these challenges into opportunities for a more vibrant downtown.

The intention of the Downtown Zone is to promote growth and development in Amherst’s downtown, while ensuring such development enhances, rather than detracts from, the impressive historic buildings that already exist within the downtown. This zone incorporates the findings from the Centre First: Downtown Amherst Action Strategy, which aims to transform downtown Amherst into a vibrant civic, cultural and shopping destination.

- ⇒ **Policy 4-32: Council shall, through the Land Use Bylaw, establish the Downtown Zone. This land use zone is intended to promote a wide range of commercial, residential, and light industrial uses that fit into the existing built form and character of Amherst’s traditional downtown.**
- ⇒ **Policy 4-33: Council shall apply the Downtown Zone on the zoning maps of the Land Use Bylaw to the traditional downtown core of Amherst.**
- ⇒ **Policy 4-34: Council shall, through the Land Use Bylaw, develop site design, material, lighting, signage, and parking regulations for the Downtown Zone to promote development that is in keeping with the traditional built form and appearance in the downtown.**

- ⇒ **Policy 4-35: Council shall, through the Land Use Bylaw, permit a range of commercial uses, including but not limited to, banks, restaurants, licensed establishments, offices, accommodations, clinics, and shops within the Downtown Zone. Multi-unit dwellings shall be permitted within commercial buildings, and stand-alone multi-unit buildings shall be permitted, subject to provisions within the Land Use Bylaw. Light manufacturing uses shall also be permitted.**
- ⇒ **Policy 4-36: Council shall permit vehicle-oriented uses and drive through establishments within the Downtown Zone, except where access is located on Church Street, Victoria Street East, and Havelock Street, King Street, Electric Street, or Ratchford Street.**
- ⇒ **Policy 4-37: Council shall consider entering into a development agreement to enable proposals for accommodations uses, business and professional office uses, and retail store uses where the new development will have a ground floor area in excess of 1,500 square metres within the Downtown Commercial Zone. Council shall only enter into such a development agreement if Council is satisfied:**
  - a. **the ground floor of the proposed development is designed to promote pedestrian convenience and interest;**
  - b. **any parking facilities provided on the site are designed and located to promote pedestrian convenience and interest, and generally be at the back of the property;**
  - c. **the location, height, bulk, and design of the building takes into account the surrounding streetscape and building designs.**
  - d. **the proposal complies with the general development agreement policies of Section 6.6 of this Plan.**
- ⇒ **Policy 4-38: Council shall consider, in the Downtown Zone, applications for ground floor residential uses by development agreement. In considering such proposals, Council shall ensure:**
  - a. **the residential use does not abut Church, Victoria and Havelock Streets;**
  - b. **that such a conversion will not detract from the commercial character of the surrounding streetscape; the proposal is consistent with the provisions in the Land Use Bylaw for residential uses in the Downtown Zone; and**

c. the proposal complies with the general development agreement policies of Section 6.6 of this Plan.

⇒ **Policy 4-39: Council shall permit residential uses located within the upper floors of any existing commercial building that increases the building envelope by no more than 30%.**

### 4.5.3 Highway Commercial Zone

As the regional service centre for tens of thousands of people and often the first point of contact for visitors arriving from New Brunswick or elsewhere in Nova Scotia, Amherst's highway commercial areas play a key role in the town's economy. Highway commercial uses in Amherst are concentrated along South Albion Street and Robert Angus Drive, but there is also an area at Exit 3 off of Highway 104.

The existing development in these areas can be characterized by large-format commercial buildings set back from the street to accommodate large parking lots between the street and the building. This form of development largely prioritizes automobile use; there is little space dedicated to pedestrians and the overall environment often makes pedestrians feel unsafe and unwelcome. Because of how this development has occurred, it has also created access control issues for car drivers; the large number of driveways and automobile access points along South Albion Street creates challenges for drivers existing and entering some of these properties.

Throughout the engagement for this Plan, residents and community members expressed their displeasure with the built form of the highway commercial areas of Amherst. They cited a lack of landscaping, the prioritization of automobiles, and an unwelcoming public realm as the major drawbacks to these areas, despite the commercial value they bring to the town.

The Highway Commercial Zone intends to promote large-scale, automobile-oriented commercial and light industrial uses, but with greater focus and attention paid to design and automobile access control than in past planning documents. New development of a certain size in the Highway Commercial Zone will be subject to the site plan approval process so the Town can have a finer-grained level of management over proposals to ensure they contribute to a positive built form.

⇒ **Policy 4-40: Council shall, through the Land Use Bylaw, establish the Highway Commercial Zone. This land use zone is intended to promote a wide range of large- and small-scale commercial, light industrial uses, and multi-unit residential uses within this zone.**

⇒ **Policy 4-41: Council shall apply the Highway Commercial Zone on the maps of the Land Use Bylaw to the commercial lands characterized by large-scale commercial and retail uses, and land uses primarily catering to a clientele arriving by automobile.**

- ⇒ **Policy 4-42: Council shall, through the Land Use Bylaw, permit within the Highway Commercial Zone a range of commercial, industrial, and institutional uses, including, but not limited to, banks, offices, display courts, light manufacturing, motor vehicle-oriented uses, and restaurants.**
- ⇒ **Policy 4-43: Council shall, through the Land Use Bylaw, permit existing agricultural uses within the Highway Commercial Zone, including the keeping of agricultural animals.**
- ⇒ **Policy 4-44: Council shall permit in the Highway Commercial Zone a range of residential uses, including multi-unit residential dwellings and townhouse dwellings, subject to the same standards within the General Residential Zone, except proposed residential developments with more than twelve units, which shall be permitted by site plan approval where the subject property is not located within 200 metres of any other zone except the Industrial Zone.**

#### 4.5.4 Business Park Zone

The Business Park Zone is intended to serve as a transitional area between the Highway Commercial and Industrial Zones. This zone will accommodate a diverse mix of high-end commercial, light industrial, and larger multi-unit residential developments, supporting economic growth while ensuring compatible land use relationships.

From a land use perspective, the Business Park Zone provides an opportunity to cluster business activities that benefit from proximity to major transportation routes, while maintaining a high standard of development and minimizing potential conflicts with surrounding areas. The range of permitted uses includes motor vehicle sales, hotels, light manufacturing, heavy equipment sales establishments, business and professional offices (including research and development), large retail and wholesale stores, and storage facilities.

Council's intention to establish this zone within the town where business park-style development can thrive, while contributing to Amherst's role as a regional economic centre. Through the Land Use Bylaw, the Business Park Zone will be applied to the extension of the industrial park area to support future growth and provide a flexible framework for a variety of business and employment-generating uses.

- ⇒ **Policy 4-45: Council shall, through the Land Use Bylaw, establish the Business Park Zone. This land use zone is intended to promote a wide range of high-end commercial, light industrial uses, and large multi-unit residential uses within this zone.**

- ⇒ **Policy 4-46: Council shall, through the Land Use Bylaw, permit business uses suited to a business park, including, but not limited to, motor vehicle sales, hotels, light manufacturing facilities, heavy equipment sales establishment, business and professional offices including research and development, large retail and wholesale store, storage facilities, and large residential development.**

#### 4.5.5 Mixed Use Zone

There are many areas within Amherst where land uses have gradually been transitioning from residential to commercial uses, especially along Albion and South Albion Street. In these areas it is common to see service and amenity shops on lots next to residential dwellings. Council will support this transition and continue to encourage a mixing of residential and commercial uses to allow residents to meet their needs in their immediate vicinity. Council will establish the Mixed Use Zone in the Land Use Bylaw to promote and encourage a mix of residential and commercial uses in Amherst.

- ⇒ **Policy 4-47: Council shall, through the Land Use Bylaw, establish the Mixed Use Zone. This land use zone is intended to permit a mix of residential and commercial uses.**
- ⇒ **Policy 4-48: Council shall apply the Mixed Use Zone on the zoning maps of the Land Use Bylaw to areas of the town transitioning from residential to commercial uses.**
- ⇒ **Policy 4-49: Council shall, through the Land Use Bylaw, permit commercial and residential uses within the Mixed Use Zone. Permitted uses shall include, but are not limited to, a range of residential and commercial uses. Existing light Industrial uses shall also be permitted.**
- ⇒ **Policy 4-50: Council shall, through the Land Use Bylaw, permit multi-unit dwellings and townhouse dwellings with seven to twelve dwelling units in the Mixed Use Zone by site plan approval.**
- ⇒ **Policy 4-51: Council shall consider entering into a development agreement to enable proposals for multi-unit developments with thirteen or more dwelling units within the Mixed Use Zone. Council shall only enter into such a development agreement if Council is satisfied:**
  - a. **the proposal is situated along an arterial or collector street, or vehicular traffic from the development to the nearest arterial or collector street can be effectively managed;**

- b. the architectural design of the building, including, but not limited to, building material and orientation; the location, orientation, and size of windows and doors; and the roof pitch and material is complementary and compatible with—but not necessarily the same as—surrounding land uses;**
- c. the bulk and massing of the building is complementary to and compatible with—but not necessarily the same as—neighbouring properties;**
- d. the proposal is appropriately integrated into the built form of the existing neighbourhood through the use of setbacks and stepbacks;**
- e. parking areas are planned and landscaped so as not to create adverse effects on neighbouring properties;**
- f. stormwater runoff from impervious areas is appropriately managed and unlikely to cause disturbance on neighbouring properties or the natural environment; and**
- g. the proposal complies with the general development agreement policies of Section 6.6 of this Plan.**

## 4.6 Industrial Designation

### 4.6.1 The Industrial Designation and Permitted Zones

The town's central location in the Maritimes, along with a stable population base makes it an ideal location as an industrial centre. Amherst's industrial area is more than 200 hectares in size (more than two square kilometres), and is currently home to about 40 businesses<sup>4</sup>.

From a land use perspective, industrial development is concentrated in the southeast corner of the town, which is conveniently located near two highway exits. Because industrial uses, such as manufacturing and processing, have the potential to create land use conflicts from the operation of the businesses (e.g., truck traffic, noise, etc.), these uses should be concentrated in a single area within the town. It is Council's intention to continue to generally separate industrial uses from the rest of the town through the use of the Industrial Designation. This designation is assigned to the existing Industrial Park and undeveloped areas that are being considered for expansion of the park.

- ⇒ **Policy 4-52: Council shall, on Schedule 'A', the Future Land Use Map, designate "Industrial" lands that are predominantly industrial in character and intended to remain as such.**
  
- ⇒ **Policy 4-53: Council may, in partnership with industry, senior levels of government, and other partners, extend Infrastructure to expand the Amherst and Area Industrial Park to Include properties south of Industrial Park Drive and south of the Trans-Canada Highway.**

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<sup>4</sup> Town of Amherst. (2019). Economic Dashboard Report.

## 4.6.2 Industrial Zone

With a single industrial area in the town, the intention of the Industrial Zone is to accommodate industrial development in the Industrial Designation.

- ⇒ **Policy 4-54: Council shall, through the Land Use Bylaw, establish the Industrial Zone and apply this zone to areas on the zoning maps of the Land Use Bylaw that are Intended for existing and future Industrial development.**
  
- ⇒ **Policy 4-55: Council shall, through the Land Use Bylaw, permit industrial uses suited to an industrial park, including, but not limited to, building supply and equipment depots, manufacturing and other industrial uses, kennel and animal hospitals, motor-vehicle oriented uses, self-storage facilities, and recycling depots. Office and retail uses shall be permitted if they are incidental to an industrial use.**

## 4.7 Comprehensive Development Designation

### 4.7.1 Comprehensive Development Designation and Permitted Zones

In some instances, the standard permitting process cannot be effectively applied to achieve the optimal development scenario for a property or set of properties. These situations typically arise when very large parcels of land are being proposed for development, when an extensive network of new service infrastructure is needed, or when properties with underlying circumstances make development challenging. In these cases, a more holistic approach to land use planning is needed.

Council will establish the Comprehensive Development Designation to ensure significant sites in Amherst are planned holistically so they are properly integrated into the fabric of the town and so any challenging land use circumstances are appropriately managed.

- ⇒ **Policy 4-56: Council shall establish, on Schedule 'A', the Future Land Use Map, the Comprehensive Development Designation to be applied to the lands known as the Enheat Site PID# 25023516.**

### 4.7.2 Comprehensive Development Zone

To implement the Comprehensive Development Designation, Council will establish the Comprehensive Development Zone. Development in this zone will proceed through the development agreement process, through which a range of uses can be proposed for Council's consideration. The development agreement process gives Town Council a finer level of management over a development proposal, which is needed for large or significant properties.

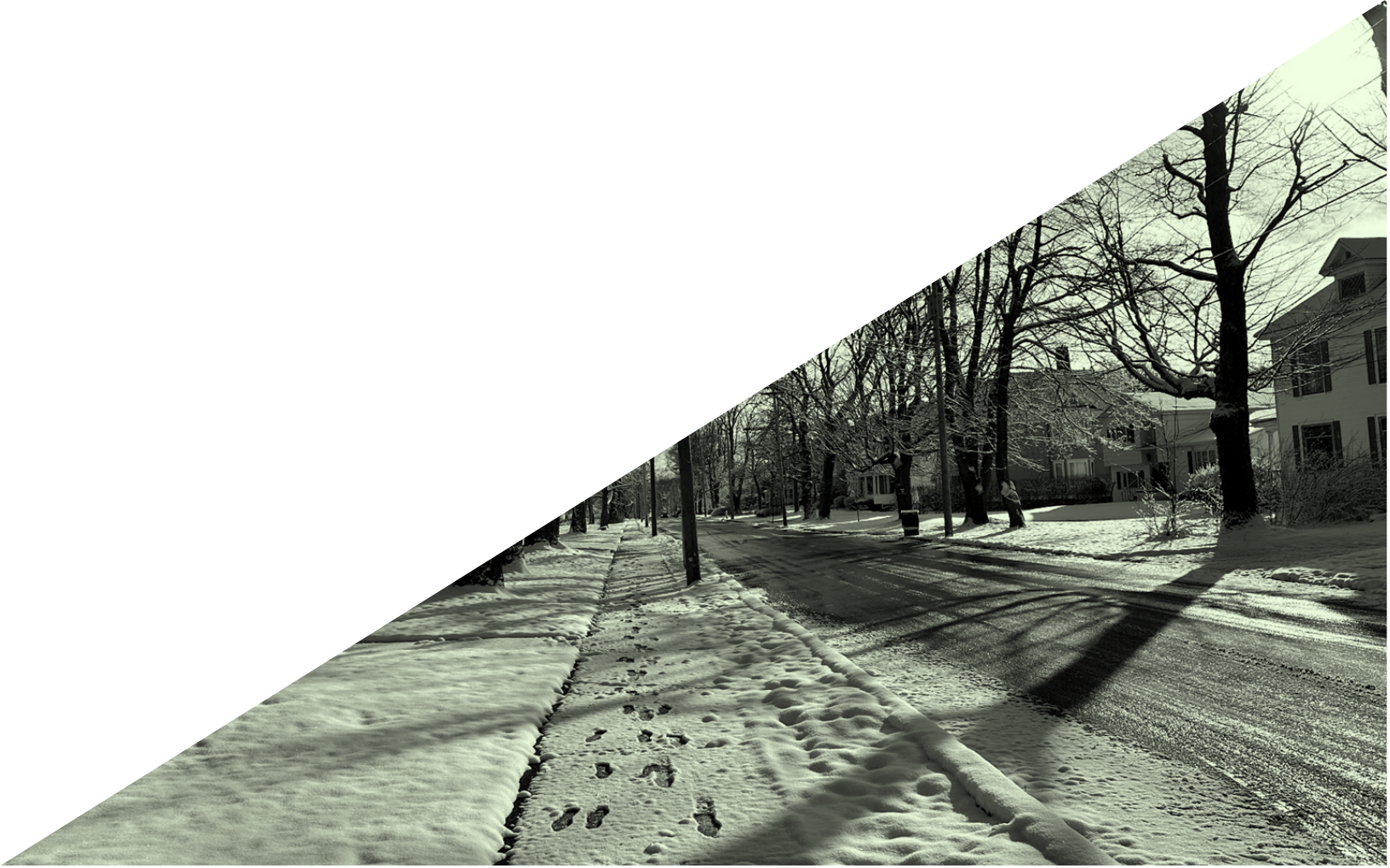
The Comprehensive Development Zone will be applied to the property known as the "Enheat" site (10 Lusby Street). The site has remained vacant since its sale in 1993 but given its size and central location possesses significant potential if developed appropriately.

- ⇒ **Policy 4-57: Council shall, through the Land Use Bylaw, establish the Comprehensive Development Zone. The intention of this zone is to enable comprehensive development of a site through the development agreement process.**
- ⇒ **Policy 4-58: Council shall apply the Comprehensive Development Zone on the zoning maps of the Land Use Bylaw to the property known as the "Enheat" site at 10 Lusby Street (PID# 25023516).**

⇒ **Policy 4-59: Council shall consider entering into a development agreement to enable proposals in the Comprehensive Development Zone for any use or uses permitted in any other land use zone of the Land Use Bylaw. Council shall only enter into such a development agreement if Council is satisfied:**

- a. **The planned area provides a mix of land uses appropriate to the site. This may, as appropriate, include a variety of residential types and densities, and a mix of commercial and community uses. Density beyond what is otherwise permitted in the town may be considered.**
- b. **The existing and proposed active and public transportation and automobile distribution networks within and adjacent to the site are adequate, including the manner in which proposed roadways within the development are linked with streets of adjacent developments to provide for a cohesive, grid-like network of local and collector streets and active transportation routes.**
- c. **The development does not create the potential to landlock or reduce the ability to subdivide adjacent parcels.**
- d. **The development provides for efficient pedestrian movement into, out of, and within the development, especially between commercial and residential neighbourhoods.**
- e. **The proposal provides for the provision of an adequate amount and quality of parkland, to be dedicated to the Town through the subdivision process.**
- f. **The phasing of the development is appropriate relative to the distribution of the specific land uses and infrastructure within all or a portion of the site.**
- g. **The development agreement contains appropriate architectural controls, site controls, and stormwater controls, which together create a feeling of relative human comfort and a quality and visual variety of streetscape and building design that promotes human-scaled developments conducive to active transportation.**
- h. **The proposal complies with the general development agreement approval policies of Section 6.6 of this Plan.**

# 5. POLICY AREAS



## 5.1 Policy Areas

The previous Chapter established policies for the management of land use within Amherst. This included the classification of the lands within the town by land use designations. There are, however, more specific topics, issues, and policy areas that require more detailed policies to ensure they are appropriately considered and managed over the planning period. This Chapter addresses these topic-specific policies.

## 5.2 Housing

Housing is one of the most basic of human needs. Every person needs housing that is safe, appropriate, and affordable. A lack of stable housing can have drastic negative effects on a person's physical, mental, and social well-being.

Towns and municipalities are generally limited in their ability to directly provide housing, including affordable housing. But, through land use planning municipalities can play an indirect role in the provision of housing by enabling different forms and densities throughout the town, which ultimately impacts the quality, availability, and cost of housing. This section establishes Council's policies to enable a wide variety of housing forms and densities within the town.

### 5.2.1 Housing Diversity and Affordability

The Canadian Mortgage and Housing Corporation (CMHC) defines housing as "affordable" if it costs less than 30% of a household's before-tax income. Housing diversity is a key factor in affordability, encompassing both tenure (ownership vs. rental) and housing types (single-family vs. multi-units). Amherst's housing stock consists of approximately 50% single-detached homes, 21% small-scale apartments (under five storeys), and the rest as two-unit and movable dwellings. Census data from 2021 indicates a shift toward rental housing and smaller households, with one and two-person households increasing. Housing costs also rose between the last two census periods, and further significant changes in both cost and tenure are expected to be shown in the upcoming 2026 census.

The COVID-19 pandemic, beginning locally in early 2020, accelerated housing market shifts due to interprovincial migration, labor shortages, supply chain disruptions, inflation, and rising interest rates. A 2023 Housing Needs Assessment found that many Amherst residents struggle with affordability:

- **Homeownership:** 30% of couples, 59% of lone parents, and 86% of single-person households earned below the income needed to afford the median home price.
- **Renting:** 10% of couples, 25% of lone parents, and 71% of single-person households earned below the income required for average rents in 2021.

These numbers have likely worsened and are not unique to Amherst, prompting all levels of government to prioritize housing access and affordability. Amherst Councils, past and present, have prioritized housing across the spectrum, implementing initiatives such as:

- Providing property and financial support for the Cumberland Homelessness and Housing Support Association to construct and operate an emergency shelter.
- Agreements and financial support for Hillside, an affordable development with potential for 600 units.

- Adopting the Housing Infrastructure Investment Policy to finance residential infrastructure expansion.
- Purchasing land and extending infrastructure to increase serviced vacant land.
- Approving approximately 600 new dwelling units over three years.

In addition to the above actions, Council gave direction to apply to the Federal Housing Accelerator Fund program that incentivizes municipalities to develop a Housing Action Plan to realize more housing. In March 2025 the town was awarded \$2.2 million to undertake five initiatives that include:

- Implementing E-permitting software to increase permit processing efficiency.
- Waiving permit fees for affordable housing.
- Allowing upper-floor conversions of downtown commercial buildings into residential units by right.
- Permitting accessory units and up to six-unit developments by right while reducing lot size requirements.
- Enabling 7-12 unit developments in residential zones and high-density projects in the Highway Commercial Zone via Site Plan Approval.

Given context outlined above, there is a need to more aggressively promote a variety of housing types and densities in both existing and future neighbourhoods in all areas of Amherst.

- ⇒ **Policy 5-1: Council shall, through the policies of this Plan, and through the Land Use Bylaw, promote a variety of housing types and densities across the Town of Amherst.**
- ⇒ **Policy 5-2: Council shall continue to work with senior levels of Government, as well as, not-for-profit and for-profit partners to increase the amount of affordable housing.**
- ⇒ **Policy 5-3: Council may make Investments in land and Infrastructure to support the creation of more housing.**

### 5.2.2 Accessory Dwellings

Accessory dwellings are residential dwelling units that are “accessory” or secondary to a main dwelling. These accessory dwelling units are smaller in floor area than a main dwelling, and they can be located in the same structure (sometimes called “basement suites”, “granny flats”, or “secondary suites”) or they can be located in a separate structure on the same lot (sometimes called “garden suites”, “carriage houses”, or “backyard suites”). Like all dwelling types, accessory dwellings must adhere to the Nova Scotia Building Code Regulations.

Under the Town’s previous planning documents, the development of accessory dwellings was relatively restricted. Backyard suites required a development agreement and were only permitted on lots containing single dwellings. Permitting these uses as-of-right could help to diversify the town’s housing stock, create affordable housing options and rental options, and help maximize land use efficiency without significantly impacting the built form and character of a neighbourhood. Council is generally supportive of expanding where backyard and basement suites are permitted within the town, and recognizes that they must be appropriately regulated to reduce the potential for land use conflicts.

- ⇒ **Policy 5-4: Council shall, through the Land Use Bylaw, permit accessory dwellings on lots with low-density residential uses to help diversify the town’s housing stock.**
- ⇒ **Policy 5-5: Council shall, through the Land Use Bylaw, establish regulations for the size, placement, parking needs, and subdivision of accessory dwellings.**

### 5.2.3 Supportive Housing

There is a diversity of housing needs in Amherst. This sometimes extends beyond simply the type of dwelling and tenure a person needs to the need for additional personal care within a dwelling. There is a spectrum of supportive housing, which can range from residential care facilities providing 24/7 care, to small options homes where adults have shared living arrangements, but which is supplemented by support workers. Council believes supportive housing options are an essential tool for meeting the housing needs of all residents in Amherst, and will take a policy and regulatory approach towards them that is the same as other dwellings of a similar scale.

- ⇒ **Policy 5-6: Council shall, through the Land Use Bylaw, permit supportive housing options in the Residential General Zone.**
- ⇒ **Policy 5-7: Council shall consider entering into a development agreement for proposals for supportive housing and nursing homes with more than twelve beds or units in any zone that permits residential uses. Council shall only enter into such a development agreement if Council is satisfied:**

- a. the proposal is situated along an arterial or collector street, or vehicular traffic from the development to the nearest arterial or collector street can be effectively managed;
- b. the architectural design of the building, including, but not limited to, building material and orientation; the location, orientation, and size of windows and doors; and the roof pitch and material is complementary and compatible with—but not necessarily the same as—surrounding land uses;
- c. the bulk and massing of the building is complementary to and compatible with—but not necessarily the same as—neighbouring properties;
- d. the proposal is appropriately integrated into the built form of the existing neighbourhood through the use of setbacks and stepbacks;
- e. parking areas are planned and landscaped so as not to create adverse effects on neighbouring properties;
- f. stormwater runoff from impervious areas is appropriately managed and unlikely to cause disturbance on neighbouring properties or the natural environment; and
- g. the proposal complies with the general development agreement policies of Section 6.6 of this Plan.

## 5.3 The Economy

Land use planning and the economy are inextricably linked. In the simplest form, land use planning helps to set land aside for economic development, whether that is in the form of housing, commercial uses, or industrial development. Land use planning also helps to protect land assets and investments by reducing land use conflicts. In creating a plan for the management of land use and development, it helps to create certainty for people looking to move to Amherst or establish businesses in the community. Land use planning can also help to shape the physical environment, and to create desirable places where people want to live, work, and do business.

### 5.3.1 Economic Development

With its central location in the Maritimes and strong commercial and industrial base, Amherst is well-positioned to capitalize on Atlantic Canada's growing economic significance. Amherst has a strong representation in the health care, social assistance, retail, and manufacturing sectors of the economy, and the tourism and manufacturing industries in Amherst have the potential for increased development. Council will support these industries, among others, by promoting and enabling their use throughout the town.

An important, but often not considered, factor of economic development is the availability of housing for workers and employees. The town needs an adequate supply of housing to attract new residents who may be willing to start a business, but also there is a need for housing to support growth in existing businesses. It is the intention of Town Council to support a variety of housing styles, tenures, and options to support resident and business attraction and retention.

- ⇒ **Policy 5-8: It Is the Intention of Council to work with all partners to support the attraction and retention of workers and business to Amherst.**
- ⇒ **Policy 5-9: Council shall, through the policies of this Plan, and through the Land Use Bylaw, establish a land use framework that promotes a variety of land uses throughout the town to support economic development.**
- ⇒ **Policy 5-10: Council shall, through the policies of this Plan, and through the Land Use Bylaw, promote and enable a diversity of housing options to ensure current and future employees have adequate access to housing.**
- ⇒ **Policy 5-11: It shall be the Intention of Council to permit eligible properties within the Commercial Designation, the Industrial Designation, and the Comprehensive Development District Designation to be eligible for the provisions of the Commercial Development Support Bylaw.**

### 5.3.2 Urban Design

Urban design describes the process of improving the functionality, sustainability, and overall appearance of the built environment by integrating elements of design into a community's buildings and the spaces between them. Urban design takes a step beyond traditional land use planning (i.e., zoning) and works to shape the physical features of communities and how people interact with the built environment. Urban design helps to bridge the gap between land use planning and architecture, and it can be applied at many different scales. At a micro-scale, urban design can influence the types of lighting or benches along a street, while at a macro-scale, it can be used to determine the form and structure of a neighbourhood, town, or city.

Good urban design can have a direct impact on the economic development of a community. Communities that are attractive from a business perspective—those with a strong downtown or commercial district and with a stable or growing population—may be more likely to attract new residents and businesses to the region. Council recognizes the importance of urban design in Amherst and will implement regulations through the Land Use Bylaw that are appropriate for unique areas of the town.

- ⇒ **Policy 5-12: Council may, through the Land Use Bylaw, implement urban design regulations, including, but not limited to, building orientation and siting, building design and material, and building massing requirements to support economically, socially, culturally, and physically strong communities.**
- ⇒ **Policy 5-13: Council may, through the Land Use Bylaw, apply design measures that promote safety and security for users of all ages and abilities to streetscapes, parks, and other public and private open spaces.**
- ⇒ **Policy 5-14: Council may, through the Land Use Bylaw, apply design measures to streetscapes, parks, and other public and private open spaces that provide for an attractive, interesting, and comfortable pedestrian experience.**
- ⇒ **Policy 5-15: Council may, through the Land Use Bylaw, promote prominence, visibility, and accessibility in the design of parks and publicly accessible open spaces such as plazas and schoolyards by:**
  - a. **locating parks and publicly accessible open spaces on appropriate public street frontages to establish direct visual and physical access; and**
  - b. **promoting the orientation of buildings towards parks and open spaces, and establishing active uses along those building frontages.**

- ⇒ **Policy 5-16: Council may encourage residents business owners to beautify their properties in order to improve the general aesthetic appearance of the town.**

### 5.3.3 Signage

Advertising signage plays an important role in the local economy. It provides information to residents and the travelling public about the services and amenities that are available. Most often, advertising signage is located on the lot on which the business is located, but it can also be placed away from the business as a way to attract potential customers. However, when left un- or under-regulated, advertising signage can result in ‘sign pollution’ which can have negative impacts on the built environment. Signs advertising businesses that no longer exist or derelict signs can harm economic development efforts, while also potentially posing a risk to human safety. It is Council’s intention to manage advertising signage in a balanced manner—providing businesses with the opportunity to advertise their business while maintaining the character and safety of the community.

- ⇒ **Policy 5-17: Council shall, through the Land Use Bylaw, permit advertising signage in Amherst and establish regulations for the size, placement, and illumination of signage to ensure a balance between the need to advertise and the need to protect the quality and amenity of the built environment.**

### 5.3.4 Home-based Businesses

Home-based businesses or home occupations are important land uses in a community. They help contribute to complete communities by enabling residents to access goods and services in their immediate neighbourhood while also reducing barriers to business development. Beginning and operating a business from a place of residence reduces entry into the market and eliminates traditional overhead costs associated with traditional brick-and-mortar locations, such as the cost to lease a space. Home-based businesses are intended to help local entrepreneurs establish a business before they eventually move to a permanent location after establishing a clientele; help residents supplement their income with small-scale occupations at their home; or provide business opportunities to residents who have trouble leaving their home due to disability, family obligations, or other reasons.

However, home-based businesses and occupations must be carefully regulated to ensure land use conflicts are not created between neighbouring properties, and also to help ensure that existing commercial areas in the town are not eroded through excessive competition. When planning rules are too lax, entrepreneurs may choose to establish and maintain their business as a home-based business instead of moving to a permanent location. It may also persuade businesses in one of the town's commercial areas to move their operation to a residence because of the lower costs. Council wishes to support entrepreneurship and commercial development in Amherst through home-based businesses, but will regulate this use to help reduce the potential for land use conflicts and to preserve and grow existing commercial areas.

- ⇒ **Policy 5-18: Council shall, through the Land Use Bylaw, permit home-based businesses in land use zones that permit residential uses.**
- ⇒ **Policy 5-19: Council shall, through the Land Use Bylaw, regulate and control aspects of home-based businesses including, but not limited to, floor area, permitted use, signage, and parking.**

## 5.4 The Environment and Ecology

The Town of Amherst is situated in a remarkably unique and beautiful natural environment. The town borders the Chignecto Isthmus and the Tantramar Marsh Body, and Amherst is a mere three kilometres from the Cumberland Basin. Within the town, much of the landscape has been altered to accommodate human development, but Amherst is still very much part of the broader environment and is susceptible to changing climatic conditions. The Town also has a role to play in the mitigating the local impacts of climate change and designing an urban environment that promotes ecological diversity.

### 5.4.1 Climate Change

Climate change describes the process by which Earth’s climate is changing, particularly as a result of greenhouse gases caused by the burning of fossil fuels. Agricultural practices and deforestation are also significant contributors. Despite the fact that Nova Scotia as a whole decreased its carbon dioxide emissions between 2005 and 2020<sup>5</sup>, emissions continue to rise around the world<sup>6</sup>. Increased duration and intensity of heat waves; increased ocean surface water temperature; expanded invasive species habitats (e.g., ticks); increased risk of wildfire; increased intensity, frequency, and duration of rainfall events; and decreased annual snowfall are all examples of the ways climate change is impacting the health and safety of the town’s residents.

Climate change is a global issue, and its impacts and causes reach far beyond the boundaries of Amherst and Nova Scotia. While actions to reduce the causes of climate change in the town (also known as “climate change mitigation”), such as promoting active transportation and clean energy sources, will have a limited impact on total global emissions, this does not mean that the Town and community should not take action to reduce carbon emissions. There are local opportunities and benefits of adopting climate change mitigation measures—an electricity grid supported by clean energy can be less susceptible to large-scale power outages, for example.

On the other hand, the Town can take tangible steps to help Amherst reduce the local impacts of climate change (also known as “climate change adaptation”), such as avoiding development in areas where flood risks are expected to increase.

⇒ **Policy 5-20: Council may review and update its Climate Change Action Plan to better understand current threats and opportunities related to climate change.**

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<sup>5</sup> Government of Canada. (2022). Greenhouse gas emissions. Retrieved from: <https://www.canada.ca/en/environment-climate-change/services/environmental-indicators/greenhouse-gas-emissions.html>

<sup>6</sup> EPA. (2022). Global Greenhouse Gas Emissions Data. Retrieve from: <https://www.epa.gov/ghgemissions/global-greenhouse-gas-emissions-data#:~:text=Global%20carbon%20emissions%20from%20fossil,increase%20from%201970%20to%202011.>

## 5.4.2 Landscaping and Urban Forest

Building and development can have an immediate and substantial impact on the natural environment and how humans interact with the landscape. In addition to the loss of natural ecological assets and the ecosystem services they provide (e.g. carbon sequestration, water retention, pollution mitigation, etc.), urban development reduces the extent to which humans can access the wilderness for their own enjoyment.

With the loss of wild spaces to development, the deliberate integration of wilderness landscapes into urban environments is of increasing importance. These constructed landscapes can help to mitigate the loss of wild spaces, and help to maintain some of the benefits and ecosystem services that may otherwise be lost. Council can, through the Land Use Bylaw, help to integrate wilderness landscapes into the urban environment through landscaping requirements.

- ⇒ **Policy 5-21: Council shall, through the Land Use Bylaw, establish landscaping standards for development within the town.**
- ⇒ **Policy 5-22: Council shall, through the Land Use Bylaw, establish tree planting provisions for development to help integrate plantings into the urban environment and to expand the urban tree canopy.**
- ⇒ **Policy 5-23: Council may continue to maintain significant trees on town-owned land and promote the retention and planting of trees of private property.**
- ⇒ **Policy 5-24: Council may investigate the planting of fruiting trees and bushes as part of the Town's planting practices.**
- ⇒ **Policy 5-25: Council may undertake an annual tree planting program to offset the impact of probable future losses of trees to disease and storm damage. Council may prioritize the following areas for the tree planting program:**
  - a. **Church Street,**
  - b. **East Victoria Street,**
  - c. **West Victoria Street,**
  - d. **the portion of Willow Street with curbs,**
  - e. **Amherst and Area Industrial Park, and**
  - f. **Town parks and green spaces.**

- ⇒ **Policy 5-26: Council may develop an Urban Forest Plan for the long-term management and sustainable growth of Amherst’s urban forest.**

### 5.4.3 Stormwater Management

Stormwater management is increasingly becoming a challenge for municipalities. As lands are cleared and developed, “soft” natural landscapes are converted to “hard” pavement and buildings. Stormwater runoff then often increases, which has the potential to cause localized flooding. Stormwater runoff can also cause issues such as erosion, sedimentation, and contamination of waterways.

Traditional stormwater management practices have focused on the conveyance of stormwater through underground pipes and other structures. However, these practices are expensive to implement and maintain, and since climate change is expected to worsen stormwater runoff in some situations, a more holistic approach to stormwater management is needed.

Rather than focus on traditional pipes and structures—otherwise known as ‘grey infrastructure’—the Town can use systems and processes that filter and absorb stormwater where it falls. This is known as “green infrastructure” and can include plant or soil systems such as rain gardens or bioswales, permeable pavement or other permeable surfaces or substrates, and stormwater harvest and reuse. Green infrastructure can store, infiltrate (absorb into the ground), or evapotranspire (absorb into the atmosphere) stormwater, reducing the need for traditional grey infrastructure, while also helping to clean pollutants from stormwater that might otherwise collect in the urban environment. While the implementation of features such as bioswales and rain gardens fall outside of the direct scope of the Municipal Planning Strategy and Land Use Bylaw, one tool the Town can implement through its planning documents are maximum lot coverages. These maximums limit the percentage of land that can be developed to help reduce the amount of impermeable surface on a property.

There are also financial considerations for grey vs. green infrastructure. Amherst’s sanitary sewer system is partially combined with the stormwater management system, meaning some rainwater that is collected in town storm grates is collected by the sanitary sewer system and treated unnecessarily, costing the Town and taxpayers. The Town has taken steps to separate the sanitary sewer and stormwater systems, but this will take significant time and investment. A green infrastructure approach could help the town manage stormwater in a fiscally prudent manner, while introducing more planted landscapes back into the urban environment.

- ⇒ **Policy 5-27: Council shall, through the Land Use Bylaw, implement maximum lot coverage provisions within the General Residential Zone and Land Lease Community Zone to limit the percentage of a lot that can be developed.**
- ⇒ **Policy 5-28: Council may develop a green infrastructure program to pilot and implement ‘green’ stormwater management systems.**

- ⇒ **Policy 5-29: Council shall, through the Subdivision Bylaw, require stormwater management plans to ensure that new subdivision development does not increase the peak flows into Dickey Brook.**

#### 5.4.4 Flood Plain Zone and Flood Risk Areas

For Nova Scotia, climate change is expected to bring more extreme rainfalls and storm flooding.<sup>7</sup> These impacts are especially relevant for Amherst because of the presence and prominence of Dickey Brook. This watercourse flows through the centre of town and acts as the primary surface drainage channel for stormwater. In the past, Dickey Brook has overspilled its banks during high precipitation events and flooded residential streets. Undersized culverts can, in some situations, exacerbate flooding risk.

Flooding challenges in Amherst are also caused as a result of the town's proximity to the Bay of Fundy. Water from Dickey Brook normally flows to the Bay of Fundy, but during high tide events the aboiteaux close to prevent salt water from inundating the farm fields. If peak rainfall coincides with high tide there is an increased potential for flooding because stormwater cannot flow out to the Bay of Fundy.

Dickey Brook is a tremendous asset for community use and enjoyment. The brook also plays an integral role in managing stormwater and precipitation flows. During heavy rainfall and precipitation events, Dickey Brook can, however, be prone to flooding. The areas directly adjacent to Dickey Brook should be protected from development to prevent development in potentially flood-prone areas and to help preserve the brook as a community asset.

- ⇒ **Policy 5-30: Council shall, through the Land Use Bylaw, establish the Flood Plain Zone. The intention of this zone is to prevent most development in areas along Dickey Brook that could be subject to periodic flooding.**
- ⇒ **Policy 5-31: Council shall apply the Flood Plain Zone to the zoning maps of the Land Use Bylaw to the area along the entirety Dickey Brook. Permitted uses in the Flood Plain Zone shall be limited to reduce potential risk for residents and development.**
- ⇒ **Policy 5-32: Council may undertake a flood risk assessment for Dickey Brook and Etter's Brook to understand how climate change may impact flood-prone areas within the town, and update the areas to which the Flood Plan Zone is applied as necessary.**

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<sup>7</sup> Province of Nova Scotia. (n.d.). Climate impacts. Retrieved from: <https://climatechange.novascotia.ca/climate-impacts>

⇒ Policy 5-33: *Acknowledge flood mapping and updating*

Council shall recognize the Upper Fundy Regions Watersheds Municipal Flood Line Mapping 2023-25. Council shall adopt and incorporate into its planning documents any new or updated flood risk mapping, whether provincially issued or locally prepared.

⇒ Policy 5-34: *Designate floodway fringe*

Council shall, on Schedule 'A' of the Land Use Bylaw, establish the Floodway Fringe indicating the 1:100-year flood frequency, 1% Annual Exceedance Probability. The intention of the Floodway Fringe is to identify areas that may be at risk of flooding near the Marsh.

⇒ Policy 5-35: *Control permitted uses*

Council shall manage development in the Floodway Fringe by permitting only those uses that can be adequately flood proofed, prohibiting facilities involving hazardous materials, and limiting off-site fill to what is necessary for flood proofing or flood risk management. The Land Use Bylaw shall set out specific requirements to ensure development does not increase flood hazards.

⇒ Policy 5-36: *Allow limited structures*

Council, through the Land Use Bylaw, may permit development of permanent structures within the Floodway Fringe, provided it is flood proofed, except for residential institutions such as hospitals, senior citizen housing, special care facilities, and similar facilities where flooding could pose a significant threat to the safety of residents if evacuation became necessary. Council shall require that any main structure permitted in mapped flood-risk areas be flood proofed.

⇒ Policy 5-37: *Allow development with study*

Council may permit development contrary to the restrictions within the Floodway Fringe where a hydrotechnical study, carried out by a qualified person, shows that the proposed development will not contribute to upstream or downstream flooding or result in a change to flood water flow patterns.

### 5.4.5 Solar Collectors

Clean energy systems can be broken down into two broad categories—accessory systems that largely supplement a property’s consumption of energy, and systems that function as a main use that are primarily intended to supply electricity back to the power grid. The latter of these two types of systems should be managed more carefully from a land use perspective because of their potential to create land use conflicts.

Accessory, or small-scale solar collector systems could be permitted throughout the town for homeowners and businesses seeking to supplement their consumption of energy from other sources. These systems are usually limited to those located on a building (e.g., on a roof) or in a property’s backyard but limited in the overall solar panel area.

Larger-scale, free-standing solar collector systems require additional considerations for their development in the town. Not only do these uses have the potential to create land use conflicts, but they can take substantial land area that could be better used for other land uses within the limited area of the town. For this reason, Council will permit large-scale free-standing solar systems only by development agreement in the Industrial Zone.

- ⇒ **Policy 5-38: Council shall, through the Land Use Bylaw, permit accessory on-building and free-standing solar collector systems throughout the town. These systems shall be limited in their size to protect the visual amenity of the town.**
  
- ⇒ **Policy 5-39: Council shall consider entering into a development agreement to enable proposals for commercial solar collector systems within the Industrial Zone. Council shall not enter into such a development agreement unless Council is satisfied:**
  - a. **the proposal designed in such a manner to maximize the efficient use of land; and**
  - b. **the proposal complies with the general development agreement policies of Section 6.6 of this Plan.**

### 5.4.6 Wind Energy

Since 2003, when the first wind energy farm was approved in Nova Scotia in Pubnico Point, the number of wind farms in the province has grown significantly, including in Cumberland County. As of 2025, there are over 300 commercial wind turbines in the province, with that number likely to grow significantly over the planning period. These turbines are an important technology in helping Nova Scotia produce clean electricity and reduce greenhouse gas emissions. Despite their importance in Nova Scotia's clean power transition, in order to reduce land use conflicts these turbines require significant setbacks from residences—setbacks that may be difficult within Amherst due to its relatively dense urban fabric. Council will consider commercial wind turbine(s) through development agreement in Amherst and allow as-of-right, domestic-scale turbine(s), limited in size and scale, intended to help a property owner meet their demand for electricity.

- ⇒ **Policy 5-40: Council shall, through the Land Use Bylaw, permit domestic-scale wind turbines as an accessory use where the energy generated is intended to help a property owner meet their demand for electricity. Regulations within the Land Use Bylaw shall regulate the size, scale, and placement of these uses.**
  
- ⇒ **Policy 5-40A: Council shall consider entering into a development agreement to enable commercial wind turbine(s) and shall only enter into such a development agreement if Council is satisfied that the proposal complies with the general development agreement policies of Section 6.6 of this Plan. Council shall consider and act in accordance with the Minimum Planning Requirements Regulations.**

## 5.5 Transportation

The town and community need a functional, well-connected transportation network to move goods and people throughout the town and into the broader region. Land use planning has a direct impact on the transportation network, and influences how people experience the community as a driver, a pedestrian, a cyclist, and more. The policies of this chapter will look to support an efficient and well-connected transportation system for all transportation modes.

### 5.5.1 Streets and Roads

The majority of streets and roads within Amherst are owned by the Town. These serve as important links between neighbourhoods and commercial areas and connect the town to Cumberland County. However, streets and roads require continual maintenance—such as snow clearing—and over time they need to be resurfaced and reconstructed, and may need to be upgraded to accommodate different types and volumes of traffic.

⇒ **Policy 5-41: It shall be the policy of Council to establish a street network classification to meet the transportation requirements of the Town. Such a classification will determine the standards of construction, maintenance priorities, emergency access priorities etc. for all streets within Town. The street network classification is outlined in Schedule 'C' of this Plan. For the purposes of this plan, all streets will fall into one of the following classifications:**

**Arterial:** A high-volume street which connects different parts of the town to each other as well as to the provincial highway network; traffic movement is of primary importance, however access to individual properties is also provided.

**Collector:** A street whose function is to provide land access to individual properties and move traffic to and from arterial streets.

**Local:** A street whose main function is to provide direct land access to individual properties. The efficient movement of traffic is of secondary importance.

⇒ **Policy 5-42: Council may develop a long-term capital works program and ensure a plan is in place to improve and maintain the transportation network within the town.**

- ⇒ **Policy 5-43: Council may develop a system to monitor traffic flow in order to recognize requirements for changes or upgrades to streets throughout the town.**
- ⇒ **Policy 5-44: Council shall, through the Land Use Bylaw and Subdivision Bylaw, control and regulate access to the street network.**
- ⇒ **Policy 5-45: Council may work with owners of property, particularly along South Albion Street, to improve existing street access and appearance.**

### 5.5.2 Sidewalks and Active Transportation

With its small urban footprint and dense street network, Amherst is ideally designed for active transportation. Active transportation describes human-powered forms of transportation like walking, cycling, skateboarding, or using an assistive device such as a wheelchair. While many community members would like to use active transportation as their primary mode of travel, many participants in engagement for this Plan cited they opt to use a private automobile for a variety of reasons, including a lack of appropriate infrastructure.

Land use planning and active transportation go hand in hand, although the provision of bike lanes and other infrastructure largely falls outside of the direct scope of the Land Use Bylaw. Providing safe options for people to use active transportation not only helps to promote physical and mental health and well-being, but it can also help to remove barriers and improve accessibility in the community as well as reduce the cost of living and promote greater equity among town residents. Car ownership is a significant cost for any household, and promoting active transportation as a reliable, safe mode of transportation can reduce (or eliminate) the need for car ownership if residents can access the goods and services they need without a car. Conversely, land use planning can help to strategically promote growth and development that enables people to access the goods and services they need close to where they live.

Another way the Town can promote active transportation is by requiring bicycle facilities, such as bicycle parking, as part of development. Just like car parking, land use bylaws can require the provision of bicycle parking spaces for development. Bicycle parking is an important facility for active transportation use and is often a prerequisite for active transportation users; without a safe, convenient space to lock a bike people can be hesitant to use them. While the initial scope of the Land Use Bylaw will not require bicycle parking, Council has included policy below to enable future exploration of requirements for developers to provide a certain number of bicycle parking spaces in high-visitation areas of the town and to applicants to provide bicycle parking in lieu of automobile parking spaces to promote active transportation in Amherst.

- ⇒ **Policy 5-46: Council may, in collaboration with the Municipality of County of Cumberland, explore opportunities to connect the Cumberland Regional Health Care Centre to the Town’s sidewalk and active transportation network.**
- ⇒ **Policy 5-47: Council may, through the Land Use Bylaw, establish minimum bicycle parking requirements for high-visitation areas of the town to promote active transportation.**
- ⇒ **Policy 5-48: Council may, through the Land Use Bylaw, establish standards for the location, size, and material of required bicycle parking facilities.**
- ⇒ **Policy 5-49: Council may, through the Land Use Bylaw, enable an applicant to provide bicycle parking in lieu of required automobile parking, to a threshold established in the Land Use Bylaw.**
- ⇒ **Policy 5-50: Council shall, through the Land Use Bylaw, permit trails as a land use in all land use zones.**
- ⇒ **Policy 5-51: Council may require active transportation connections, including sidewalks and trails, as part of development agreement applications.**
- ⇒ **Policy 5-52: Council may, through the Subdivision Bylaw, require connecting pedestrian pathways from cul-de-sacs and other residential streets, where appropriate, to increase the safety and convenience of pedestrians.**
- ⇒ **Policy 5-53: Council may acquire land for the development of walking and rolling trails.**
- ⇒ **Policy 5-54: Council may continue to seek opportunities to prioritize active transportation connections to schools.**
- ⇒ **Policy 5-55: Council may explore the establishment of a “share the road” education program for the town.**

### 5.5.3 Automobile Parking

Traditionally, automobile parking is regulated through the Land Use Bylaw with minimum parking requirements. These requirements establish the minimum number of parking spaces that a development must provide. Minimum parking requirements are problematic for two primary reasons:

- They often result in parking space requirements that represent the highest possible parking demand, meaning many more parking spaces are supplied than would normally be needed.
- As an established standard, minimum parking requirements are not flexible enough to account for a property owner's needs where they may not need the minimum number of parking spaces for their home or business.

For the reasons above, minimum parking space requirements have resulted in an oversupply of parking in the town. In the downtown core, there is an oversupply of parking in the range of 100% to 500% more than is typically necessary for a town of Amherst's size and population. The costs of parking oversupply are passed directly onto town residents, businesses, and visitors. A business may need to charge higher prices to pay for property taxes (because a larger parcel of land was needed to accommodate parking), while the creation of parking and parking lots results in higher levels of stormwater runoff which has the potential to damage infrastructure and properties.

There is a growing push across North American municipalities to reduce, or in some cases eliminate, minimum parking requirements. Cities as large as Edmonton, Alberta have removed their minimum parking requirements from their land use planning documents. That City has opted to give property owners the discretion to choose the number of parking spaces they need, rather than requiring a minimum number. There are several benefits to eliminating minimum parking requirements, including:

- It allows property owners to decide the number of parking spaces they need
- It allows for more land to be used for development instead of parking, which has greater value for the town.
- It can help reduce stormwater and urban heat impacts.
- It can help to reduce the cost for development and help to accommodate development on small or unconventionally shaped lots.

While Town Council does not support the total elimination of minimum parking requirements, it wishes to provide greater flexibility to land owners by reducing minimum parking requirements and eliminating the requirements for certain areas of the town.

- ⇒ **Policy 5-56: Council shall, through the Land Use Bylaw, establish minimum parking requirements that balance the need for automobile parking in the town with providing flexibility to land owners.**
- ⇒ **Policy 5-57: Council shall, through the Land Use Bylaw, exempt properties within the Downtown Commercial Zone from the minimum parking requirements within the Land Use Bylaw to promote compact, pedestrian-oriented development in Amherst’s historic downtown.**
- ⇒ **Policy 5-58: Council may, through the Land Use Bylaw, require a snow storage plan for a development.**
- ⇒ **Policy 5-59: Council may develop and maintain a snow clearing policy to maximize the effectiveness of snow clearing efforts, particularly in regards to emergency vehicle access.**

#### 5.5.4 Electric Vehicle Charging

There is growing uptake of electric vehicles in Nova Scotia, meaning there is also a growing need for electric vehicle charging stations in Amherst. These stations will not only be needed for residents of the town, but also for visitors to Amherst looking to charge their vehicles. Electric vehicle charging stations normally come as stand-alone units, but there may come a time when commercial charging stations, not unlike a contemporary gas station, are commonplace. It will be important for the Town to have a framework in place as electric vehicles and their supporting infrastructure become more widely adopted in the community.

Stand-alone electric vehicle charging stations function similarly to automobile parking spaces and they should be permitted throughout Amherst. On the other hand, commercial electric vehicle charging stations with multiple chargers’ function more like gas stations, and could conceivably have accessory uses (such as convenience food sales), and should only be permitted in appropriate land use zones (e.g., Highway Commercial Zone).

- ⇒ **Policy 5-60: Council shall, through the Land Use Bylaw, permit electric vehicle charging stations as an accessory use in all land use zones.**
- ⇒ **Policy 5-61: Council shall, through the Land Use Bylaw, permit electric vehicle charging stations as a main use in land use zones that prioritize commercial and industrial development.**

### 5.5.5 Railway and Train Station

Unlike the majority of municipalities in Nova Scotia, Amherst is readily accessible by rail transportation. The train station was built in the early 1900s as part of the ever-expanding rail network in Nova Scotia. Up until 2012, the train station was owned by Via Rail, a Canadian Crown Corporation, but that year the station was sold to the Town, which now leases a portion of the building to a tenant. Despite the transfer of ownership of the station building, Via Rail continues to use the station for a stop along its passenger service between Halifax and Montreal. Since the train tracks are owned by the Canadian National Railway Company (CN Rail), freight rail is also transported through Amherst.

Although train travel is not currently a highly-preferred travel mode of choice in Nova Scotia and Canada, the potential for rail transport still exists and must be considered for the future of Amherst. Council will support an appropriate mix of land uses along the train lines to take advantage of this important asset.

- ⇒ **Policy 5-62: Council shall, through the Land Use Bylaw, encourage a mix of land uses along the train lines within Amherst that match the intended land uses for each designation.**
  
- ⇒ **Policy 5-63: Council may undertake a comprehensive plan to develop a vision and development concept for the area surrounding the Amherst Train Station to integrate rail transportation into the downtown fabric.**

### 5.5.6 Public Transportation

There was strong support for the establishment of a public transportation system in Amherst during the engagement for this Plan. Many residents and community members expressed how a public transportation system would help community members without access to a vehicle or those who cannot drive, especially seniors and youth, get around the town. Although the implementation of a public transportation system is outside of the scope of this Municipal Planning Strategy, the plan can support growth patterns that could enable public transportation. Higher-density development along key routes, such as Church Street and South Albion Street, and near to key destinations or nodes, including the downtown, could help to support a future transit system.

- ⇒ **Policy 5-64: Council may, over the life of this plan, explore the potential for developing and implementing a public transportation system in Amherst.**
  
- ⇒ **Policy 5-65: Council shall, through the Land Use Bylaw, generally promote higher-density development along the town's key routes and near key destinations to support ridership demand for a future public transit system.**

## 5.6 Community Infrastructure and Public Spaces

At the heart of any community are its people and the spaces they occupy. This includes public and private outdoor parks and green spaces as well as indoor community spaces. This Section establishes policies for the spaces that are shared among Amherst residents and community members.

### 5.6.1 Parkland Dedication and Recreation

The provision of outdoor parks and green spaces is an important responsibility of the Town. In urban and suburban areas, outdoor parks and green spaces are some of the main places' residents spend time outdoors and recreate with their friends and family. The Town can purchase land in order to supply park spaces for residents, but the *Municipal Government Act* also enables municipalities to require parkland as part of the subdivision process.

Currently, existing park space in Amherst is distributed unevenly between the northern and southern halves of town. Lions Park and the West Highlands School Yard are the only two public open spaces in the southern half of the town, compared to the more than five in the northern half. Council may look to find opportunities to increase the supply of parks and open spaces in the southern half of the community and improve access to these spaces.

- ⇒ **Policy 5-66: Council shall, through the Subdivision Bylaw, require the dedication of lands for public purposes as part of the subdivision process for residential subdivision. The required public land dedication shall be five percent of the area of land shown on the final plan of subdivision, exclusive of public streets and walkways. Council may accept land outside of the area being subdivided, where, in the opinion of Council, there is no land within the limits of the proposed subdivision desirable for public open space purposes.**
- ⇒ **Policy 5-67: Council may, through the Subdivision Bylaw, accept cash in lieu of land required as part of the subdivision process where, in the opinion of the Town, there is no land within the limits of the proposed subdivision desirable for public open space purposes.**
- ⇒ **Policy 5-68: Council may explore opportunities to promote a more equitable distribution of parks and open spaces throughout the town, with a goal of ensuring that every resident be located not farther than 400 metres from a public park or green space.**
- ⇒ **Policy 5-69: Council may review its recreational programming and user fees to ensure the diverse needs of the town are met.**

- ⇒ **Policy 5-70: Council may help facilitate the delivery of recreational and cultural programming and activities by community organizations where those organizations are determined to be the best mode of service delivery and a defined benefit to the community can be recognized.**
- ⇒ **Policy 5-71: Council may continue to facilitate and support major sporting and community events held within the town.**

### 5.6.2 Amenity Space in Multi Unit Dwellings

Although multi-unit dwellings often result in greater land use efficiency and more affordable housing options than detached housing forms, the lack of green space or community space in multi-unit dwellings is often cited as a reason for choosing single or double dwellings as preferred housing options. The Town can, however, require applicants to provide usable amenity space for residents of multi-unit dwellings to ensure residents have access to outdoor or indoor spaces.

- ⇒ **Policy 5-72: Council shall, through the Land Use Bylaw, establish amenity space requirements for multi-unit developments for residents to use on-site. The requirements within the Land Use Bylaw shall include provisions regarding the types of amenity space that are considered acceptable.**
- ⇒ **Policy 5-73: In consideration of a proposal that includes residential development enabled by development agreement, Council shall ensure adequate amenity space is provided on-site for use by residents.**

### 5.6.3 Community Facilities

Community facilities include indoor and outdoor spaces throughout the town, including community halls, places of worship, and schools. These are important facilities where residents have opportunities to interact, recreate, and strengthen connections in the community. Council supports enabling these types of facilities across the planning area without requiring a specific land use zone.

On the other hand, Council has recognized reduced demand for some types of community spaces, but acknowledges that the buildings themselves still hold inherent value, either as landmarks or as spaces with utilitarian potential. To ensure these buildings can continue to be used, Council will enable vacant community facilities to be used for other purposes.

⇒ **Policy 5-74: Council shall consider entering into a development agreement to reuse former community facilities, including, but not limited to, schools, community halls, and places of worship, for uses not otherwise permitted in the applicable land use zone. Council shall not enter into such a development agreement unless Council is satisfied:**

- a. **the proposal provides a community benefit such as, but not limited to, the provision of housing or the provision of a commercial space that provides opportunity for community to gather;**
- b. **the proposed use will not, by its nature or by the controls placed upon it by the development agreement, impact surrounding uses due to noise, odour, light emission, or dust;**
- c. **the proposal preserves and restores prominent aspects of the building; and**
- d. **the proposal complies with the general development agreement policies of Section 6.6 of this Plan.**

⇒ **Policy 5-75: Council may direct resources to the upgrading of existing facilities and may explore opportunities for the development of new community facilities.**

⇒ **Policy 5-76: Council may adopt a facility maintenance and servicing plan to ensure Town facilities continue to meet the needs of residents.**

## 5.6.4 Accessibility

Among all Canadian provinces, Nova Scotia has the highest percentage of residents with disabilities—more than 30% of residents over the age of 15 have at least one disability.<sup>8</sup> People with disabilities face barriers in many aspects of their lives, which can impact their ability to access the goods, services, amenities, and information they need. In 2017, the Province of Nova Scotia adopted the *Accessibility Act* which recognizes that “persons with disabilities continue to face attitudinal and environmental barriers that prevent them from achieving their full and equal participation in society.”<sup>9</sup>

In 2022, the Town of Amherst established the Accessibility Advisory Committee to help identify, prevent, and eliminate barriers for people with disabilities who are participating in municipal programs or using Town services and facilities. Outside of town programs and facilities, the Town can influence the accessibility of the town through the Land Use Bylaw and Building Bylaw.

- ⇒ **Policy 5-77: It Is the Intention of Council to continue to work to identify, prevent, and eliminate barriers for people living with disabilities.**
- ⇒ **Policy 5-78: Council may amend the Town’s Building Bylaw to require a percentage of dwelling units within multi-unit dwelling units be provided as completely ground-floor accessible.**
- ⇒ **Policy 5-79: Council shall, through the Land Use Bylaw, permit barrier-free access structures to encroach into any require yard to promote and enable structures to become more accessible.**

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<sup>8</sup> <https://novascotia.ca/accessibility/prevalence/>

<sup>9</sup> [https://www.nslegislature.ca/legc/bills/62nd\\_3rd/3rd\\_read/b059.htm](https://www.nslegislature.ca/legc/bills/62nd_3rd/3rd_read/b059.htm)

## 5.7 Arts, Culture, and Heritage

Arts, culture, and heritage are important components in the civic and cultural lives of residents of Amherst, while also playing a key role in the local economy. In 2009, the Town of Amherst adopted its Arts, Culture, and Heritage Strategy which focuses on “Municipal resources and leadership so that this sector is a significant contributor to Amherst’s economic wellbeing, and a positive influence on the quality of life of all residents.” The Town can also make efforts through its Municipal Planning Strategy and Land Use Bylaw to strengthen these sectors in Amherst.

This section explores policies related to the cultivation of artistic and cultural endeavours, and policies that help to ensure new development is in keeping with the traditional built form of Amherst’s downtown.

### 5.7.1 Arts and Culture

Culture and the arts are often synonymous with one another, but there are distinctions that can be made.

The arts encapsulate a broad range of activities and mediums. Art can be performative (e.g. dance or instrumental), visual (e.g. painting or pottery), material (e.g. weaving), media-based (e.g. film making), literary, or craft-based (e.g. woodworking). Culture, on the other hand, describes “shared attitudes, values, beliefs and practices of an institution, organization, or group”<sup>10</sup> and, therefore, can include the arts.

Council is supportive of artistic and cultural endeavours and will support a wide range of artistic and cultural uses throughout the town.

- ⇒ **Policy 5-80: Council shall, through the Land Use Bylaw, permit artistic uses, including, but not limited to, art gallery sales, craft workshops, and the teaching of students in activities such as dance or music, as a home-based business.**
- ⇒ **Policy 5-81: Council shall, through the Land Use Bylaw, permit artistic and cultural facilities, including, but not limited to, museums, theatres, and community centres, in land use zones that prioritize commercial or public use.**

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<sup>10</sup> Town of Amherst. (2009). Arts, Culture, and Heritage Strategy.

## 5.7.2 Heritage Properties and Buildings

The Town of Amherst experienced considerable growth during the 18th and 19th centuries that has left a lasting impact on the town's built form. There are a number of properties and buildings of heritage value in Amherst. This includes multiple residential districts made up of grand homes from the Maritime Vernacular as well as the Victorian, Classical Revival, and Queen Anne Revival architectural styles, and an area in the central business district containing several high-ranking civic, commercial, and religious buildings and an open recreational square. At the time of writing this Plan there were 21 registered heritage properties in the town and the Amherst Area Heritage Trust had an inventory of 150 houses in the town they had identified as having legitimate potential as registered heritage properties.

Within the downtown core, small building setbacks and buildings between two and four storeys tend to create a comfortable pedestrian experience, while the prominence of red sandstone buildings helps to contribute to a uniquely "Amherst" aesthetic.

The *Heritage Property Act* is the Provincial legislation governing heritage properties in Nova Scotia. It gives municipalities the ability to register and protect heritage properties; however, there are limits to the legislation, and the owner of a registered heritage property who applies to demolish the property can do so after a period of three years, even if Council denies the heritage alteration. There are real challenges associated with owning a registered heritage property—especially financial. Heritage properties and their appearance are often carefully regulated in an attempt to preserve the historic nature of these structures. These regulations can, however, create financial barriers that may prevent someone from applying the proper upkeep or dissuade someone from purchasing a heritage property altogether. While the Land Use Bylaw and Municipal Planning Strategy are not the primary tools to help preserve heritage buildings in Amherst, they can include provisions to support this goal. Council will continue to explore opportunities and tools that will encourage property owners to register their heritage properties and it will look for opportunities to promote the rehabilitation and restoration of registered heritage properties.

⇒ **Policy 5-82: Council shall consider, by development agreement, proposals for a registered heritage property or building to assume a use not permitted by the land use zone in which the property or building is located, but permitted within the designation in which the property or building is located. Council shall not enter into such a development agreement unless Council is satisfied:**

- a. **the building covered by the development agreement shall will not be altered in a way that diminishes its heritage value, as identified in the building's Statement of Heritage Value;**
- b. **any adjacent uses are not unduly impacted as a**

- c. result of the development, by such things including, but not limited to, traffic generation, noise, hours of operation, and parking requirements; and
- d. the development adheres to the development agreement policies in Section 6.6 of this Plan.

⇒ **Policy 5-83: Council may seek future opportunities aimed at rehabilitating and restoring existing heritage properties.**

### 5.7.3 Agriculture

The Town of Amherst is a major centre for Cumberland County, one of Nova Scotia's top agricultural areas, responsible for over 10% of the province's farm revenue. The county is known for maple syrup, blueberries, animal farms and their related hay supplies, and mixed crop farming.

Essentially the entirety of the town is built on good agricultural soils as defined by the Statement of Provincial Interest Regarding Agricultural Land. This was a common trend in the history of Nova Scotian towns because towns developed in close proximity to the industries they served and because the workability of agricultural soils made for easy development. The map on the following page shows the distribution of these soils by classification as identified in the Canada Land Inventory.

However, the Statement of Provincial Interest recognizes that soils alone do not define lands that should be protected for agriculture. In some cases, other Statements of Provincial Interest may take priority. In the case of Amherst, lands within the town are fairly fragmented from an agricultural perspective and are difficult to farm given the lack of contiguous undeveloped areas. More importantly, the town includes a significant amount of infrastructure that should be used to its fullest, as encouraged by the Statement of Provincial Interest Regarding Infrastructure. In doing so, the Town of Amherst can help take development pressure off surrounding lands within the rural areas of Cumberland County and help preserve them for agricultural purposes. Council will, therefore, not permit new agricultural activities within Amherst's boundaries. However, small-scale activities such as community gardens will be widely recognized and permitted. The land uses permitted in the town's commercial and industrial areas, such as food processing and machinery sales and service, will also continue to support the town's role as a service centre for surrounding agricultural activity.

⇒ **Policy 5-84: Council shall, through the Land Use Bylaw, widely permit community gardens.**



# 6. IMPLEMENTATION AND ADMINISTRATION



## 6.1 Administration and Implementation

A plan is only as good as its ability to achieve its intended outcomes, making the implementation and administration of the plan of utmost importance. Land use planning is implemented and administered by the Town of Amherst’s planning and development staff who are responsible for providing planning, subdivision, and building inspection services for the Town.

Town staff are also responsible for interpreting and providing recommendations to Council regarding land use policy and regulations in order to achieve the vision, goals, and policies of this Municipal Planning Strategy, and to manage overall growth and development in the town.

This Municipal Planning Strategy and accompanying Land Use Bylaw were developed in conformity with the Municipal Government Act, as amended.

### 6.1.1 Statement of Policy

Statements of policy reflect Council’s intention through written text to systematically manage land use and development in Amherst. Within this Municipal Planning Strategy, statements of policy are denoted by the text “Policy #-#”, where the numbers are replaced by the chapter number and appropriate sequential policy number, respectively.

Statements of policy are legal statements—that is, they are legally binding on Town Council and the decisions they make.

In addition to the statements of policy, this Municipal Planning Strategy contains preamble, or descriptive text, before each set of policies. This preamble is used to help interpret the intent of statements of policy, but it does not form part of the policy.

- ⇒ **Policy 6-1: Policy statements of Council shall be denoted in this Plan with the text “Policy #-#”, with the number signs (hash) replaced by the appropriate chapter number and sequential policy number, respectively.**
- ⇒ **Policy 6-2: Written content of this Municipal Planning Strategy not contained within a Policy statement of Council shall be considered preamble. Preamble may be considered to interpret the intent of Policy statements of Council, but do not form a part of the Policy statement.**

### 6.1.2 Effective Date and Repeal

- ⇒ **Policy 6-3: This Municipal Planning Strategy and implementing Land Use Bylaw shall come into effect on the date that notice is given pursuant to the *Municipal Government Act* and the Town of Amherst Public Participation and Notification Policy.**
- ⇒ **Policy 6-4: The 2005 Town of Amherst Municipal Planning Strategy, as amended, is hereby repealed.**

### 6.1.3 Regional Cooperation

Cooperation between the Town of Amherst and the Municipality of the County of Cumberland for land use and all other civic matters will be important in the future. Decisions made in Amherst can impact the County, and vice-versa, so Council supports efforts to notify and consult Cumberland County when considering amendments to this Municipal Planning Strategy and when adopting new planning strategies in the future.

- ⇒ **Policy 6-5: Council shall consult and engage with the Municipality of the County of Cumberland when:**
  - a. **adopting a new municipal planning strategy to replace this one; and**
  - b. **considering amendments to this Municipal Planning Strategy that would affect lands that share a common boundary with the Municipality of the County of Cumberland.**
- ⇒ **Policy 6-6: Consultation undertaken with the Municipality of the County of Cumberland shall:**
  - d. **invite comment on matters of municipal interest;**
  - e. **invite comment in relation to Statements of Provincial Interest;**
  - f. **be considered by Council or the Planning Advisory Committee as its designate as part of the body of feedback on the proposed amendment or new Municipal Planning Strategy; and**
  - g. **be completed prior to Council publishing its first notice for a Public Hearing on the proposed amendment or new Municipal Planning Strategy.**

## 6.2 Land Use Bylaw and Subdivision Bylaw

### 6.2.1 Land Use Bylaw

The Town will adopt an accompanying Land Use Bylaw as the primary tool to implement many of the policies of this Plan.

- ⇒ **Policy 6-7: Council shall adopt a Land Use Bylaw consistent with the intent of this Plan.**

### 6.2.2 Subdivision Bylaw

The Subdivision Bylaw establishes the requirements and processes for things such as the subdivision of land and the provision of streets and services. The Subdivision Bylaw is also a tool that enables the Town to require the provision of greenspace for recreational lands when subdivision of land occurs.

- ⇒ **Policy 6-8: Council shall adopt a Subdivision Bylaw consistent with the intent of this Plan.**

- ⇒ **Policy 6-9: The Subdivision Bylaw 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 Section 235 of the *Municipal Government Act*, conforms with the lot requirements contained in the Land Use Bylaw;
- c. establish locations and standards for the development of public and private roads, central services, and other publicly owned infrastructure;
- d. contain provisions for dedicating land or cash of an equivalent value for parks, playgrounds, or similar public purposes; and
- e. contain any other provisions needed to fulfill the intent of this Plan.

### 6.2.3 Implementation of the Land Use and Subdivision Bylaws

The Land Use Bylaw and Subdivision Bylaw are administered by a Development Officer appointed by Town Council. The Development Officer is responsible for issuing development permits in accordance with the Bylaws.

- ⇒ **Policy 6-10: Council shall appoint one or more Development Officers to administer the Land Use Bylaw and the Subdivision Bylaw and to issue and deny permits under the terms of these bylaws.**

### 6.2.4 Amend the Land Use Bylaw

Although this Municipal Planning Strategy is comprehensive in nature, it cannot foresee all possible types of development that might be acceptable in the future. There may come a time when the Land Use Bylaw needs to be amended to accommodate new development or a specific development proposal. There is also the possibility that during the development of this Plan and the Land Use Bylaw inadvertent mapping errors were made. Since these errors do not reflect the policies of this Plan, they will be corrected with Land Use Bylaw amendments.

- ⇒ **Policy 6-11: Council shall consider proposals to amend the text of the Land Use Bylaw and shall undertake such amendments if the proposed amendment meets the general criteria set out in Section 6.7.**
- ⇒ **Policy 6-12: Council shall consider amendments to the maps of the Land Use Bylaw when the proposed zoning change is not specifically prohibited within this Plan and at least one of the following two conditions is true:**
  - a. **the proposed zone is enabled by this Plan for use within the same designation;**
  - b. **a non-conforming use appears to have been created by an inadvertent administrative oversight in the Municipal Planning Strategy and Land Use Bylaw preparation process, resulting in a property being zoned inconsistently with stated policies in this Plan.**
- ⇒ **Policy 6-13: Council may not amend the maps of the Land Use Bylaw if the lot and existing buildings do not meet the requirements of the proposed zone.**

⇒ **Policy 6-14: Council shall not amend the maps of the Land Use Bylaw unless Council is satisfied that:**

- a. the proposed change meets the zone intent and any applicable zone placement criteria set out in policies, found 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 Section 6.7.**

## 6.3 Variances

### 6.3.1 Variances

Under Section 235 of the *Municipal Government Act*, the Development Officer can grant “variances” for the requirements of the Land Use Bylaw. These variances are intended to alleviate any difficulties where an irregular set of circumstances on a lot makes it unreasonably difficult to comply with the regulations of the Land Use Bylaw.

⇒ **Policy 6-15: Council shall, in accordance with Section 235 of the *Municipal Government Act*, permit the Development Officer to vary:**

- a. the percentage of land that may be built upon;
- b. the size or other requirements relating to yards;
- c. lot frontage;
- d. lot area;
- e. location and number of parking spaces and loading spaces required;
- f. ground area of a structure;
- g. height of a structure;
- h. floor area occupied by a home-based business; and
- i. height and area of a sign.

## 6.4 Non-conforming Uses

Nothing in this plan will affect the continuance of uses or developments that were lawfully in existence as of the date of this plan coming into effect.

- ⇒ **Policy 6-16:** It shall be the intention of Council to encourage the re-location of non-conforming uses to appropriately designated areas of the Town.
- ⇒ **Policy 6-17:** It shall be the intention of Council to permit, in all designations, any non-conforming use a period of up to twelve-month to re-open after a closure, as opposed to the six-month minimum permitted in the *Municipal Government Act*.
- ⇒ **Policy 6-18:** It shall be the intention of Council to permit, in all designations, a non-conforming use to change to another use not normally permitted on the property by way of development agreement. In considering such a development agreement, Council shall consider the following:
  - a. that the proposed use exerts a similar or less of an impact on the surrounding neighbourhood;
  - b. the use of buffering, landscaping or fencing to reduce possible impacts or otherwise improve the property;
  - c. that adequate parking is provided for the new use; or the existing parking situation is improved by virtue of the development agreement;
  - d. the proposal will not involve any expansion of the use onto a lot not originally occupied by the use except for the provision of parking;
  - e. signage on the property;
  - f. hours of operation;
  - g. the adequacy of the transportation network to accommodate the proposed use; and
  - h. that the development adheres to the development agreement policies in Section 6.6 of this Plan.

## 6.5 Site Plan Approval

In some instances, a finer-grained level of management over a development proposal is necessary. For a development proposal where the additional level of oversight is related to the design of the proposal, Council can use the site plan approval process, which is above-and-beyond the standard development permitting process (“as-of-right”) but does not require a development agreement with Town Council.

### 6.5.1 Site Plan Approval

Site plan approval is a development process for which applicants must meet additional standards established and outlined in the Land Use Bylaw. These additional standards are often qualitative and design oriented, giving the Development Officer more flexibility and the ability to negotiate with an applicant. The additional standards the Development Officer can apply are outlined in the Municipal Government Act and they must also be outlined in the Land Use Bylaw. Additional standards within a site plan approval can pertain to:

- the location of structures of a lot;
- the location of parking and loading, and driveway accesses;
- the type, location, and height of walls and fences;
- the retention of natural vegetation;
- outdoor lighting;
- grading and stormwater management;
- the location of walkways;
- signs; and
- solid waste storage.

Uses that are enabled by the site plan approval process must be prescribed in this Municipal Planning Strategy, and the Development Officer must be satisfied a proposal meets the applicable standards before establishing a site plan approval. Once a site plan approval is established, the Development Officer can issue development permits.

⇒ **Policy 6-19: Council shall enable the use of the site plan approval process within the Land Use Bylaw as a tool to review developments that require additional oversight or management or where Council sees benefit in providing flexibility for land use proposals.**

⇒ **Policy 6-20: Council shall adhere to the notification requirements of the *Municipal Government Act* for development proposals proceeding through site plan approval.**

## 6.6 Development Agreements

### 6.6.1 Development Agreements

Development agreements are intended to enable Town staff, Council, and the public to give input on aspects of a proposed development that would otherwise not be permitted through the standards established in the Land Use Bylaw. This gives the Town the opportunity to evaluate such a proposal in greater breadth and depth while also giving the Town tools to mitigate any potential impacts. The Municipal Planning Strategy must outline uses that are permitted by a development agreement.

- ⇒ **Policy 6-21: Where enabled by the policies within this Municipal Planning Strategy, Council shall consider entering into a development agreement with an applicant to enable a proposed development.**
  
- ⇒ **Policy 6-22: A development agreement that has been approved by Council shall:**
  - a. **specify the development, expansion, alteration, or change permitted;**
  - b. **specify the conditions under which the development may, or may not, occur;**
  - c. **set terms and conditions by which Council may amend or terminate and discharge the agreement.**
  
- ⇒ **Policy 6-23: Council may specify conditions in the development agreement to bring the proposal into alignment with the enabling policy and general criteria set out in Section 6.7. Such conditions may include, but are not limited to:**
  - a. **servicing;**
  - b. **the type, location, and orientation of structures;**
  - c. **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;**
  - d. **the provision of open space and amenities;**
  - e. **the type, size, and location of signage;**
  - f. **the type and orientation of exterior lighting;**
  - g. **management of solid waste, including, but not limited to, compost and recycling;**

- h. pedestrian, bicycle, public transit, and vehicular circulation;**
- i. connections to existing or planned pedestrian, bicycle, public transit, and vehicular networks;**
- j. the location and number of bicycle and vehicular parking and loading spaces;**
- k. access for emergency vehicles;**
- l. the location and type of landscaping, including fences and other forms of screening;**
- m. stormwater management, grading and erosion control;**
- n. the emission of noise, odour, light, liquids, gases, and dust;**
- o. the type of materials stored on site;**
- p. the type of materials sold on site;**
- q. hours of operation;**
- r. the phasing of development;**
- s. financial bonding for the construction and maintenance of components of the development, including, but not limited to, roads and landscaping;**
- t. mitigation measures for construction impacts;**
- u. time limits for the initiation and completion of development; and**
- v. all other matters enabled in Section 227 of the *Municipal Government Act*.**

## 6.7 General Criteria

### 6.7.1 Evaluating Land Use Bylaw Amendments and Development Agreements

Amendments to the Land Use Bylaw 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 Bylaw amendments and development agreement proposals.

⇒ **Policy 6-24: Council may not amend the Land Use Bylaw or enter into 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 law or regulation of the Provincial or Federal Governments;
- 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 central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services;*
  - iv. *the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, and leading to the site;*
  - v. *the adequacy of fire protection services and equipment;*
  - vi. *the adequacy and proximity of schools and other community facilities;*
  - vii. *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;*
  - viii. *its impact on nearby watercourses or wetlands;*
  - ix. *site-specific climate change risks, such as threats of flooding;*

- x. the potential to create flooding or serious drainage issues, including within the site and in nearby areas;*
- xi. 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; and*

⇒ **Policy 6-25: Council may, in addition to any other required information, require any or all of the following information prepared by an appropriate qualified professional, at the applicant's cost, and at a level sufficiently detailed to evaluate whether the criteria for amending the Land Use Bylaw or entering into 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 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 traffic impact assessment that evaluates the ability of existing road, bicycle, and pedestrian networks to accommodate traffic generated by the proposed development;
- g. a geotechnical study;
- h. a shadow study;

## 6.8 Engagement and Notification for Development Agreements or Amendment

- ⇒ **Policy 6-26:** Where Council has given notice of its intention to adopt an amendment to the Land Use Bylaw or to enter into a development agreement, notification of the amendment or development agreement shall be served upon all lot owners within 30 metres of the subject lot, in addition to all other requirements as established in the *Municipal Government Act*.
- ⇒ **Policy 6-27:** Engagement for any development agreement or amendment proposal shall be consistent with the Town of Amherst Public Participation and Notification Policy.
- ⇒ **Policy 6-28:** Notification of a development agreement or amendment to the Land Use Bylaw shall:
  - a. outline the proposed amendment or development agreement;
  - b. identify the property(s) subject to the proposed amendment or development agreement: and
  - c. state the time, date, and place of a public hearing regarding the proposed amendment or development agreement.

## 6.9 Municipal Planning Strategy Reviews

- ⇒ **Policy 6-27:** Within five years of the adoption of this Municipal Planning Strategy, Council shall initiate a ‘housekeeping’ review to identify errors, omissions, or ways to improve or streamline the Plan.
- ⇒ **Policy 6-28:** Within ten years of adopting this Municipal Planning Strategy, Council shall complete a comprehensive review of this Plan.

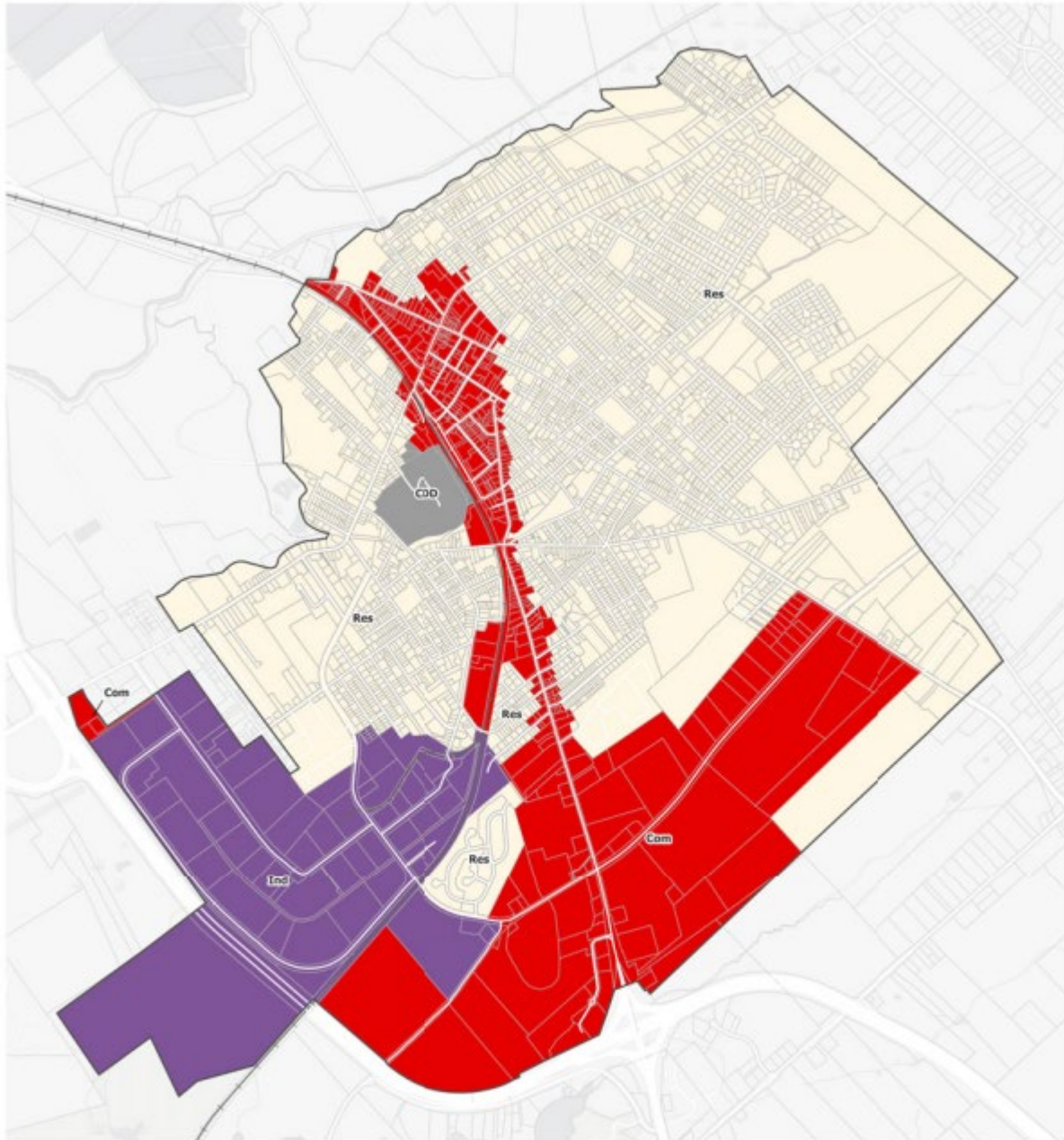
## 6.10 Amendments to the Municipal Planning Strategy

- ⇒ **Policy 6-29:** Council shall consider an amendment to this Municipal Planning Strategy when:
  - a. any policy intent is to be changed;
  - b. an amendment to the Land Use Bylaw or Subdivision Bylaw would conflict with any portion of the Municipal Planning Strategy; or
  - c. this Municipal Planning Strategy is inconsistent with any Statements of Provincial Interest.

# 7. SCHEDULES



# SCHEDULE A – FUTURE LAND USE MAP



MAP

## Amherst Future Land Use

SCHEDULE

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LAST UPDATED

2025.11.24

DATA SOURCE

Prov. of NS

NORTH + SCALE



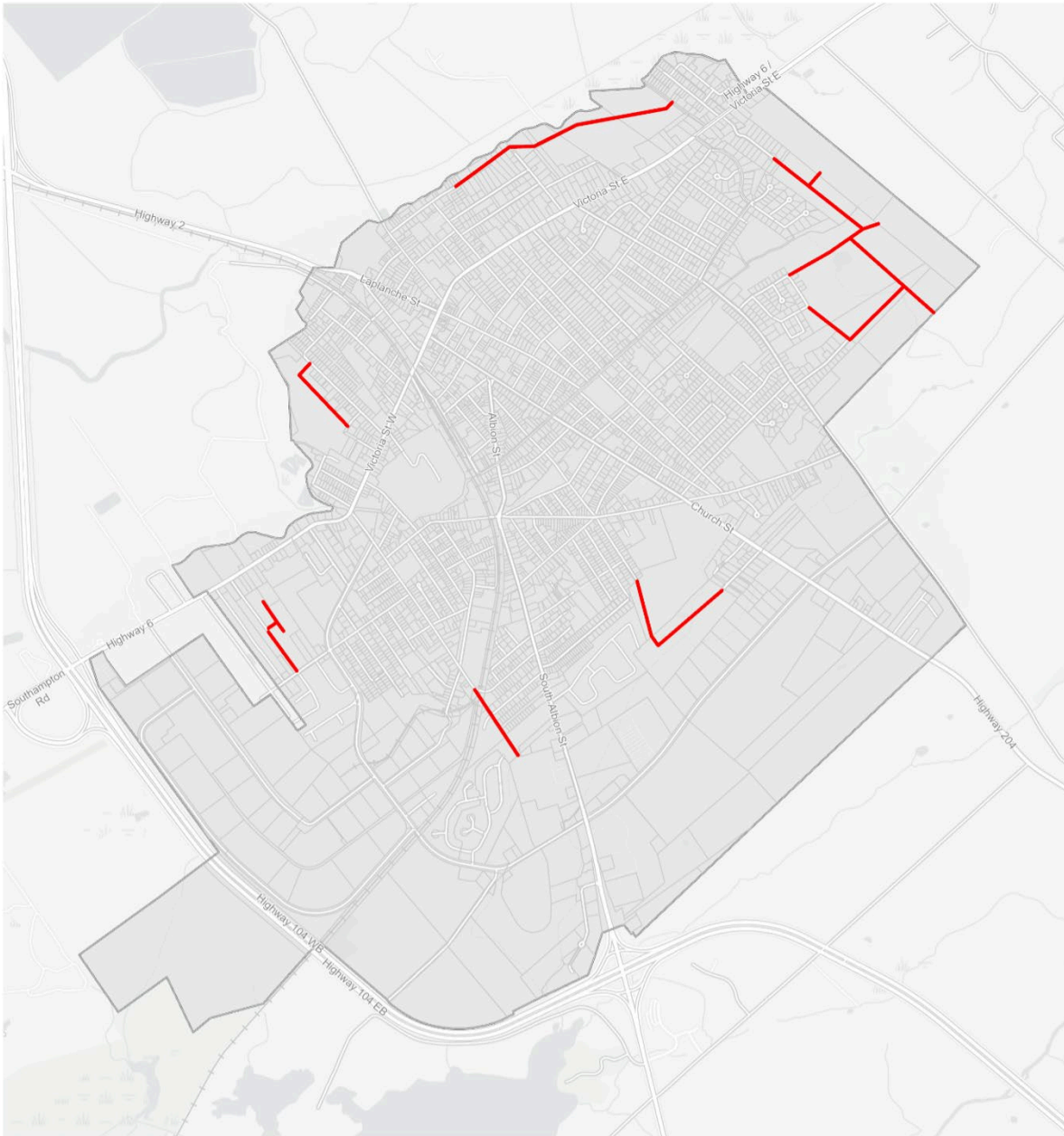
PROJ.

NAD83 CSRS  
UTM 20 N

LEGEND

- Res Residential
- Com Commercial
- Ind Industrial
- CDD Comprehensive Development District

# SCHEDULE B – FUTURE STREETS



MAP

## Future Streets

SCHEDULE

LAST UPDATED

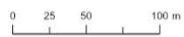
DATA SOURCE

2025-01-09

Prov. of NS

NORTH + SCALE

PROJ.



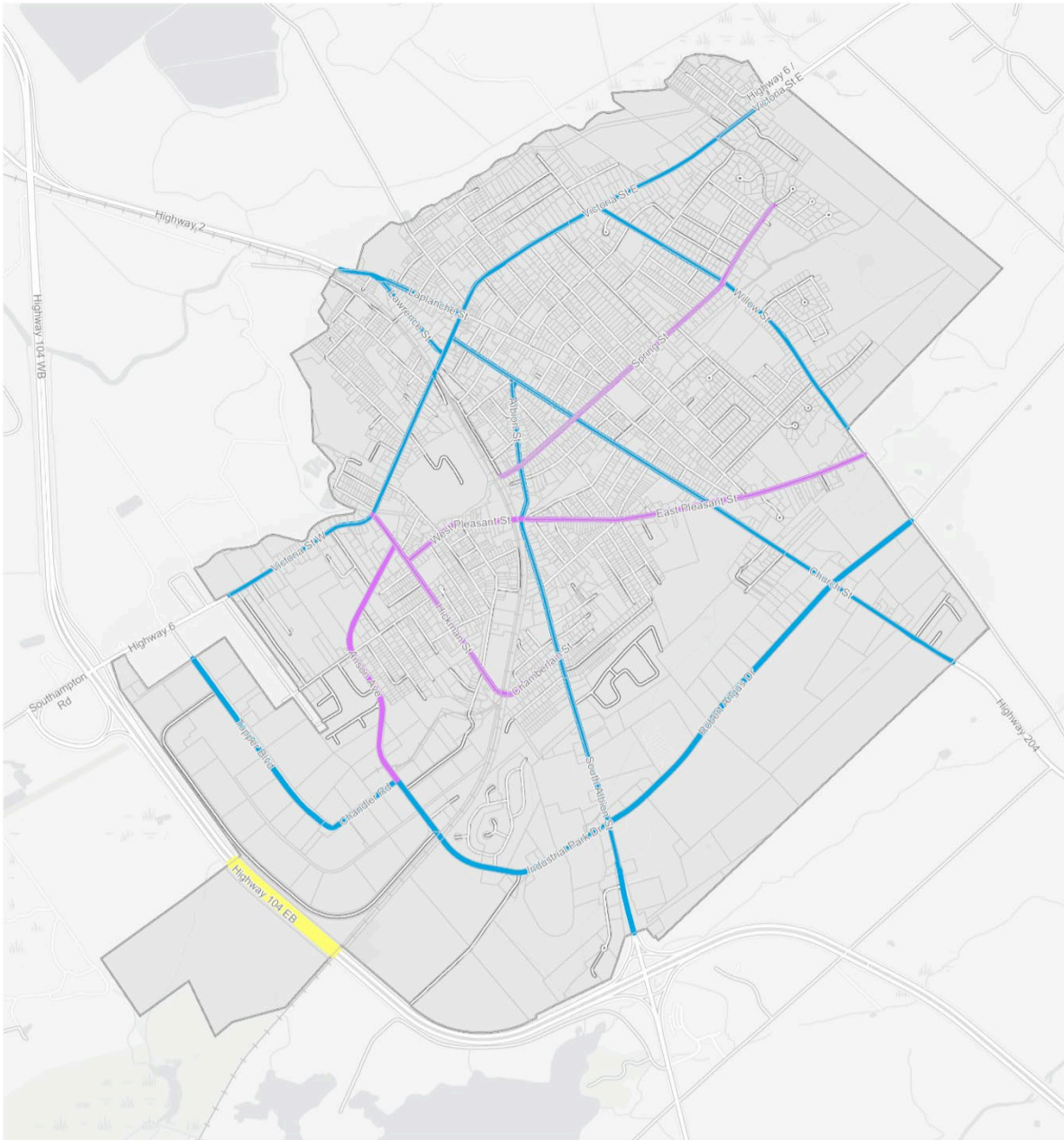
NAD83 CSRS  
UTM 20 N

LEGEND

Town of Amherst

Future Streets

# SCHEDULE C – ROAD CLASSIFICATION



MAP

## Road Classification

SCHEDULE

LAST UPDATED

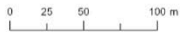
DATA SOURCE

2025-01-09

Prov. of NS

NORTH + SCALE

PROJ.



NAD83 CSRS  
UTM 20 N

LEGEND

— Trans-Canada Highway

— Local Arterial

— Local Collector

— Local