



Town of Amherst  
Planning Advisory Committee Meeting  
Agenda

Date: **Monday, January 13, 2025**  
Time: **4:30 pm**  
Location: **Council Chambers, Town Hall**

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	Pages
<b>1. Call to Order</b>	
<b>1.1 Territorial Acknowledgement</b>	
“I would like to acknowledge that our gathering today is taking place in (MEEG-MA-GEE), the traditional, unceded and ancestral territory of the Mi’kmaw people. I would also like to acknowledge that Nova Scotia has another unique people. These are the Indigenous Blacks of Nova Scotia whose legacy and contributions date back over 400 years predating confederation of this land. We are all treaty people.”	
<b>2. Approval of Agenda and Acceptance of Minutes</b>	
<b>2.1 Approval of the Agenda</b>	
<b>2.2 Acceptance of the Minutes - September 25, 2024</b>	1 - 2
<b>3. Election of Vice Chair</b>	3 - 3
<b>4. Staff Reports / Presentations</b>	
<b>4.1 96 Church Street Development Agreement Application</b>	4 - 26
<b>4.2 Public Participation Opportunity Summary - December 12, 2024</b>	27 - 27
<b>5. Draft Municipal Planning Strategy and Land Use Bylaw Review</b>	28 - 182
<b>6. Dangerous &amp; Unsightly Premises Demolitions Update</b>	183 - 184
<b>7. Adjournment</b>	

**Town of Amherst**  
**Planning Advisory Committee**  
**Minutes**

**Date:** September 25, 2024  
**Time:** 4:30 pm  
**Location:** Council Chambers, Town Hall

**Members Present** Ronald Wilson, Citizen Representative, Chair  
Councillor Hal Davidson, Vice Chair  
Councillor Leon Landry  
Councillor Charlie Chambers  
Creighton McCarthy, Citizen Representative  
Jim Lamplugh, Citizen Representative

**Staff Present** Andrew Fisher, Director of Planning & Strategic Initiatives  
Torben Laux, Planner  
Marc Buske, Building Official  
Emily Wainwright, Dangerous/Unsightly Premises Administrator  
Jeff Bacon, Business Development Officer  
Sean Payne, Corporate Communications Officer  
Natalie LeBlanc, Municipal Clerk  
Cindy Brown, Administrative Assistant

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**1. Call to Order**

The Chair called the meeting to order.

**1.1 Territorial Acknowledgement**

The Chair gave the Territorial Acknowledgement.

**2. Approval of Agenda and Acceptance of Minutes**

**2.1 Approval of the Agenda**

**Moved By: Councillor Landry**

**Seconded By: Jim Lamplugh**

**That the agenda of the Planning Advisory Committee be approved as circulated.**

**Motion Carried**

**2.2 Acceptance of the Minutes**

The Chair called for any errors or omissions in the minutes. There being none, the minutes of the September 3, 2024 meeting of the Planning Advisory Committee were accepted as included in the agenda package.

**3. 19 Spring Street**

Emily Wainwright presented the issue of 19 Spring Street (PID: 25031626) of its lack of maintenance and how the building was in serious disrepair and had partially collapsed. She presented her inspection report showing the various structural, safety and health concerns with the building. The findings of inspection reports provided by the Building Official and TN Construction Ltd were also provided. All reports supported the Administrator's conclusion that building is not safe and is in a deteriorated state, the extent to which is beyond a practical and cost-effective repair.

Andrew Fisher read a letter from Mrs. Hutchinson's legal representative to have entered into the record, included as part of the agenda package. The letter argued that a formal structural assessment and a third-party opinion should be obtained before the Committee can make a decision. Staff's position is that the Town's Building Official is qualified under the Building Code Act to provide an assessment of this building, and that the third-party opinion form TN Construction, when combined, provides sufficient information for the Committee to make a reasonable decision.

**Moved By: Councillor Davidson**

**Seconded By: Councillor Landry**

**To go into Closed Session as per MGA 22(2)(f) litigation or potential litigation.**

**Motion Carried**

**Moved By: Councillor Chambers**

**Seconded By: Jim Lamplugh**

**That the Planning Advisory Committee order that the building located at 19 Spring Street (PID: 25031626) be demolished, with all contents removed, back fill the hole, and remove all vehicles and trailers from the property within 60 days of this meeting, with all work to be done by the property owner. Failure by the property owner to do the work will result in the Town completing the work and sending all contents of the building to an appropriate solid waste facility, or impound yard, with all costs charged to the property owner's tax account.**

**Motion Carried**

**4. 77 Station Street**

Jim Lamplugh left the meeting at 5:28 PM.

Emily Wainwright presented the issue of 77 Station Street (PID: 25124017) of its lack of maintenance and how the building was in serious disrepair and had partially collapsed. She presented her inspection reports showing the various structural, safety and health concerns with the building.

**Moved By: Councillor Davidson**

**Seconded By: Creighton McCarthy**

**That the Planning Advisory Committee order that the building and loading dock located at 77 Station Street (PID: 25124017) be demolished, with all contents removed, back fill the hole, within 90 days of this meeting, with all work to be done by the property owner. Failure by the property owner to do the work will result in the Town completing the work and sending all contents of the building to an appropriate solid waste facility, or impound yard, with all costs charged to the property owner's tax account.**

**Motion Carried**

**5. 32 Park Street**

Emily Wainwright presented the update for 32 Park Street (PID: 25025362) indicating that the property has a new owner and that there has been significant progress made to clean up the property. A demolition permit was issued on September 17<sup>th</sup>, and she has confirmed with the contracted company that the building is scheduled to be demolished by mid-October.

**6. Adjournment**

The Chair adjourned the meeting.

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Natalie LeBlanc  
Municipal Clerk

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Ronald Wilson  
Chair

# MEMORANDUM

**To:** Planning Advisory Committee  
**From:** Natalie LeBlanc, Municipal Clerk  
**Date:** January 13, 2025  
**Subject:** Election of Vice Chair

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Following the recent municipal election and appointment of members of Council to Committees, our previous Vice Chair is no longer a member of this Committee. Therefore, the election of a Vice Chair has been added to the meeting agenda. Staff will be seeking nominations for this position.

# MEMO

**TO:** Planning Advisory Committee  
**FROM:** Torben Laux, Land Use Planner  
**DATE:** January 13, 2025  
**RE:** **Development Agreement – 96 Church St (PID 25013814)**

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## **PROPOSAL**

An application by Tom Mattinson of Six Point Star Homes has been submitted for a development agreement (DA) to allow the construction of three units in addition to the four units already approved at 96 Church Street. Two of these units will be within the main structure, bringing the total to six units, while a garden suite located in the existing garage will make it a total of seven units.

## **BACKGROUND INFORMATION**

The attached application briefing provides site details, neighborhood context, and building proposal specifics. The dwelling on the site is a municipally registered heritage building. On July 2, 2024, the Heritage Advisory Committee (HAC) agreed to allow alterations to the building's exterior, provided key heritage features were preserved. On October 16<sup>th</sup>, permits were issued for the conversion of the single-family dwelling into a four-unit dwelling. This development agreement would permit an additional two units within the existing dwelling and convert the existing garage into another unit. The property is 17,060 sqft. in area.

## **PUBLIC PARTICIPATION**

A Public Participation Opportunity (PPO), advertised in accordance with the Policy for Public Participation and Notification, was held on December 12<sup>th</sup>. No members of the public were in attendance and no comments were voiced. A summary of the PPO is included in the package.

## RELEVANT POLICIES

### 1. General Land Use and Development Policies (GP)

#### GP-4 Efficient Development

*It shall be the intention of Council to ensure that growth and development within the Town is efficient and cost effective by:*

- (a) facilitating the contiguous expansion of the built up areas of the Town;*
- (b) limiting development in un-serviced areas of the Town;*
- (c) concentrating new development in adequately serviced and properly planned areas;*
- (d) encouraging and facilitating infill development on underutilized properties within the built up area of town*

The proposed development satisfies all aspects of this policy. It is infill development that will require no extension of town infrastructure.

### 2. Residential Policies (RP)

#### RP-9 (Medium and High Density By Development Agreement)

*Within the Residential Designation, it shall be the intention of Council to ensure medium and high density residential development occur in a manner compatible with a low density residential neighbourhood. Specifically, Council shall require that all residential developments greater than 4 dwelling units per property, be subject to a Development Agreement. In negotiating such an agreement Council shall:*

- (a) ensure that the structure is located on the lot in such a manner as to limit potential impacts on surrounding low density residential developments;*
- (b) ensure that the development provides sufficient on-site parking, and appropriate access to, and egress from the street;*
- (c) ensure that the location of parking facilities does not dominate the surrounding area, including the utilization of vegetation and fences to mitigate the aesthetic impacts of parking lots;*
- (d) ensure that any on site outdoor lighting does not negatively impact the surrounding properties;*
- (e) ensure that any signage on the property is sympathetic to the surrounding residential properties;*
- (f) require the use of vegetation to improve the aesthetic quality of the development;*
- (g) ensure that the architecture of the building is sympathetic to any existing development in the surrounding area.*

As an existing structure, there will be no impacts to the surrounding residential development. With 10 parking spaces provided for 7 units, a ratio of 1.48 spaces per unit, the parking requirement is exceeded compared to the 1.25 standard set out in the Land Use Bylaw. These parking spaces will be accessible from the Robie Street side.

Outdoor lighting, signage provisions to address landscaping are addressed in the DA.

Regarding architectural sympathy, the proposed development will not alter the exterior significantly based on the July 2<sup>nd</sup> agreement from the heritage Advisory Committee.

***RP-11 (Affordable Housing)***

*It shall be the intention of Council to encourage and promote the provision of affordable housing units within all residential areas of the Town by:*

- (a) encouraging a mix of housing types and densities;*
- (b) permitting secondary apartments in all dwelling units;*
- (c) permitting a secondary residential structure (Garden Suite) on a lot;*
- (d) cooperating with Federal and Provincial Governments to*

The applicant stated that the units will be affordable based on eligibility for senior Government level capital funding.

***RP-12 (Residential Area Design)***

*It shall be the intention of Council to ensure that new residential areas:*

- (a) provide for the efficient use of land;*
- (b) provide for the efficient and economic extension of existing water, storm sewer and sanitary sewer systems and other utilities;*
- (c) incorporates a hierarchy of streets that efficiently and safely accommodates traffic flows and proper access to other areas of Town;*
- (d) provides for the efficient and safe movement of pedestrians and cyclists;*
- (e) minimizes adverse effects on the environment;*
- (f) provides for parks and other community uses in safe and central locations.*

The proposed development satisfies all aspects of this policy as it makes use of two existing structures.

***RP-14 (Garden Suite)***

*It shall be the intention of Council to permit Garden Suites in all Residential areas by Development Agreement. In negotiating such an agreement Council shall have regard for the following:*

- (a) the garden suite be secondary to the main dwelling on the lot;*
- (b) water and sewer services be provided independent from the main dwelling;*
- (c) two off street parking spaces be provided on the property;*
- (d) the garden suite be a minimum of 1.2 metres from the side property lines;*
- (e) the garden suite be a minimum of 6 metres from the rear property line;*
- (f) the garden suite be a minimum of 1.2 metres from the main dwelling;*

- (g) the garden suite not be located in the front yard of the property;*
- (h) no home occupation, group home, boarding house, day care or other such secondary use be permitted on the property;*
- (i) the development agreement be discharged*

The existing garage located to the right of the property looking at the site from Robie street will be converted into a single unit Garden Suite. It will have separate water and sewer services. While the 6 metre setback noted above will not be met, the impact on the adjacent property will be negligible as it is used for parking

### **3. Implementation Policy**

#### **A-5 (Amendment Criteria)**

*It shall be the intention of Council, when considering an amendment to this or any other planning document, including the entering into or amendment of a development agreement, to consider the following matters, in addition to all other criteria set out in the various policies of this planning strategy:*

- (a) That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.*
- (b) That the proposal is not premature or inappropriate by reason of:*
  - (i) the financial capability of the Town to absorb any costs relating to the development;*
  - (ii) the adequacy of municipal water, sanitary sewer and storm sewer services;*
  - (iii) the adequacy of road networks, in, adjacent to, or leading to the development*
- (c) That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of:*
  - (i) type of use;*
  - (ii) height, bulk and lot coverage of any proposed building;*
  - (iii) parking, traffic generation, access to and egress from the site;*
  - (iv) any other matter of planning concern outlined in this strategy.*

The proposal meets the intent of the relevant town bylaws and regulations. In terms of subsection (b), there would be no significant burden on the Town's finances. The street network and town water, sanitary and storm sewer services can accommodate the development.

## **DISCUSSION & CONCLUSION**

Staff feel the draft DA is in keeping with the general intent of the relevant policies of the MPS. The proposal will have a positive impact on the provision of suitable and affordable housing in a central location. This development is appropriate for the area in terms of its height, bulk, and general built form.

The following decision options are therefore put forward:

### **OPTIONS:**

- Option One:**                **Recommend that Council enter into the Development Agreement for 96 Church Street as drafted.**
- Option Two:                Recommend that Council not enter into the Development Agreement 96 Church Street.
- Option Three:              Defer a decision and request additional information and /or changes to the proposal.

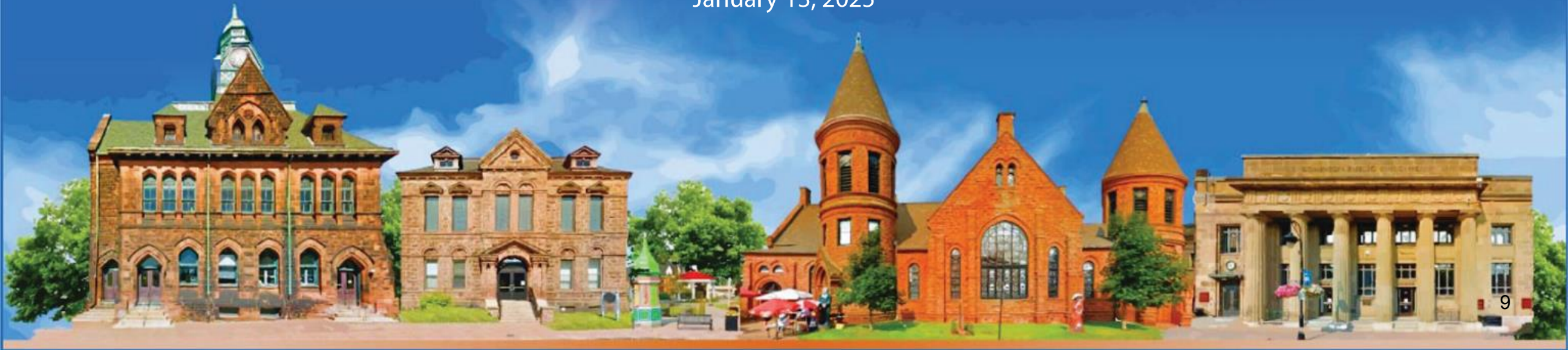
**STAFF RECOMMENDATION: Option One.**



# Planning Advisory Committee

Development Agreement to Permit the Construction of Three Additional Units (Total of 7 Units) at 96 Church Street

January 13, 2025



## **Disclaimer**

These applications are not the Town's proposal. It is a property owner's right to make an application for a development agreement or a zoning map amendment. No approval or decisions have been made.

# Development Agreement

What is a Development Agreement (DA)?

A development agreement is a legally binding contract between a property owner and the Town that stipulates standards, design requirements, terms, and conditions to which the property owner must adhere.

Aspects of a development that may be addressed in this agreement include:



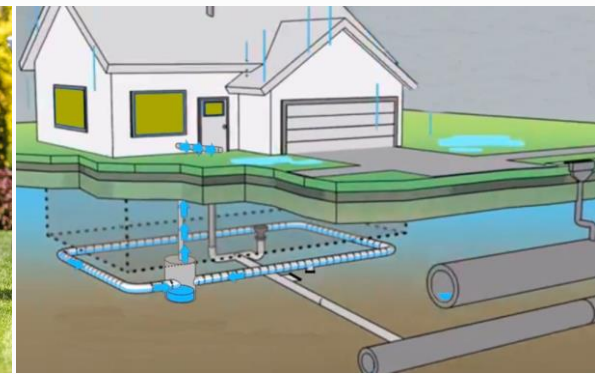
Architectural Design



Parking



Landscaping



Drainage

A development agreement may also influence the use, of fencing and other similar site features to ensure the matter is addressed adequately, stipulate how the project should be phased, enforce certain special requirements, and require the developer to make contribution towards funding public infrastructure.

# Development Agreement Process



# Application Details

Applicant/ Owner: Tom Mattinson, Six Point Star Homes.

Summary of Proposal: to create 3 additional units, two within the existing structure and one Garden Suite

Location: 96 Church St. (PID: 25013814)

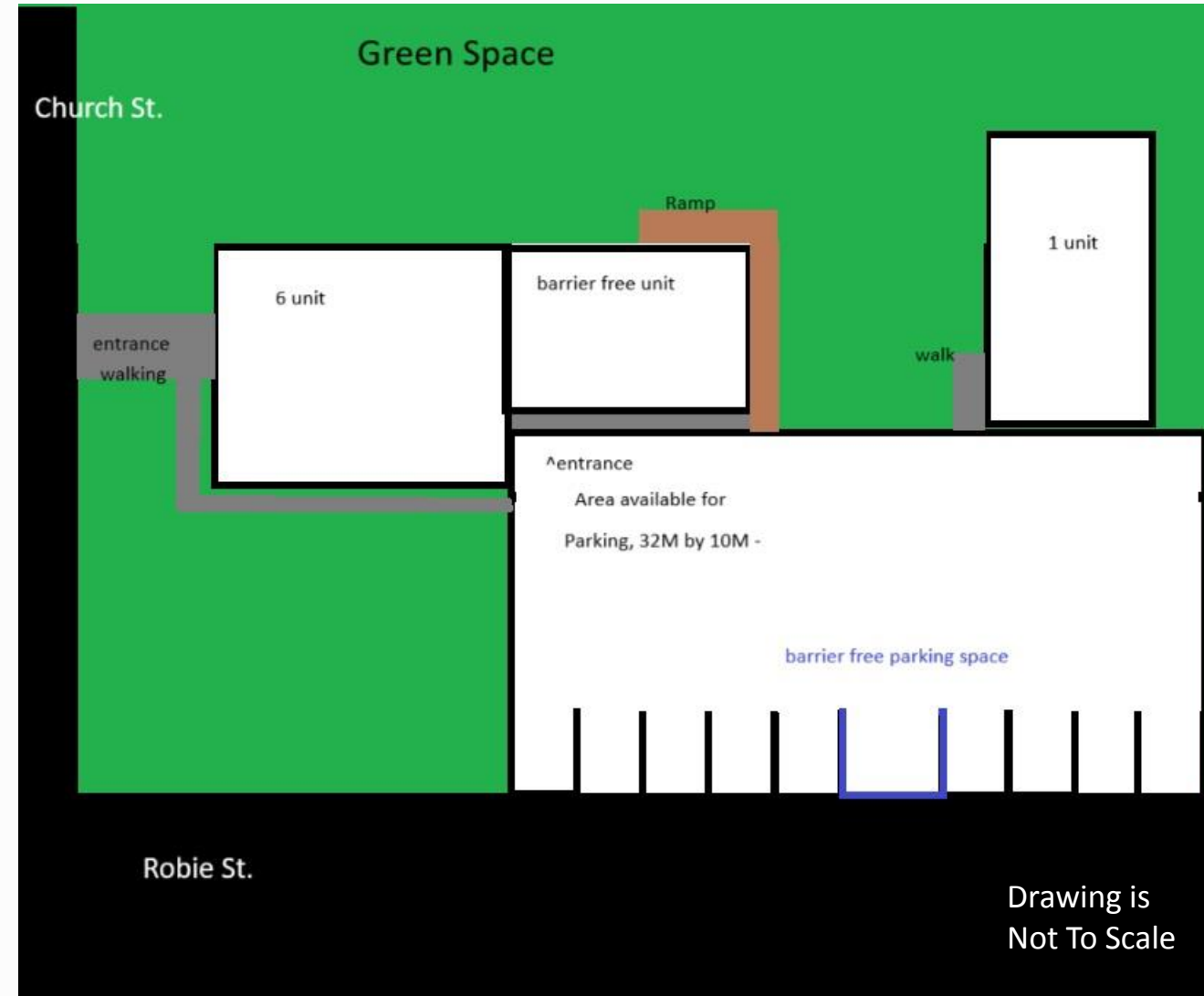
Total Property Area: 1585 sqm (17060 sq ft)

Existing Zoning: General Residential

Existing Land Use: Residential

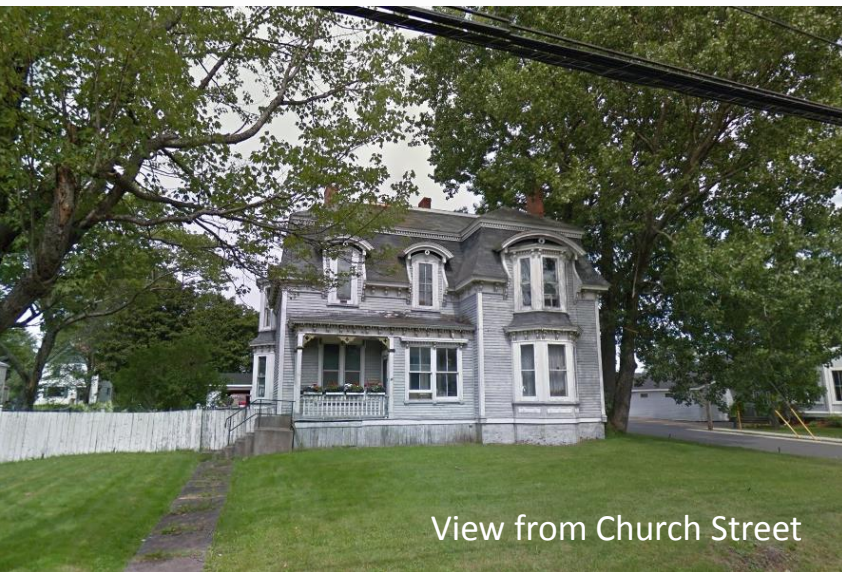
Parking: 10 Parking Spaces (1.48/unit)

Street Frontage: 29m along Church St. & 56m along Robie St



# Neighbourhood Context

- Located to the right of the YMCA on the corner of Church Street and Robie Street.
- Beside Campbell's Funeral Home
- 8-minute walk to Town Hall.
- 15-minute walk to the Amherst Stadium.



View from Church Street



View from Robie Street

# Relevant Planning Bylaws & Policies

## 1. General Land Use and Development Policies

### GP-4 (Efficient Development)

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- (c) concentrating new development in adequately serviced and properly planned areas;
- (d) encouraging and facilitating infill development on underutilized properties within the built up area of town.

# Relevant Planning Bylaws & Policies

## 2. Residential Policies

### RP-9 (Medium and High Density By Development Agreement)

Within the Residential Designation, it shall be the intention of Council to ensure medium and high density residential development occur in a manner compatible with a low density residential neighbourhood. Specifically, Council shall require that all residential developments greater than 4 dwelling units per property, be subject to a Development Agreement. In Agreement. In negotiating such an agreement Council shall:

- (a) ensure that the structure is located on the lot in such a manner as to limit potential impacts on surrounding low density residential developments;
- (b) ensure that the development provides sufficient on-site parking, and appropriate access to, and egress from the

# Relevant Planning Bylaws & Policies

## 2. Residential Policies

### RP-11 (Affordable Housing)

It shall be the intention of Council to encourage and promote the provision of affordable housing units within all residential areas of the Town by:

- (a) encouraging a mix of housing types and densities;
- (b) permitting secondary apartments in all dwelling units;
- (c) permitting a secondary residential structure (Garden Suite) on a lot;
- (d) cooperating with Federal and Provincial Governments to

# Relevant Planning Bylaws & Policies

## 2. Residential Policies

### RP-12 (Residential Area Design)

It shall be the intention of Council to ensure that new residential areas:

- (a) provide for the efficient use of land;
- (b) provide for the efficient and economic extension of existing water, storm sewer and sanitary sewer systems and other and other utilities;
- (c) incorporates a hierarchy of streets that efficiently and safely accommodates traffic flows and proper access to other other areas of Town;
- (d) provides for the efficient and safe movement of pedestrians and cyclists;
- (e) minimizes adverse effects on the environment;
- (f) provides for parks and other community uses in safe and central locations.

# Relevant Planning Bylaws & Policies

## 2. Residential Policies

### RP-14 (Garden Suite)

It shall be the intention of Council to permit Garden Suites in all Residential areas by Development Agreement. In negotiating such an agreement Council shall have regard for the following:

- (a) the garden suite be secondary to the main dwelling on the lot;
- (b) water and sewer services be provided independent from the main dwelling;
- (c) two off street parking spaces be provided on the property;
- (d) the garden suite be a minimum of 1.2 metres from the side property lines;
- (e) the garden suite be a minimum of 6 metres from the rear property line;
- (f) the garden suite be a minimum of 1.2 metres from the main dwelling;
- (g) the garden suite not be located in the front yard of the property;
- (h) no home occupation, group home, boarding house, day care or other such secondary use be permitted on the property;
- (i) the development agreement be discharged

# Relevant Planning Bylaws & Policies

## 3. Implementation Policy

### A-5 (Amendment Criteria)

It shall be the intention of Council, when considering an amendment to this or any other planning document, including the entering into or amendment of a development agreement, to consider the following matters, in addition to all other criteria set out in the various policies of this planning strategy:

1. That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.
  - (b) That the proposal is not premature or inappropriate by reason of:
    - (i) the financial capability of the Town to absorb any costs relating to the development;
    - (ii) the adequacy of municipal water, sanitary sewer and storm sewer services;
    - (iii) the adequacy of road networks, in, adjacent to, or leading to the development
  - (c) That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of:
    - (i) type of use;
    - (ii) height, bulk and lot coverage of any proposed building;
    - (iii) parking, traffic generation, access to and egress from the site;
    - (iv) any other matter of planning concern outlined in this strategy.

This Agreement made this \_\_\_\_\_ Day of \_\_\_\_\_ 2025.

Between:

**Six Point Start Homes** (owner of property located at 96 Church Street [PID 25013814], hereinafter called the "Owner"),

of the one part, and

**The Town of Amherst** (a body corporate in the Province of Nova Scotia, hereinafter called the "Town"),

of the other part.

WHEREAS the Owner wishes to obtain permission pursuant to Policy RP-9 of the Municipal Planning Strategy of the Town of Amherst, to add three additional units, including one garden suite located at 96 Church Street (PID 25013814).

AND WHEREAS a condition of the granting of approval of Council is that the Owner enter into an Agreement with the Town;

AND WHEREAS the Council of the Town, at its meeting on the \_\_\_ Day of \_\_\_\_\_ 2025, approved the said Development Agreement, subject to the registered Owner of the land described herein entering into this Agreement;

AND WHEREAS the following Schedules shall be attached to and form part of this Agreement:

- (a) Schedule 'A' - Terms and Conditions
- (b) Schedule 'B' - Property Location Map
- (c) Schedule 'C' - Site Plan

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the granting by the Town of the Development Agreement requested by the Owner, the Owner agrees as follows:

- 1) That the Owner is the registered owner of the aforesaid Lands in the Town of Amherst, hereinafter called the "Lands". The aforesaid Lands are the only lands in the Town of Amherst to which this Agreement applies, and the Lands are illustrated in the plan shown on Schedule B attached.
- 2) That the Owner may construct three additional units, for a total of seven, including a Garden Suite situated in the existing garage on the said Lands, subject to Schedules A, B, and C.
- 3) Nothing in this Agreement shall exempt or be taken to exempt the Owner or any other person from complying with the requirements of any Bylaw of the Town applicable to the Property (other than the Land Use Bylaw to the extent varied by this Agreement) or any Provincial or Federal statute, act, or regulation.

- 4) Any failure of the Town to insist upon strict enforcement of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Town may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.
- 5) Should the Owner fail to act in accordance with any aspect of this Agreement, the Town shall retain the right to discharge the Agreement upon 30 days notification and / or enter the property and conduct the required work. The cost of the said work will become a lien on the property tax bill.
- 6) The Town shall issue the necessary Development Permit for the development upon expiration of the appeal period specified for Development Agreements under Section 249 of the *Municipal Government Act*, as the same may be amended from time to time, or upon the withdrawal or dismissal of any appeal which may be taken.
- 7) The Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject of this Agreement until such time as it is discharged by the Town in accordance with Section 229 of the *Municipal Government Act*.

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**SIGNED AND DELIVERED**

In the presence of

**THE TOWN OF AMHERST**

\_\_\_\_\_

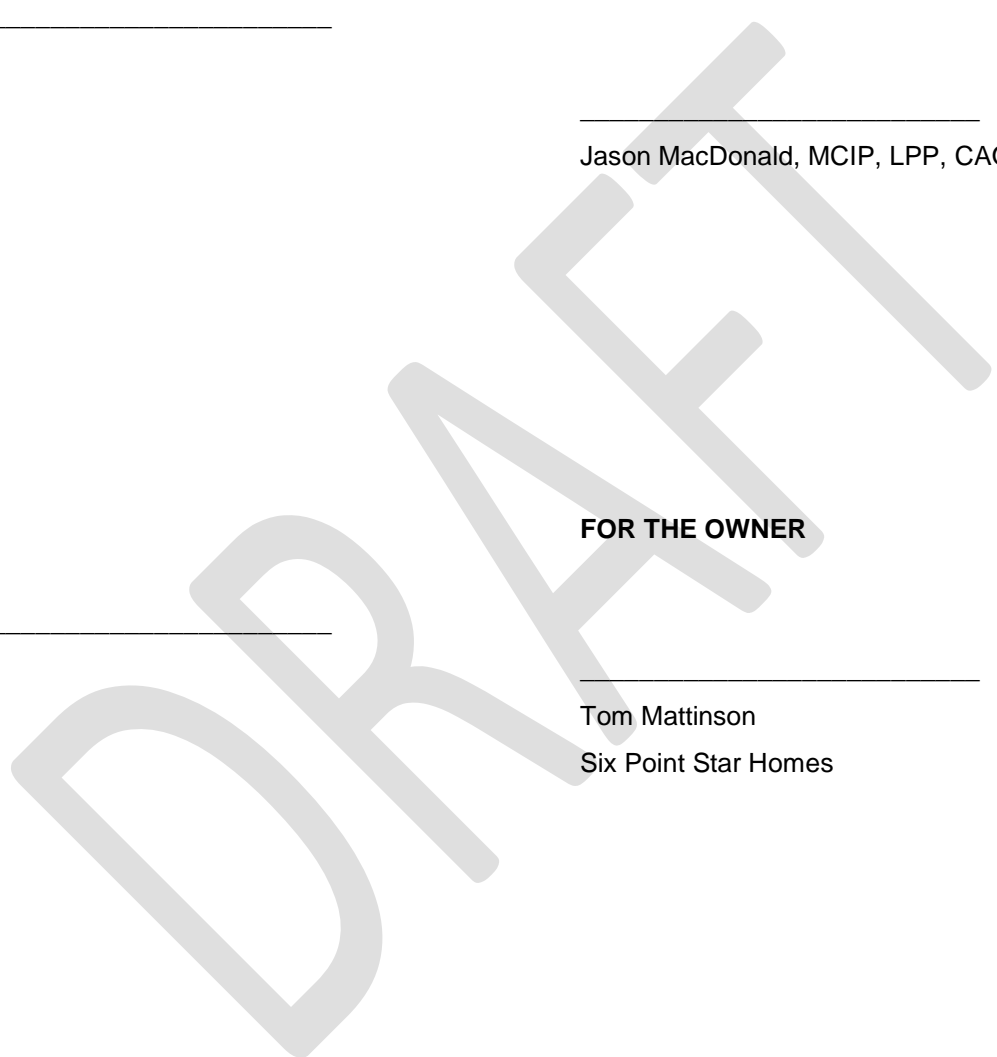
\_\_\_\_\_  
Rob Small, Mayor

\_\_\_\_\_  
Jason MacDonald, MCIP, LPP, CAO

**FOR THE OWNER**

\_\_\_\_\_

\_\_\_\_\_  
Tom Mattinson  
Six Point Star Homes



## Schedule A

## 96 Church Street, PID 25013814- Development Agreement

### Terms and Conditions:

#### 1.0 USE OF LAND AND BUILDINGS

- 1.1 The use of the property shall be limited to a six (6) unit dwelling and one Garden Suite for a total of seven (7) dwelling units on property shown on Schedule 'B'.
- 1.2 The location of the main building. Garden suite, driveway, parking area shall be generally configured on the Lands as shown on Schedule 'C'. Variations to the location of any parts of the site plan may be permitted, to the satisfaction of the Development Officer. Such changes shall not be considered substantial.
- 1.3 A minimum of 1.48 parking spaces shall be provided for each dwelling unit for a total of 10 spaces on the Lands and shall be generally configured as shown on Schedule 'C'.
- 1.4 The Owner shall be responsible for maintaining a screened solid waste containment area(s) at minimum six (6) metres from the rear property line of adjacent properties.

#### 2. GENERAL REQUIREMENTS

- 2.1 The Owner shall keep the Lands and buildings and any portion thereof clean and in good repair. All elements of the development on the Lands shall be regularly maintained and kept in a tidy state, and free from unkept materials of any kind.
- 2.2 In addition to *Part 5 – Hours of Construction* under the Town of Amherst Building Bylaw D-6, operation of heavy equipment and electrical generators shall not take place on the property from 8:00 P.M. to 7:00 A.M.
- 2.3 Signage on the property shall conform to the Town of Amherst *Land Use Bylaw*.
- 2.4 The Owner shall ensure that exterior lighting does not shine directly onto adjacent properties.
- 2.5 Solid waste management shall be in conformance with the Town of Amherst *Solid Waste Bylaw*.
- 2.6 The Owner shall take all reasonable steps to maintain a clean worksite during construction by picking up building material waste, and taking all reasonable measures to minimize dust.
- 2.7 Accessory buildings may be permitted on the Lands in accordance with the Town of Amherst Land Use Bylaw.

**Schedule B**

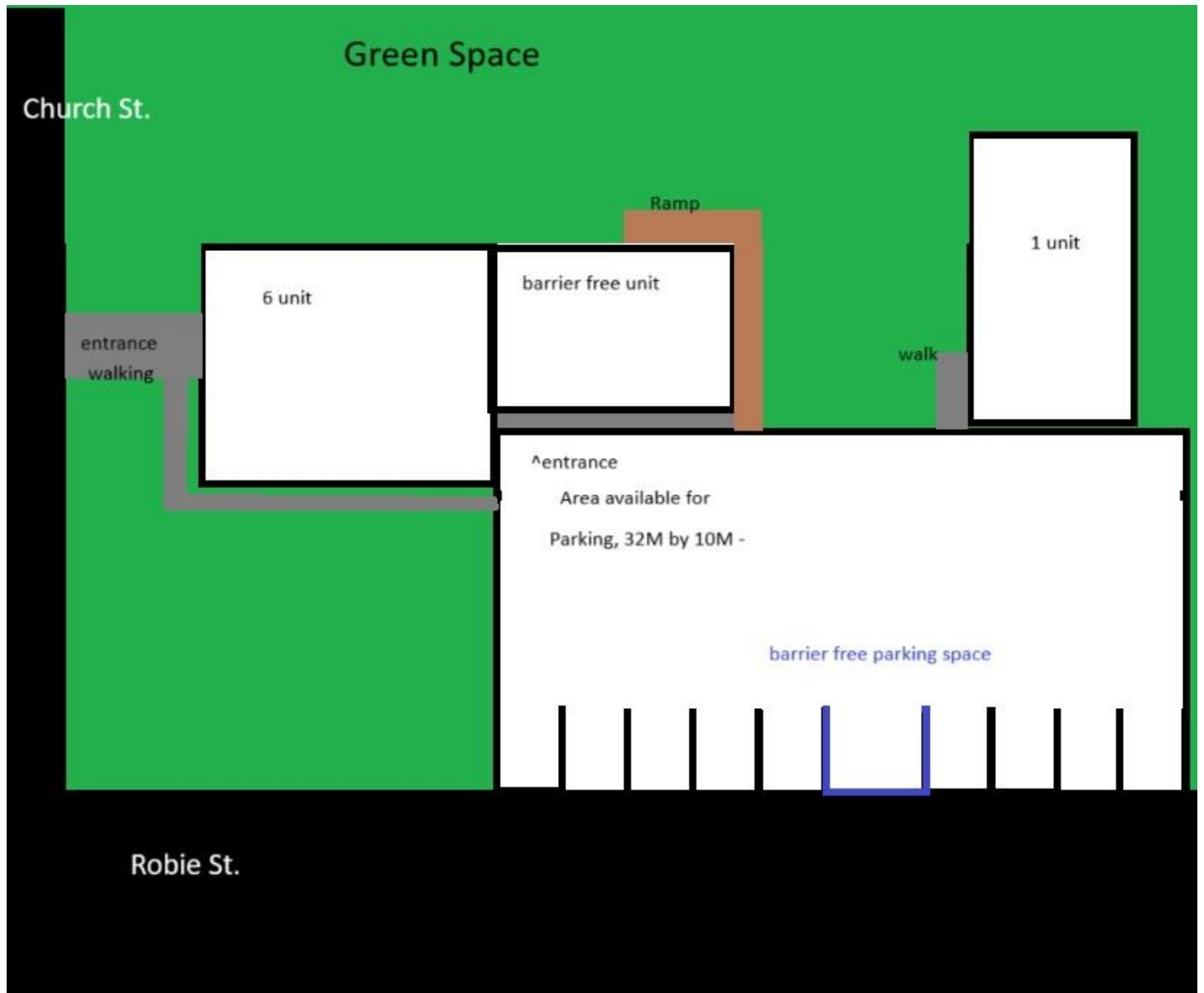
Location Map



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# Schedule C

## Site Plan



**Town of Amherst**  
**Public Participation Opportunity**  
**Summary**

**Date:** December 12, 2024  
**Time:** 5:00 pm  
**Location:** Council Chambers, Town Hall

**Members Present** Councillor Terry McManaman  
Ronald Wilson, PAC Citizen Representative, Chair  
Creighton McCarthy, PAC Citizen Representative

**Staff Present** Andrew Fisher, Director, Planning & Strategic Initiatives  
Torben Laux, Planner/GIS  
Marc Buske, Building Official  
Sean Payne, Corporate Communications Officer  
Natalie LeBlanc, Municipal Clerk  
Cindy Brown, Administrative Assistant

- 
1. **Call to Order**  
Andrew Fisher called the Public Participation Opportunity to order.
  2. **Territorial Acknowledgment**  
Andrew Fisher gave the Territorial Acknowledgement.
  3. **Introductions**  
Andrew Fisher introduced Town of Amherst staff, members of Council and members of the Planning Advisory Committee that were in attendance as observers.
  4. **96 Church Street Development Agreement Application**
    - 4.1 **Staff Reports / Presentations**  
Torben Laux presented the application for a Development Agreement to create 7 units, 6 units within a building and one standalone unit, at 96 Church Street (PID 25013814).
    - 4.2 **Public Participation Opportunity**  
There were no members of the public present.
  5. **Closing**  
There being nothing further, Mr. Fisher thanked everyone for coming and closed the public participation.

# MEMO

**TO:** Planning Advisory Committee

**FROM:** Andrew Fisher, Director of Planning & Strategic Initiatives

**DATE:** January 13, 2025

**RE:** **Municipal Planning Strategy & Land Use Bylaw Draft Review**

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With the Town’s existing Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB) having been originally adopted in 2005, work began in 2022 to renew these planning documents to guide development over the next decade. Upland Design Studio was hired as a consultant to undertake the review, the process for which was as follows:

Site visits, document & data collection and Planning Analysis: This work was undertaken to understand planning in the Amherst context and look at ways policy might address various issues going forward. This information is provided in the **Planning Analysis Report** and the **Issues Report**, which can be found at [Planamherst.ca](http://Planamherst.ca) under “Documents”.

Public Engagement: A key component of the review included a public engagement strategy that sought to gather input from citizens and stakeholders on the perspectives on life in Amherst and share their vision for the future. The results of this engagement are provided in the **What We Heard Report** that is also available at [planamherst.ca](http://planamherst.ca) website.

Draft MPS & LUB: In 2023 draft documents were provided by Upland and were reviewed by staff and the PAC who provided feedback. The project was then delayed by staff facilitating an unprecedented volume of housing development proposals that have resulted in significant increases in the number of new housing unit approvals. Staff also had to refocus their attention on applying for the Housing Accelerator Fund, a federal program designed to reward municipalities for increasing housing starts by reducing red tape and other initiatives. Some of the Town’s proposed initiatives have been incorporated into the revised MPS & LUB drafts in anticipation of receiving funding under the Housing Accelerator program.

Revised Draft MPS & LUB: The working draft MPS & LUB provided with this report are intended to incorporate the information, public input that is provided in the reports noted above and PAC feedback. While these documents represent how the community wants to develop in the future, they will also be working legal documents that staff use every day to facilitate development. As such, staff have significantly revised the draft documents, particularly the LUB, in both content and format to be able to use them as efficiently as possible and incorporate what already works from the existing MPS & LUB.

Getting to Adoption: With the imperative to have Council in a position to adopt these documents before July 2025, the following schedule has been established:

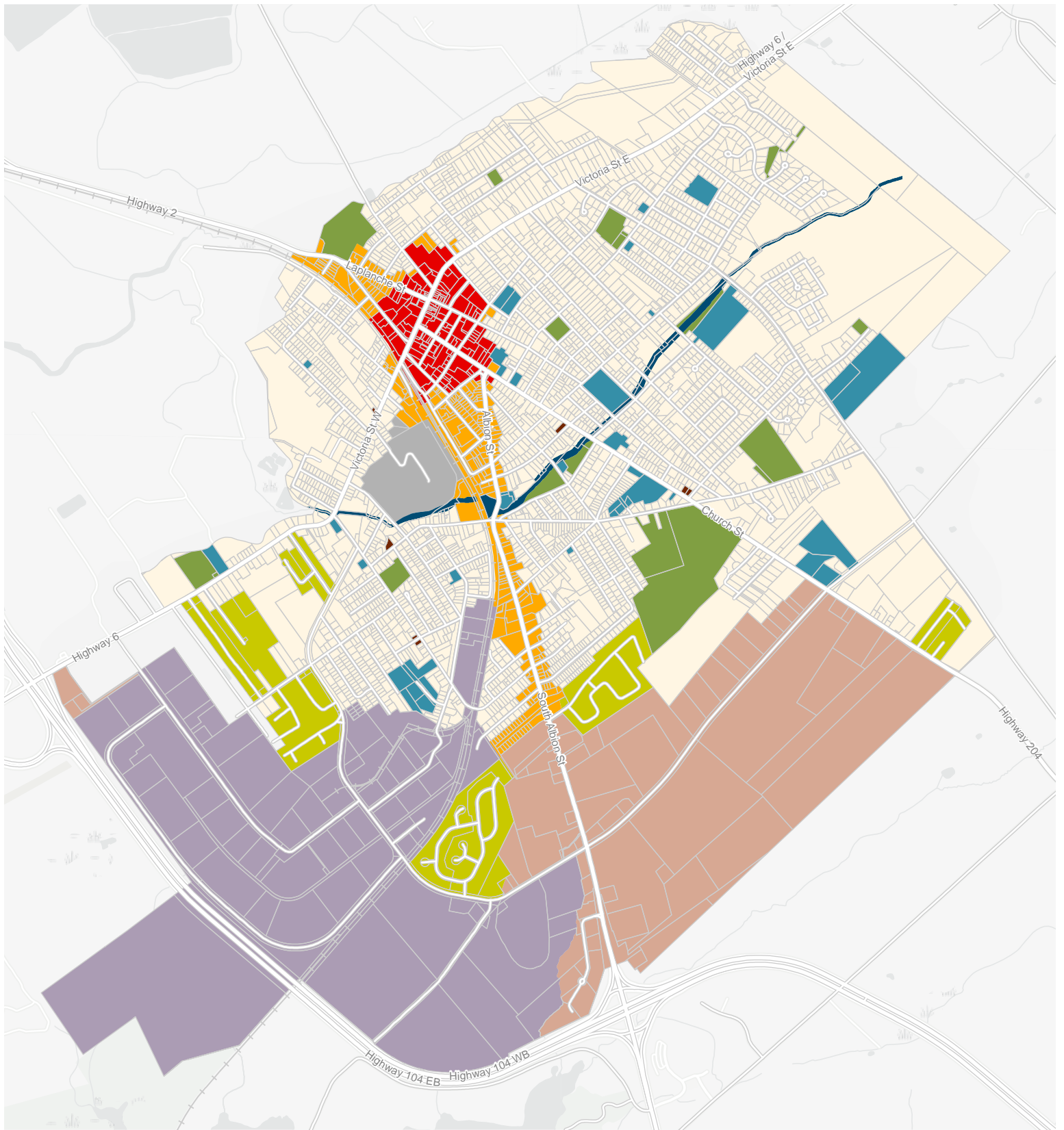
January	PAC high level review of revised drafts
February	PAC review refined drafts
March	PAC reviews final drafts and considers recommendation to Council
Late March	Council gives first reading
April-May	Public engagement on the drafts (to be facilitated by Upland)
May-June	Council holds a public hearing and gives 2 <sup>nd</sup> reading
July-Aug	Provincial Ministerial review
September	New documents come into effect

Staff feel the drafts are at about 80-90% but intend to further refine the content and formatting of the documents though January and February if needed. The following high-level review is intended to highlight the changes from the existing documents and can be characterized as follows:

**Residential:** Currently all residential development with more than four units requires a lengthy and uncertain development agreement process and restricts multi-unit developments in the northern end of town through the Low Density Zone. The draft documents increase the number units permitted by Site Plan Approval, the process for which can be completed in approximately 30 days. Site Plan Approval requires minimum area, yard and parking requirements but allows for additional control over the development. Once approved, a Site Plan can be appealed to Council.

The key changes are mostly residential in nature and include:

1. General Residential zone replaces the Low Density Zone and allows up to 6 units by-right, 7-12 units by Site Plan Approval, and 13 or more by development agreement.
2. Accessory dwellings and garden suites are permitted by-right.
3. Minimum lot area for apartments is reduced for upper floor units to encourage vertical density.
4. Mini Home Park Zone, now called the Leased Land Community Zone allows mobile homes and all the residential uses in the General Residential Zone.
5. In the Downtown Zone, upper floor conversions of commercial buildings with a 30% or less addition to the building envelop is permitted by-right. Parking requirements are waived.
6. All residential uses are permitted in the Mixed Use Zone, subject to General Residential Zone standards.
7. The Highway Commercial Zone restricts single detached dwellings but permits high density development by site plan with no minimum lot area requirements.



MAP

# Amherst Zoning (DRAFT)

SCHEDULE

LAST UPDATED

DATA SOURCE

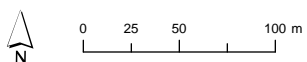
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2025-01-09

Prov. of NS












NORTH + SCALE

PROJ.



NAD83 CSRS  
UTM 20 N

LEGEND

- |   |  |
|---|--|
|  CDD                 |  Institutional            |
|  Downtown Commercial |  Mixed Use                |
|  Flood Plain         |  Mini Home Residential    |
|  General Residential |  Neighbourhood Commercial |
|  Highway Commercial  |  Open Space               |
|  Industrial          |  |

DRAFT MUNICIPAL PLANNING STRATEGY

(new cover page to be inserted)

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# 1 Introduction and Context

**GREEN** = references we need to make sure we keep up-to-date

**YELLOW** = content still to be filled in

**BLUE** = policies from existing MPS

## **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 the 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 20<sup>th</sup> 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 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

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<sup>1</sup>Statistics Canada. Retrieved from: <https://www12.statcan.gc.ca/census-recensement/2006/dp-pd/prof/92-591/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/dp-pd/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>

Town could face challenges over the next decade with financing the upkeep of this infrastructure.

## **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 ten 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 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
- » Statement of Provincial Interest Regarding Flood Risk Areas
- » Statement of Provincial Interest Regarding Agricultural Land
- » Statement of Provincial Interest Regarding Infrastructure
- » Statement of Provincial Interest Regarding Housing

**1.5.1 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. Statement of Provincial Interest Regarding Drinking Water**

**1.5.2 [To protect the quality of drinking water within municipal water supply watersheds. Statement of Provincial Interest Regarding Flood Risk Areas**

**1.5.3 To protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains. Statement of Provincial Interest Regarding Agricultural Land**

**1.5.4 To protect agricultural land for the development of a viable and sustainable agriculture and food industry where applicable within the town's boundaries. Statement of Provincial Interest Regarding Infrastructure**

**1.5.5 To make efficient use of municipal water supply and municipal wastewater disposal systems. Statement of Provincial Interest Regarding Housing**

To provide housing opportunities to meet the needs of all Nova Scotians.

## 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 designating 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 housing, 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 are 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 illustrative 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 the of 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 Strategic Initiatives 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. [To be completed following Draft Plan Engagement]  
[update image]



## 2.3 Public Engagement

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

- » Initial Engagement Phase, and
- » Draft Plan 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

[To be completed following Draft Plan Engagement]

## **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 drove 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 has been 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 heathy, 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.

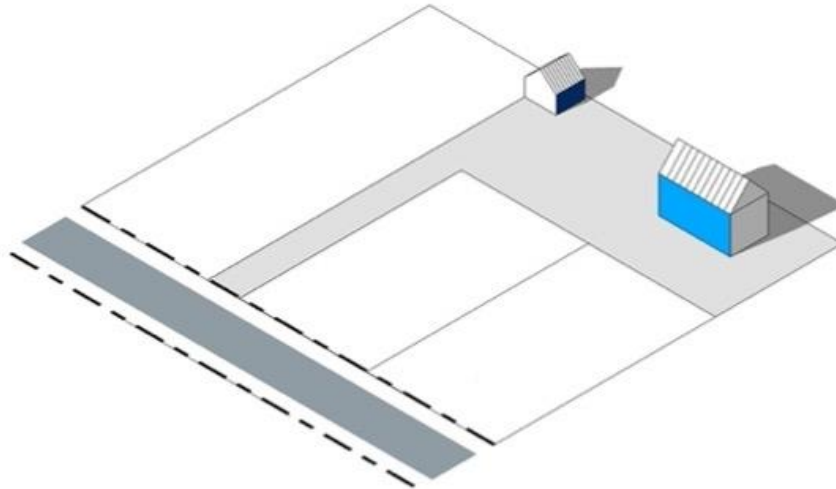
**Policy 4-1: Council shall, through the Land Use Bylaw, regulate the size, location, and number of buildings on a lot. The regulations shall reflect the intent of each specific land use zone within the Land Use Bylaw.**

**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 20<sup>th</sup> 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) Mini Home Park Residential 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 Mini Home Park Residential 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 residential 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 in the General Residential Zone grouped dwellings up to five dwellings, multi-unit dwellings between seven and twelve units, townhouse dwellings between seven and twelve units and boarding houses between seven and twelve sleeping units by site plan approval and boarding houses wit.**

**Policy 4-19: Council shall consider entering into a development agreement for multi-unit developments with thirteen or more dwelling units, converted dwellings with six or more units, and boarding houses with thirteen or more sleeping units 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 setbacks;
- (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 6.5 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.
- the proposal complies with the general development agreement policies of Section 6.5 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 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 setbacks;**
- (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 6.5 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, cafés, and day care centres are all 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. This land use zone is intended to support small-scale commercial and community uses that serve local residential areas.**

**Policy 4-27: Council shall apply the Neighbourhood Commercial Zone on the maps of the Land Use Bylaw 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.**

**Policy 4-28: Council shall, through the Land Use Bylaw, permit commercial uses in the Neighbourhood Commercial Zone and residential uses, subject to General Residential Zone standards. Convenience stores, day care centres, take out restaurants and eat-in restaurants shall also be permitted.**

**Policy 4-29: Council shall, through the Land Use Bylaw, establish floor area maximums for commercial uses in the Neighbourhood Commercial Zone to promote small-scale commercial uses.**

## 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) Downtown Commercial Zone;**
- (b) Highway Commercial Zone;**
- (c) Mixed Use Zone;**
- (d) Neighbourhood Commercial Zone;**
- (e) Institutional Zone;**
- (f) Open Space Zone; and**
- (g) Flood Plain Zone.**

#### 4.5.2 Downtown Commercial 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 Commercial 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 Commercial 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 Commercial 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 Commercial 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 Commercial 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, through the Land Use Bylaw, permit sidewalk patios in the Downtown Commercial Zone provided the patio meets accessibility, maintenance, and other standards established in the Land Use Bylaw.

**Policy 4-37:** 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 4-38:** 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 6.5 of this Plan.

**Policy 4-39:** Council shall consider, in the Downtown Zone, applications for ground floor residential uses by Development Agreement excluding that portion of a building that abuts Church, Victoria and Havelock Streets. Other than said streets, application for new residential buildings or ground floor conversion of existing commercial and Institutional buildings will not be considered for residential uses unless it can be shown to the satisfaction of Council that such a conversion will not detract from the commercial character of the surrounding streetscape. In negotiating such a development agreement, Council shall take into account provisions In the Land Use Bylaw for residential uses In the Downtown Zone.

**Policy 4-40:** 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, restaurants, and multi-unit dwellings.**

**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, through the Land Use Bylaw, permit drive-throughs in the Highway Commercial Zone by site plan approval.**

**Policy 4-45: Council shall, through the Land Use Bylaw, require any proposed development that is listed as a permitted use within the Highway Commercial Zone, with a gross floor area of 900 square metres or greater, to proceed through site plan approval.**

**Policy 4-46: 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 that proposed residential developments with more than seven units 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 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 4-4468: 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 4-4479: 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:**

- (e) 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;**
- (f) 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;**
- (g) the bulk and massing of the building is complementary to and compatible with—but not necessarily the same as—neighbouring properties;**
- (h) the proposal is appropriately integrated into the built form of the existing neighbourhood through the use of setbacks and stepbacks;**
- (i) parking areas are planned and landscaped so as not to create adverse effects on neighbouring properties;**
- (j) stormwater runoff from impervious areas is appropriately managed and unlikely to cause disturbance on neighbouring properties or the natural environment; and**
- (k) the proposal complies with the general development agreement policies of Section 6.5 of this Plan.**

#### **4.5.5 Neighbourhood Commercial Zone**

Throughout Amherst there are small-scale commercial operations within residential neighbourhoods that historically served as locations for convenience stores that reduced the need to travel to larger stores for small grocery orders. With the legalization of Sunday shopping and larger stores extending their hours of operation, the market for local convenience stores has significantly diminished. However, In some locations the neighbourhood commercial centre has continued to provide an Important service to their neighbourhood and the town as a whole. Council Intends to continue to provide for existing neighbourhood commercial spaces but restrict rezoning existing residential properties to the Neighbourhood Commercial Zone.

**Policy 4-52: Council shall, through the Land Use Bylaw, establish a Neighbourhood Commercial Zone and will apply this zone to existing neighbourhood commercial operations. This zone shall contain regulations to ensure that the use of the property minimizes any negative Impacts on the surrounding neighbourhood by:**

- (a) permitting uses that mainly serve the local area such as retail, service shops, commercial daycares, restaurants and other similar uses;**
- (b) ensuring adequate onsite parking is provided;**
- (c) vegetation is utilized to Improve the aesthetic quality of the development; and,**
- (d) not permitting a drive thru component of the development.**

**Policy 4-53: Council shall not consider rezoning any property in the General Residential Zone to the Neighbourhood Commercial zone**

## 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 4-5484: 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 4-4955: 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 of Industrial Park Drive and south of the Trans-Canada Highway.**

### 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 4-5506: 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.**

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

**Policy 4-57: 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.**

**Policy 4-58: It shall be the intention of Council to ensure that areas designated Industrial are primarily used for industrial purposes. Within designated Industrial areas other uses which may be permitted include:**

- (a) parks and open spaces;**
- (b) recreation facilities;**
- (c) utilities and other such uses deemed to be compatible and desirable within an industrial area;**
- (d) retail uses accessory to the main use on the lot.**

## **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 4-59: 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 4-60: 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 4-511: 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 4-62: 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 6.5** 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 human needs. Every person needs housing that is safe, appropriate, and affordable. Towns and municipalities are generally limited in their ability to 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 that will look to enable a wide variety of housing forms and densities within the town.

#### 5.2.1 Housing Diversity

Housing diversity is an important factor in determining housing affordability. It applies to the type of tenure (owner occupancy or rental tenancy), as well as diversity in the types and styles of housing that are available.

Between 2016 and 2021, housing indicators shifted in Amherst. In 2021, fewer people living in Amherst owned the dwelling they were living in compared to 2016 (57.3% in 2021 compared to 59.7% in 2016) meaning an increasing proportion of the population rents their place of residence. The cost of renting and owning a home in Amherst also shifted between 2016 and 2021. In 2016, the median costs for renting and owning were \$728 and \$750, respectively. By 2021, the median costs for renting and owning had increased to \$770 and \$765, respectively.

With respect to types of dwellings, Amherst has a relatively unique mix of housing stock compared to other municipalities in Nova Scotia. Less than half of the housing stock (49%) is made up of single dwellings, with the rest of the housing stock made up of a combination of row dwellings, double dwellings, apartments, and mobile homes. There are, however, opportunities to continue to diversify the housing stock to meet changing demographics and housing needs and preferences.

[Update following the completion of the Province of Nova Scotia's Housing Needs Assessment]

**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, including small options homes, in the Residential General Zone.**

**Policy 5-7: Council shall consider entering into a development agreement for proposals for residential care facilities and nursing homes with more than twelve beds or units in the General Residential Zone and the Mixed Use Zone. Council shall only enter into such a development agreement if Council is satisfied:**

- (i) 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;**
- (j) 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;**
- (k) the bulk and massing of the building is complementary to and compatible with—but not necessarily the same as—neighbouring properties;**
- (l) the proposal is appropriately integrated into the built form of the existing neighbourhood through the use of setbacks and stepbacks;**
- (m) parking areas are planned and landscaped so as not to create adverse effects on neighbouring properties;**

- (n) **stormwater runoff from impervious areas is appropriately managed and unlikely to cause disturbance on neighbouring properties or the natural environment; and**
- (o) **the proposal complies with the general development agreement policies of Section 6.5 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 and Sea Level Rise

Climate change describes the process by which the 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>

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 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:**

- (p) Church Street,
- (q) East Victoria Street,
- (r) West Victoria Street,
- (s) the portion of Willow Street with curbs,
- (t) Amherst and Area Industrial Park, and
- (u) Town parks and green spaces.

**Policy 5-25: 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 evapotranspiration (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 5-26: Council shall, through the Land Use Bylaw, implement maximum lot coverage provisions within the General Residential Zone and Land Lease Community to limit the percentage of a lot that can be developed.**

**Policy 5-27: Council may develop a green infrastructure program to pilot and implement ‘green’ stormwater management systems.**

**Policy 5-28: 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**

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 as 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 5-29: 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.**

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

**Policy 5-3: 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 5-41: 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.**

#### **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 5-52: 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 5-63: 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 6.5 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 2022, there are over 300 commercial wind turbine facilities 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 are generally not possible within Amherst due to its relatively dense urban fabric. For this reason, Council will not permit large-scale commercial wind turbine facilities in Amherst, but it will allow small-scale facilities, limited in size and scale, intended to help a property owner meet their demand for electricity.

**Policy 5-74: Council shall, through the Land Use Bylaw, permit small-scale wind energy systems as an accessory use where the energy generated is used onsite. Regulations within the Land Use Bylaw shall regulate the size, scale, capacity, and placement of these uses.**

## 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 5-8: 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 on Map 1 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 5-9: 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 5-10:** Council may develop a system to monitor traffic flow in order to recognize requirements for changes or upgrades to streets throughout the town.

**Policy 5-11:** Council shall, through the Land Use Bylaw and Subdivision Bylaw, control and regulate access to the street network.

**Policy 5-12:** 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 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. Council supports the requirement for developers to provide a certain number of bicycle parking spaces in high-visitation areas of the town and will enable applicants to provide bicycle parking in lieu of automobile parking spaces to promote active transportation in Amherst.

**Policy 5-130:** 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 5-141:** Council may, through the Land Use Bylaw, establish minimum bicycle parking requirements for high-visitation areas of the town to promote active transportation.

**Policy 5-152:** Council may, through the Land Use Bylaw, establish standards for the location, size, and material of required bicycle parking facilities.

**Policy 5-163:** 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 5-174:** Council shall, through the Land Use Bylaw, permit trails as a land use in all land use zones.

**Policy 5-185:** Council may require active transportation connections, including sidewalks and trails, as part of development agreement applications.

**Policy 5-196:** 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 5-207:** Council may acquire land for the development of walking trails.

### **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 5-4821: 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 5-49: 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 5-50: Council may, through the Land Use Bylaw, require a snow storage plan for a development.**

**Policy 5-221: 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 5-232: Council shall, through the Land Use Bylaw, permit electric vehicle charging stations as an accessory use in all land use zones.**

**Policy 5-243: 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 5-254: 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 5-265: 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 5-276: Council may, over the life of this plan, explore the potential for developing and implementing a public transportation system in Amherst.**

**Policy 5-287: 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 5-5829: 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 5 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 5-59: 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 or sufficient public parkland or green space already exists within 400.0 metres of the proposed subdivision.**

**Policy 5-60:** 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 5-301:** Council may review its recreational programming and user fees to ensure the diverse needs of the town are met.

**Policy 5-312:** 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 5-323:** Council may continue to facilitate and support major sporting and community events held within the town.

### 5.6.2 Open Space Zone

While parks and open spaces uses are appropriate for, and permitted in, most land use zones, there are some instances when there is a need or desire to apply a dedicated land use zone to these areas. Council will establish the Open Space Zone which will be applied to specific parks and open spaces to communicate Council's intention to protect them for long-term community use.

**Policy 5-334:** Council shall, through the Land Use Bylaw, establish the Open Space Zone. This zone is intended to support and enable a wide range of public and recreational uses that serve residents and community members.

**Policy 5-345:** Council shall initially apply the Open Space Zone to existing public parks and public open spaces within Amherst.

### 5.6.3 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 5-356: 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 5-367: 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.**

#### **5.6.4 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 5-6837: 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 6.5 of this Plan.**

**Policy 5-69:** Council may direct resources to the upgrading of existing facilities and may explore opportunities for the development of new community facilities.

**Policy 5-70:** Council may adopt a facility maintenance and servicing plan to ensure Town facilities continue to meet the needs of residents.

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### 5.6.5 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 5-381:** It is the intention of Council to continue to work to identify, prevent, and eliminate barriers for people living with disabilities.

**Policy 5-392:** 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 5-403:** 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.nslslegislature.ca/legc/bills/62nd\\_3rd/3rd\\_read/b059.htm](https://www.nslslegislature.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 5-414: 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 5-425: 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 18<sup>th</sup> and 19<sup>th</sup> 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 5-76: 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 result of the development, by such things including, but not limited to, traffic generation, noise, hours of operation, and parking requirements; and**
- (c) the development adheres to the development agreement policies in Section 6.5 of this Plan.**

**Policy 5-77: Council may seek future opportunities aimed at rehabilitating and restoring existing heritage properties.**

## 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 Statements 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 a notice is published in a newspaper, circulating in the municipality, informing the public that the planning documents are in effect.**

**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.**

## **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 6-6: 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 6-7: Council shall adopt a Subdivision Bylaw consistent with the intent of this Plan.**

**Policy 6-8: 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 Bylaw**

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 6-9: 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 Amending 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 6-10: 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 Policy 6-19.**

**Policy 6-7: 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 6-81: 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 6-92: 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 Policy 6-19.**

## 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 6-103: 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 setbacks;
- (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 6-14:** It shall be the intention of Council to encourage the re-location of non-conforming uses to appropriately designated areas of the Town.

**Policy 6-15:** 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 apposed to the six-month minimum permitted in the MGA.

**Policy 6-16:** 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.

## 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 6-17: 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 6-18: 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 6-19: 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 6-20: 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 6-21: Council may specify conditions in the development agreement to bring the proposal into alignment with the enabling policy and general criteria set out in Policy 6-19. 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 6-22: 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 Municipal or Provincial programs, bylaws, or regulations in effect in the municipality;**
- (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 6-23: 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 Notification for Development Agreements or Amendment**

**Policy 6-114:** 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 6-125:** 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.**

## **7 Monitoring, Reviewing, and Updating this Plan**

This Municipal Planning Strategy and its policies are not set in stone. As the town and community change over time, so too should the Municipal Planning Strategy. As such, over the next decade this plan may need to be updated or amended as issues, values, and opportunities change. The following policies will guide decision-making with respect to when and how Council should facilitate reviews and updates to this plan.

### **7.1.1 Municipal Planning Strategy Reviews**

**Policy 6-136: 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 6-147: Within ten years of adopting this Municipal Planning Strategy, Council shall complete a comprehensive review of this Plan.**

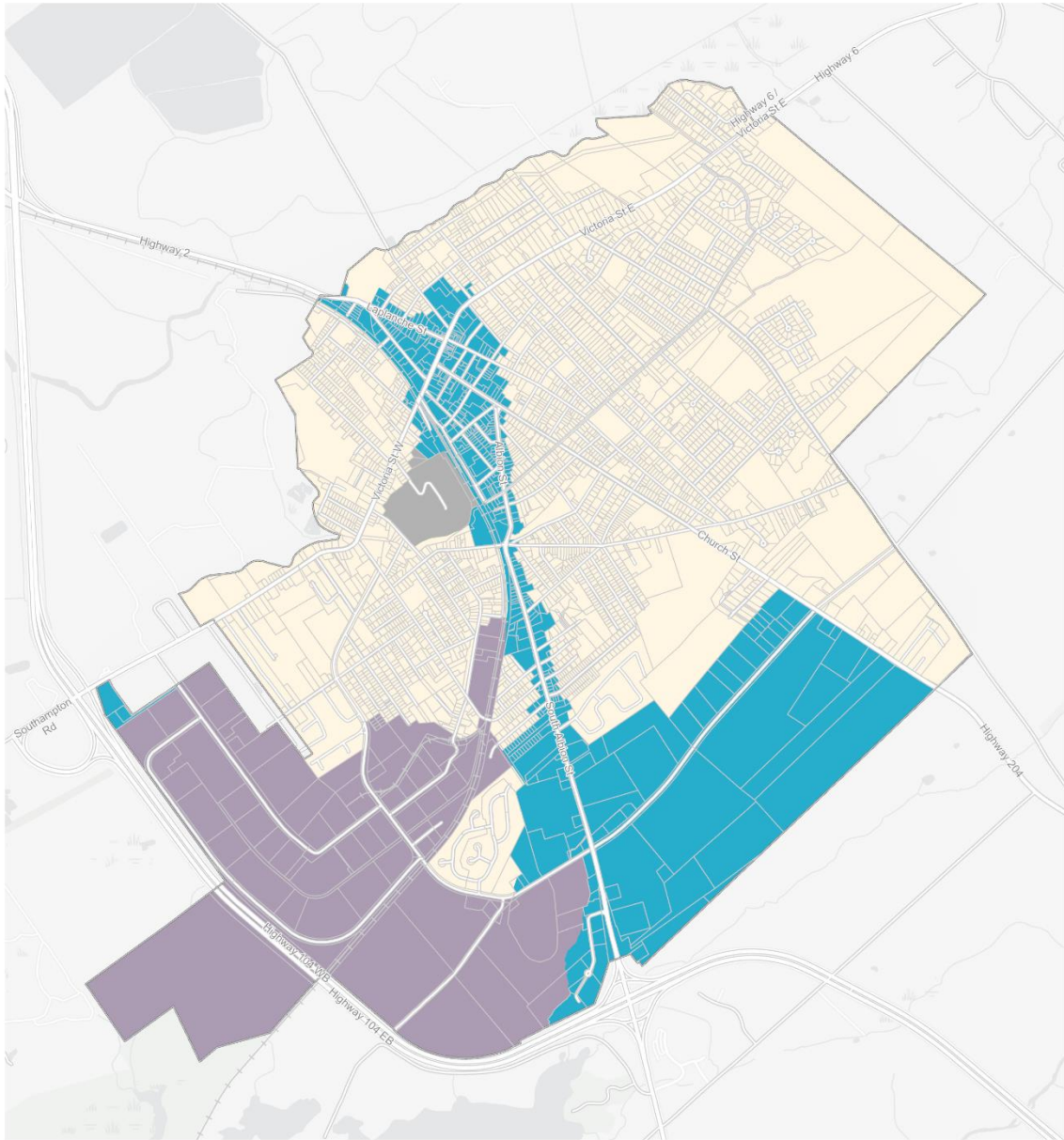
### **7.1.2 Amendments to the Municipal Planning Strategy**

**Policy 6-158: 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.**

## 8 Schedules

# Schedule 'A' – Future Land Use Map



MAP

## Future Land Use (DRAFT)

SCHEDULE

LAST UPDATED

DATA SOURCE

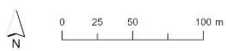
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2025-01-09

Prov. of NS

NORTH + SCALE

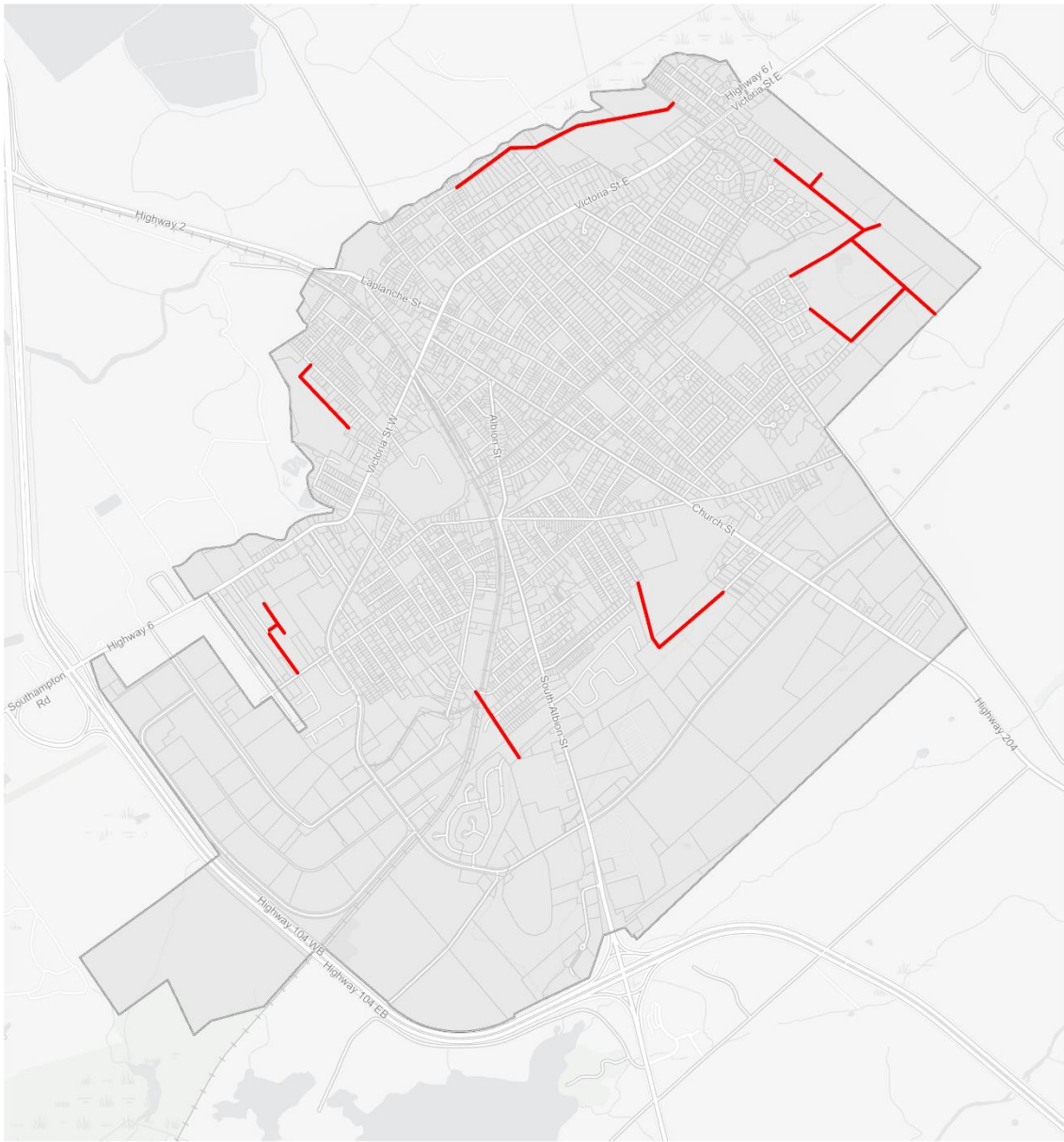
PROJ.



NAD83 CSRS  
UTM 20 N

LEGEND

- General Residential
- Comprehensive Development District
- Commercial
- Industrial



MAP

### Future Streets (DRAFT)

SCHEDULE

LAST UPDATED

DATA SOURCE

—

2025-01-09

Prov. of NS

NORTH + SCALE



0 25 50 100 m

PROJ.

NAD83 CSRS  
UTM 20 N

LEGEND

Town of Amherst

Future Streets



MAP

### Road Classification (DRAFT)

SCHEDULE

—

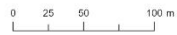
LAST UPDATED

2025-01-09

DATA SOURCE

Prov. of NS

NORTH + SCALE



PROJ.

NAD83 CSRS  
UTM 20 N

LEGEND

- Trans-Canada Highway
- Local Arterial
- Local Collector
- Local

# Town of Amherst

## Land Use Bylaw

### Bylaw P-2

**Highlighted in Blue** – Sections to keep track of

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# 1.0 Definitions

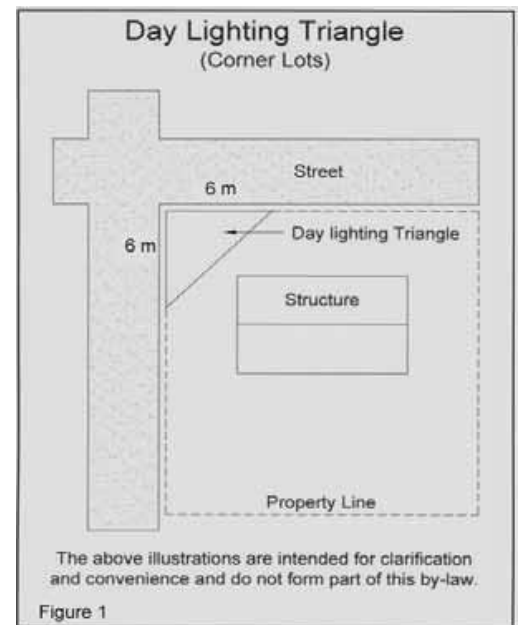
For the purpose of this Bylaw the definitions and interpretations given in this section shall govern. Words used in the present tense include future; words in the singular include the plural; words in the plural include the singular; the word "used" includes "arranged, designed or intended to be used"; the word "shall" is mandatory and not directory.

1. **Accessory Building** means a separate building or structure located on the same lot as the main building or principal use, and of a nature customarily and clearly secondary and incidental to the main building or principal use.
2. **Accessory Use** means the use or uses which take place on the same lot as the main use, and of a nature customarily and clearly secondary and incidental to the main use.
3. **Accommodations** means a building, or buildings, or part thereof on the same lot used to accommodate the traveling public for gain or profit by supplying them with overnight sleeping accommodation with or without meals and including customary ancillary services and amenities but without private cooking facilities but shall not include a bed a breakfast
4. **Adjacent** for the purposes of this Bylaw, means the building, or property that shares a common boundary on the same side of the street.
5. **Adult Entertainment Use** means any establishment that offers services, or entertainment to the public intended to deliver sexual stimulation or gratification, or is reasonably intended to appeal primarily to erotic appetites. It includes, but is not limited to, entertainment characterized by the display of the nude or semi-nude human body in a manner or context apparently designed to exploit the sexual aspects of the human body and its constituent anatomy. Such entertainment is commonly promoted using adjectives or terms such as "nude", "topless", "adult", "sexy", "exotic", and so on.
6. **Alter** means to change the structural component of a building or to increase the volume of a building or structure.
7. **Agricultural Use** means an operation involving the keeping of agricultural animals.
8. **Agricultural Animal** means an animal kept for the purpose of breeding, milking, egg or meat production, assistance in performing farm chores or recreation and shall include horses, cattle, swine, poultry, sheep, goats, mink, foxes, chinchillas, bees, but shall not include cats, dogs, parakeets, canaries, hamsters, tropical fish, and similar household pets. A rabbit is an agricultural animal if located on a lot on which in excess of ten rabbits are kept; if ten or fewer are involved, the rabbits shall be deemed to be house- hold pets.
9. **Animal Hospital** means an establishment providing surgical or medical treatment or examination of domestic pets entirely within a building.
10. Medical treatment or examination of domestic pets entirely within a building, but does not include the breeding of animals or overnight boarding.
11. **Automobile** see Motor Vehicle
12. **Bed and Breakfast** means a dwelling where the proprietor supplies rooms, up to a maximum of six, which are rented or hired out to accommodate the travelling public for sleeping purposes and where a general kitchen and dining room are provided within the building or in an accessory building for the purpose of serving meals only to overnight guests.

13. **Berm** means an area of land which has been raised to screen a use or activity from abutting uses or activities.
14. **Block** means the smallest area of land, the boundaries of which consist entirely of public streets, rivers, railroads, public parks or any combination thereof.
15. **Boarding House or (Rooming) House** means a dwelling in which the proprietor supplies more than two rooms and board to persons exclusive of the owner or members of his family and which is not open to the general public but does not include a group care facility.
16. **Building** means any structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, material or chattels, and includes any awning, bin, bunker or platform, vessel or vehicle used for any of the said purposes.
17. **Building Area** means the maximum horizontal area of a building at grade measured to the centre of party walls or to the outside of exterior main walls including air walls and all other spaces within the building, but excluding porches, steps, chimney breasts, carports or open platforms.
18. **Building Line** means any line regulating the position of a building or structure on a lot.
19. **Business or Professional Office** means a building or part thereof, furnished or used for the purpose of regularly transacting business such as a service performed or consultation given but shall not include a manufacturing of any product or the retail selling of goods.
20. **Cannabis Lounge** means premises where the primary purpose of the facility is the consumption of cannabis, cannabis products or any of its derivatives such as oils or edible products. A cannabis lounge may or may not include cannabis retail sales.
21. **Cannabis Production Facility** means premises used or occupied by a person or organization licensed by the Government of Canada for the production of cannabis or cannabis products
  - a. Including:
    - i. where cannabis or any of its derivatives, such as resin or oils, is grown, cultivated, harvested, manufactured, processed, packaged, or labelled, and
    - ii. associated activities permitted by the federal license, such as research and development, storage, and destruction, and
  - b. excluding:
    - i. industrial hemp, and
    - ii. premises used for personal production permitted by federal legislation.
22. **Cannabis Retail Sales** means premises used for the retail sale of cannabis, cannabis products or any of its derivatives, such as oils or edible products, to the general public.
23. **Carport** means a building or structure which is without walls on at least two sides and is used for the parking or storage of a motor vehicle and for the purposes of this Bylaw a carport with an enclosed second storey shall be considered a garage.
24. **Cemetery** means the use of land for the burial of the dead and related purposes, such as a columbaria and mausoleums, and excludes a crematorium use, which is included in the definition of funeral home.
25. **Character-defining Element** means the materials, forms, location, spatial configurations, uses, and cultural associations or meanings that contribute to the heritage value of an historic place, which must

be retained to preserve its heritage value.

26. **Commercial Motor Vehicle** means a truck tractor; tow truck or wrecker; agricultural, construction or industrial equipment; any vehicle designed, intended, or used for transporting more than 9 people; any vehicle used to transport persons and / or merchandise for profit; or any motor vehicle with a TARE weight in excess of 3,650 kg.
27. **Commercial Recreation Centre** means a building or lot or part of a building or lot used solely for commercial recreation or entertainment purposes and without limiting the generality of the foregoing, may include such establishments as dance halls, billiard or pool halls, bowling alleys, miniature golf courses, bingo halls, roller skating rinks and discos, and arcades for pinball and other game machines and amusements, including accessory food service.
28. **Commercial School** means a school of seven or more pupils conducted for gain, and includes a secretarial school, language school, driving school, etc.
29. **Commercial Use** means the use of land, building or structure for the purpose of buying and selling commodities and / or supplying of services as distinguished from uses such as manufacturing or assembling of goods, warehousing, transport terminals, construction and other similar uses.
30. **Common Wall** means a vertical separation completely dividing a portion of a structure from the remainder of a structure and creating, in effect, a building which, from its roof to its lowest level, is separate and complete unto itself for the purpose for which it is designed, intended, or used.
31. **Community Centre** means a property or building used for non-profit community activities operated by a public authority, church, or fraternal organization, but shall not include a commercial recreational centre.
32. **Convenience Store** means a building or part of a building used for the retail sale of a limited line of grocery and confectionary items, which serve the needs of the local neighbourhood.
33. **Corner Lot Sight (Day Lighting) Triangle** means that area of a corner lot which is enclosed by a triangle, the apex of which is the intersection of the flanking lot line and the front lot line, two sides of which triangle are 6 m in length measured from said point of intersection along the said lines and the base of which triangle is formed by a straight line joining the said exterior lot lines at the said points 6 m from the intersection. (see figure 1)
34. **Council** means the Council of the Town of Amherst.
35. **Day Care Centre** means:
- Non-residential Day Care Centre** means a place where 9 or more children are cared for without overnight accommodation, but does not include a school.
  - Residential Day Care Centre** means that portion of a residential dwelling which is used to accommodate more



than three but fewer than nine children who are looked after during the daytime hours and who are not provided with overnight accommodation.

36. **Development** includes any erection, construction, addition, alteration, replacement or relocation of to any building or structure and any change or alteration in the use made of land, building or structures.
37. **Development Officer** means the officer appointed by the Town of Amherst or his designate and charged with the responsibility of administering the provisions of the *Municipal Government Act* and of this Land Use Bylaw in accordance with the *Municipal Government Act*.
38. **Display Court** means the use of land for the outdoor display and sale of large household or recreational items such as, but not limited to, all-terrain vehicles, hot tubs, swimming pools, and recreational vehicles. This definition shall include the display and sale of prefabricated homes but shall not include heavy equipment sales and rentals or boat and marine sales.
39. **Dwelling** means a building or a portion thereof, occupied or capable of being occupied as a home or residence by one or more persons, containing one or more dwelling units, and shall not include hotels.
40. **Dwelling Unit Types:**
- a) **Accessory** means a subservient dwelling either located within a single dwelling or in a building on a lot with a single dwelling.
  - b) **Apartment Building** means a building or part thereof, consisting of three or more dwelling units, excluding townhouses.
  - c) **Basement-only** means a structure containing one (1) or more dwelling units constructed wholly below the established grade without any main walls or habitable rooms above the established grade but does not include accessory dwellings in the basement of a single dwelling.
  - d) **Converted Dwelling** means a building originally built and designed as a single detached dwelling unit which contains two to four dwelling units; or a building originally built as a double dwelling renovated to contain three or four dwelling units.
  - e) **Double** means a dwelling containing two dwelling units, other than converted dwellings, and shall include duplexes and semi-detached dwellings
  - f) **Duplex** means a building divided horizontally into two dwelling units.
  - g) **Dwelling Unit** means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen, sanitary facilities and sleeping room are provided for the exclusive use of such individuals.
  - h) **Garden Suite** means an accessory building to be used as a single detached dwelling unit.
  - i) **Grouped buildings** means buildings designed as part of a group of dwellings on the same lot, held and maintained under single ownership, or otherwise provided under the Condominium Act, R.S.N.S. 1989.

- j) **Group Home Facility** means a community-based group living arrangement, in a single housekeeping unit, for up to a maximum of seven individuals, exclusive of staff and/or receiving family, with social, emotional, legal, mental and/or physical handicaps or problems, that is developed for the wellbeing of its residents through self-help, professional care, guidance and supervision unavailable in the resident's own family, an institution or in an independent living situation. A group care facility is licensed, funded or approved by the Province of Nova Scotia.
  - k) **Mobile/Mini Homes** shall mean dwelling unit with a length to width ratio greater than 3:1, and certified by Canadian Standards Association prior to placement on the site as complying with the CAN/CSA-Z240 Series "Mobile Homes" at the time of manufacture.
  - l) **Modular Home** shall mean a finished section or sections of a complete dwelling unit built in a factory for transport to the site for installation certified by Canadian Standards Association prior to placement on the site as complying with the CSA Standard A277-M-1990
    - i. "Procedures for Certification of Factory Built Houses".
  - m) **Multi-unit** means a building or part thereof, consisting of three (3) or more dwelling units, excluding townhouses.
  - n) **Townhouse** means a building that is divided vertically into three or more dwelling units, each of which has an independent ground floor entrance(s).
  - o) **Semi-Detached** means a building that is divided vertically into two dwelling units, each of which has its own entrance.
  - p) **Single Detached** means a completely detached dwelling unit.
41. **Dwelling Unit** ("DU") means one (1) or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen, sanitary facilities, and sleeping room are provided for the exclusive use of such individuals.
42. **Electric Vehicle Charging** means infrastructure that supplies energy for the charging of electric vehicles such as plug-in electric and hybrid vehicles.
43. **Erect** means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension
44. **Established Building Line** means a line parallel to the street established by the average distance of main buildings on the same side of a street.
45. **Established Grade** means with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior main walls of such building; or with reference to a structure means the average elevation of the finished grade of the ground immediately surrounding such structures exclusive in both cases of any artificial embankment or entrenchment and when used with reference to a street, road or highway means the elevation of the street, road or highway established by the Town or other designated authority. (see figure 3)
46. **Existing** means legally existing on the effective date of this Bylaw. If a building permit has been issued for a structure before the effective date of this Land Use Bylaw, the structure shall be deemed an existing use if construction begins within a one (1) year period immediately following issuance of the permit. A lot shall be deemed an existing lot if it was created prior to the effective date of this Bylaw or if it was shown on a plan of subdivision tentatively approved by the Town prior to the effective date of this Bylaw. Proof that the lot was created or was tentatively approved prior to the

effective date of this Bylaw is required.

47. **Façade** means the exterior parts of a building that face a street or public open space that represents the building, tells people about the building, what it is, how to enter and the nature of the interior uses.
48. **Fence** means any barrier of posts, wood, metal, wire, brick or other similar materials or combinations of such materials, which is constructed for the purpose of delineating, screening, safeguarding or enclosing.
49. **Footprint** means the total ground floor area of a building enclosed within the exterior faces of the exterior walls, and for the purpose of this definition the walls forming a courtyard shall be deemed to be exterior walls.
50. **Flag Lot** means a lot characterized by the location of the main body of the lot generally at the rear of another lot, or otherwise separated from the street or roadway which provides access, and by a narrower area extending from the main body of the lot to the said street or roadway.
51. **Floor Area:**
  - a) **With Reference to a Dwelling** means the maximum area contained within the outside walls excluding any garage, porch, veranda, sunroom, unfinished attic or basement or other room not habitable at all seasons of the year.
  - b) **With Reference to a Dwelling Unit** where more than one unit is contained within a building means the maximum floor area contained within the finished wall surfaces of an individual dwelling unit.
  - c) **Commercial Floor Area** means the total usable floor area within a building used for commercial purposes but excludes furnace and utility rooms, and common malls between stores.
  - d) **Gross Floor Area** means the aggregate of the floor area of a building above or below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building; and for the purpose of this clause, the walls of an inner court shall be deemed to be the exterior walls.
  - e) **Floor Area, Net** means the total useable floor area within a building exclusive of washrooms, furnace and utility rooms and common halls or malls between individual establishments.
52. **Frontage** see "lot frontage".
53. **Funeral Home** means a building used for the preparation, temporary display, and/or funeral ceremony of deceased persons or domestic pets and may include a crematorium.
54. **Garden Centre** means a building or structure and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, trees, or similar vegetation together with gardening tools and implements that are sold at retail from such buildings or lot to the general public.
55. **Garage** means a building or structure which is enclosed on three or more sides and is used for the parking or storage of a motor vehicle.
56. **Grade Level** means grade prior to any development.
57. **Gross Building Area** means the floor area of a main building including the floor area of rooms

reasonably convertible, in the opinion of the building inspector, to the main purpose.

58. **Habitable Room** means a living room, bedroom, kitchen with or without space for eating, or a dining room.
59. **Height, Building** means the highest point of the roof of a building excluding church spires, water tanks, elevator enclosures, flagpoles, ventilators, skylights, chimneys, clock towers, communication towers or statues/works of art on public property.
  - (a) **Height** means the vertical distance between the established grade and:
    - (b) the highest point of the roof structure or the parapet, whichever is greater, of a flat roof; (b) the deck line of a mansard roof;
    - (c) the mean level between eaves and ridges of a gabled, hip, gambrel, or other type of pitched roof; or
    - (d) the highest point on a structure with no roof
60. **Heritage Landscape** means a landscape that is valued by the community, has functional continuity and/or physically reflects the past, and is associated with the history of the area, has design value, and/or has contextual value.
61. **Home for Special Care** means a building wherein nursing care or room and boards are provided to individuals incapacitated in some manner for medical reasons but does not include a hospital.
62. **Home-based Business** means a business activity accessory to the residence and carried on by the occupant of the residence, and without limiting the generality of the foregoing shall include professional personal services, instruction and private tutoring, artist studios, contractor's storage and parking, storage of inventory for off-site retail sales; but shall not mean autobody or mechanical motor vehicle repairs, retail stores, canteens or taxi stands.
63. **Hotel / Motel** means a building, or buildings, or part thereof on the same lot used to accommodate the traveling public for gain or profit by supplying them with overnight sleeping accommodation with or without meals and including customary ancillary services and amenities but without private cooking facilities.
64. **Industrial Use** means any manufacturing, assembly, or warehousing operation.
65. **Kenel** means a building, structure or lot where animals are kept or boarded commercially.
66. **Landscaping** means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, gravelling, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a lot or to provide a screen.
67. **Licensed Liquor Establishment** means a cabaret, lounge, beverage room, and/or bar licensed under the Nova Scotia Liquor Control Act or successor legislation.
68. **Light Manufacturing** means a use engaged in the manufacturing, predominantly from previously prepared/processed materials, of finished products or parts and entirely conducted within an enclosed building. Accessory uses include processing, fabrication, assembly, treatment, packaging, incidental storage, and distribution of such products, but excluding raw industrial processing/manufacturing and Obnoxious Uses as defined in this Bylaw.
69. **Loading Space** means an off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading

merchandise or materials and which is connected to a public street by an appropriate access.

70. **Lot** means any parcel of land described in a deed or as shown on a registered plan of subdivision.

- a) **Corner Lot** means a lot situated at the intersection of and abutting upon two or more streets.
- b) **Lot Area** means the total horizontal surface within the lot lines of a lot, excluding the horizontal area of such lot covered by water, or marsh, or beyond the rim of a river bank or watercourse, or between the top and toe of a cliff or embankment of 22 degrees or more from horizontal, provided that only the lot area lying within the zone in which a proposed use is permitted may be used in calculating the minimum lot area under the provisions of this Bylaw for such permitted use.
- c) **Lot Coverage** means that percentage of the lot area covered by all buildings above ground level, and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level, and for the purpose of this definition the maximum lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said zone.
- d) **Lot Depth** means the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel, the lot depth shall be the length of a line joining the mid-points of the front and rear lot lines.
- e) **Lot Frontage** means the length of a line joining the side lot lines and parallel to the front lot line. Calculation of Lot Frontage for irregularly shaped lots shall be the horizontal distance between the side lot lines as measured at a point, where a line drawn perpendicular to a line joining the midpoint of the rear lot line and the midpoint of the front lot line at a point equal to the required front yard. In determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used. Calculation of lot frontage for corner lots shall be the horizontal distance between the side lot line and the flanking lot line. This definition shall not apply in the case of flag lots.
- f) **Through Lot** means a lot bounded on two opposing sides by streets or highways provided however, that if any lot qualifies as being both a corner lot and a through lot as hereinbefore defined, such lot shall be deemed to be a corner lot for the purpose of this Bylaw.

71. **Lot Line** means any boundary of a lot.

- a) **Front Lot Line** means the line dividing the lot from the street; in the case of a corner lot, the shorter boundary line abutting the street shall be deemed the front lot line and the longer boundary line abutting the street shall be deemed the side lot line. In the case of a through lot, any boundary dividing the lot from a street may be the front lot line.
- b) **Flanking Lot Line** means a side lot line which abuts the street on a corner lot.
- c) **Rear Lot Line** means the lot line furthest from opposite the front lot line.
- d) **Side Lot Line** means a lot line other than a front or rear lot line.

72. **Main Building** means the building in which the principal use of the property is undertaken.

73. **Medical Clinic** means a building or structure where 7 or more members of the medical profession, dentists, chiropractors, osteopaths, and physicians or occupational therapists provide diagnosis and treatment to the general public without overnight accommodation and shall include such uses as reception areas, offices, coffee shop, consultation rooms, x-ray and minor operating rooms and a dispensary.

74. **Medical Practitioner** means a doctor, dentist, chiropractor, osteopath, optometrist, oculist, but does not include a veterinarian.
75. **Motor Vehicle Fueling/Service Station** means an establishment where the principal business carried on is the retail sale of vehicle fuels, propane and lubricants.
76. **Motor Vehicle Sales, Rental and Repair** means an establishment excluding a private home or garage, where new and / or used vehicles, lubricants, tires, parts and accessories for motor vehicles are kept for sale, and where replacement and/or repairs to any component of a motor vehicle may be performed including autobody and/or painting uses. Motor vehicles shall include boats and other recreational vehicles. Salvage and scrap yards, and motor vehicle fueling stations are separate uses.
77. **Land Leased Community** means a development that contains mobile homes and other residential uses, not having a registered subdivision plan individual lots, under single ownership and managed by a Land Leased Community operator. Within the Land Leased Community, individual dwelling lots may be subdivided.
78. **Municipal Government Act** means the provincial legislation which enables municipalities to plan and run their corporate affairs.
79. **Municipal Planning Strategy** means the Municipal Planning Strategy of the Town of Amherst
80. **Nursing Home** means an extended or immediate care facility licensed under the Homes for Special Care Act, or successor legislation, to provide full time skilled nursing care to individuals who, by reason of age, chronic illness or infirmity, are unable to care for themselves.
81. **Net Retail Area** means the gross space leased or leaseable to tenants, exclusive of malls, public washrooms and other common areas.
82. **Obnoxious Use** shall mean a use which creates by its nature or operation a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material.
83. **Office** means a room designed, furnished or used for the purpose of regularly transacting business, a service performed or consultation given but shall not include a manufacturing of any product or the retail selling of goods.
84. **Open Space** means the area situated within the boundaries of a residential development site intended for recreational purposes, and may include landscaped areas, patios, private amenity areas, balconies, communal lounges, swimming pools, play areas and similar uses, but does not include any area occupied at grade by a building's service area, parking lots, aisles or access driveways.
85. **Outdoor Furnace or Waterstove** means a furnace which is located adjacent to a structure, and is intended to provide heat to that structure, via combustion and the heating of water, or otherwise.
86. **Outdoor Patio** means an outdoor area adjoining a restaurant, and consisting of outdoor tables, chairs, plantings, and related decoration and fixtures, and where meals or refreshments are served to the public for consumption on the premises.
87. **Outdoor Retail Display** means the display of retail goods or materials intended for the immediate sale to the general public which are not enclosed within a structure.

88. **Outdoor Storage** means the storage of goods or materials not intended for immediate sale to the general public which are not enclosed within a structure.
89. **Parking Area or Parking Lot** means an open area, other than street, used for the temporary parking of more than two vehicles and available for public use, whether free, for compensation or as an accommodation for clients, customers or residents and which has access to a public street.
90. **Parking Space** means an area of not less than 3 m by 6 m, exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a street or highway by means of driveways, aisles or maneuvering areas.
91. **Pedestrian Clearway** means an unobstructed, clear, straight, and continuous path of sidewalk which provides unobstructed passage, or pedestrian flow, for the entire length of the sidewalk and which is adjacent to the street line of the premises, as well as providing unobstructed access to any Town-approved installation located on the sidewalk.
92. **Park or Playground** means an area of land used for recreation with features including, but not limited to, greens, community gardens, walking paths, play structures, ponds, fountains, and dog parks.
93. **Personal Service Shop** means a building or part of a building which persons are employed in furnishing services or otherwise administering to the individual and personal needs of persons and may include such establishments as barber shops, beauty parlours, hairdressing shops, shoe repair, and depots for collecting dry-cleaning and laundry, but excludes any manufacturing or fabrication of goods for sale.
94. **Private Club** means a building or part of a building used as a meeting place for members of an organization and may include a lodge, a legion, a fraternity or sorority house, and a labour union hall.
95. **Principal Street** means a street that is either East Victoria Street, Church Street, Havelock Street, Electric Street, King Street, or Ratchford Street.
96. **Public Building** is a building owned or used by a Federal, Provincial or Municipal Government.
97. **Recreational Use** means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor ice skating rinks, athletic fields, swimming pools, golf courses, and similar uses to the foregoing, together with necessary and accessory buildings and structures, but not including commercial recreation centres or a track for the racing of animals, or any form of motorized vehicles.
98. **Recreation, Commercial** see Commercial Recreation Centre.
99. **Religious Institution** means a building or buildings dedicated to religious worship, and includes churches, church halls, auditoria, schools, and Parish Halls. *See Place of Worship (which one to keep?)*
100. **Residential Care Facility** means a community-based group living arrangement, in a single housekeeping unit, for eight (8) or more individuals, exclusive of staff and/or receiving family, with social, legal, emotional, mental and/or physical handicaps or problems, that is developed for the wellbeing of its residents through self-help, professional care, guidance and supervision unavailable in the resident's own family, an institution or in an independent living situation. A Residential Care Facility is licensed, funded or approved by the Province of Nova Scotia.

101. **Restaurant** means a building or part thereof where food and drink is served to the public for consumption within the building.  
*Add:*  
(a) Restaurant, Drive-Through means a restaurant or part thereof where the intent is to provide food and/or drink to customers while they remain in their motor vehicles.  
  
(b) Restaurant, Eat-In means a restaurant or part thereof where food and/or drink may be consumed within the building or on an attached, formalized outdoor space.  
  
(c) Restaurant, Take-Out means a restaurant or part thereof that does not provide facilities for consumption of food or drink on the premises, or only provides informal eating facilities such as picnic tables.
102. **Retail** means the offering and sale, rent or lease of goods, wares, merchandise, substances, articles, or things whether manufactured by the retailer or purchased at wholesale, to the general public as final consumer for personal or household consumption and not for resale.
103. **Retail Store** means a building or part thereof in which goods, wares, merchandise, substances, or articles are offered or kept for sale directly to the public at retail.
104. **Salvage and Storage Facility** means a premises used for keeping or storing used bodies or parts of motor vehicles or any other type of used equipment, vehicles, machinery, or materials of any kind.
105. **School** means an educational establishment.
- a) **Public School** means an authorized school under the jurisdiction of a Public School Board, a High School Board, a Board of Education or Provincial Government.
- b) **Commercial School** means a school where instruction is given for the purpose of remuneration and shall include dancing schools, music schools, golf schools, trade schools, nursery schools, and any other school conducted for remuneration.
106. **Service and Repair Shop** means a shop for servicing, repairing, installing, or renting things and equipment, including, but not limited to, the following: radio or television service or repair shops, locksmith shops, small appliance service or repair shops, small engine repair shops, household and carpenter tool service and repair shops, but shall not include industrial, manufacturing, or motor vehicle repair shops.
107. **Setback** means the horizontal distance between any lot line and the nearest wall of any building or structure and extending the full width or length of the lot
108. **Shipping Container or Sea Can** means an article of transportation equipment, including one that is carried on a chassis, that is strong enough to be suitable for repeated use and is designed to facilitate the transportation of goods by one or more means of transportation, whether or not it is actually being used for such a purpose, and includes, but is not limited to, intermodal freight containers (sea containers) and the body of transport trailers or straight truck boxes, but does not include a motor vehicle.
109. **Sidewalk Patio** means an area of the public sidewalk immediately adjacent to an eating or drinking establishment and used by that establishment for outdoor seating and the serving of food and / or drinks.
110. **Sign** means a structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereon, which shall be used to

identify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, industry or business, or which shall display or include any letter, word, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement, and which is intended to be seen from off the premises or from a parking lot.

- a. **Banner** means a sign made of fabric or other non-rigid material with no enclosing framework.
  - b. **Electronic Message Board Sign** means a section of an otherwise permanent sign that allows the message to be amended, updated, or otherwise modified using digital means including, but not limited to, light-emitting diode (LED) displays, liquid crystal diode (LCD) displays, and plasma displays.
  - c. **Facial Wall Sign** means a sign which the back main surface is attached directly to, or is painted upon, a building wall.
  - d. **Ground or Freestanding Sign** means a sign supported by a supporting structure that is permanently affixed to a foundation
  - e. **Illuminated Sign** means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light focused upon or chiefly directed at the surface of the sign.
  - f. **Portable Sign:** A sign which is self-supporting but not permanently attached to the ground or building and can be moved from one location to another.
  - g. **Projecting Wall Sign** means a sign which; projects from, and is supported by; a wall of a building.
  - h. **Roof Sign** means a sign fixed, placed upon or supported by the roof or non-vertical wall of a building.
  - i. **Sandwich Board Sign** means a sign consisting of two surfaces attached to each other at the top and designed so as to stand temporarily without foundation or other support on a lot or sidewalk without electrical or other service connection.
  - j. **Temporary Sign** means a sign which may be erected for a specified period of time and may include portable signs, banners, portable reader boards, and the like.
111. **Sleeping Unit** means one or more connected habitable rooms used for sleeping and living purposes, and does not contain cooking facilities.
112. **Small Options Home** means a family home or group care or similar facility for the non-medical care of up to seven (7) persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual, but does not include a facility licensed by Corrections Canada or Nova Scotia Corrections or successor bodies.
113. **Solar Collector Area** means the area of the largest parallel projection of a solar collector onto a flat plane. When calculating the total solar collector area for a solar collector system the solar collector area of each individual structure will first be calculated and then added to obtain the total solar collector area.
114. **Solar Collector System** means a structure or array of structures, and ancillary equipment, designed to collect solar radiation and convert it to useable forms of energy. Without restricting the generality of this definition, solar collector system may include evacuated tubes, flat plate collectors, concentrating mirrors, and building-integrated photovoltaic materials but does not include windows

or greenhouses.

- (a) **Solar Collector System, Accessory** means a solar collector system designed and sized with a primary purpose to offset or meet the energy needs of other uses on the site. While such systems may generate, on an annual basis, a small monetary profit through programs such as net metering, such profits shall be secondary and incidental to the purpose of offsetting on-site energy needs.
- (b) **Solar Collector System, Commercial** means a solar collector system designed and sized with a primary purpose to provide electricity or other forms of energy to the grid or other off-site uses.

115. **Street or Road** means the whole and entire right-of-way of every highway, road or road allowance, vested in the Province of Nova Scotia or the Town of Amherst and includes sidewalks.

116. **Street Line** means the boundary of a street or road. (See also Lot Line)

117. **Structure** means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure.

118. **Swimming Pool** means an artificial body of water above the surface or in ground, constructed of cement, plastic, fibreglass or similar material, having a maximum depth greater than 0.5 m and intended primarily for bathing, swimming and diving, but shall not include natural, dug or dammed ponds or watercourses primarily intended for aesthetic or agricultural purposes.

119. **TARE weight** means the weight of an empty motor vehicle including all attached and contained equipment.

120. **Telecommunication towers, antennas, buildings and equipment** means any facility, apparatus or other thing that is used or is capable of being used for telecommunications or for any operation directly connected with telecommunications, and includes a transmission facility. Amateur radio, such as shortwave radio, as well as typical television or radio reception equipment, including satellite dishes, which are used for residential or small commercial (e.g., motel or lounge) purposes, are excluded

121. **Tower** means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term encompasses personal wireless service facilities including radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers or personal communications services towers, alternative tower structures and the like

122. **Town** means the Town of Amherst.

123. **Utility** means an organization supplying the town with electricity, gas, telecommunications, water, or waste water services.

124. **Vacant Lot** means a lot on which no building or structure is located.

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

126. **Windmill or Wind Turbine** means a machine and supporting structure designed to convert wind energy into mechanical or electrical energy.

- a) **Domestic-Scale Wind Turbine** means a wind turbine that has a height of not more than 50 metres and has a nameplate generation capacity of not more than 15 kilowatts.

b) **Small-Scale Wind Turbine** means a wind turbine that:

- a. has a height of more than 50 metres but not more than 75 metres; or
- b. has a nameplate generation capacity of more than 15 kilowatts but not more than 100 kilowatts.

127. **Yard** means an open space on a lot unoccupied by main buildings except as specifically permitted elsewhere in this Bylaw. In determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used.

- a) **Front Yard** means a yard that extends across the full width of a lot between the front lot line and the nearest main wall of the main building on such lot; and "minimum" front yard means the minimum depth of a front yard on a lot between the front lot line and the nearest main wall of any building or structure on a lot.
- b) **Flanking Yard** means a side yard which abuts a street on a corner lot.
- c) **Minimum Yard** means the smallest yard permitted by this Bylaw.
- d) **Rear Yard** means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot; and "minimum" rear yard means the minimum depth of a rear yard on a lot between the rear lot line and the nearest main wall of any main building or structure on the lot.
- e) **Required Yard** means the area between a front, side, rear, or flanking lot line and a line parallel to the respective lot line set back a distance equal to the applicable yard setback.
- f) **Side Yard** means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any building or structure on the lot; and "minimum" side yard means the minimum width of a side yard on a lot between a side lot line and the nearest main wall of any main building or structure on the lot.

128. **Zone** means a delineated area of land shown on the schedules of this Bylaw and established and designated for a specific use.

## 2.0 Zoning and Interpretation

### 2.1 General

For the purposes of this Bylaw the Town is divided into the following zones, the boundaries of which are shown on the attached **Schedule 'A'**.

#### Zone

#### **Residential Zones**

General Residential Zone  
Leased Land Community Zone

#### **Commercial Zones**

Highway Commercial Zone  
Downtown Zone  
Mixed Use Zone  
Neighbourhood Commercial  
Zone

#### **Industrial Zones**

Industrial Zone

#### **Special Use Zones**

Comprehensive Development District  
Institutional Zone  
Parks and Open Space Zone  
Flood Plain Zone

### 2.2 Schedules

- (a) Schedule 'A' is the Zoning Map and forms part of this Bylaw.
- (b) All schedules and figures attached to this Bylaw form an official part of the Bylaw, unless otherwise indicated.
- (c) Any appendices that may be attached to this Bylaw are for information purposes only and are not an official part of the Bylaw.

### 2.3 All land to be Zoned

All lands within the Town shall be zoned.

### 2.4 Amendment to the Zoning Map

The Zoning Map may be amended from time to time in accordance with applicable policies of the Municipal Planning Strategy.

## **2.5 Zoning Boundaries**

Zoning boundaries shall be determined as follows:

- a) where a zone boundary is indicated as following a street, or highway the boundary shall be the centre line of such street or highway;
- b) where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lot lines;
- c) where a railroad or railway right-of-way, electrical transmission right-of-way, or a watercourse serves as a boundary between two or more different zones, the centre line of such right-of-way or of such watercourse shall be the boundary;
- d) where there is no landmark that indicates the precise location of a boundary, the boundary shall be scaled from the Zoning Map;
- e) where a zone boundary is indicated as following the town boundary, the town limit shall be the boundary.
- f) where a zone boundary is indicated as following the shoreline of a watercourse, lake, or salt water body, the ordinary high watermark shall be the boundary.
- g) where none of the above provisions apply, the Development Officer shall scale the zone boundary from the zoning map.

## **2.6 Permitted Uses**

- (a) In this Bylaw any use not listed as a permitted use in a zone is prohibited in that zone unless otherwise indicated.
- (b) Where a permitted use within a zone is defined in this Bylaw the uses permitted in the zone include any similar uses that satisfy such definition except where a definition specifically excludes any similar use.

## **2.7 Measurement**

- (a) All official measurements are in metric. Where imperial measurements are provided, they are for information purposes only.

## **2.8 Certain Words**

In this Bylaw:

- (a) the word "shall" means mandatory compliance;
- (b) the word "may" means discretionary compliance or a choice in applying a policy or regulation;
- (c) words used in the plural include the singular, and words used in the singular include the plural;  
and
- (d) gendered words shall be interpreted to mean any gender.

Words not otherwise defined in this Bylaw shall have the meaning assigned to them in the Act.

## **2.8 Conflict**

In the case of any conflict between the text of this Bylaw and any maps or drawings used to illustrate any aspect of this Bylaw, the text shall prevail.

- a) Colour coding throughout this Bylaw and the zoning maps is for ease of reference only and the text of this Bylaw shall take priority.
- b) In the case of any conflict between a number written in numerals and a number written in letters, the number written in numerals shall prevail.
- c) In the case of conflict between a written zone name and a zone symbol, the written zone name shall prevail.

## **2.9 Definitions**

For the purposes of this Bylaw, words shall have the meaning or meanings assigned to them in Part 1 - Definitions. Where a word is not defined in Part 1 or the Act, the word shall have the meaning or meanings assigned by accepted Canadian English dictionaries.

## **3.0 Administration**

### **3.1 Town Planning Advisory Committee**

- (a) Town Planning Advisory Committee is appointed by Town Council in conformity with Section 200 of the Municipal Government Act and shall be herein referred to as the Committee.
- (b) Duties of the Committee include:
  - (i) assist Council in the periodic review of the official plans and Land Use Bylaw in conformity with the Municipal Government Act
  - (ii) advise the Council as to the intent of the Municipal Planning Strategy; and,
  - (iii) where appropriate, hold public participation opportunities, and advise Council regarding planning and zoning matters.
- (c) The specific function of the Committee is outlined in Policy A-3 of the Municipal Planning Strategy.

### **3.2 Authority**

This Bylaw is made under the authority of, and shall be applied in a manner consistent with, the Town of Amherst's Municipal Planning Strategy and the Municipal Government Act ("Act"), as amended from time to time.

### **3.3 Development Officer**

The Development Officer, or designate(s), shall be appointed by Council to administer this Bylaw.

### **3.4 Development Permit Required**

- (a) Unless otherwise stated in this Bylaw, no development shall be undertaken in the Town of Amherst unless a development permit has been granted by the Development Officer.
- (b) No person shall move any building onto a lot without first obtaining a development permit from the Development Officer.
- (c) The Development Officer shall only issue a development permit in conformance with this Bylaw, or an approved development agreement, except where a variance is granted or in the case of a nonconforming use or structure, in which case a permit shall be granted in conformance with the Municipal Government Act.
- (d) Any development permit shall expire twelve (12) months from the date issued if the development has not commenced.
- (e) The Development Officer may revoke a development permit where information provided on the application is found to be inaccurate or the permit was issued in error.
- (f) A development permit may be renewed for an additional twelve (12) month period provided:
  - (i) the development permit has not been renewed previously; and
  - (ii) the Development Officer is satisfied that the development permit is consistent with the existing Land Use Bylaw and any proposed amendments.
- (g) In a Core Area District, a development permit shall be required for all new development and exterior renovations that alter the architectural features of a building. The issuance of the permit shall be contingent on the development satisfying the Downtown Zone requirements and District requirements, which shall take precedence over any conflicting requirements of this Bylaw. In the case of renovations, the Core Area District requirements shall apply to the architectural features

being altered.

### **3.5 No Development Permit Required**

Except those properties within a Downtown Zone [AF1] or unless otherwise specified, no development permit shall be required for:

- (a) a development that involves the interior or exterior renovation of a building that will not change the shape of the building or increase its volume, will not add more dwelling units, or will not involve a change in the use of the building;
- (b) a fence or wall that does not exceed 2.1 m. in height;
- (c) a sign less than 0.2 m<sup>2</sup> in area where signs are permitted (see Section 6);
- (d) an accessory building less than 4 m<sup>2</sup> in area;
- (e) the teaching of one (1) student at a time;
- (f) the use of a dwelling as a personal office;
- (g) roofing;
- (h) accessory electric vehicle charging stations; and
- (i) public and private utilities located within a street right-of-way.

### **3.6 Information Required for Development Permit Applications**

- (a) Every application for a development permit shall be on an approved form and where necessary, shall be accompanied by a sketch or plan drawn to an appropriate scale and showing the following such as the Development Officer may require:
  - (i) the true shape and dimensions of the lot to be used, and upon which it is proposed to erect any building or structure;
  - (ii) the proposed location, height, and dimensions of the building, structure, or work in respect of which the permit is applied for;
  - (iii) the proposed location and dimensions of parking spaces, loading spaces, driveways;
  - (iv) the location of every building or structure already erected on or partly on such lot, and the approximate location of every building on adjacent lots; and,
  - (v) any other information the Development Officer deems necessary to determine whether or not the proposed development conforms to the requirements of this Bylaw.
- (b) The application shall be signed by the owner of the lot or by the owner's duly authorized agent and shall set forth in detail the present and proposed use of the lot and each building or structure, or part of each building or structure, together with all information necessary to determine whether or not every such proposed use of land, building or structure conforms with the requirements of this Bylaw.
- (c) Where the Development Officer is unable to determine whether the proposed development conforms to this Bylaw and other Bylaws and regulations in force which affect the proposed development, or where the property lines are in question by the Development Officer, he/she may require that the plans submitted under subsection 3.5(a) be based upon an actual survey by a Nova Scotia Land Surveyor.

### **3.7 Site Plan Approval**

- (a) Where provided for in this Bylaw, certain classes of development may be permitted by site plan approval, administered in accordance with Sections 231 and 234 of the *Municipal Government Act*.
- (c) All other applicable criteria of this Land Use Bylaw shall still apply to any development proposed

and undertaken through site plan approval.

- (d) In addition to any other requirement for a development application, an application for a site plan approval shall be accompanied by a written request, including any necessary supporting illustrations necessary to address each of the applicable criteria outlined in Section XX
- (f) A site plan, and a legal undertaking- signed by the proponent, must be filed with the Town, and shall form part of the development permit.
- (g) The recorded site plan has effect on a lot, regardless of a change of ownership, until discharged by the Town.
- (j) A development permit may be issued to carry out a development permitted by a site plan.

### **3.8 Site Plan Approval Application Content and Criteria**

- (a) All applications for site plan approval must be submitted in writing to the Town's Development Officer and include any information, materials, or professionally prepared plans required by the Development Officer in order to effectively evaluate the submission and may include, but not necessarily be limited to, the following items:
  - (i) a written description of the proposal that provides the following information:
  - (ii) the location of the subject property;
  - (iii) the name and address of the property owner or designated representative of the property owner;
  - (iv) existing use(s) of the property including a description of any existing structures or improvements;
  - (v) the proposed use(s) including floor areas;
  - (vi) the height and number of storeys of any proposed structure;
  - (vii) ground floor area and total floor area of the structure;
  - (viii) the proposed number of dwelling units including the number of bedrooms in each unit; and,
  - (ix) the proposed number of parking spaces.
- (b) Where a zone permits a use by site plan approval, the Development Officer shall approve a site plan where the requirements of this Bylaw and the criteria have been addressed:

#### **Easements**

- (i) the location of all easements shall be identified on the site plan;

#### **Emergency Services**

- (ii) adequate emergency service access;

#### **Location of New Buildings**

- (iii) new buildings and additions to existing buildings shall be located so as to minimize any adverse impacts on adjacent lots;
- (iv) the main building(s) which is/are closest to the front lot line shall have its/their primary facade and public entrance located facing the street;
- (v) no building shall be permitted within 10.0 metres of any lot line on any side of the building that has decks or balconies above a height of 2.0 metres and is adjacent to a single dwelling, double dwelling, or townhouse dwelling existing at the time of the site plan approval application.

#### **Parking, Access and Outdoor Storage**

- (vi) required parking areas shall be located at the side or rear of any new building, unless, in the opinion of the Development Officer, the side or rear yard are not adequate for parking by reason of lot size, lot configuration, or the scale of the proposed development;
- (vii) parking areas, driveways, shall be surfaced with asphalt, concrete, bricks, decorative pavers, permeable pavers, or a combination of these, and individual parking spaces shall be delineated with

painted lines or through the varying of surface materials;

- (viii) In the case of development adjacent to a residential use, parking and outdoor storage areas shall be screened from adjacent properties and from public streets by a buffer consisting of continuous fencing at least 1.2 metres high, landscaped berms, vegetation, or some combination of these.
- (ix) Outdoor storage, if permitted in the zone, shall not be located in the front or flankage yards.
- (x) In the case of residential uses, the primary entrance(s) of all dwelling units shall be connected to the nearest street right-of-way by means of a barrier-free (accessible) pedestrian walkway at least 1.5 metres in width and paved with asphalt, concrete, bricks, or interlocking pavers.
- (xi) Enclosed facilities for solid waste shall be provided for the use of residents. These facilities shall accommodate the number of waste stream collection services (e.g., garbage, compost, recycling) provided in the town at the time of permitting. These facilities may be provided at a central collection point or, where appropriate, individual facilities for each dwelling unit may be provided. Adequate access shall be provided to the solid waste collection facilities.

#### Landscaping and Open Space

- (xii) Where possible, vegetation on site shall be retained and incorporated into the site landscaping.
- (xiii) Not less than 50 percent of the front yard shall be landscaped and shall not include any impermeable surfaces. Porches and verandas are not considered front yard area for the purpose of determining front yard landscaping.

#### Stormwater

- (xiv) Stormwater management shall be designed such that stormwater runoff managed onsite or is directed to a public street and shall not increase flow onto adjacent properties.

### **3.9 Site Plan Approval Notification Area**

- a) Once the Development Officer approves a site plan approval application, all assessed property owners within 30.0 m (98.4 ft) of the subject property will receive written notification of the approval by mail.
- b) Written notification of the site plan approval is deemed to have been received on the third day after being mailed.

### **3.10 Appeal Procedures**

- a) A property owner served the notice of approval has 14 days from the date of they receive the notice to appeal the Development Officer's decision to the Town's Chief Administrative Officer.
- b) Where the Development Officer refuses the requested site plan approval, a notice is sent to the applicant by mail.
- c) Written notification of the refusal to grant site plan approval is deemed to have been received on the third day after being mailed.
- d) The applicant may, within seven days of receipt of the notice, appeal the Development Officer's decision to the Town's Chief Administrative Officer.
- e) The Chief Administrative Officer will refer the appeal to Town Council for consideration.
- f) Property owners within 30.0 m (98.4 ft) of the subject property will receive written notification of the appeal hearing.
- g) Property owners within 30.0 m (98.4 ft) of the subject property may speak at the hearing.

### **3.11 Notice to Lot Owners**

- (a) When an application has been received to amend this Bylaw for a site specific purpose, to enter into a development agreement, to amend a development agreement, or a Site Plan Approval has been issued, all lot owners within 30 m of the subject lot shall be notified in writing of the application, in addition to the notification requirements of the Municipal Government Act.
- (b) In the case of the Development Officer issuing a Variance or Site Plan Approval, notification of affected property owners shall be as specified in the Municipal Government Act.

### **3.12 Variances**

- (a) Notwithstanding anything in this Bylaw, a Development Officer may grant a variance subject to Section 235 of the Municipal Government Act. Specifically, the Development Officer may vary:
  - (i) the percentage of land that may be built upon;
  - (ii) the size or other requirements relating to yards;
  - (iii) lot frontage; and/or
  - (iv) lot area.
- (b) Furthermore, **Policy A-6** of the Municipal Planning Strategy permits the Development Officer to grant a variance in one or more of the following Land Use Bylaw requirements:
  - (i) number of parking spaces and loading spaces required;
  - (ii) ground area and height of a structure;
  - (iii) floor area occupied by a home-based business.

### **3.13 Enforcement and Penalty**

In the event of any contravention of the provisions of this Bylaw, the Town may act as provided for in Section 266 of the *Municipal Government Act*.

### **3.14 Effective Date**

This Bylaw shall take effect upon the date of publication of the notice advertising the adoption of the new bylaw or amendment.

### **3.15 Repeal of Bylaw**

The Town of Amherst Land Use Bylaw passed and adopted by Council July 14, 2005 and approved by the Provincial Director of Planning August 11, 2005, is repealed as of the date that this Land Use Bylaw takes effect.

### **3.16 Existing Structures and Use**

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

- (a) it has lawfully been constructed;
- (b) it is lawfully under construction; or,
- (c) Within 12 months after all required permits for its construction or uses have been issued.

### **3.17 Compliance with Other Bylaws**

- (a) Nothing in this Bylaw shall exempt any person from complying with the requirements of the Building Bylaw or any other Bylaw in force within the Town of Amherst, or from obtaining any license, permission, permit, authority or approval required by any other Bylaw of the Town of Amherst or statute or regulation of the Province of Nova Scotia or the Government of Canada.

(b) Where the provisions in this Bylaw conflict with those of any other Bylaw of the Town or regulation of the Province or the Government of Canada, the higher or more stringent provision shall prevail.

## 4.0 General Provisions for all Zones

### 4.1 Accessory Buildings

- (a) Detached accessory buildings may be permitted in any zone but shall not:
  - (i) be used for human habitation except where an accessory dwelling is a permitted accessory use, and a permit has been acquired for such use;
  - (ii) be located within the front yard, in any Residential Zone;
  - (iii) be permitted within the flanking yard on a corner lot;
  - (iv) be built within 2 m of any main building on the lot;
  - (v) be considered an accessory building if attached to the main building by a common wall greater than 3 metres in length;
- (b) Except in the Industrial Zone, the gross floor area of an accessory building shall not exceed 80 square metres and the combined ground floor area for all accessory buildings on a lot shall not exceed:
  - (i) 80 square metres on a lot with an area less than 4,000 square metres; or,
  - (ii) 5 percent of the total lot area where the lot is 4,000 square metres or greater.
- (c) Accessory buildings shall not exceed 5 metres in height except where the height of the accessory building may be increased to accommodate a second storey, plus roof where:
  - (i) the main structure is a minimum of two storeys, exclusive of the basement;
  - (ii) the proposed location of the accessory building is not in the required rear or side yard setback of the main structure; and,
  - (iii) the highest point of the roof of the accessory building does not exceed the elevation of the roof of the main building on the lot.
- (d) Accessory buildings shall be set back by a minimum of 1.2 metres from all Rear and Side Lot Lines.
- (e) Accessory buildings shall be located on the same lot as the main building.
- (f) Accessory buildings shall comply with any other applicable requirements of this Bylaw.

### 4.2 Accessory Uses Permitted

Where this Bylaw provides that land may be used for a purpose or a building or structure may be erected or used for a purpose, such purpose may include any accessory uses thereof, unless otherwise prohibited by this Bylaw.

### 4.3 Agricultural Animals

The keeping of agricultural animals is prohibited in Town except for the following lots which have agricultural uses existing at the date of this bylaw:

- i) PID# 25047010
- ii) PID# 25037219
- iii) PID# 25358086

### 4.4 Conformity with Existing Setbacks

- (a) Notwithstanding anything else in this Bylaw, in any zone where a proposed building does not comply

with the minimum front yard requirements, a building may be erected with a setback equal to the established building line, but shall not be less than 3 m from the street line.

- (b) Only existing buildings within 60 m that front on the same street as the proposed building shall be used to calculate the established building line.

#### **4.5 Corner Lot Triangle or Day Lighting Triangle**

On a corner lot, no fence, sign, hedge, shrub, bush or tree or any other structure, vehicle or vegetation shall be erected, placed; or in the case of plants, permitted to grow to a height greater than 0.6 m above grade within a corner lot sight triangle.

#### **4.6 Display Courts**

- (a) Under 900 square metres of gross floor area shall be permitted subject to all requirements of this Bylaw.
- (b) 900 square metres or more of gross floor area shall be permitted by site plan approval and subject to Part 4.X of this Bylaw

#### **4.7 Existing Buildings**

- (a) Where a building has been erected on or before the effective date of this Bylaw on a lot having less than the minimum frontage or area, or having less than the minimum yard setback required by this Bylaw the building may be enlarged, reconstructed, repaired or renovated provided that:
  - (i) the enlargement, reconstruction, repair or renovation does not further reduce the required yard that does not conform to this Bylaw;
  - (ii) all other applicable provisions of this Bylaw are complied with.
- (b) Notwithstanding anything else in this Bylaw, the use of a building existing on a lot on the effective date of this Bylaw, may be changed to another use permitted on the lot where the lot frontage, front yard, or area required is less than the requirements of this Bylaw, provided that all other requirements of this Bylaw are satisfied.

#### **4.8 Existing Lots without Frontage**

Notwithstanding subsection 4.7 of this Bylaw, an existing building on a lot which does not have frontage, but which has legal access to a public street may be expanded or enlarged, provided that:

- (a) all other requirements of the Land Use Bylaw are met; and,
- (b) no additional dwelling units are created.

#### **4.9 Existing Undersized Lots**

Notwithstanding anything in this Bylaw, a vacant lot having less than the minimum frontage or area required by this Bylaw that was in existence at the effective date of this Bylaw, may be used for a purpose permitted in the zone in which the lot is located and a building may be erected on the lot provided that the other applicable provisions of this Bylaw are complied with.

#### **4.10 Fences**

- (a) A development permit is not required for fences less than 2.1m in height.
- (b) Fences shall not:

- (i) exceed 2.1 m in height in residential zones, or 3.6 m in height in all other zones;
- (ii) if higher than 2.1 m, be closer than 1 metre to the nearest property line.
- (ii) contain barbed or razor wire in any Residential Zone;
- (iii) be electrified unless erected in conjunction with an agricultural use; and,
- (iv) where visible from a street or other public space, be constructed with the supporting apparatus facing the public right-of-way.

(c) Fencing for swimming pools shall satisfy **Section 4.26** of this Bylaw.

#### **4.11 Flag Lots**

(a) In the case of flag lots, in any zone, the minimum lot frontage requirements indicated in the various sections of this Bylaw shall not apply, provided that the main body of the lot meets the minimum area requirements for the zone, and provided that the width of the prolongation or leg of the flag lot providing access to a street is at least 6 m in width at every point.

(b) In the case of flag lots, the yard requirements for the zone shall apply to the main body of the lot and the front yard shall be that yard closest to parallel with the street on which the flag lot fronts.

#### **4.12 Fronting on Streets**

No development permit shall be issued unless the lot or parcel of land upon which the development is proposed abuts and fronts upon a street. Newly subdivided lots shall be subject to the Subdivision Bylaw.

#### **4.13 Illumination**

No person shall illuminate any area of a lot unless all lights are directed away from adjoining properties and any adjacent street.

#### **4.14 Multiple Uses**

Where any land or building is used for more than one purpose, the provisions of this Bylaw shall be interpreted so that the highest or most restrictive regulation for each single use included in the development shall be applied. Standards for the provision of parking spaces shall be deemed to be cumulative so that the requirement will be the sum of the number of spaces required by each use.

#### **4.15 Non-Conforming Use Changed by Development Agreement**

A development permit may be issued to change a non-conforming use to another use not normally permitted on the property by Development Agreement in accordance with Policy GP-11 of the Municipal Planning Strategy.

#### **4.16 One Main Building on a Lot**

Not more than one single detached dwelling may be erected on a lot except for a garden suite as per Policy RP-14 of the Municipal Planning Strategy.

#### **4.17 Outdoor Furnaces**

Notwithstanding any other provision of this Bylaw, an outdoor furnace or structure containing an outdoor furnace in any zone shall:

- (i) be located in the rear yard, and at least 61 m from the nearest lot line; and,

- (ii) have a chimney or exhaust at least 1.8 m above the peak of the roof of the structure that the furnace is intended to heat.

#### 4.18 Outdoor Storage Prohibited

Unless otherwise permitted in other sections of this Bylaw, no outdoor storage shall be permitted in any zone other than storage accessory to the residential use of a lot. Such storage may include items such as fuel wood, compost bins and other such items in to be used by the residents of the property.

#### 4.19 Permitted Encroachments into Yards

Except for accessory buildings, every yard required by this Bylaw shall be open and unobstructed by any structure excluding fences and the structures listed in the following table which shall be permitted to project into or over the specified yards for the distances that are specified in the table below.

Structure	Yard in which projection is permitted	Maximum Permitted Projection into a required Yard
Balconies, Decks, Porches	Any yard	2.5m but least 1 m from lot line
Carports	Side Yards only	Minimum 1m from lot line
Fire escapes, exterior staircase	Rear and Side Yards only	2.5m but at least 1m from lot line
Sills, chimneys, and other architectural features	Any Yard	0.6m
Swimming Pools	See section 4.27	See section 4.27
Window Bays	Any yard	1m

#### **4.20 Prohibited Dwellings**

In any zone, no development permit shall be issued for a building consisting of a basement-only dwelling

#### **4.21 Public Utilities**

Buildings or structures used for public or private utilities shall be permitted in any zone and must be a minimum of 1 metres from the nearest property line.

#### **4.22 Restoration to a Safe Condition**

Nothing in this Bylaw shall prevent the strengthening or restoring to a safe condition, of any building or structure.

#### **4.23 Serviceable Development**

No development permit shall be issued in the Town except where municipally approved piped water supply and piped sanitary sewer are available.

#### **4.24 Shipping Containers**

Shipping containers shall not be used as accessory buildings, except for the following:

- a) Any combination of shipping containers may be used for temporary storage for a period not exceeding 90 days in a calendar year, for which a temporary development permit has been issued by the Development Officer.
- b) One (1) 6.1-metre-long shipping container may be used as an accessory building on a lot in the General Residential (RG) Zone or Land Lease Community (LLC) Zone provided the shipping container is altered so the exterior finish and roofline and pitch match, in the opinion of the Development Officer, the main building on the lot, and provided the shipping container meets all other requirements for accessory buildings.
- c) Any combination of shipping containers with a combined length not exceeding 12.2 metres (e.g., one 12.2-metre-long container, two 6.1-metre-long containers, etc.) may be used as an accessory building on a lot in a Commercial Zone provided the shipping container(s) meets all other requirements for accessory buildings.
- d) Any combination of shipping containers may be used as an accessory building in the Industrial (H) Zone, subject to all requirements for accessory buildings.

#### **4.25 Solar Collector Systems – Accessory**

In any zone, On-building solar collector systems shall be permitted as an accessory use provided that:

- (a) On-building accessory solar collector systems shall not exceed the maximum building height in the zone by more than 2.0 metres.
- (b) Free-standing accessory solar collector systems shall be permitted as an accessory use in any zone, provided that the solar collector system:
  - (i) does not exceed a height of 2.0 metres in any Residential Zone;
  - (ii) does not exceed a total solar collector area of 25.0 square metres on a lot with a lot area less than 4,047.0 square metres; and
  - (iii) meets all other requirements for accessory buildings in this Bylaw.

#### **4.26 Subdivision of an Existing Lot with Existing Main Buildings**

In any case where two or more existing main buildings erected prior to the effective date of this Bylaw share the same lot, a subdivision of land to permit a separate lot to be created for each building is permitted, notwithstanding anything else in this Bylaw, providing that:

- (i) all requirements of the Town of Amherst Subdivision Bylaw are satisfied; or
- (ii) the new lots being created each have a means of sewage disposal and water supply completely independent from the other(s); and,

- (iii) all lots created as a result of any such subdivision have a front lot line of at least 4 m and must be at least 400 m<sup>2</sup> in area, or meet the lot area requirements of the zone in which they are located, whichever is less.

#### **4.27 Swimming Pool Performance Standards**

- (a) In any zone, a development permit for an outdoor swimming pool shall be issued, provided that the swimming pool:
  - (i) be located in the rear or side yards only;
  - (ii) be located at least 2 m from the closest property line;
  - (iii) not be located in any required yard that abuts a street;
  - (iv) is not connected to the central sanitary sewer system; and,
  - (v) is fenced.
- (b) All fences enclosing an outdoor swimming pool shall:
  - (i) completely enclose the entire swimming pool;
  - (ii) have at least one gate for access which shall be self-closing with a self-latching device;
  - (iii) be a minimum of 1.2 m high from ground to the top of the fence, gate or structure; and,
  - (iv) have no opening greater than 10 cm in any part of the fencing, gates or structures that enclose the swimming pool.

#### **4.28 Temporary and Special Occasion Uses**

- (a) Nothing in this Bylaw shall prevent a development permit from being issued for uses incidental to construction such as a construction camp or other such temporary work camp, tool shed, or similar building incidental to construction provided that a development permit has been issued, but does not include basements of the building to be constructed.
- (b) In any zone other than a Residential zone a 12 month temporary development permit may be issued for a building temporarily used for sales, rental offices, or retail stores.
- (c) Development permits for special occasion uses shall not be required provided that the use is not located on the lot for more than 3 days.
- (d) Any temporary or special occasion use shall:
  - (i) be a minimum of 3 m from the front lot line;
  - (ii) be a minimum of 1 m from any other lot line; and,
  - (iii) not be located within a corner lot sight triangle.

#### **4.29 Wind Turbines**

Wind turbines with a production capacity of 0.01 megawatts (10.0 kilowatts) or greater shall be prohibited.

Wind turbines with a production capacity less than 0.01 megawatts (10.0 kilowatts) shall be permitted as an accessory use in the General Residential (RG) Zone, Highway Commercial (CH) Zone, and Industrial (H) Zone subject to the following requirements:

- (a) the wind turbine height shall not exceed 10.0 metres or the height of the main structure on the lot, whichever is less;
- (b) wind turbines shall be limited to one (1) per lot; and
- (c) the wind turbine shall be located a distance equal to or greater than three (3) times the height of the wind turbine from any adjacent property lines or structures on the lot.

## 5.0 Vehicle Controls

### 5.1 Parking Space Requirements

- (a) For every building or structure to be erected or enlarged, or for which an application for a development permit involving a change of use is made, off-street parking located within the same lot as the use and having unobstructed access to a public street shall be provided and maintained in accordance with the requirements in the chart below.

Use	Requirements
<b>Residential Uses</b>	
A dwelling containing not more than four dwelling units	1 parking space per dwelling
Dwellings containing more than four dwelling units	1.25 parking spaces per dwelling unit
Townhouses	1 parking space per dwelling unit
Boarding houses, Rooming homes	1 parking space for every 2 sleeping units
Bed and Breakfast Establishments	1 parking space, plus 1 parking space per room for rent
<b>Commercial Uses</b>	
Business or Professional Office	1 parking space per 50 m <sup>2</sup> of GFA
Restaurant – Eat in	1 parking space per 100 m <sup>2</sup> of GFA
Hotels and motels	1 parking space per sleeping unit
Offices, commercial schools, and banks	1 parking space per 50 m <sup>2</sup> of GFA
Restaurants, taverns, lounges, night clubs	1 parking space per 50 m <sup>2</sup> of GFA
Funeral Homes	1 parking space per 30 m <sup>2</sup> of GFA
<b>Institutional and Community Uses</b>	
Churches, church halls, auditoria, funeral homes, theatres, arenas, halls, stadiums, private clubs, and other places of assembly	Where there are fixed seats, 1 parking space for every 5 seats, or 3 m of bench space. Where there are no fixed seats, 1 parking space per 10 m <sup>2</sup> of floor area devoted to public use
Nursing homes and homes for special care	1 parking space per 50 m <sup>2</sup>

Medical clinics and health practitioners' offices	4 parking spaces per practitioner
Kindergarten and daycares	1 parking space per 11.2 m <sup>2</sup> of floor area
<b>Industrial Uses</b>	
All industrial uses	1 parking space per 100 m <sup>2</sup> of GFA

- (b) The requirements of this section shall not apply in the Downtown Zone where all parking requirements shall be waived.
- (c) Where there are more than one type of use on the same lot, Section 4.16 regarding Multiple Uses shall apply.

### **5.2 Minimum Dimensions for Parking and Loading Spaces**

- (a) Parking Space - the minimum area required for a parking space shall be 3 m x 6 m.
- (b) Loading space – the minimum area required for a loading space shall be 3 m x 12 m, with a minimum height clearance of 3.5 m.

### **5.3 Loading Space Requirements**

- (a) Any Commercial or Industrial use over 1000<sup>2</sup> m in area, including motor vehicle sales establishments, shall have at least 1 loading space, except in the Downtown Zone.
- (b) All such loading spaces shall have adequate access to permit ingress and egress of a commercial motor vehicle from a street or highway by means of driveways, aisles, maneuvering areas or similar areas.

### **5.4 Performance Standards for Parking Areas**

Where off-street parking facilities for more than 4 vehicles are provided, or required pursuant to his Bylaw:

- (a) the parking area shall be treated so as to prevent the raising of dust and loose particles and shall be paved if located in a commercial zone if the number of spaces provided or required exceeds 8 in number.
- (b) the lights used for illumination of the parking area shall be so arranged as to divert the light away from streets, adjacent lots and buildings;
- (c) a structure, not more than 4.5 m in height and not more than 5 m<sup>2</sup> in area may be erected in the parking area for the use of attendants;
- (d) the parking area shall be on the same lot as the use it is intended to serve; and,
- (e) when the parking area is paved, each parking space shall be clearly demarcated and maintained as such.

### **5.5 Performance Standards for Parking Area Driveways and Aisles**

In all zones where paved off-street parking facilities for more than 8 vehicles are provided, or required pursuant to the parking requirements set out in Subsection 5.1:

- (a) clearly marked driveways or aisles must be provided to permit adequate ingress and egress from the parking area;
- (b) the number of driveways per lot shall be limited to 1 two way driveway per lot frontage, except for lots with more than 75 m of frontage where 2 two way driveways are permitted provided there is a minimum 30 m between the centerline of such driveways as measured along the street. In lieu of one permitted two way driveway, 2 one way driveways may be permitted provided there is a minimum of 30 m between the centerline of all driveways on the lot, as measured along the street.
- (c) The location of driveways shall be no closer than 15 m from the limits of the right-of- way at a street intersection.
- (d) The location of driveways shall be at least 3 m from the side or rear lot line, except where adjacent properties share a common driveway.
- (e) Driveways should meet the traveled portion of the street at 90<sup>0</sup> and in no case shall be at an angle less than 75<sup>0</sup>.
- (f) The width of a driveway or aisle within a parking area shall be a minimum width of 3 m if for one-way traffic, and a minimum width of 6 m for two-way traffic.
- (g) In all zones the width of a driveway leading from a parking or loading area to a public street shall be a minimum of 3 m for one-way traffic, and a minimum of 6 m for two-way traffic. The maximum width of a driveway shall be as follows:
  - (i) in any Residential Zone: one way 5 m ; two way 8 m;
  - (ii) in any zone other than a Residential Zone: one way 5 m ; two way 9 m;
  - (iii) in any zone other than a Residential Zone where a substantial portion of traffic on the lot consists of highway tractors, the maximum width of driveways may be increased to 7 m for one way traffic and 12 m for two way traffic.
- (h) one additional driveway may be permitted that allows direct access to a loading space provided that such driveway is not for public use and shall be signed as such.

### **5.6 Parking of Commercial Motor Vehicles in Residential Zones**

- (a) In any residential zone, no more than one commercial motor vehicle shall be parked or stored on a lot, except:  
In the case of a commercial motor vehicle capable of transporting less than 9 persons or vehicles with a TARE weight less than 3,650 kg, of which not more than 2 such vehicles will be permitted.
- (c) In any residential zone, no commercial motor vehicles or tractor trailers with running refrigeration systems shall be permitted to be parked or stored on a lot overnight.

### **5.7 Front Yard Parking Restrictions in Residential Zones**

Not more than 50% of the required front yard may be used for parking / driveway facilities.

### **5.8 Street Access Required**

No development permit shall be issued where required parking does not have access to a public street.

### **5.9 Vehicle Stacking for Drive-Through Uses**

Businesses providing drive-through services including but not limited to banks, automatic car-wash facilities, and restaurants, shall provide, exclusive of driveways or isles, stacking for vehicle queuing in accordance with the following requirements:

- (i) 5 inbound spaces
- (ii) 2 out-bound spaces

### **5.10 Parking for Persons with Disabilities**

Parking for persons with disabilities shall be provided at a ratio of one space per 100 if more than 25 spaces are provided or as required by the Building Code, whichever is greater.

### **5.11 Vehicle Bodies Not to be Used for Human Habitation**

No truck, bus, boat, automobile coach or structure of any kind other than a mini home or dwelling unit erected and used in accordance with this and all other bylaws of the Town shall be used for human habitation within the Town, whether or not the same is mounted on wheels.

### **5.12 Downtown Zone Parking Standards**

In the Downtown Zone, off-street parking facilities shall satisfy the following, and shall take precedence over any conflicting parking requirement of this Bylaw:

- a) On property that fronts on East Victoria Street, Church Street, or Havelock Street:
  1. No new off-street parking shall abut said streets.
  2. Entries to rear-lot parking will be permitted (no more than 6 m wide) and single loaded parking on these entries will be permitted provided that:
    - i. The street abutting stall is separated by no less than 1.5 m of landscaping between it and the sidewalk, where feasible.
    - ii. The width of the entry road and parking stall does not exceed the width of the building façade fronting on the street
- b) In the Downtown Zone:
  - (i) parking shall be located between the street and the building.
  - (ii) Where parking abuts a street, the parking frontage shall not exceed the building frontage.
  - (iii) For every space which fronts on the street, the developer shall install a 1.5 m wide landscape bed and provide at least one 50 mm caliper street tree. A 1.5 m (minimum) impervious walkway must link the parking to the sidewalk.

## 6.0 Signage

### 6.1 General Provisions

- (a) Where this section is inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the Province of Nova Scotia Department of Highways, the more restrictive regulations shall apply.
- (b) Unless otherwise indicated in this section, no sign shall be erected without first obtaining a development permit from the Development Officer and no such permit shall be issued unless all the provisions of this Bylaw are satisfied.

### 6.2 Maintenance

- (a) Every sign shall be kept in good repair and working order.
- (b) Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with the building, electrical, and fire prevention Bylaws.
- (c) If the business, service or other enterprise for which a sign is erected is no longer in operation the sign shall be removed, by the owner, within 60 days of the date the operations cease. Removal of a sign includes the support structure or apparatus to which it is attached.
- (d) Subsection (c) shall not apply to a seasonal enterprise that normally closes during part of the year.

### 6.3 Signs Permitted in all Zones

The following signs are permitted in all zones and no development permit is required for their erection:

- (a) Signs not more than 0.2 m<sup>2</sup> in sign area, showing the civic number of a building;
- (b) signs of not more than 0.2 m<sup>2</sup> in sign area, showing the name of a resident or an occupier;
- (c) "No trespassing" signs or other signs regulating the use of a lot, and of not more than 0.2 m<sup>2</sup> in sign area, unless otherwise directed by a public authority;
- (d) real estate signs not exceeding 0.6 m<sup>2</sup> in sign area in a residential zone and 1.5 m<sup>2</sup> in other zones, which advertise the sale, rental or lease of the premises;
- (e) signs regulating or denoting on-premises traffic, or parking, or other signs denoting the direction or function of various parts of a building or premises, provided that such signs are less than 0.5 m<sup>2</sup> in area;
- (f) signs erected by a governmental body, or under the direction of such a body, such as tourism-oriented signs, such as traffic signs, railroad crossing signs, safety signs, signs identifying public institutions or public election lists or other public notices;
- (g) memorial signs or tablets, and signs denoting the history of a site or structure provided that no such sign exceeds 0.5 m<sup>2</sup> in area;
- (h) the flag, pennant or insignia of any nation, province or state or of any religious, charitable or fraternal organization;

- (i) a sign having an area of not more than 10 m<sup>2</sup> incidental to construction and within the area of such construction, and erected only during the period of construction;
- (j) a sign painted on a window; and,
- (k) election signs.

#### **6.4 Signs Prohibited in all Zones**

Except where permitted under conditions expressly set out in this section, the following signs are prohibited in all zones:

- (a) any sign or sign structure which constitutes a hazard to public safety or health;
- (b) signs which by reason of size, location, content, colouring or manner of illumination obstruct the vision of drivers or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets or roads;
- (c) any sign which obstructs free ingress to or egress from a fire escape door, window or other required exit way;
- (d) signs not erected by a public authority which make use of words such as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD", or any similar words, phrases, symbols, lights or characters in such manner as to interfere with, mislead, or confuse traffic along a public road;
- (e) signs on utility poles;
- (f) signs, including election signs, located on a public lot or a public right-of-way unless erected by a governmental body, or unless specially permitted by Council, and except sandwich boards signs in the Downtown Zone;
- (g) signs painted on, attached to, or supported by a tree, stone, cliff or other natural object;
- (h) portable signs advertising a business not located on the same property as the said sign.

#### **6.5 Number of Signs**

- (a) Notwithstanding anything else in this Bylaw, not more than 3 signs may be erected on any one lot at any one time.
- (b) A double-faced sign shall count as a single sign.
- (c) Signs listed in subsection **6.3** "Signs permitted in all Zones" shall not be counted in calculating the total.
- (d) Not more than 2 ground signs shall be permitted on any one lot except in the case of the Highway Commercial Zone where not more than 1 ground sign shall be permitted for each 15 m of frontage of the lot on which they are placed, but in no case shall the total number of signs on the lot exceed 3.
- (e) All facial signs on a building are counted as 1 sign.

- (f) Not more than 1 projecting wall sign shall be permitted for each business premise.
- (g) A sign painted on or displayed within a window shall not be included in the calculation of the total number of signs on a premise.

### **6.6 Signs in Residential Zones**

Unless otherwise specified in this Bylaw, signage in a Residential Zone shall be subject to the following requirements:

- (a) The maximum sign area shall be 0.6m<sup>2</sup> per side in the case of a two sided sign.
- (c) The maximum height of the sign shall be 1.5 m.
- (d) Facia signs shall not be located in excess of 3 m above the grade of the wall upon which it is affixed.
- (e) The sign shall be set back a minimum of 1 m from any lot line.
- (f) Offsite signs are not permitted.

### **6.7 Off-site Signage**

A development permit may be issued for the use of a sign which displays a business or a use not located on the lot or premises subject to the following requirements:

- (a) An off-site sign counts towards the maximum number of signs permitted on the lot where the sign is located.
- (b) The proposed signage complies with all other applicable requirements of this Bylaw respecting signage.
- (c) The off-site sign is not a portable sign.

### **6.8 Sponsorship Signage on Town Owned Recreational Lands**

Sponsorship signage on Town owned recreational lands shall be exempt from the provisions of this bylaw, and no development permit is required. All approvals for sponsorship signage on Town owned recreational lands shall be subject to relevant Town policies regarding such.

### **6.9 Sandwich Board Signs**

In all zones except residential zones, sandwich board signs are permitted without a development permit provided that:

- (a) such signs do not exceed 0.92 m in length and 0.61 m in width;
- (b) the number of such signs shall not exceed 1per business premise;
- (c) the sign does not obstruct pedestrian or vehicular traffic along any publicly owned land such as a sidewalk or street right-of-way; and,
- (d) the sign does not occupy more than one third of the width of the available sidewalk.

## 6.10 Ground Signs

- (a) In the Highway Commercial Zone, a ground sign shall not exceed 25 m<sup>2</sup> in sign area for each sign face.
- (b) In the Downtown Zone, a ground sign shall not exceed 10 m<sup>2</sup> in sign area for each sign face.
- (c) No ground sign shall project over any public property or space including an public park, street, right-of-way, sidewalk, parking lot, loading space, or place of assembly.
- (d) All supporting apparatus of a ground sign shall have a minimum 2 m setback from any lot line.

## 6.11 Projecting Wall Signs

A projecting wall sign shall not:

- (a) exceed 3 m<sup>2</sup> in sign area;
- (b) project more than 2 m from the wall upon which it is attached;
- (c) project over a corner sight triangle;
- (d) project above the eaves, parapet or roof line of a building;
- (e) be permitted to swing freely on its supports;
- (f) be less than 3 m off the ground at its lowest point;
- (g) notwithstanding clause 6.4 (f), a projecting wall sign may extend over a public right-of-way in the Downtown Zone, subject to the following requirements:
  - (i) the sign or any portion of the sign structure shall not project into the right-of-way a distance greater than 2/3 the width of the sidewalk; and
  - (ii) the sign requires a building permit issued in accordance with the Town of Amherst Building Bylaw.

## 6.12 Facial Wall Signs

Facial wall signs shall:

- (a) not cover more than 0.6 m<sup>2</sup> per lineal meter of the wall on which the sign is affixed;
- (b) not extend more than 0.3 m beyond the wall to which it is affixed; and
- (c) not extend more than 0.3 m above the top of the wall upon which it is located.

## 6.13 Roof Signs

Roof signs shall:

- (a) not cover more than 0.6 m<sup>2</sup> per lineal metre of roof upon which the sign is affixed;
- (b) not extend more than 0.3 m beyond the roof to which it is affixed; and
- (c) not extend beyond the peak of the roof to which it is affixed.

## 6.14 Sign Standards in the Downtown Zone

Signage within a Downtown Zone shall conform to the following, and shall take precedence over any conflicting signage requirement of this Bylaw:

- a) A sign board for commercial signage or awnings is required above the ground floor windows, and must be integrated into the architecture of the building.
- b) Signs on the top storey are permitted provided they are no greater than 0.3 sq m times the number of storeys (i.e. a 6 storey building can have 1.8 sq m sign).
- c) New Back-Lit or internally illuminated signs are not permitted in the Core Area District, except for backlight raised lettering only, where letters are greater than 200 mm high and no deeper than 150 mm, and electronic signs subject to section 6.14 (i).
- d) Projecting signs are permitted and encouraged. Projecting signs can be no larger than 3 sq metres, and have a minimum clearance of 2.7 m above grade.
- e) Spot lights, gooseneck light fixtures and other decorative light fixtures are permitted and encouraged for illuminating signs.
- f) Directory signs no larger than 2.5 sq m in area are permitted.
- g) Other than sandwich board signs, portable, and free-standing reader board signs are not permitted.
- h) Signs that display a business, product, or use not located on the property or premises where the sign is located are not permitted;
- i) Electronic signs are permitted as part of a freestanding, fascia, or canopy sign subject to the general provisions and the following standards:
  - (i) the message duration shall not be less than 10 seconds;
  - (ii) the message transition shall be instantaneous;
  - (iii) message transition shall not involve any visible effects including but not limited to scrolling, fading, dissolving, intermittent or flashing light, or the illusion of such effects;
  - (iv) the maximum brightness levels of the electronic sign shall be 5,000 nits during daytime and 500 nits at nighttime;
  - (v) the sign shall use automatic dimming technology which automatically adjusts the sign copy's brightness in direct correlation with ambient light conditions;
  - (vi) the sign shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m. (Atlantic time) unless the business is open or in operation during those hours;
  - (vii) the sign shall be turned off in the case of a malfunction; and,
  - (viii) in any case, no electronic sign in the Downtown Zone shall exceed 3 m<sup>2</sup> (32 sqft) in area.

## 7.0 Residential

### 7.1 General Provisions for All Residential Zones

#### 7.1.1 Home Based Business

A development permit shall be issued for a home occupation contained in a dwelling or accessory building, provided that:

- (a) the dwelling is occupied as a residence by the user and the external appearance of the dwelling is not changed by the home occupation;
- (b) there shall not be more than 2 assistants who are not residents in the dwelling employed in the use;
- (c) not more than 25% of the total floor area of the dwelling or 50 m<sup>2</sup> whichever is less, may be devoted to the home occupation;
  - (i) in calculating the total floor area of a dwelling where a home occupation is being operated in an unfinished basement, attic, porch, sunroom, or attached garage, the total floor area of the basement, attic, porch, sunroom or attached garage shall be included in calculating the total floor area of the dwelling.
  - (ii) in the case of a home occupation operating in an accessory building, the size of the home occupation shall not exceed 25% of the total floor area of the dwelling combined with that of any accessory buildings involved;
- (d) one off-street parking space, in addition to that required for the dwelling, is provided for every 25 m<sup>2</sup> of floor space occupied by the home occupation;
- (e) no outdoor storage or outdoor display shall be permitted;
- (f) no retail sales of merchandise shall take place on the property, except to the customer already purchasing a service on the property as an accessory to the service being provided.

Note to Readers

*Retail sales of merchandise are permitted in a home occupation which are clearly accessory and incidental to the main home occupation use. (Examples include the sale of hairspray by a hairdresser or contact lenses by an optometrist.)*

#### 7.1.2 Bed and Breakfasts - Special Requirements

In any Residential Zone, a development permit shall be issued for a bed and breakfast establishment provided that:

- (a) such use is accessory to the main residential use occupied by a resident of the property;
- (b) parking is located in the rear or side yard and complies with the requirements of **Section 5.1** of this bylaw;
- (c) only breakfast is served solely for registered guests;
- (d) the bed and breakfast operation is the only accessory use on the lot, and;
- (e) no addition or expansion is made to the footprint or bulk of the building, other than modifications

necessary to comply with fire safety standards.

### **7.1.3 Converted Dwellings - Special Requirements**

In addition to all other regulations in this Bylaw, an existing structure in a Residential Zone may be converted to an additional dwelling unit or units subject to the following special requirements:

- (a) The total number of units in the building shall not exceed 5 dwelling units;
- (b) The conversion is undertaken without addition or expansion to the footprint or bulk of the building, except where modifications are necessary to comply with fire safety standards;
- (c) The parking area requirements shall conform to **Section 5.1** of this Bylaw;
- (d) The amenity space requirements in Section 7.1.4 shall apply; and,
- (e) Where any or all of the above criteria cannot be satisfied, the development may be considered by Development Agreement in accordance with Policy 6-22 of the Municipal Planning Strategy.

### **7.1.4 Amenity Space Requirements**

In any zone, a development permit for a building containing 3 or more units shall provide 20 m<sup>2</sup> per unit of amenity space and is subject to the following requirements:

- (a) Amenity space may include a combination of balconies, indoor recreation rooms, saunas, sundecks, patios, tennis courts, swimming pools as well as any landscaped open area with a finished grade of less than 8%.
- (b) Where a dwelling unit is provided with a balcony at least 6 m<sup>2</sup> in floor area, the 20 m<sup>2</sup> amenity space requirement shall be waived.
- (c) Amenity Space shall not include any parking areas, hallways, foyers, utility rooms, or laundry areas.

### **7.1.5 Special Requirement: Trees**

- (a) A development permit issued for any apartment building or townhouse project shall require at least one live tree a minimum of 1.5 m. in height to be planted for every 50 m<sup>2</sup> of area in the front yard of the structure which is not occupied by a parking area.
- (b) Existing trees on the site which are not destroyed during the construction period may replace some or all of the trees required by this section. New plant materials are required to be installed during the first planting season following the commencement of construction, and to nursery standards.

### **7.1.6 Special Requirement: Grouped Buildings**

- (a) Wherever more than one multi-unit residential building is located on a lot the minimum distance between the buildings shall be 6 m.
- (b) Except where permitted in this Bylaw, a development permit shall not be issued for more than one single detached dwelling on a single lot, or where there is an existing dwelling on the same lot.

### **7.1.7 Yard and Garage Sales**

- (a) Yard/garage sales may be undertaken on any lot, in any zone provided the sale is conducted by an owner/resident of the subject site, or by a non-profit group, community association, or other similar group or organization.

- (b) No more than 6 yard/garage sales may be conducted from one lot in one calendar year, and any 1 sale may not last more than 3 consecutive days.

### **7.1.8 Front Yard Setback and Orientation**

- (a) The main wall of a new primary building shall be set back from the street a distance no greater than the average front yard setback of neighbouring properties on the same block.
- (b) Encroachments are permitted within the required setback in accordance with subsection 4.19 of this bylaw.
- (c) New main buildings shall be sited so that the façade is parallel to the street it faces.

### **7.1.9 Corner Lots**

- (a) Blank building facades are not permitted along any street frontage. All facades shall be treated with the same quality of materials and similar architectural detailing. Elements such as corner and side windows, wrap-around verandas or decks, bay windows, turrets, areas of decorative brick, or other interesting architectural element shall be incorporated.

## **7.2.4 Accessory Dwellings – Special Requirements**

Accessory dwellings shall be subject to the following special requirements in addition to all other applicable regulations in this Bylaw:

- a) Only one (1) accessory dwelling shall be permitted on a lot.
- b) If the accessory dwelling is located in a building separate from the main dwelling:
  - a. the accessory dwelling shall be subject to the height requirements for accessory buildings;
  - b. notwithstanding rear yard requirements for accessory buildings, the accessory dwelling shall be located at least 3.0 metres from the rear lot line; and
  - c. the accessory dwelling shall not be permitted to be subdivided from the main building on the lot.
- c) An accessory dwelling shall not be considered a separate main dwelling but shall have its own entrance separate from the main dwelling.
- d) An accessory dwelling shall not be counted towards the lot's dwelling unit total.
- e) The gross floor area of the accessory dwelling shall not exceed 80.0 square metres.

## 7.2 General Residential Zone

### 7.2.1 General Residential Zone Uses Permitted

In the General Residential Zone, the following uses shall be permitted:

- a) Single Detached Dwellings
- b) Accessory Dwellings
- c) Double Dwellings
- d) Townhouses up to 6 units
- e) Apartment Buildings up to 6 units
- f) Converted Dwellings (subject to section 7.1.3)
- g) Boarding Houses up to 6 sleeping units
- h) Small Options Homes
- i) Bed and Breakfast Establishments
- j) Home Based Business (Home Based Business)
- k) Residential Day Care Centres
- l) Parks, Open Spaces, and Public Trails
- m) Nursing Homes and Homes for Special Care with up to 6 beds or sleeping units
- n) ~~Existing trucking operation at 76 East Pleasant Street (PID 25026626)~~

### 7.2.2 Permitted Uses by Site Plan Approval

In the General Residential Zone, the following uses shall be permitted by site plan approval:

- a) Townhouses with 7 to 12 dwelling units;
- b) Apartment Building with 7 to 12 dwelling units;
- c) Boarding Houses with 7 to 12 sleeping units;
- d) Grouped Dwellings with up to 5 dwelling units;
- e) Nursing Homes and Homes for Special Care with between 6 and 12 beds or sleeping units

### 7.2.3 Permitted Uses by Development Agreement

In a Residential Zone, an application for the following uses shall be considered by development agreement in accordance with the applicable Municipal Planning Strategy (MPS) Policy:

- a. A restaurant as part of bed and breakfast establishments in accordance with **Policy 4-20** of the MPS.
- b. Boarding houses with 13 or more sleeping units in accordance with **Policy 4-19** of the MPS.
- c. Nursing Homes and Homes for Special Care with more than 12 beds or sleeping units in accordance with **Policy 5-7** of the MPS.
- d. Multiple Unit buildings with greater than 12 units in accordance with **Policy 4-19** of the MPS.

## 7.2.4 Zone Requirements

In any Residential Zone, all development permits shall be issued in conformity with the following requirements:

(a) Single Detached Dwelling		
Minimum lot area		450 m <sup>2</sup>
Minimum lot frontage		15 m
Minimum front yard		6 m
Minimum rear yard		6 m
Minimum side yard	One side	1.3 m
	Other side	3 m
Minimum flanking yard		6m
Maximum height		11 m

(b) Multiple Unit Dwellings		
Minimum lot area	Apartment Building	250 m <sup>2</sup> per ground floor unit 150 m <sup>2</sup> per upper floor unit
	Townhouse	300 m <sup>2</sup> per unit
	Converted/Duplex/Semi-Detached/Other	560 m <sup>2</sup>
Minimum lot frontage	Apartment Building	20 m
	Townhouse	6 m per unit
	Converted/Duplex/Semi-Detached/Other	18 m
Minimum front yard	Townhouse	10 m
	All Other Types	6 m
Minimum rear yard	All Types	6 m
Minimum side yard	Apartment Building	One side 2 m
		Other side 3 m
	Townhouse	Common Wall 0 m Outside Wall 3 m
Minimum flanking yard		6 m
Maximum height		11 m
Maximum Lot Coverage	All Types	35%

### ~~7.2.4 Special Requirement – Existing trucking operation at 76 East Pleasant Street (PID 25026626)~~

- ~~• Any ground surface not covered by vegetation to be treated so as to be dust free;~~
- ~~• No storage aggregate (sand or gravel) be permitted on the property;~~
- ~~• The storage of petroleum products on the site be in compliance with any and all relevant provincial regulations.~~

~~For the purposes of this section the existing trucking operation includes: the parking, storage and maintenance of up to four commercial motor vehicles; the parking, storage and maintenance of up to 4 additional passenger vehicles associated with the business; the operation of an office within the existing single detached dwelling on the property used to coordinate the day to day operation of the business as well as usual bookkeeping and business functions; the storage of various hand tools and maintenance equipment; the use of the existing garage on the property for the trucking business; up to six persons employed on the site.~~

## **7.4 Leased Land Community Zone**

### **7.4.1 Leased Land Community Zone Uses Permitted**

The following use shall be permitted in the Land Leased Community Park Zone:

- (a) all uses permitted in the General Residential Zone, subject to General Residential Zone regulations;
- (b) Mobile Homes
- (c) Land Leased Communities
- (d) Multiple Section Mini Homes

### **7.4.2 Accessory Uses Permitted**

Accessory uses are permitted in the Land Leased Community Zone provided that the accessory use does not exceed 35 m<sup>2</sup> of floor as per mini home rental pad or space.

### **7.4.3 Conformance with Leased Land Community Bylaw**

Notwithstanding anything in this Bylaw, any development permit issued in the Leased Land Community Zone shall satisfy all relevant provisions of the Leased Land Community Bylaw.

## **8.0 Commercial Zones**

### **8.1 General Provisions for Commercial Zones**

#### **8.1.1 Residential Uses in Commercial Zones**

In any Commercial Zone, any development permit for a residential use shall satisfy all applicable Residential standards in this Bylaw.

#### **8.1.2 Special Requirements for Motor vehicle Fueling Stations**

In any Commercial Zone, a development permit for a Motor vehicle Fueling Station shall be issued, provided that:

- (i) no portion of any pump island shall be located closer than 6 m to any street line; and,
- (ii) the lot frontage is at least 50 m.

#### **8.1.3 Outdoor Retail Display on Public Sidewalks**

No development permit shall be issued for outdoor retail display on a public sidewalk unless:

- (a) The retail display is located in the Downtown Zone.
- (b) The retail display is only set up during the hours of operation for the associated business.
- (c) The retail display is only set up from May 1<sup>st</sup> to October 31<sup>st</sup>.
- (d) The retail display is limited to the sidewalk directly abutting the associated business.

#### **8.1.4 Cannabis-Related Uses**

Notwithstanding any other provision in this Bylaw, cannabis retail sales and cannabis lounges are only permitted if such facilities are operated by the Nova Scotia Liquor Corporation (NSLC).

## 8.2 Highway Commercial Zone

### 8.2.1 Zone Uses Permitted

The following uses shall be permitted in the Highway Commercial Zone:

Animal Hospital and Veterinary Establishments

Banks and Financial Institutions

Business and Professional Offices

Cannabis Lounges and Cannabis Retail Sales subject to section 8.1.4

Commercial Recreation Centres

Commercial Schools

Community Centres

Display Courts

Funeral Homes

Garden and Nursery Sales & Supplies

Hotels and Motels

Industrial & Agricultural uses existing as of the date of adoption of this bylaw.

Institutional Uses, (schools, government offices, churches, police stations, similar uses.)

Licensed liquor establishments

Light manufacturing

Medical Clinics

Motor Vehicle Fueling Stations

Motor Vehicle Sales, Rental, and Repair

Parking lots and Parking Structures

Private Clubs and Fraternal Organizations

Photography Studios

Printing Establishments

Propane Refill Stations

Outdoor Retail Display

Religious Institutions

Residential uses, except single detached dwellings, subject to General Residential Zone Standards and section 8.2.2

Restaurants, Take-Outs, drive throughs

Retail Stores

Self Storage Facilities

Service and Personal Service Shops

Taxi, Bus and Train Stations

### 8.2.2 Permitted Uses by Site Plan Approval

In the Highway Commercial Zone, Multiple unit dwellings, including townhouses, with more than 12 dwelling units the following uses shall be permitted by site plan approval:

### 8.2.3 Highway Commercial Zone Requirements

In the Highway Commercial Zone, all development permits shall be issued in conformity with the following requirements:

(a) *Zone Requirements*

Minimum lot area	1000 m <sup>2</sup>
Minimum lot frontage	60 m
Minimum front yard	8 m
Minimum rear yard	3 m
<i>Where adjacent to a residential zone</i>	8m
Minimum side yard	3 m
Maximum Height	22 m

- (b) In the Highway Commercial Zone, all developments shall satisfy the applicable parking requirements in **Section 5** of this Bylaw.

### 8.2.3 Landscaping Requirements

In the Highway Commercial Zone, any development permit for a new building shall satisfy the following landscaping requirements:

- (a) One live tree at least 1.5 m in height shall be planted every 50 m<sup>2</sup> of area in the front and flanking yards, where not occupied by parking area.
- (b) All developments greater than 900 m<sup>2</sup> in area shall provide a minimum of 6 m of landscaped open space along the entire street frontage, minus driveways.
- (c) Any development fronting on Robert Angus Drive between Church Street and South Albion Street shall provide a minimum of 6 metres of landscaped open space along the entire street frontage, minus driveways.

## 8.3 Downtown Zone

### 8.3.1 Downtown Zone Uses Permitted

The following uses shall be permitted in the Downtown Zone:

Banks and Financial Institutions

Business and Professional Offices

Cannabis Lounges and Cannabis Retail Sales subject to section 8.1.4

Commercial Recreation Centres

Commercial Schools

Community Centres

Funeral Homes

Garden and Nursery Sales & Supplies

Hotels and Motels

Industrial uses existing as of the date of adoption of this bylaw

Institutional Uses, (schools, government offices, churches, police stations, similar uses.)

Licensed liquor establishments

Light manufacturing

Medical Clinics

Motor Vehicle Fueling Stations subject to section 8.3.2 and 8.3.5

Motor Vehicle Sales, Rental, and Repair subject to section 8.3.2 and 8.3.5

Parking lots and Parking Structures

Private Clubs and Fraternal Organizations

Photography Studios

Printing Establishments

Outdoor Retail Display

Religious Institutions

Residential uses above the ground floor, subject to section 8.3.9

and ground floor residential uses, subject to section 8.3.9

Restaurants, or Take-Outs, Cabarets

Retail Stores

Self Storage Facilities subject to section 8.4.1

Service and Personal Service Shops

Taxi, Bus and Train Stations

### 8.3.2 Permitted uses by Development Agreement

In the Downtown Zone, a development permit application for the following uses shall be considered by development agreement in accordance with the applicable Municipal Planning Strategy (MPS) Policies:

- (a) Where the new development will have a ground floor area in excess of 1,500 m<sup>2</sup> in accordance with Policy 4-38 of the MPS.
- (b) Any use that involves the outdoor display of motor vehicles, vehicle stacking for drive thru purposes, and motor vehicle fueling stations, subject MPS Policy CP-13.
- (c) Ground floor residential uses subject to MPS-Policy 4-39.

### 8.3.3 Zone Requirements

In the Downtown Zone, all development permits shall be issued in conformity with the following requirements:

<b>a) Downtown Zone Requirements</b>	
Minimum lot area	200 m <sup>2</sup>
Minimum lot frontage	6 m
Minimum front yard	none
Minimum rear yard	none
Minimum side yard	none
Maximum height	22 m (72 ft)

- (b) All developments shall be exempt from **minimum** parking requirements outlined in Section 5.1

### 8.3.4 Principal Streets in the Downtown Zone

In the Downtown Zone, properties located deemed to be located on a principal street shall include: East Victoria Street, Church Street, Havelock Street, Electric Street, King Street, and Ratchford Street. Where a property has frontage on more than one street, the principal street is considered the front of the property. Where a property has frontage on more than one principal street, East Victoria will be considered the front of the property.

### 8.3.5 Vehicular Oriented Uses in a Downtown District:

In the Core Area District, the following shall not be permitted on Victoria Street, Church Street, Havelock Street, King Street, Electric Street, or Ratchford Street, and may be permitted elsewhere in a Downtown District, subject to any other relevant section of this bylaw:

- a) Motor Vehicle Fueling Stations
- b) Motor Vehicle Sales, Rental, or Repair
- c) Car Washes
- d) Drive-thru's
- e) Self Storage Facilities

### 8.3.6 Parking

In the Downtown Zone, parking shall conform to Section 5 of this Bylaw, and shall:

- a) not be increased where it abuts East Victoria Street, Church Street, and Havelock Street;
- b) be designed and configured so as to minimize its visual dominance from the street;
- c) not be located between the building and the street; and,
- d) include a landscaped strip with a minimum width of 1.5 metres where parking facilities abut a street;

### 8.3.7 Building Materials

In the Downtown Zone no building, except residential dwellings located on Prince Arthur, Maple Street, and Crescent Street, shall have vinyl or aluminum cladding along any wall that abuts or otherwise fronts on a street.

### 8.3.8 Commercial Requirements

In the Downtown Zone, except Institutional uses, all non-residential uses within new developments and additions to existing buildings that constitute a 10% or more increase in building footprint, shall satisfy the following requirements:

- a) a minimum ground floor ceiling height of 3.2 metres;
- b) a public entrance located on the principal street frontage or the building wall closest the street, or at the corner in the case of a corner lot;
- c) windows that occupy no less than 50% of any street fronting wall below the second floor;
- d) clear windows and doors with at least 88% light transparency and no reflective or tinting treatment on the ground floor;
- e) an awning, overhang, or weather-protecting structure over all public entry ways;
- f) buildings with frontage greater than 12 meters shall be broken down into horizontal compartments with a distinct change in vertical architectural articulation using at least one of the following: different materials, projections, bays, roof changes, or colours.
- g) building setbacks shall align with the established front and flanking yard setbacks along any street frontage. Where no established setback exists a maximum front and flanking yard setback of one (1) metre for at least 60% of the building wall is required;
- h) areas for signage shall be incorporated in the initial building design; and
- i) mechanical or communication appurtenances larger than 0.5 square meters shall not be visible from the street.

### 8.3.9 Residential Uses

In the Downtown Zone, residential requirements shall be subject to the relevant sections of this Bylaw, and the following requirements:

- a) upper floor conversions of non-residential uses to a residential use shall be permitted, subject to the existing building envelop not increasing by more than 30 %.
- b) detached single and double dwellings are not permitted;
- c) ground floor residential uses may be permitted for developments containing twenty (20) or more dwelling units on principal streets, subject to MPS [Policy 4-39](#);
- d) on any principal street, the first 12.2 m (40 feet) of building ground floor area, measured at 90 degrees from the property line abutting any principal street, or the front of the building facing the street in cases where the front of the building is not located directly on the front property line, shall be restricted to non-residential uses otherwise permitted in the zone;
- e) new residential buildings shall be no less than 2 stories;
- f) buildings shall align with the front and flanking yard setbacks established by existing buildings on the same block.
- g) primary entries to multi-unit buildings shall front on a street;
- h) the primary entry shall be a highly visible architectural feature incorporating elements such as awnings, roof overhangs, lighting, double doors, glazing and/or distinct architectural materials;
- i) buildings with multiple stories shall have an architecturally distinct base, middle, and top;

- j) mechanical or communication appurtenances larger than 0.50 square meters shall not be visible from the street;
- k) all patios shall be recessed into the building at least 1.5 meters, with no patio extending more than 2.0 meters beyond the outer building wall; and,
- l) buildings with frontage greater than 12 meters shall be broken down into horizontal compartments with a distinct change in vertical architectural articulation using at least one of the following: different materials, projections, bays, roof changes, or colours.

## **8.4 Mixed Use Zone**

### **8.4.1 Mixed Use Zone Uses Permitted**

The following uses shall be permitted in the Mixed Use Zone:

Animal Hospital and Veterinary Establishments  
Banks and Financial Institutions  
Business and Professional Offices  
Cannabis Lounges and Cannabis Retail Sales subject to section 8.1.4  
Commercial Recreation Centres  
Commercial Schools  
Community Centres  
Display Courts  
Funeral Homes  
Garden and Nursery Sales & Supplies  
Hotels and Motels  
Industrial  
Institutional Uses  
Licensed liquor establishments  
Light manufacturing  
Medical Clinics  
Motor Vehicle Sales, Rental, and Repair  
Parking lots and Parking Structures  
Private Clubs and Fraternal Organizations  
Photography Studios  
Printing Establishments  
Outdoor Retail Display  
Religious Institutions  
Residential uses, subject to General Residential Zone Standards  
Restaurants, Take-Outs, drive throughs  
Retail Stores  
Self Storage Facilities  
Service and Personal Service Shops  
Taxi, Bus and Train Stations

### 8.4.2 Mixed Use Zone Requirements

In the Mixed Use Zone, all development permits shall be issued in conformity with the following requirements:

<b>a) Mixed Use Zone Requirements</b>	
Minimum lot area	200 m <sup>2</sup>
Minimum lot frontage	6 m
Minimum front yard	6 m or average of established front yard
Minimum rear yard	6 m
Minimum side yard	1.2 m
Maximum height	22 m (72 ft)

- (b) The required yard shall be 6 m where immediately adjacent to an area designated Residential.

### 8.4.3 Landscaping Requirements

In the Mixed Use Zone, any development permit for a new building shall satisfy the following landscaping requirements:

- (a) All developments greater than 900 m<sup>2</sup> in area shall provide a minimum of 6 m of landscaped open space along the entire street frontage, minus driveways.
- (b) Any development fronting on Albion Street shall provide a minimum of 6 metres of landscaped open space along the entire street frontage, minus driveways.
- (c) A continuous landscaped buffer through the use of plant material, fencing, and the like, shall be required where the zone abuts a residential designation

## 8.6 Neighbourhood Commercial Zone

### 8.6.1 Neighbourhood Commercial Zone Uses Permitted

The following uses shall be permitted in the Neighbourhood Commercial Zone:

- (a) Retail stores and accessory residential uses
- (b) Restaurants and take-out restaurants up to a maximum of 50 m<sup>2</sup> in seating area
- (c) Any uses permitted in the General Residential Zone, subject to the General Residential Zone Requirements

### 8.6.2 Neighbourhood Commercial Zone Requirements

(a) Neighbourhood Commercial Requirements	
Minimum lot area	500 m <sup>2</sup>
Minimum lot frontage	15 m
Minimum front yard	6 m
Minimum rear yard	6 m
Minimum side yard	3 m
Maximum height	11 m

- (b) In any Neighbourhood Commercial Zone, all developments shall satisfy the applicable parking requirements in **Section 5** of this Bylaw.

### 8.6.3 Maximum Floor Area

In a Neighbourhood Commercial Zone, not more than 100 m<sup>2</sup> of floor area may be devoted to commercial purposes. For the purpose of this Section, Commercial purposes shall exclude any furnace room, utility rooms, and washrooms. In addition, storage space not exceeding twenty percent (20%) of the total floor area of the building shall be excluded.

### 8.6.4 Directional Parking Signs

Where parking in a Neighbourhood Commercial Zone is provided in any rear or side yard, a directional parking sign shall be provided.

## 9 Industrial Zone

### 9.1 Industrial Zone Uses Permitted

The following uses shall be permitted in the Industrial Zone:

- Any manufacturing, industrial, assembly or warehousing operation
- Any activity connected with the automotive trade, excluding salvage yards
- Boat and Marine Supplies and Sales
- Building supply and equipment depots including the bulk storage of sand or gravel
- Railway uses
- Recycling Collection and Storage Facilities, excluding salvage yards
- Retail and office uses incidental to the main industrial use
- Cannabis Production Facility, subject to section 9.6

### 9.2 Industrial Zone Requirements

(a) Industrial Requirements	
Minimum lot area	1000 m <sup>2</sup>
Minimum lot frontage	40 m
Minimum front yard	6 m
Minimum rear yard	6 m
Minimum side yard	3 m
<i>Where abutting a residential designation</i>	20 m
Maximum height	Unlimited

- (b) In the Industrial Zone, any development permit shall satisfy the parking requirements in Section 5 of this Bylaw.

### 9.3 Outdoor storage and Display

In the Industrial Zone, no outdoor storage or display shall be permitted in the front yard or in a required yard abutting a Residential Zone.

### 9.4 Motor vehicle Fueling Stations

Automobile Fueling Stations in the Industrial Zone shall be subject to the requirements for such uses in the Highway Commercial Zone.

### 9.5 Services Required

No development permit shall be issued for a use involving buildings containing plumbing fixtures in an Industrial (I) Zone in areas not served with municipally approved piped water and sanitary sewer service.

### 9.6 Cannabis Production Facilities

Where a lot containing a cannabis production facility abuts a lot

- (i) zoned or used for residential purposes, or

(ii) that is used for a daycare, community centre, school, religious institution, public park or playground, such facility, including any building or outdoor area used as a cannabis production facility, shall be set back a minimum 230 feet (70 metres) from the abutting lot line.

# 10 Special Use Zones

## 10.1 Institutional Zone

### 10.1.1 Institutional Zone Uses Permitted

The following uses shall be permitted in the Institutional Zone:

- (a) Any use permitted in an Open Space Zone
- (b) Religious institutions
- (c) Schools
- (d) Group care facilities
- (e) Libraries, Museums and Art Galleries
- (f) Non-residential day care centres
- (g) Community centres
- (h) Funeral homes
- (i) Recreational Uses
- (j) Public Buildings

### 10.1.2 Institutional Zone Requirements

Any development permit in the Community Use Zone shall satisfy the following requirements:

<b>(a) Institutional Requirements</b>	
Minimum lot area	1000 m <sup>2</sup>
Minimum lot frontage	20 m
Minimum front yard	8 m
Minimum rear yard	8 m
Minimum side yard	4 m or half the height of the building, whichever is greater
Maximum height	15 m

- (b) In a Institutional Zone, all developments shall satisfy any applicable parking requirements in **Section 5** of this Bylaw.

### 10.1.3 Landscaping Required

All areas not occupied by buildings, structures, parking areas or loading areas shall be landscaped and a minimum of one tree at least 1.5 m in height shall be planted or retained for every 50 m<sup>2</sup> of landscaped area.

### 10.1.4 Accessory Uses in the Institutional Zone

The occasional rental of the property to a third party is permitted for the following uses for a period up to 5 consecutive days.

- Bingos
- Meetings
- Dances
- Beer gardens
- Dinners
- Festivals and fairs
- Concerts
- Trade shows
- Private parties
- Retail activities

## **10.2 Comprehensive Development District (CDD) Zone**

### **10.2.1 CDD USES PERMITTED**

No development permit shall be issued for a development in the CDD Zone except in accordance with a development agreement executed under [Policy 4-62](#) of the Municipal Planning Strategy.

## **10.3 Open Space Zone**

### **10.3.1 Open Space Zone Uses Permitted**

Only the following uses shall be permitted in the Open Space Zone:

Cemeteries

Pavilions, Band Shells

Public and Private Parks, Playgrounds, and public trails

Sports fields

Buildings and Structures Accessory to the foregoing including canteens and related amenities

### **10.3.2 Open Space Zone Requirements**

A development permit issued in an Open Space Zone shall have a minimum setback of 10 m from any lot line.

### **10.3.3 Trails and Conservation Uses**

Notwithstanding zone requirements, trails and conservation uses shall:

- (a) have no minimum lot area; and
- (b) have no minimum lot frontage.

### **10.3.4X Parks and Playgrounds**

Notwithstanding zone requirements, parks and playgrounds shall:

- (a) have no minimum lot area; and
- (b) have a minimum lot frontage of 6.0 metres.

## **10.4 Flood Plain Zone**

### **10.4.1 Flood Plain Zone Uses Permitted**

The following uses shall be permitted in a Flood Plain Zone:

- (a) Parks and recreational uses involving no buildings
- (b) Trails and Conservation Uses, without buildings
- (c) Existing residential uses and associated accessory uses located at the following lots
  - i) PID# 25030636
  - ii) PID# 25017591
  - iii) PID# 25017609

### **10.4.2 Special requirements for Existing Buildings**

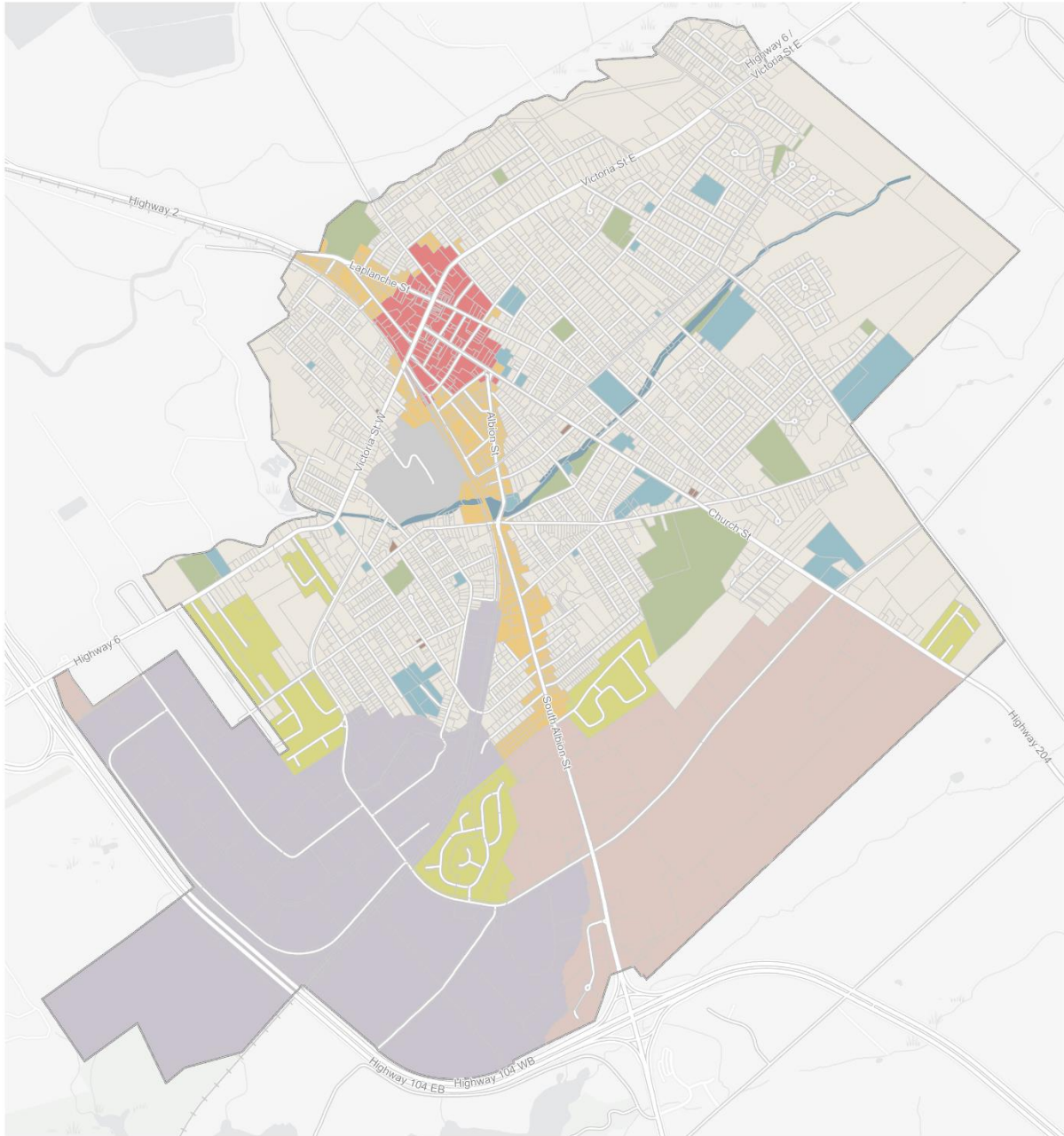
Any building or structure existing at the effective date of this Bylaw, and lying within the Flood Plain Zone may be repaired, reconstructed, expanded, or relocated providing that:

- (a) any such work does not reduce the existing distance between Dickey Brook and the said existing building or structure; and,
- (b) all other applicable provisions of this Bylaw are satisfied.

### **10.4.3 Special Requirements for Accessory Structures**

A structure accessory to an existing use may be erected in a Flood Plain Zone if located no closer to Dickey Brook than any existing main or accessory buildings on the lot.

# SCHEDULE A - ZONING MAP



MAP

## Amherst Zoning (DRAFT)

SCHEDULE

A

LAST UPDATED

2025-01-09

DATA SOURCE

Prov. of NS

NORTH + SCALE














0 25 50 100 m

PROJ.

NAD83 CSRS  
UTM 20 N

LEGEND

- |   |  |
|---|--|
|  CDD                 |  Institutional            |
|  Downtown Commercial |  Mixed Use                |
|  Flood Plain         |  Mini Home Residential    |
|  General Residential |  Neighbourhood Commercial |
|  Highway Commercial  |  Open Space               |
|  Industrial          |  |





## MEMORANDUM

**TO:** Planning Advisory Committee  
**FROM:** Emily Wainwright, Dangerous & Unsightly Premises Administrator  
**DATE:** January 13, 2025  
**RE:** Dangerous & Unsightly Premises Demolitions Update

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### **32 Park Street**

The Planning Advisory Committee had recommended the demolition of the building located at 32 Park Street on July 2, 2024, with a deadline to complete by September 30, 2024. As there was a change in ownership, an extension on the order was approved by the administrator. The required work was completed on January 10, 2024.

### **48 York Street**

The Planning Advisory Committee had recommended the demolition of the accessory building located at 48 York Street on February 13, 2024, with a deadline to complete by March 14, 2024. As the owner did not comply with the order, the project was awarded to Verhagen Demolition, who completed the required work on October 9, 2024.

### **1 McCully Street**

The Planning Advisory Committee had recommended the demolition of the building located at 1 McCully Street on May 2, 2022, with a deadline to complete by July 31, 2022. As requested by the representatives of the owner, demolition did not proceed. As there had been no communication or efforts to comply with the order by the property owner, a Hazardous Materials Assessment was conducted by the winning proponent, Hive Engineering, on April 29, 2024, and these results were released with the Request for Proposal. The demolition project was awarded to Dexter Construction Ltd. with a start date of January 13, 2025. The expected completion date is January 24, 2025.





### **77 Station Street**

The Planning Advisory Committee had recommended the demolition of the building located at 77 Station Street on September 25, 2024, with a deadline to complete by December 24, 2024. As no progress has been made by the property owner, a Hazardous Materials Assessment was conducted by the winning proponent, All-Tech Environmental Services Limited, on January 10, 2025. The results of the assessment along with the technician's report is expected to be received within 5 weeks of the assessment. These results will be released with the Request for Proposal for the demolition of the building.

### **19 Spring Street**

The Planning Advisory Committee had recommended the demolition of the building located at 19 Spring Street on September 25, 2024, with a deadline to complete by November 25, 2024. An order to vacate was previously issued on September 12, 2024, under the Municipal Government Act, Section 349(1). As no progress has been made by the property owner and the order to vacate has not been complied with, the administrator may apply for a court order under MGA, Section 347 (6), to have the occupant removed before proceeding with demolition.

