



Town of Amherst
Planning Advisory Committee Meeting
Agenda

Date: **Tuesday, March 25, 2025**
Time: **4:00 pm**
Location: **Council Chambers, Town Hall**

Pages

1. Call to Order

1.1 Territorial Acknowledgement

“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.”

2. Municipal Planning Strategy / Land Use Bylaw Review

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3. Adjournment

MEMO

TO: Planning Advisory Committee

FROM: Andrew Fisher, Director of Planning & Economic Development

DATE: March 3, 2025

RE: MPS & LUB Review

On February 3rd, the Committee received draft Municipal Planning Strategy and Land Use Bylaw documents. At that meeting attached drafts included format revisions to correct section numbers and references. Since that time, staff have made two substantial changes to the draft MPS:

1. Policy 4-46 and 4-47 require a Site Plan Approval in the Highway Commercial Zone for drive-throughs and developments with a gross floor area 900 square metres or greater. The approval process for both drive throughs and large-scale developments in the Highway Commercial Zone have historically not indicated a need for a site plan approval. As such, the following two policies have been removed from the draft and the corresponding LUB sections have been altered to reflect this change.

Policy 4-46: Council shall, through the Land Use Bylaw, permit drive-throughs in the Highway Commercial Zone by site plan approval.

Policy 4-47: 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.

2. Under “Policy Areas”, section 5.2.1 has been updated to reflect the current state of housing to reflect the current situation, which underpins the policy approach to addressing housing access and affordability. Section 5.2.1 has been replaced with the following:

5.2.1 Housing Diversity and Affordability

Housing diversity is a key factor in affordability, encompassing both tenure (ownership vs. rental) and housing types (single-family vs. multi-units). Amherst’s housing stock consists of approximately 50% single-detached homes, 21% small-scale apartments (under five storeys), and the rest as two-unit and movable dwellings. Census data from 2021 indicates a shift toward rental housing and smaller households, with one and two-person households increasing. Housing costs also rose between the last two census periods, and further significant changes in both cost and tenure are expected in the upcoming 2026 census.

The COVID-19 pandemic, beginning in early 2021, accelerated housing market shifts due to interprovincial migration, labor shortages, supply chain disruptions, inflation, and rising interest rates. A 2023 Housing Needs Assessment found that many Amherst residents struggle with affordability:

- **Homeownership:** 30% of couples, 59% of lone parents, and 86% of single-person households earned below the income needed to afford the median home price.

- **Renting:** 10% of couples, 25% of lone parents, and 71% of single-person households earned below the income required for average rents in 2021.

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

- Providing property and financial support for the Cumberland Homelessness and Housing Support Association to construct and operate an emergency shelter.
- Agreements and financial support for Hillsdale, an affordable development with potential for up to 600 units.
- Adopting the Housing Infrastructure Investment Policy to finance residential infrastructure expansion.
- Purchasing land and extending infrastructure to increase serviced residential vacant land.
- Approving approximately 600 new dwelling units over three years.

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

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

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

With regard to LUB regulations for multi-unit dwellings, staff have tested the new regulations by applying them to existing and potential development scenarios and getting feedback from a local developer. Under the current regulations, any development with more than four dwelling units requires a development agreement (DA), a process that is both lengthy and uncertain. The draft documents propose increasing this threshold to 13 units, making the approval process for smaller multi-unit developments faster and more predictable. Under the new approach, developments of up to six units would be permitted by right, while those with 7 to 12 units would require site plan approval.

The issue identified by staff is that while allowing more units by right or by site plan approval speeds up the process, it also reduces flexibility compared to the existing planning documents. The primary benefit of the DA process is that it allows exceptions to the minimum requirements set out in the Land Use Bylaw (LUB), particularly regarding minimum lot area. Staff have explored options discussed below to introduce greater flexibility for developments with 12 or fewer units.

For reference, the current draft residential requirements are provided in the chart below:

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 ²
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		6 m
Maximum height		11 m
(b) Multiple Unit Dwellings		
Minimum lot area	Apartment Building	250 m ² per ground floor unit 150 m ² per upper floor unit
	Townhouse	300 m ² per unit
	Converted/Duplex/Semi-Detached/Other	560 m ²
Minimum lot frontage	Apartment Buildings	20m
	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 3m
	Townhouse	Common Wall 0 m
		Outside Wall 3 m
Minimum flanking yard		4 m
Maximum height		12 m
Maximum Lot Coverage	All Types	35%

The above requirements would result in the following scenario assuming an 85 m² floor area per unit:

Building	Min. Lot Area	Lot Coverage	Lot Area/unit
4 unit – 2 storey	800 sqm / 8,608 sqft	21 %	200 sqm
6 unit – 2 storey	1200 sqm/17,222 sqft	21%	200 sqm
12 unit – 2 storey	2400 sqm/25,833 sqft	21%	200 sqm
12 unit – 3 storey	2200 sqm/23,681 sqft	15%	183 sqm

The above scenario requires over ½ acre for a 12-unit dwelling. It was suggested by the local developer that minimum lot area is too high and might impact project feasibility in some cases.

Option A – Development Agreement Option

Maintain the minimum requirements as proposed, but allow a development agreement option where the minimum requirements cannot be met. This would provide flexibility but would undermine the original goal of reducing the need for DA approvals for small-scale residential developments.

Option B

Apartment buildings

3-6 units: 200 m² per unit

7-12 units: 1200 m² + 50 m² per unit

This option would get rid of the ground and upper floor calculations and keep the lot area relatively large for the smaller developments, while providing a modest reduction in minimum lot area for 7-12 units as shown below:

Building	Min. Lot Area	Lot Coverage	Lot Area/unit
4 unit – 2 storey	800 sqm / 8,608 sqft	21 %	200 sqm
6 unit – 2 storey	1200 sqm/17,222 sqft	21%	200 sqm
8 unit – 2 storey	1600 sqm/17,216 sqft	21%	200 sqm
12 unit – 2 storey	1800 sqm/19,368 sqft	28%	150 sqm

Option C – Maximum Lot Coverage

As was previously suggested, staff looked at removing the minimum lot area per unit requirement and allow the maximum 35% lot coverage, parking and amenity space requirements to dictate the number of units that could be permitted on a lot. The following table provides some scenarios. It assumes each ground floor unit to be 85 m², which represents a reasonable size 2-bedroom unit with additional area for hallways and common areas. This option would provide the most flexibility and allow the greatest potential to redevelop smaller lots.

Building	Building Footprint	Min lot area at 35% coverage	Lot Area/Unit
4 unit – 2 storey	170 sqm / 1,829 sqft	485 sqm / 5,218 sqft	121 sqm
6 unit – 2 storey	255 sqm/2, 744 sqft	728 sqm / 7,839 sqft	121
8 unit – 2 storey	340 sqm/17,216 sqft	971 sqm / 10,452 sqft	121
12 unit – 2 storey	510 sqm/5,488 sqft	1,457 sqm / 15,679 sqft	121
12 unit – 3 storey	340 sqm/17,216 sqft	971 sqm / 10,452 sqft	80 sqm

Recommendation

The above scenarios are offered for comparison and discussion, although there are an infinite number of potential options. Staff feel that a combination of Option A and Option B would provide a reasonable increase in density that can be approved through the basic permit and site plan approval process, but also provides the option to seek higher density through the development agreement process.

MEMO

TO: Planning Advisory Committee
FROM: Torben Laux, Land Use Planner
DATE: March 25th, 2025
RE: **Site Plan Approval Process**

This document provides a step-by-step guide on how a Site Plan Approval will take place and outlines the relevant policies and regulations that must be considered. A chart from the Province of Nova Scotia, Department of Municipal Affairs, detailing the process is also attached.

EXAMPLE APPLICATION & PROCESS

For this example, we use **Option B** from the Memo by Andrew Fisher to the Planning Advisory Committee:

Option B

Apartment buildings

3-6 units: 200 m² per unit

7-12 units: 1200 m² + 50 m² per unit

This option would get rid of the ground and upper floor calculations and keep the lot area relatively large for the smaller developments, while providing a modest reduction in minimum lot area for 7-12 units as shown below:

Building	Min. Lot Area	Lot Coverage	Lot Area/unit
4 unit – 2 storey	800 sqm / 8,608 sqft	21 %	200 sqm
6 unit – 2 storey	1200 sqm/17,222 sqft	21%	200 sqm
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12 unit – 2 storey	1800 sqm/19,368 sqft	28%	150 sqm

The proposed development details are as followed:

Lot Size: 38,613 sqft (3587.26 sqm)

Number of Units Proposed: 12 units (mix of one and two-bedrooms)

Number of Floors: 2

Zone: General Residential

We assume the applicant provided the following drawings in their application:

- Application and Fee
- Written Letter (detailing the site plan and process/phasing)
 - o “The proposed development located at 123 Road Street, NS will feature a 2-story, 12-unit apartment building, ranging from one to two-bedroom apartments. One of these units will be barrier-free. The development will allow space for 15 parking spots located behind the building which will be screened in with a 6ft high fence shielding it from neighboring properties. The parking surface is asphalt. One of these parking spaces will be dedicated to the barrier-free unit.

Each unit will have a 6 sqm balcony for amenity space. The remaining lands, not used for parking or building footprint, will be landscaped with new trees and where possible, existing trees will remain. Waste bins will also be screened in and located so its easy to access them but far enough away from neighboring properties (see site plan)".

- Site Plan
 - o Location of Building
 - o 15 parking spaces (1.25/unit)
 - o Landscaping Plan
 - New and existing trees, and location of fence.
 - o Stormwater Management Plan

Submission of Site Plan Approval Application

The property owner or designated representative submits a written application to the Town's Development Officer.

Application Requirements (*LUB Section 3.8(a)*)

The application must include:

- A written description of the proposal, including:
 1. Location of the subject property
 2. Name and address of the property owner or representative
 3. Existing uses of the property, including descriptions of any structures or improvements
 4. Proposed uses, including floor areas
 5. Height and number of storeys of the proposed structure (*2 storeys in this example*)
 6. Ground floor area and total floor area of the structure
 7. Proposed number of dwelling units (*12 units in this example*)
 8. Proposed number of parking spaces (*15 spaces in this example, or 1.25 per unit*)
- Supporting Illustrations & Plans:
 - o A professionally prepared Site Plan showing the proposed building location
 - o Landscaping Plan
 - o Stormwater Management Plan
 - o Additional materials as required by the Development Officer
 - *This could include phasing plan, detailed elevations, site specific renders...etc.*

Evaluation of Application

The Development Officer reviews the application to determine compliance with the Land Use Bylaw (LUB) and other regulations. This evaluation criteria may vary based on context and site proposal but must be considered where applicable. As this process is new, the development officer/s will follow a checklist of items that must be covered and considered, these are listed below.

Evaluation Criteria (LUB Section 3.8(b))

1. Easements

- All easements must be identified on the site plan (if applicable).
 - a) For this example, no easements are needed.

2. Emergency Services

- The proposal must provide adequate emergency service access.
 - a) For this example, the access points to the site are sufficient.

3. Location of New Buildings

- **Minimizing impact on adjacent lots:** The new 12-unit, 2-storey apartment must be positioned to minimize impacts on adjacent properties.
- **Street orientation:** The main facade and public entrance must face the street.
- **Setbacks:** If the building has decks or balconies above 2.0m and is adjacent to single, double, or townhouse dwellings, it must be set back at least 10.0m from the lot line.
 - a) For this example, we assume all setbacks are met. The buildings main façade faces the street.

4. Parking, Access, and Outdoor Storage (LUB Section 7.1.2 and 5.1)

- Parking must be at the side or rear of the building unless the lot size/configuration prevents it.
- Driveways and parking areas must be surfaced with asphalt, concrete, bricks, or permeable pavers.
- Screening is required for parking/outdoor storage adjacent to residential areas.
 - a) For this example, we see that the applicant placed the parking behind the building, providing the 15 parking spaces needed (1.25/unit). The parking is screened in with a 1.2m (6ft) high fence) and is paved.

5. Landscaping and Open Space (LUB Section 7.1.4, MPS Policy 5-66)

- Existing vegetation must be retained and incorporated where possible.
- At least 50% of the front yard must be landscaped (excluding impermeable surfaces like driveways).
 - a) For this example, we see that the applicant proposes balconies (6sqm) for each unit which takes care of the required amenity space. The site plan also shows new and existing tree placement.

6. Stormwater Management (LUB Section 7.2.1, MPS Policy 5-27 & 5-28)

- Stormwater runoff must be managed on-site or directed to a public street.
- The development must not increase runoff onto adjacent properties.
 - a) For this example, the applicant provided a stormwater management plan. The development officer would run this passed the Engineering department before making any decision.

We can see that the applicant meets the requirements set out in the LUB and all MPS Policies. The applicant would also be reviewed by the Building Official to ensure Accessibility regulations and other building standards are met through the National and Nova Scotia Building Code Regulations. The development officer reviewing

this applicant also ensure the architectural features of the proposed apartment building fit in with its surroundings. This could be similar materials and colours are used.

Once the Development Officer, Building Official, and any other person who reviewed the applicant have signed off, the application will move forward.

After the Review from the Development Officer

Step 1: Decision by Development Officer

Approval

- If the application meets all requirements, the Development Officer approves the Site Plan.

Refusal

- If the proposal does not comply, the Development Officer refuses the Site Plan Approval.
- A written notice of refusal is mailed to the applicant.

Step 2: Filing of Approved Site Plan

- The approved site plan and a legal undertaking signed by the applicant are filed with the Town.
- The recorded site plan remains in effect even if the property ownership changes, unless discharged by the Town.

Step 3: Notification to Adjacent Property Owners (LUB Section 3.9)

- All assessed property owners within 30 meters (98.4 feet) receive written notification of the approval by mail.
- Written notification is considered received three days after mailing.

Step 4: Appeal Period (LUB Section 3.10)

- Property owners within 30 meters have 14 days from the date they receive the notice to appeal the decision to the Chief Administrative Officer (CAO).
- If the Development Officer refuses the application, the applicant is notified by mail and has 7 days to appeal the refusal.

Step 5: Appeal Process (LUB Sections 3.9 & 3.10)

- The CAO refers the appeal to Town Council for review.
- Property owners within 30 meters receive written notification of the appeal hearing.
- They may attend and speak at the hearing.

Step 6: Final Decision

- Town Council reviews the appeal and makes a final decision.
- The applicant and affected property owners are notified of the decision.

Step 7: Compliance and Ongoing Requirements

- The development must comply with the approved Site Plan.
- Any future amendments require a new Site Plan Approval application.

Step 8: Issuance of Development Permit

- A Development Permit is issued to allow work to proceed in accordance with the approved Site Plan.

The development must comply with the approved Site Plan and any other bylaws set out in LUB Section 3.17 Compliance with other Bylaws. Any future amendments require a new Site Plan Approval application.

DISCUSSION

The proposed 12-unit, 2-storey apartment building meets all Site Plan Approval (SPA) requirements under the General Residential Zone, demonstrating how SPA facilitates well-planned multi-unit developments. The lot size of 3,587.26 m² exceeds the minimum requirement. The site plan includes 15 parking spaces at a ratio of 1.25 per unit, with parking located behind the building and screened by a 1.8m (6ft) high fence, ensuring compliance with parking and screening requirements.

The proposal also satisfies landscaping, amenity space, and stormwater management requirements. The applicant's landscaping plan retains existing trees while incorporating new trees, ensuring integration with the surrounding environment. The applicant meets the amenity space standards for multi-unit developments with balconies for each unit. Furthermore, a stormwater management plan is provided which shows water runoff issues on neighboring properties is considered.

This example illustrates how SPA allows for an efficient and structured approval process while maintaining high planning and design standards. It ensures developments meet all zoning, servicing, and site design requirements without the need for a Development Agreement.

RELEVANT POLICIES

Key Municipal Planning Strategy (MPS) policies that apply to the proposed 12-unit, 2-storey apartment development under Site Plan Approval (SPA) Process are as followed:

1. General Residential Zone Policies (Applicable to Multi-Unit Developments)

- Policy 4-15: The General Residential Zone (GRZ) permits a range of residential uses and densities, supporting medium-density residential development, including multi-unit dwellings.
- Policy 4-18: Multi-unit dwellings with 7-12 units (such as the proposed 12-unit apartment) are permitted by Site Plan Approval in the General Residential Zone.

2. Parking and Landscaping Requirements

- Policy 5-21: The Town shall establish landscaping standards for development.
- Policy 5-22: Tree planting provisions must be met to integrate plantings into the urban environment.
- LUB Section 5.1: Dwellings containing more than four dwelling units require 1.25 parking spaces per unit.
- LUB Section 7.1.5: Requires at least one live tree per 50 m² of front yard area not occupied by parking.

3. Stormwater Management Policies

- Policy 5-26: Maximum lot coverage provisions must be followed to limit the percentage of impermeable surfaces.
- Policy 5-27: The Town encourages green infrastructure for stormwater management, such as permeable pavement, bioswales, and rain gardens.
- Policy 5-28: A stormwater management plan is required to ensure new development does not increase peak flows into local drainage systems, such as Dickey Brook.

4. Site Plan Approval Policies

- Policy 6-18: Enables the use of Site Plan Approval as a tool to provide additional oversight and flexibility for developments.
- Policy 6-19: Requires the Town to adhere to notification requirements for development proposals under Site Plan Approval.

5. Urban Design and Site Integration

- Policy 4-19: While this applies to developments of 13+ units (development agreements), it provides guidance on compatibility considerations, including:
 - Architectural design must blend with surrounding buildings.
 - Bulk and massing should be compatible with neighboring properties.
 - Stormwater runoff must be appropriately managed.

6. Amenity Space Policies (for Multi-Unit Residential Developments)

- Policy 5-66 (MPS): The Land Use Bylaw must establish amenity space requirements to ensure residents have access to usable outdoor or indoor spaces
- LUB Section 7.1.4:
 - Any building with 3 or more units must provide 20 m² of amenity space per unit
 - Balconies (minimum 6 m² each) can waive the 20 m² per unit requirement.
 - Amenity space must include recreation areas such as:
 - Balconies, patios, landscaped areas, or community rooms.
 - Amenity space cannot include parking, hallways, or foyers

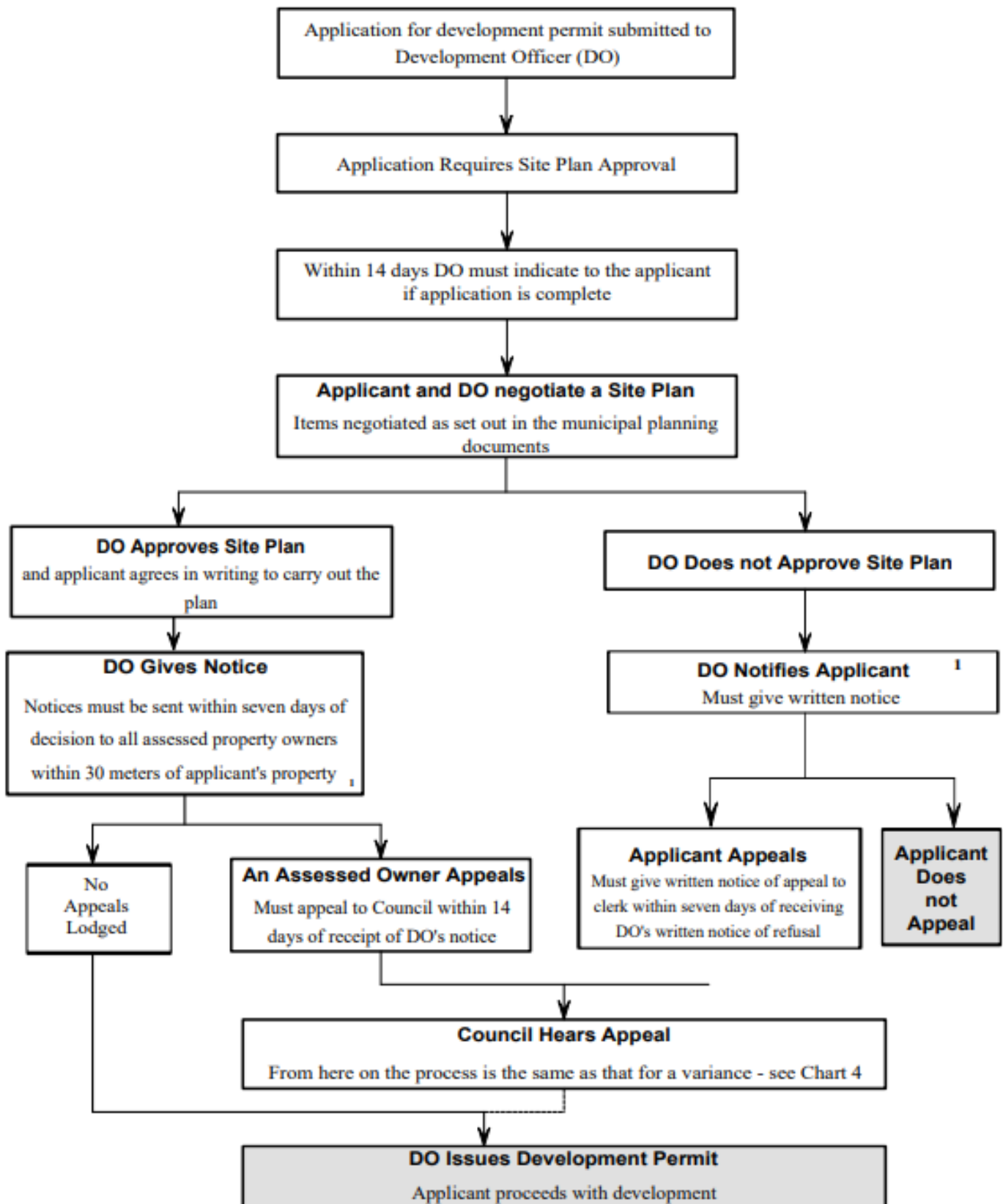
7. Public Notification and Engagement

- LUB Section 3.9: All assessed property owners within 30 meters (98.4 feet) must receive written notification of a Site Plan Approval decision.
- LUB Section 3.10: Appeals can be made to the Chief Administrative Officer (CAO) within 14 days of notification.

CONCLUSION

The Site Plan Approval process provides a balanced approach to development review, ensuring that projects align with established zoning and policy standards while allowing for an efficient approval process. This example highlights how SPA enables predictable and well-regulated growth, ensuring that new developments are compatible with their surroundings, and protect adjacent properties.

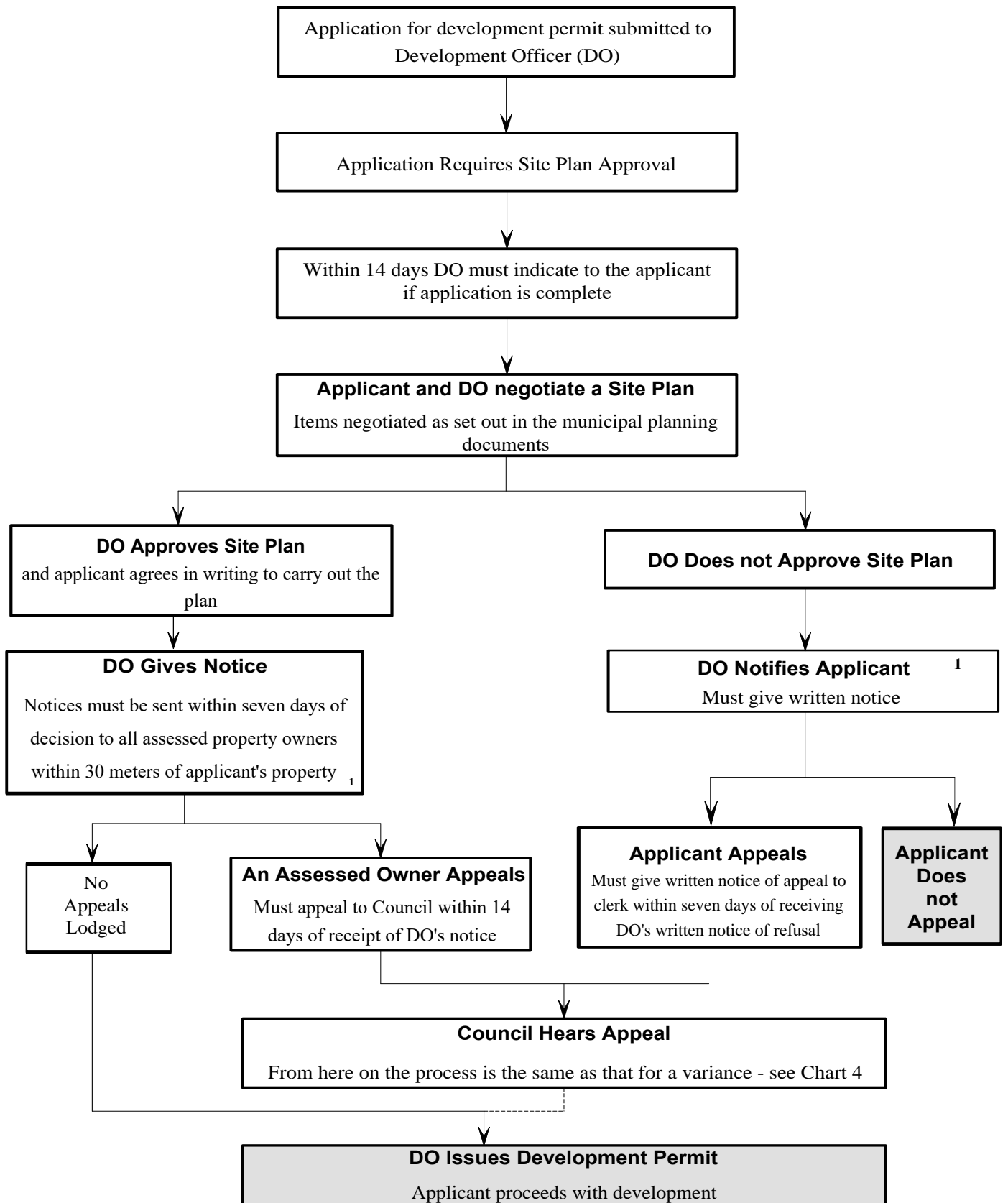
Chart 5 - Site Plan Approval Process



¹ See Chart X - Variance Process for detailed information on notices, appeals and hearings.

Shaded boxes indicate that the process has come to an end.
Sources: (MGA sections 231, 232, 233 and 234.) (HRM charter 246, 247, 248 and 249.)

Chart 5 - Site Plan Approval Process



¹ See Chart X - Variance Process for detailed information on notices, appeals and hearings.

Shaded boxes indicate that the process has come to an end.

Sources: (MGA sections 231, 232, 233 and 234.) (HRM charter 246, 247, 248 and 249.)