Planning Advisory Committee Meeting
Agenda

Date: **Monday, November 2, 2026**
Time: **4:30 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 Mi'kma'ki (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, the people of African descent whose legacy and contributions date back over 400 years predating confederation of this land. We are all treaty people."

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

   2.1 **Approval of the Agenda**

   2.2 **Acceptance of the Minutes** 1 - 2

3. **Development Agreement Application - 59 Church Street**

   3.1 **Staff Report** 3 - 35

4. **Development Agreement Application - 16 Prince Arthur Street**

   4.1 **Staff Report** 36 - 69

5. **Adjournment**

Town of Amherst
Planning Advisory Committee
Minutes

Date:	**October 20, 2026**
Time:	**4:30 pm**
Location:	**Council Chambers, Town Hall**
Members Present	**Ronald Wilson, Citizen Representative, Chair** **Paul Diamond, Citizen Representative, Vice Chair** **Deputy Mayor Charlie Chambers** **Councillor Terry McManaman** **Councillor Dwayne Ripley** **Jim Lamplugh, Citizen Representative**
Staff Present	**Jason MacDonald, Chief Administrative Officer** **Andrew Fisher Director, Planning & Economic Development** **Torben Laux, Planner** **Marc Buske, Building Official** **Emily Wainwright, Dangerous/Unsightly Premises Administrator** **Sean Payne, Marketing & Communications Officer** **Natalie LeBlanc, Municipal Clerk** **Cindy Brown, Administrative Assistant**
Others Present	**Councillor Kathy Wells**

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1. Call to Order

The Chair called the meeting to order.

1.1 <u>Territorial Acknowledgement</u>

The Chair gave the Territorial Acknowledgement.

2. Approval of Agenda and Acceptance of Minutes

2.1 <u>Approval of the Agenda</u>

Moved By: Deputy Mayor Chambers
Seconded By: Councillor Ripley
That the agenda be approved as circulated.

Motion Carried

2.2 <u>Acceptance of the Minutes - September 8, 2026</u>

The Chair called for any errors or omissions in the minutes. There being none, the minutes of the September 8, 2026, meeting of the Planning Advisory Committee were accepted as included in the agenda package.

DRAFT

3. Municipal Planning Strategy / Land Use By-Law Amendments

3.1 Staff Report

Andrew Fisher presented proposed amendments to the Land Use Bylaw and Municipal Planning Strategy regarding definitions of “wet sites” and where/what is permitted, as well as to define where overnight shelters are permitted in the town of Amherst.

Moved By: Councillor Ripley
Seconded By: Paul Diamond
That the Planning Advisory Committee recommend that Council amend the Land Use Bylaw to adopt a definition for Emergency Shelter, Supervised Consumption Site, and Wet Site as drafted, and place a six-month moratorium on such uses so that the issue of how they should be regulated in town can be studied.

During discussion on the motion, a motion was introduced to amend the timeframe of the moratorium:
Moved By: Jim Lamplugh
Seconded By: Councillor McManaman
That the main motion be amended to change "six-month moratorium" to "150-day moratorium”

Motion Carried

The Chair then called for the vote on the main motion, as amended:
That the Planning Advisory Committee recommend that Council amend the Land Use Bylaw to adopt a definition for Emergency Shelter, Supervised Consumption Site, and Wet Site as drafted, and place a 150-day moratorium on such uses so that the issue of how they should be regulated in town can be studied.

Amended Motion Carried

3.2 Public Participation Opportunity Summary - October 5, 2026 (including written submissions)

Information item only.

4. Adjournment

There being no further business, the Chair adjourned the meeting.

_____	_____
Natalie LeBlanc	Ron Wilson
Municipal Clerk	Chair

DRAFT

STAFF REPORT

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

TO:	**Planning Advisory Committee**
PREPARED BY:	**Torben Laux, Land Use Planner, Development Officer**
DATE:	**November 2, 2026**
RE:	**Development Agreement Application - 59 Church Street**

PROPERY OVERVIEW

Location:	59 Church Street (PID 25005729)
Lot Size:	2,200 ft² (204.4 m²)
Current Zoning:	Downtown Commercial
Current Land Use:	Vacant Land

PROPOSAL

Casey Realty Limited has submitted an application for a Development Agreement to permit the construction of a two-storey mixed-use building at 59 Church Street, within the Downtown Core Area. The proposed development would include commercial space on the ground floor and three residential dwelling units on the second floor.



LOCATION MAP
59 Church St Development Site

NEIGHBORHOOD CONTEXT

The proposed development is located at the intersection of Church Street, an arterial road characterized by a mix of commercial and residential development, and Prince Arthur Street, a local street with a combination of commercial uses and multi-unit residential development. The surrounding area is an established mixed-use neighbourhood that includes commercial properties, parking areas, institutional uses, and a variety of local services and amenities.

STAFF REPORT

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

The subject property is well situated within the Downtown Core Area and is within convenient walking distance of several community amenities. The YMCA and Town Hall are located approximately 300 metres from the property in either direction. Other nearby amenities include the Church Street Tennis Courts, approximately a five-minute walk away; Holy Family Catholic Church; Needs Convenience, located directly across the street; the Amherst Theatre, located one building away; and additional commercial services along Victoria Street, including Lawtons Drugs and the Great Canadian Dollar Store.

The location provides residents with access to a range of services, recreational opportunities, and community facilities without relying heavily on private vehicle travel. The proposed mixed-use development is therefore compatible with the established character and function of the surrounding neighbourhood.

DEPARTMENT FEEDBACK

POLICE:
Generally, no concerns regarding this development. Clarification was provided regarding access to the parking lot in behind the development. There will be no impact on the throughfare from Prince Arthur Street to the parking area or to access the building.

FIRE:
No comments have been provided at this time.

OPERATIONS:
No concerns regarding capacity to accommodate the new development.

PUBLIC PARTICIPATION OPPORTUNITY

A public participation opportunity was held on October 27, 2026, in accordance with Town policy.

There were no members of the public in attendance and no further questions were asked by staff, council or the Planning Advisory Committee members in attendance.

STAFF REPORT

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

POLICY AND STRATEGIC GOAL REVIEW CHART

GOAL	STAFF COMMENT
Efficient Use of Land Promote a systematic and efficient use of land through the allocation of appropriate land for residential, commercial, industrial, open space, and mixed-use development.	The proposed development makes efficient use of an existing vacant site by introducing both commercial and residential uses in an appropriate location within the Downtown Core Area. The development supports the efficient use of existing municipal infrastructure and services.
Vibrant Commercial Areas Promote vibrant, diversified, and well-designed commercial areas, including in the downtown core and highway commercial areas.	The proposed development will add commercial space within the Downtown Core, supporting the continued vitality and diversification of the downtown area.
Housing Density Promote a diversity of housing options, including types and tenures, throughout the town to support current and future residents in acquiring adequate housing.	The proposed development will contribute to the Town's housing supply by providing three new residential dwelling units within the Downtown Core.
4.5.2 Downtown Zone	
Policy 4-35: Council shall, through the Land Use Bylaw, permit a range of commercial uses, including but not limited to, banks, restaurants, licensed establishments, offices, accommodations, clinics, and shops within the Downtown Zone. Multi-unit dwellings shall be permitted within commercial buildings, and stand-alone multi-unit buildings shall be permitted, subject to provisions within the Land Use Bylaw. Light manufacturing uses shall also be permitted.	The proposed development is consistent with the general intent of this policy by providing a mixed-use building with commercial space on the ground floor and three residential dwelling units on the second floor. The proposal supports the continued development and diversification of the Downtown Core.
5.2.1 Housing Diversity and Affordability	
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.	The proposed mixed-use development will contribute to the Town's housing supply by providing three additional dwelling units at a density appropriate for the Downtown Core. The development supports the policy objective of providing a variety of housing types and densities throughout the Town.

5.3.1 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.	The location and variety of unit sizes can support the housing needs of current and future residents and employees in the community.
5.5.3 Automobile Parking	
Policy 5-57: Council shall, through the Land Use Bylaw, exempt properties within the Downtown Commercial Zone from the minimum parking requirements within the Land Use Bylaw to promote compact, pedestrian-oriented development in Amherst's historic downtown.	The proposed development does not provide on-site parking due to the limited size of the subject property. As the property is located within the Downtown Commercial Zone, it is exempt from the minimum parking requirements under the Land Use Bylaw. Public and private parking opportunities are available in the immediate surrounding area, including a large parking area located directly behind the subject property. The draft development agreement stipulates that the area in front of the building cannot be used for parking.

5.6.2 Amenity Space in Multi Unit Dwellings	
Policy 5-73: In consideration of a proposal that includes residential development enabled by development agreement, Council shall ensure adequate amenity space is provided on-site for use by residents.	The constrained size and urban context of the property limit the ability to provide on-site amenity space beyond the common access area. For small scale urban residential development, lack of amenity space is the trade-off for close access to public outdoor spaces and recreational amenities, including Victoria Square, Havelock Park, and the Church Street Tennis Courts, all located within a short walking distance of the property.

6.6.1 Development Agreements	
Policy 6-22: A development agreement that has been approved by Council shall: a. specify the development, expansion, alteration, or change permitted; b. specify the conditions under which the development may, or may not, occur; c. set terms and conditions by which Council may amend or terminate and discharge the agreement.	The proposed Development Agreement identifies the permitted development and establishes the applicable terms and conditions under which the development may proceed. The agreement also provides the necessary provisions for the administration, amendment, and discharge of the development.

Policy 6-23: Council may specify conditions in the development agreement to bring the proposal into alignment with the enabling policy and general criteria set out in Section 6.7. Such conditions may include, but are not limited to: a. servicing; b. the type, location, and orientation of structures; c. the architectural design of structures, including, but not limited to, bulk, scale, height, roof shape, building and cladding materials, and the shape and size and placement of doors and windows; d. the provision of open space and amenities; e. the type, size, and location of signage; f. the type and orientation of exterior lighting; g. management of solid waste, including, but not limited to, compost and recycling; h. pedestrian, bicycle, public transit, and vehicular circulation; i. connections to existing or planned pedestrian, bicycle, public transit, and vehicular networks; j. the location and number of bicycle and vehicular parking and loading spaces; k. access for emergency vehicles; l. the location and type of landscaping, including fences and other forms of screening; m. stormwater management, grading and erosion control; n. the emission of noise, odour, light, liquids, gases, and dust; o. the type of materials stored on site; p. the type of materials sold on site; q. hours of operation; r. the phasing of development; s. financial bonding for the construction and maintenance of components of the development, including, but not limited to, roads and landscaping; t. mitigation measures for construction impacts; u. time limits for the initiation and completion of development; and v. all other matters enabled in Section 227 of the Municipal Government Act.	The proposed development generally satisfies the intent of this policy. In particular, section (c) deals with architectural design of the building. While the DA supersedes the LUB, section 8.3.9 of the LUB provides design criteria for commercial buildings in the DT Zone. This is discussed in the next section. Planning staff have reviewed the various site and development considerations identified in the policy and have incorporated appropriate requirements into the draft Development Agreement. Staff have also provided direction to the applicant regarding the proposed façade materials and architectural treatment. The agreement sets out the requirement to provide a list of materials and colours to be used before issuing a development permit. The remaining applicable matters are addressed through the terms and conditions of the draft Development Agreement.

LUB Commercial Requirements 8.3.9 In the DT 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 1.0 metres 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.	The building design generally meets the requirements set out in section 8.3.9, except for the following: - Subsection c requires windows to occupy at least 50% of a street facing wall below the 2nd floor. -Subsection e requires an overhang or awning over the public entrance. -Subsection g requires setback alignment with established front yard setback. Schedule A of the draft DA requires 50% windows below the 2nd floor on the Prince Arthur street wall, and an overhang or awning above the commercial door. The front yard does not align with the established setback; however, staff feel the proposed 10 ft setback provides an opportunity for outdoor seating or other uses that increases activity on the street. The draft DA prohibits this area to be used for parking or solid waste storage.
6.7 General Criteria	
Policy 6-24: Council may not amend the Land Use Bylaw or enter into a development agreement unless Council is satisfied the proposal: a. is consistent with the intent of this Municipal Planning Strategy; b. does not conflict with any law or regulation of the Provincial or Federal Governments; c. is not premature or inappropriate due to: i. the ability of the Town to absorb public costs related to the proposal; ii. impacts on existing drinking water supplies, both private and public;	The proposal is considered consistent with the general intent of the Municipal Planning Strategy and applicable municipal regulations. The development is not expected to result in a significant financial burden on the Town, and existing municipal water, sanitary sewer, and stormwater infrastructure is available to service the property. The surrounding street network is capable of accommodating the

	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	proposed development. The site is suitable for redevelopment, having previously accommodated a building, and no significant site-specific climate, flooding, or drainage concerns have been identified.

Policy 6-25: Council may, in addition to any other required information, require any or all of the following information prepared by an appropriate qualified professional, at the applicant's cost, and at a level sufficiently detailed to evaluate whether the criteria for amending the Land Use Bylaw or entering into a development agreement have been met: a. a detailed site plan showing features such as, but not limited to: i. topography; ii. location and dimensions of existing and proposed property and unit lines; iii. location of zoning boundaries; iv. use, location, and dimensions of existing and proposed structures; v. existing and proposed watercourses and wetlands; vi. location and dimensions of existing and proposed road, bicycle, and pedestrian networks; vii. location and dimensions of driveways, parking lots, and parking spaces; viii. type and amount of site clearing required, if any; ix. location of buffers; x. location and dimensions of existing and proposed parks and recreation lands, whether public or private; xi. location of utilities; xii. development densities; b. elevation drawings of existing and proposed structures including, but not limited to, dimensions and exterior materials; c. a site grading plan; d. a landscaping plan; e. a drainage and stormwater management plan; f. a traffic impact assessment that evaluates the ability of existing road, bicycle, and pedestrian networks to accommodate traffic generated by the proposed development; g. a geotechnical study; h. a shadow study;	The applicant provided minimal information necessary for staff to evaluate the proposed development against the applicable policies and criteria of the Municipal Planning Strategy. Site plans, elevation drawings, and other relevant information have been reviewed by Planning staff Staff feel that a more detailed site plan, along with renders showing architectural features to be more cohesive with the design of the downtown core. These features should include separating each floor visually by providing some separation between floors and change of exterior material from the first to second floor. The draft DA requires additional drawings and information to address this shortcoming in the drawings provided.

STAFF REPORT

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

LEGISLATIVE AUTHORITY

Municipal Government Act Part VIII Planning and Development.

FINANCIAL IMPLICATIONS

There is no financial implication for this development.

SOCIAL JUSTICE IMPLICATIONS

The development agreement process provides opportunities for the public to provide input. The proposed development would provide much needed housing and commercial space in the Downtown Core.

ENVIRONMENTAL IMPLICATIONS:

The proposal is an infill development on existing services, in a central, highly walkable location.

CONCLUSION

Staff are of the opinion that the draft Development Agreement is generally consistent with the intent of the applicable policies of the Municipal Planning Strategy (MPS). The proposed agreement addresses architectural design, building setbacks, solid waste management, and other relevant policy considerations.

With respect to the limited provision of on-site amenity space, staff recognize that Policy 5-73 provides Council with considerable discretion in determining whether the proposed amenity space is adequate. In the context of a small-scale mixed-use development within the Downtown Core Area, it is not uncommon for residential units to have limited or no dedicated on-site amenity space. This is considered a reasonable trade-off given the development's proximity to public open spaces, commercial establishments, services, and employment opportunities.

Staff consider the proposed development to be appropriate in terms of its height, scale, massing, and overall built form, and compatible with the surrounding development context. Subject to the modifications and recommendations outlined in this report, staff are satisfied that the proposal would make a positive contribution to the town of Amherst. In particular, the development would introduce three additional dwelling units within the Downtown Core Area, supporting the Town's objective of encouraging new housing opportunities and promoting residential growth in established urban areas.

Overall, the proposed development represents an appropriate form of mixed-use development that supports the continued growth and vitality of the Downtown Core Area. By introducing additional residential units in a centrally located and accessible area, the proposal would contribute to a more vibrant downtown while making efficient use of existing infrastructure, services, and amenities.

STAFF REPORT

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

RECOMENDATION

The following options for decision are therefore put forward:

Option One:	**Recommend that Council enter into the Development Agreement for 59 Church Street as drafted.**
Option Two:	Recommend that Council not enter into the Development Agreement for 59 Church Street.
Option Three:	Defer a decision and request additional changes to the proposal.

STAFF RECOMMENDATION: Option One.

ALTERNATIVES

Planning Advisory Committee can refuse the application.

ATTACHMENTS

- Planning Advisory Committee Presentation
- Draft Development Agreement
- PPO Summary



59 Church Street
Planning Advisory Committee

November 2, 2026

DISCLAIMER

This application is not the Town's proposal.

It is a property owner's right to make an application for a development agreement.

No approval or decisions have been made.

APPLICATION PROCESS

Application & Preliminary Review	Public Participation Opportunity	Planning Advisory Committee	First Reading	Public Hearing	Second Reading
• Submission of the draft design and proposal. • Preliminary review by staff. • Formal application for development agreement.	• Public is informed about the proposal details and relevant policies to consider. • The public is given the opportunity to provide input on the proposal.	• Review of the proposal, comments and feedback from the public participation. • To make a recommendation on the development agreement to Council.	• Council considers First Reading of the agreement and schedules a public hearing.	• Detailed overview of the proposal. • Present feedback from public participation opportunity, report and recommendations of the Planning Advisory Committee.	• Council considers Second Reading and decides on the proposal. • Notice of Council's decision is advertised, providing the right to appeal to Nova Scotia Regulatory and Appeals Board (NSRAB).

APPLICATION DETAILS

LOCATION MAP



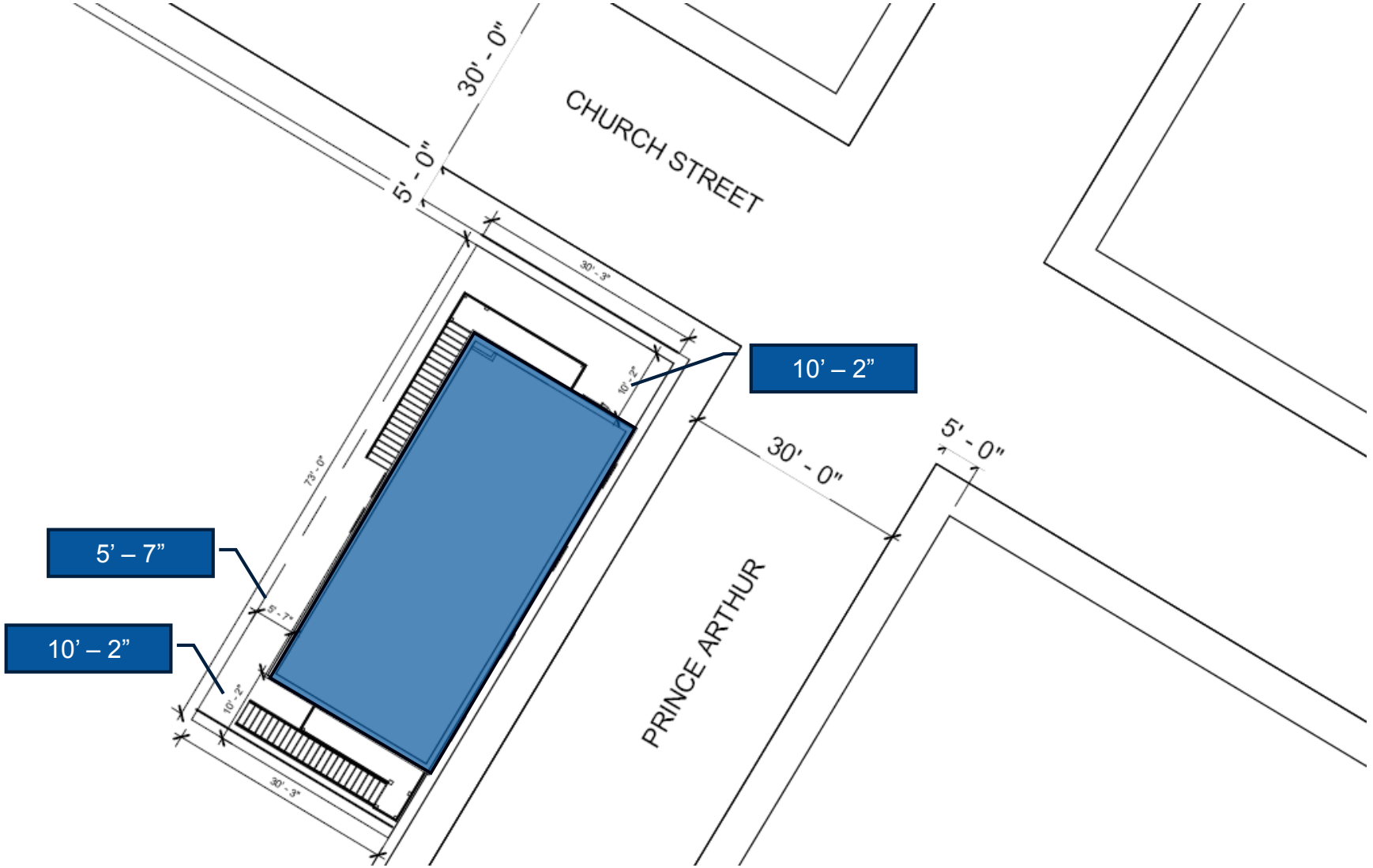
PROPERTY OVERVIEW

- **Applicant/ Owner:** Casey Realty Limited
- **Location:** 59 Church Street (PID 25005729)
- **Lot Size:** 2,200 ft² (204.4 m²)
- **Current Zoning:** Downtown Commercial
- **Current Land Use:** Vacant Land

PROJECT PROPOSAL

- Two Floors
- Ground Floor Commercial
- Three Dwelling Units (One two-bedroom, 2 Batchelor)

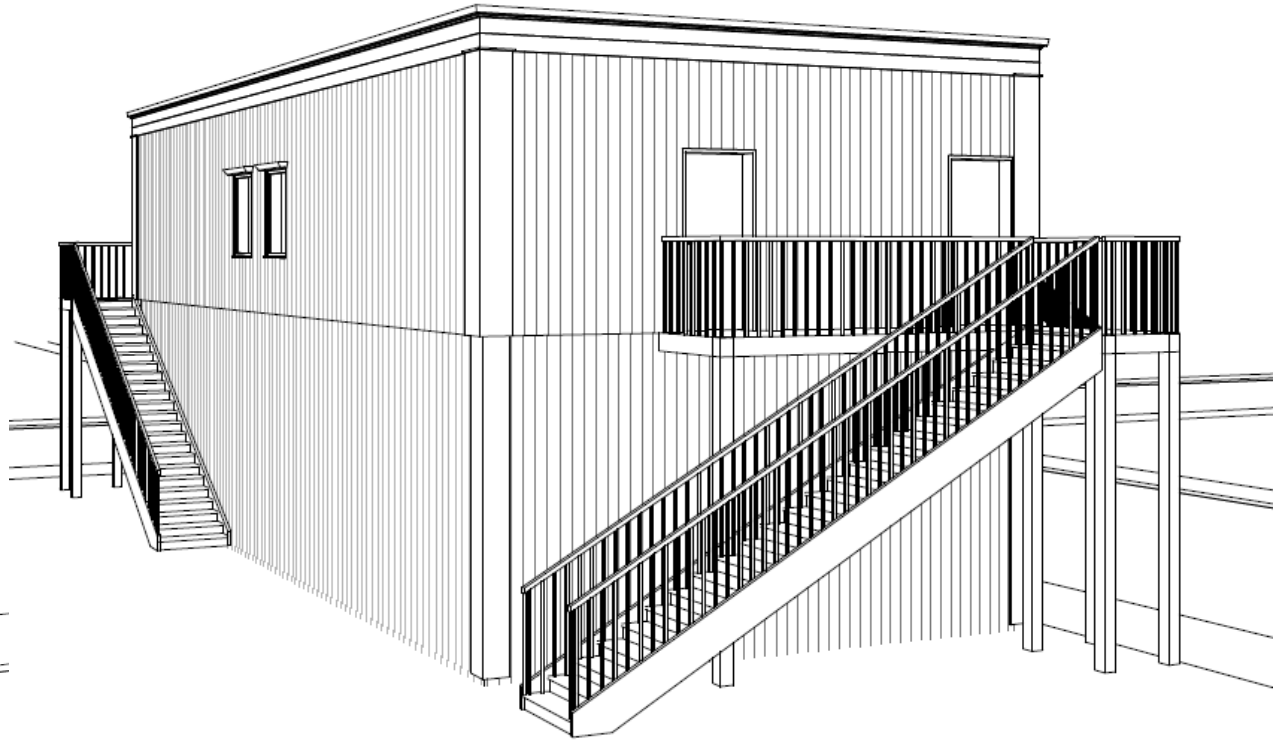
SITE PLAN


CHURCH STREET
30' - 0"
5' - 0"
30' - 3"
10' – 2"
30' - 0"
5' - 0"
PRINCE ARTHUR
5' – 7"
10' – 2"
73' - 6"
5' - 7"
10' - 2"
30' - 3"

ELEVATIONS



Front View from Church Street



Back View from Parking Lot



Amherst

PLANNING POLICIES

POLICY

5.5.3 Automobile Parking

Policy 5-57: Council shall, through the Land Use Bylaw, exempt properties within the Downtown Commercial Zone from the minimum parking requirements within the Land Use Bylaw to promote compact, pedestrian-oriented development in Amherst's historic downtown.

5.6.2 Amenity Space in Multi Unit Dwellings

Policy 5-73: In consideration of a proposal that includes residential development enabled by development agreement, Council shall ensure adequate amenity space is provided on-site for use by residents.

POLICY

6.6.1 Development Agreements

Policy 6-22: A development agreement that has been approved by Council shall:

a. specify the development, expansion, alteration, or change permitted;

b. specify the conditions under which the development may, or may not, occur;

c. set terms and conditions by which Council may amend or terminate and discharge the agreement.

Policy 6-23: Council may specify conditions in the development agreement to bring the proposal into alignment with the enabling policy and general criteria set out in Section 6.7.

POLICY

6.7 General Criteria

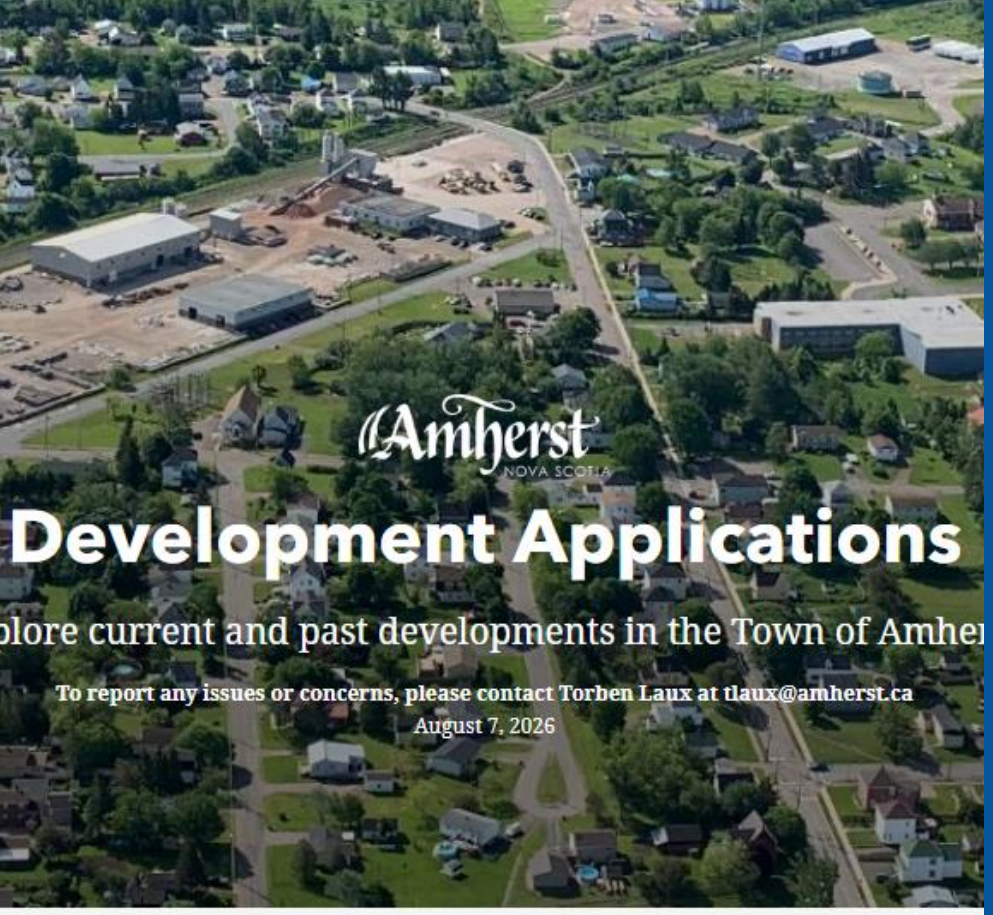
Policy 6-24: Council may not amend the Land Use Bylaw or enter into a development agreement unless Council is satisfied the proposal:

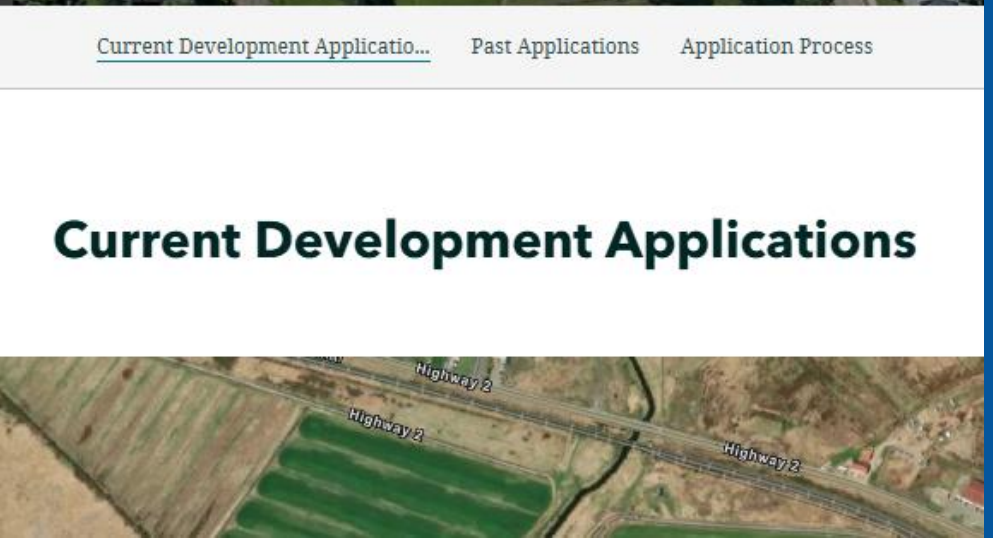
a. is consistent with the intent of this Municipal Planning Strategy;

b. does not conflict with any law or regulation of the Provincial or Federal Governments;

c. is not premature or inappropriate

Policy 6-25: Council may, in addition to any other required information, require any or all of the following information prepared by an appropriate qualified professional, at the applicant's cost, and at a level sufficiently detailed to evaluate whether the criteria for amending the Land Use Bylaw or entering into a development agreement have been met:





APPLICATION STATUS

Current and past applications along with status updates can be found at:

https://www.amherst.ca/development-applications.html


Amherst
THANK YOU.

Case No: DA-2026-02

This Agreement made this _____ Day of _____ 2026.

Between:

Casey Realty Limited (owner of property located at 59 Church Street [PID 25005729], 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 6-21 of the Municipal Planning Strategy of the Town of Amherst, to permit the construction of a two-story mixed-use building, containing commercial space on the ground floor and three dwelling units on the second floor located at 59 Church Street, Amherst (PID: 25005729)

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 _____2026, 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
(d) Schedule 'D' – Building elevations

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 one two-story building with commercial use on the ground floor and residential use on the second floor on the Lands, subject to Schedules A, B, C and D.

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.*

DRAFT

SIGNED AND DELIVERED

In the presence of	**FOR THE OWNER**
_____	_____
Name:	Mikhial Mansour, Director Casey Realty Limited
In the presence of	**THE TOWN OF AMHERST**
_____	_____
Name:	Rob Small, Mayor
	_____
	Jason MacDonald, MCIP, LPP, CAO

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Schedule A – Terms and Conditions:

1. USE OF LAND AND BUILDINGS

1.1. The use of the property as shown on Schedule ‘B’ shall be limited to one two-story building with commercial use on the ground floor and residential use on the second floor as shown on Schedule ‘D’. Variations to the architectural features of the building, including but not limited to the locations of windows, entrances, stairways, ramps and mechanical appurtenances may be permitted to the satisfaction of the Development Officer. Such variations shall not be considered substantial.

1.2. The Owner shall submit plans and information to the satisfaction of the Development Officer that shows conformance with the following:

1.2.1. An overhand or awning over the public entry on Church Street.
1.2.2. Windows occupying at least 50% of the wall below the second floor that fronts along Prince Arthur Street.
1.2.3. Architectural details that show 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.
1.2.4. A list of material and colour for the façade and is subject to approval by the development officer.

1.3. Ground Floor Commercial space shall comply with the Downtown Commercial Zone as set out in the Land Use Bylaw.

1.4. The location of the building 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.

1.5. Except for bicycle parking, the area between the building and Church Street shall not be used for vehicle parking or solid waste storage.

1.6. The Owner shall be responsible for not increasing stormwater flow onto adjacent properties or over adjacent sidewalks.

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2. GENERAL REQUIREMENTS

2.1. The Owner shall keep the Lands and building 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. The Owner shall implement appropriate safety measures throughout construction, including the installation and maintenance of construction fencing around the construction area to prevent unauthorized access and unsafe conditions.

2.4. Signage on the property shall conform to the Town of Amherst *Land Use Bylaw*.

2.5. The Owner shall ensure that exterior lighting does not shine directly onto adjacent properties.

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. The Owner shall be responsible for ongoing compliance with the Town of Amherst Solid Waste Bylaw, including but not limited to, maintenance of solid waste containment where located outside the building.

2.7.1. The Owner shall provide screened in solid waste management on the lands with an opaque fence and shall be located in such manner not visible from Church Street.

2.8. The Owner shall take all reasonable steps to manage snow on the site, including the clearing and removal of snow as necessary.

2.9. Accessory buildings may be permitted on the Lands in accordance with the Town of Amherst Land Use Bylaw.

DRAFT

Schedule B – Property Location Map:



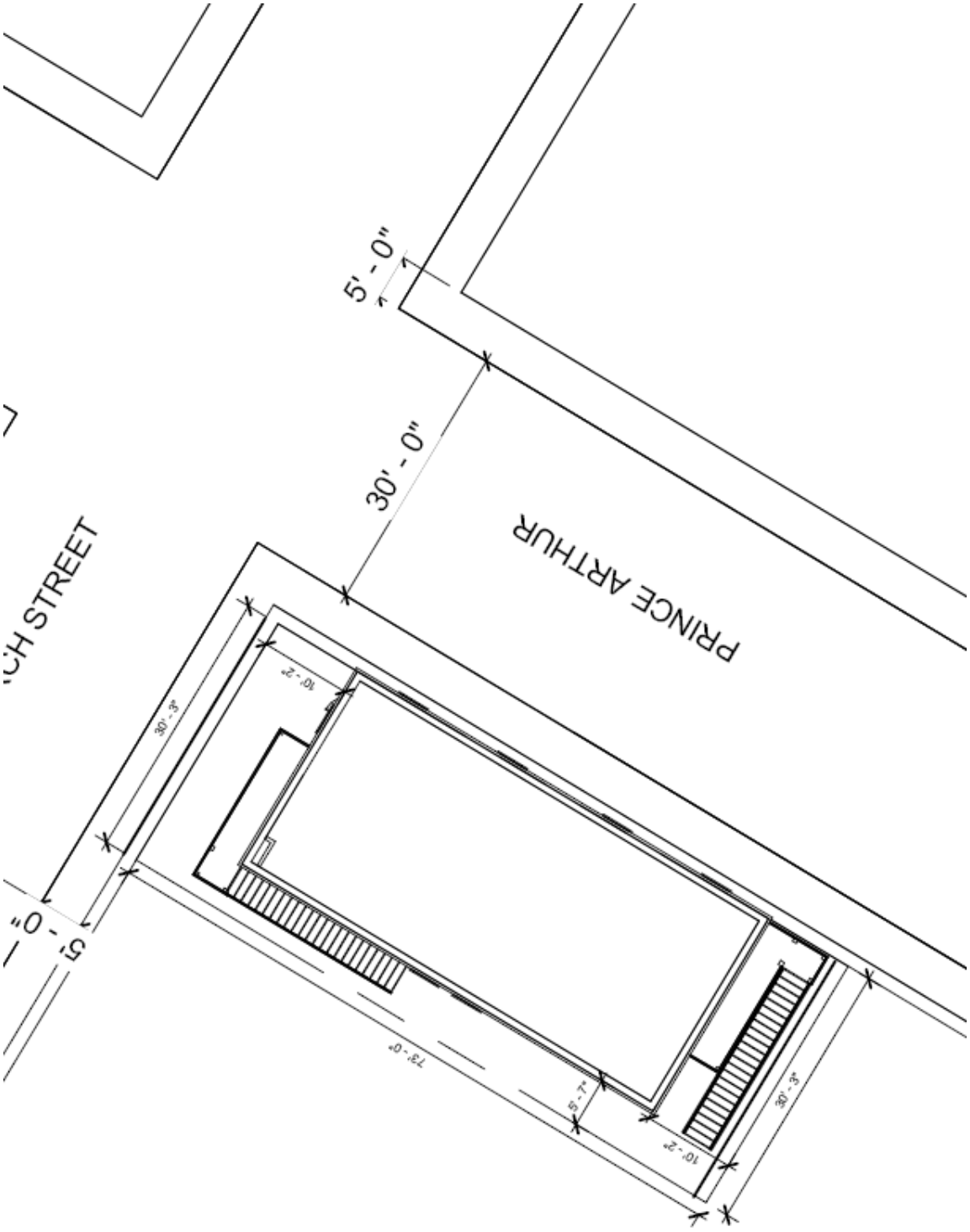
LOCATION MAP

59 Church St Development Site

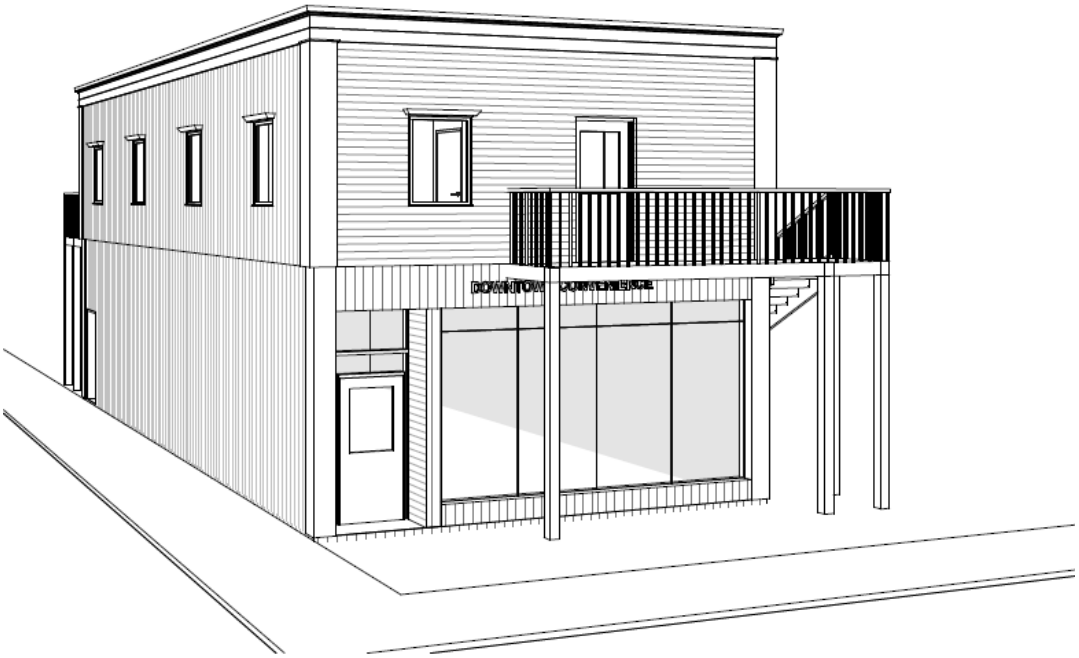
TOWN OF Amherst NOVA SCOTIA

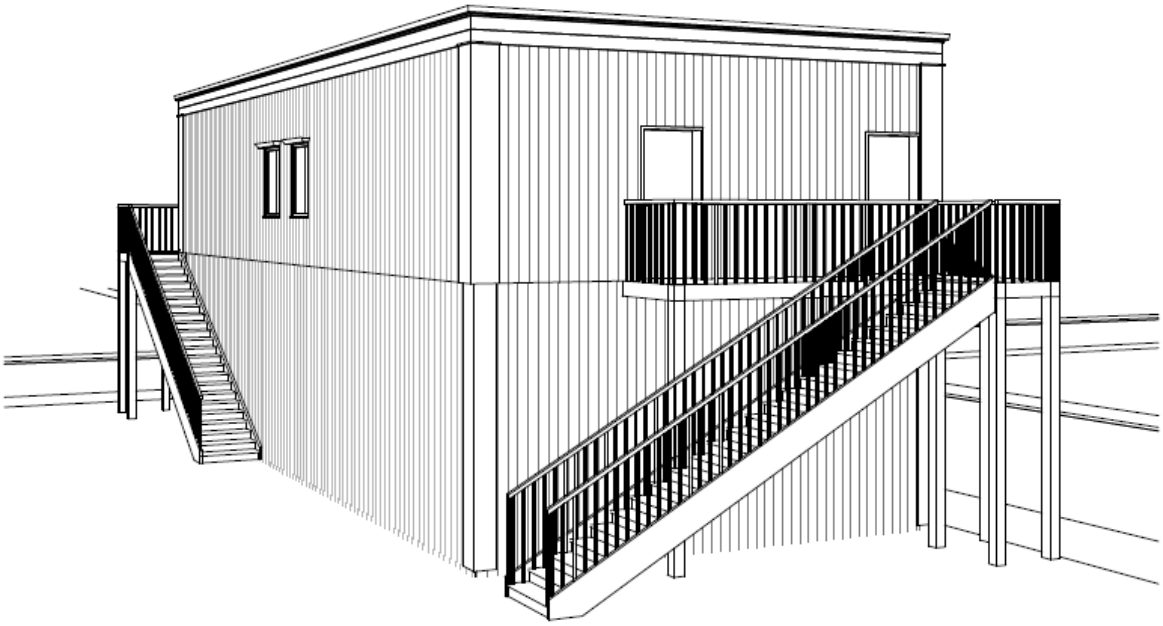
Schedule C – Site Plan:

Site Plan Not to Scale



Schedule D – Building Elevations:





Town of Amherst
Public Participation Opportunity
Summary

Date:	**October 27, 2026**
Time:	**5:00 pm**
Location:	**Council Chambers, Town Hall**
Staff Present	**Andrew Fisher Director, Planning & Economic Development** **Torben Laux, Planner** **Marc Buske, Building Official** **Natalie LeBlanc, Municipal Clerk** **Cindy Brown, Administrative Assistant**
Others Present	**Deputy Mayor Charlie Chambers** **Councillor Terry McManaman** **Councillor Dwayne Ripley** **Councillor Kathy Wells** **PAC Chair Ronald Wilson, Citizen Representative** **PAC Vice-Chair Paul Diamond, Citizen Representative** **Applicant Mikhial Mansour, Casey Realty Limited**

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1. Call to Order

Andrew Fisher called the Public Participation Opportunity to order.

2. Territorial Acknowledgment

Andrew Fisher gave the Territorial Acknowledgement.

3. Introduction

Andrew Fisher introduced the Town of Amherst staff, members of Council and the members of the Planning Advisory Committee that were in attendance as observers.

4. Development Agreement Application - 59 Church Street

4.1 <u>Presentation</u>

Torben Laux presented the application, included in the agenda package, for a Development Agreement on the property located at 59 Church Street (PID 25005729) to permit the construction of a mixed-use two-storey building containing 3 dwelling units and ground floor commercial space.

4.2 <u>Public Participation Opportunity</u>

Mikhial Mansour briefly added more details about the colour and the type of siding the building will have.

There were no public present, and no questions or comments from those in attendance.

5. Development Agreement Application - 16 Prince Arthur Street

5.1 Presentation

Torben Laux presented the application, included in the agenda package, for a Development Agreement on the property located at 16 Prince Arthur Street (PID 25027947) to permit the construction of a three-storey 9-unit apartment building.

5.2 Public Participation Opportunity

Mikhial Mansour added that the building will share solid waste collection with the Amherst Theater.

There were no public present, and no questions or comments from those in attendance.

6. Closing

There being nothing further, Mr. Fisher indicated that the next Planning Advisory Committee meeting will be held on November 2, 2026, at 4:30 PM.

STAFF REPORT

PLANNING AND ECONOMIC
DEVELOPMENT DEPARTMENT

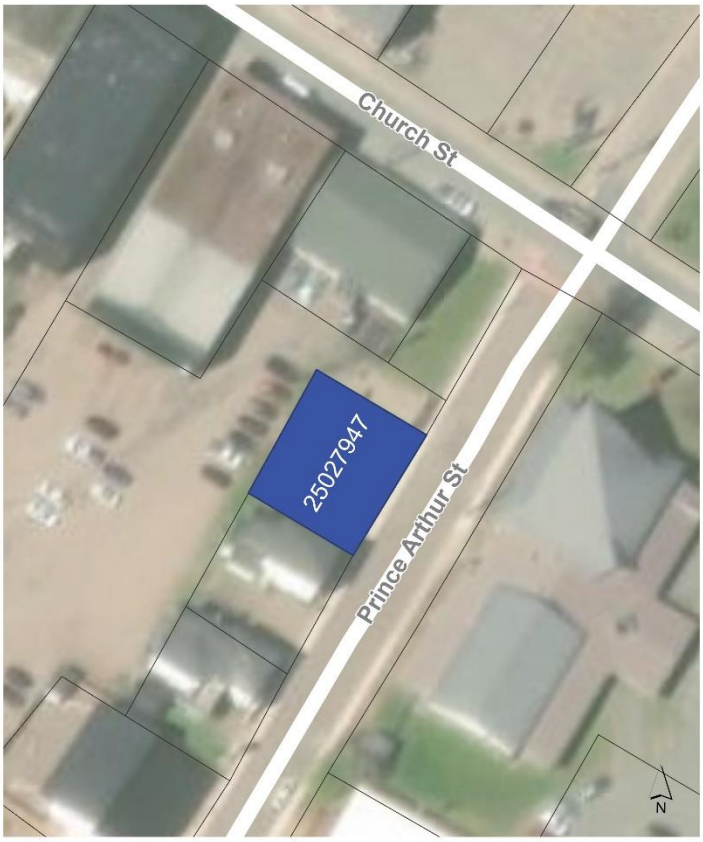
TO:	**Planning Advisory Committee**
PREPARED BY:	**Torben Laux, Land Use Planner, Development Officer**
DATE:	**November 2, 2026**
RE:	**Development Agreement Application - 16 Prince Arthur Street**

PROPERY OVERVIEW

Location:	16 Prince Arthur Street (PID 25027947)
Lot Size:	3600 ft² (334.5 m²)
Current Zoning:	Downtown Commercial
Current Land Use:	Vacant Land

PROPOSAL

Casey Realty Limited has submitted an application for a Development Agreement to permit the construction of a three-storey multi-unit building at 16 Prince Arthur Street, within the Downtown Core Area. The proposed development would comprise of three floors with three dwelling units each for a total of nine dwelling units.



LOCATION MAP
16 Prince Arther St Development Site

NEIGHBORHOOD CONTEXT

The proposed development is located on Prince Arthur Street, a local street with a combination of commercial uses and multi-unit residential development. The surrounding area is an established mixed-use neighbourhood that includes commercial properties, parking areas, institutional uses, and a variety of local services and amenities. The subject property is well situated within the Downtown Core Area and is within convenient walking distance of several community amenities.

The YMCA and Town Hall are located approximately 350 metres from the property in either direction. Other nearby amenities include the Church Street Tennis Courts, approximately a five-minute walk away; Holy Family Catholic Church; Needs Convenience, located directly across the street; the Amherst Theatre, located one building away; and additional commercial services along Victoria Street, including Lawtons Drugs and the Great Canadian Dollar Store.

The location provides residents with access to a range of services, recreational opportunities, and community facilities without relying heavily on private vehicle travel. The proposed nine-unit development is therefore compatible with the established character and function of the surrounding neighbourhood.

DEPARTMENT FEEDBACK

POLICE:
Generally, no concerns regarding this development. Clarification was provided regarding access to the parking lot in behind the development. There will be no impact on the throughfare from Prince Arthur Street to the parking area or to access the building.

FIRE:
No comments have been provided at this time.

OPERATIONS:
No concerns regarding capacity to accommodate the new development.

PUBLIC PARTICIPATION OPPORTUNITY

A public participation opportunity was held on October 27, 2026, in accordance with Town policy.

There were no members of the public in attendance, and no further questions were asked by staff, council or the Planning Advisory Committee in attendance.

STAFF REPORT

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

POLICY AND STRATEGIC GOAL REVIEW CHART

GOAL	STAFF COMMENT
Efficient Use of Land Promote a systematic and efficient use of land through the allocation of appropriate land for residential, commercial, industrial, open space, and mixed-use development.	The proposed development makes efficient use of an existing vacant site by introducing residential uses in an appropriate location within the Downtown Core Area. The development supports the efficient use of existing municipal infrastructure and services.
Housing Density Promote a diversity of housing options, including types and tenures, throughout the town to support current and future residents in acquiring adequate housing.	The proposed development will contribute to the Town's housing supply by providing nine new residential dwelling units within the Downtown Core. The location provides residents with convenient access to a range of services, amenities, and employment opportunities.
POLICY	**STAFF COMMENT**
4.5.2 Downtown Zone	
Policy 4-35: Council shall, through the Land Use Bylaw, permit a range of commercial uses, including but not limited to, banks, restaurants, licensed establishments, offices, accommodations, clinics, and shops within the Downtown Zone. Multi-unit dwellings shall be permitted within commercial buildings, and stand-alone multi-unit buildings shall be permitted, subject to provisions within the Land Use Bylaw. Light manufacturing uses shall also be permitted.	The proposed development is consistent with the general intent of this policy. The proposal supports the continued development and diversification of the Downtown Core.

5.2.1 Housing Diversity and Affordability	
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.	The proposed development will contribute to the Town's housing supply by providing nine additional dwelling units at a density appropriate for the Downtown Core. The development supports the policy objective of providing a variety of housing types and densities throughout the Town.
5.3.1 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.	The proposed development will provide additional housing opportunities within the Downtown Core. The location and variety of unit sizes can support the housing needs of current and future residents and employees in the community.
5.5.3 Automobile Parking	
Policy 5-57: Council shall, through the Land Use Bylaw, exempt properties within the Downtown Commercial Zone from the minimum parking requirements within the Land Use Bylaw to promote compact, pedestrian-oriented development in Amherst's historic downtown.	The proposed development does not provide on-site parking due to the limited size of the subject property. As the property is located within the Downtown Commercial Zone, it is exempt from the minimum parking requirements under the Land Use Bylaw. Public and private parking opportunities are available in the immediate surrounding area, including a large parking area located directly behind the subject property.

5.6.2 Amenity Space in Multi Unit Dwellings	
Policy 5-73: In consideration of a proposal that includes residential development enabled by development agreement, Council shall ensure adequate amenity space is provided on-site for use by residents.	The proposed development provides about 161 m² of on-site amenity space in the form of landscaped open space. The constrained size and urban context of the property limit the ability to provide significant on-site amenity space. However, residents will have convenient access to nearby public outdoor spaces and recreational amenities, including Victoria Square, Havelock Park, and the Church Street Tennis Courts, all located within a short walking distance of the property.
6.6.1 Development Agreements	
Policy 6-22: A development agreement that has been approved by Council shall: a. specify the development, expansion, alteration, or change permitted; b. specify the conditions under which the development may, or may not, occur; c. set terms and conditions by which Council may amend or terminate and discharge the agreement.	The proposed Development Agreement identifies the permitted development and establishes the applicable terms and conditions under which the development may proceed. The agreement also provides the necessary provisions for the administration, amendment, and discharge of the development.

Policy 6-23: Council may specify conditions in the development agreement to bring the proposal into alignment with the enabling policy and general criteria set out in Section 6.7. Such conditions may include, but are not limited to: a. servicing; b. the type, location, and orientation of structures; c. the architectural design of structures, including, but not limited to, bulk, scale, height, roof shape, building and cladding materials, and the shape and size and placement of doors and windows; d. the provision of open space and amenities; e. the type, size, and location of signage; f. the type and orientation of exterior lighting; g. management of solid waste, including, but not limited to, compost and recycling; h. pedestrian, bicycle, public transit, and vehicular circulation; i. connections to existing or planned pedestrian, bicycle, public transit, and vehicular networks; j. the location and number of bicycle and vehicular parking and loading spaces; k. access for emergency vehicles; l. the location and type of landscaping, including fences and other forms of screening; m. stormwater management, grading and erosion control; n. the emission of noise, odour, light, liquids, gases, and dust; o. the type of materials stored on site; p. the type of materials sold on site; q. hours of operation; r. the phasing of development; s. financial bonding for the construction and maintenance of components of the development, including, but not limited to, roads and landscaping; t. mitigation measures for construction impacts; u. time limits for the initiation and completion of development; and v. all other matters enabled in Section 227 of the Municipal Government Act.	The proposed development generally satisfies the intent of this policy. In particular, section (c) deals with architectural design of the building. While the DA supersedes the LUB, section 8.3.10 of the LUB provides design criteria for residential buildings in the DT Zone. This is discussed in the next section. Planning staff have reviewed the various site and development considerations identified in the policy and have incorporated appropriate requirements into the draft Development Agreement. Staff have also provided direction to the applicant regarding the proposed façade materials and architectural treatment. The agreement sets out the requirement to provide a list of materials and colours to be used before issuing a development permit. The remaining applicable matters are addressed through the terms and conditions of the draft Development Agreement.

LUB Residential Requirements 8.3.10 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 4-38; d) on any Principal Street, the first 12.2 metres (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.	The proposed 3-storey residential building that is not located on a Principal Street, the building design generally meets the applicable sections of 8.3.10, except: -Subsection f) requires setbacks to align along the street -Subsection g) requires that primary entries front onto the street. -Subsection h) requires that primary entries have distinct architectural features. -Subsection i) requires multi-storey buildings to have an architecturally distinct base, middle, and top. -Subsection k) requires recessed patios To address some of the above deficiencies, the draft DA stipulates the following: -Front Yard setback no greater than 2m (6 ft). -At minimum, the ground floor entrances must face the street and must include distinct architectural features. -An architecturally distinct base, middle and top.

6.7 General Criteria	
Policy 6-24: Council may not amend the Land Use Bylaw or enter into a development agreement unless Council is satisfied the proposal: a. is consistent with the intent of this Municipal Planning Strategy; b. does not conflict with any law or regulation of the Provincial or Federal Governments; c. is not premature or inappropriate due to: i. the ability of the Town to absorb public costs related to the proposal; ii. impacts on existing drinking water supplies, both private and public; iii. the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services; iv. the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, and leading to the site; v. the adequacy of fire protection services and equipment; vi. the adequacy and proximity of schools and other community facilities; vii. the creation of a new, or worsening of a known, pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses; viii. its impact on nearby watercourses or wetlands; ix. site-specific climate change risks, such as threats of flooding; x. the potential to create flooding or serious drainage issues, including within the site and in nearby areas; xi. the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility rights-of-way; and	The proposal is considered consistent with the general intent of the Municipal Planning Strategy and applicable municipal regulations. The development is not expected to result in a significant financial burden on the Town, and existing municipal water, sanitary sewer, and stormwater infrastructure is available to service the property. The surrounding street network is capable of accommodating the proposed development. The site is suitable for redevelopment, having previously accommodated a building, and no significant site-specific climate, flooding, or drainage concerns have been identified.

Policy 6-25: Council may, in addition to any other required information, require any or all of the following information prepared by an appropriate qualified professional, at the applicant's cost, and at a level sufficiently detailed to evaluate whether the criteria for amending the Land Use Bylaw or entering into a development agreement have been met: a. a detailed site plan showing features such as, but not limited to: i. topography; ii. location and dimensions of existing and proposed property and unit lines; iii. location of zoning boundaries; iv. use, location, and dimensions of existing and proposed structures; v. existing and proposed watercourses and wetlands; vi. location and dimensions of existing and proposed road, bicycle, and pedestrian networks; vii. location and dimensions of driveways, parking lots, and parking spaces; viii. type and amount of site clearing required, if any; ix. location of buffers; x. location and dimensions of existing and proposed parks and recreation lands, whether public or private; xi. location of utilities; xii. development densities; b. elevation drawings of existing and proposed structures including, but not limited to, dimensions and exterior materials; c. a site grading plan; d. a landscaping plan; e. a drainage and stormwater management plan; f. a traffic impact assessment that evaluates the ability of existing road, bicycle, and pedestrian networks to accommodate traffic generated by the proposed development; g. a geotechnical study; h. a shadow study;	The applicant provided minimal information necessary for staff to evaluate the proposed development against the applicable policies and criteria of the Municipal Planning Strategy. Site plans, elevation drawings, and other relevant information have been reviewed by Planning staff Staff feel that a more detailed site plan, along with renders showing architectural features to be more cohesive with the design of the downtown core. These features should include separating each floor visually by providing some separation between floors and change of exterior material from the first to second floor. These requirements and conditions have been incorporated into the draft Development Agreement.

STAFF REPORT

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

LEGISLATIVE AUTHORITY

Municipal Government Act Part VIII Planning and Development.

FINANCIAL IMPLICATIONS

There is no financial implication for this development.

SOCIAL JUSTICE IMPLICATIONS

The development agreement process provides opportunities for the public to provide input. The proposed development would provide much needed housing and commercial space in the Downtown Core.

ENVIRONMENTAL IMPLICATIONS:

The proposal is an infill development on existing services, in a central, highly walkable location.

CONCLUSION

Staff are of the opinion that the proposed nine-unit apartment building is generally consistent with the intent of the applicable policies of the Municipal Planning Strategy (MPS). The development represents an appropriate opportunity for residential intensification within the Downtown Core Area, where additional housing can be supported by existing infrastructure, services, and amenities. The introduction of nine dwelling units would contribute to the Town's housing objectives, support local businesses, and encourage a more vibrant and walkable downtown.

While staff are generally supportive of the proposed development in terms of its height, scale, and overall built form, concerns remain regarding the building's architectural character and its relationship to the streetscape. Given the prominent role that building design plays in establishing an attractive and pedestrian-oriented downtown, staff believe that additional architectural detailing is necessary to ensure the development contributes positively to the streetscape.

As such, staff recommend approval of the proposed Development Agreement, subject to the submission of revised building plans that incorporate architecturally distinct, street-facing entrances at the ground-floor level, as well as a clearly defined base, middle, and top through variations in architectural detailing, materials, or other design elements. These modifications would help establish a more visually appealing and pedestrian-friendly streetscape while ensuring the development is compatible with the character of the Downtown Core Area.

Overall, staff consider the proposed development to be an appropriate addition to Downtown Amherst, provided the recommended architectural improvements are incorporated into the final building design.

STAFF REPORT

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

RECOMENDATION

The following options for decision are therefore put forward:

Option One:	Recommend that Council enter into the Development Agreement for 16 Prince Arthur Street as drafted, subject to submission of revised plans showing a front yard setback of 2 metres or less, architecturally distinct entries on the ground floor facing the street, distinct base, middle and top, and location of onsite solid waste storage.
Option Two:	Recommend that Council not enter into the Development Agreement for 16 Prince Arthur Street.
Option Three:	Defer a recommendation that Council and request submission of revised plans showing a front yard setback of 2 metres or less, architecturally distinct entries on the ground floor facing the street, distinct base, middle and top, and location of onsite solid waste storage.

STAFF RECOMMENDATION: Option One

ATTACHMENTS

- Planning Advisory Committee Presentation
- Draft Development Agreement
- PPO Summary



16 Prince Arthur Street **Planning Advisory Committee**

November 2, 2026

DISCLAIMER

This application is not the Town's proposal.

It is a property owner's right to make an application for a development agreement.

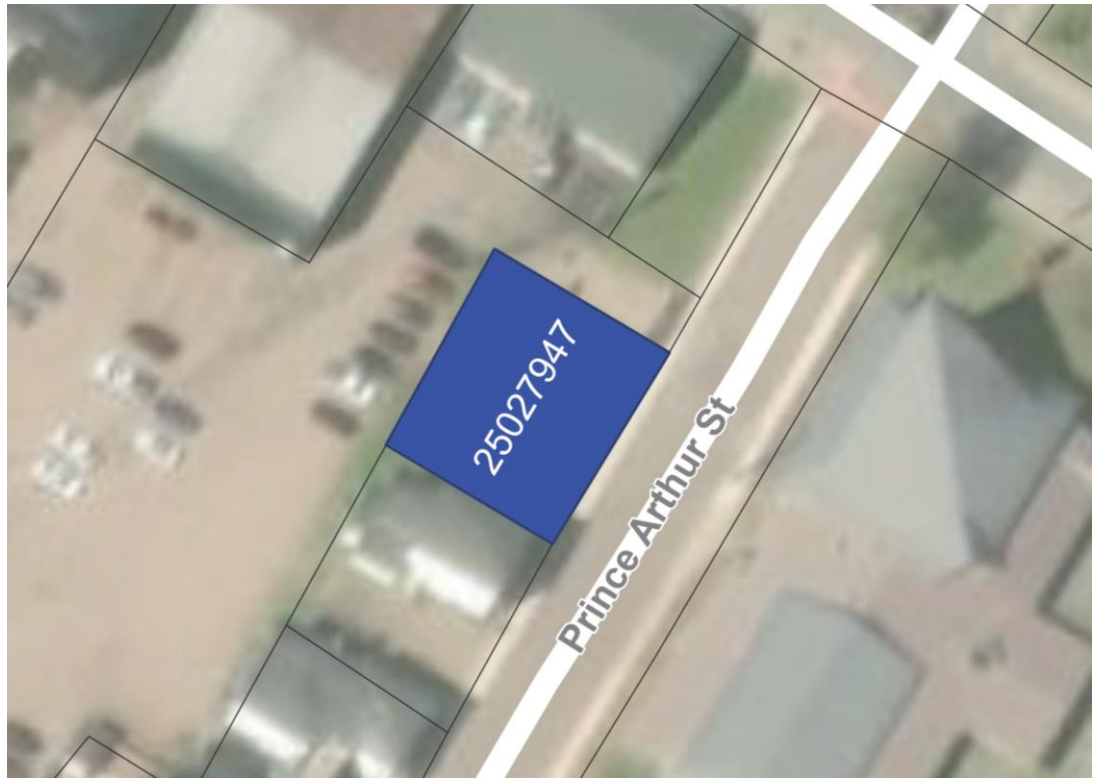
No approval or decisions have been made.

APPLICATION PROCESS

Application & Preliminary Review	Public Participation Opportunity	Planning Advisory Committee	First Reading	Public Hearing	Second Reading
• Submission of the draft design and proposal. • Preliminary review by staff. • Formal application for development agreement.	• Public is informed about the proposal details and relevant policies to consider. • The public is given the opportunity to provide input on the proposal.	• Review of the proposal, comments and feedback from the public participation. • To make a recommendation on the development agreement to Council.	• Council considers First Reading of the agreement and schedules a public hearing.	• Detailed overview of the proposal. • Present feedback from public participation opportunity, report and recommendations of the Planning Advisory Committee.	• Council considers Second Reading and decides on the proposal. • Notice of Council's decision is advertised, providing the right to appeal to Nova Scotia Regulatory and Appeals Board (NSRAB).

APPLICATION DETAILS

LOCATION MAP



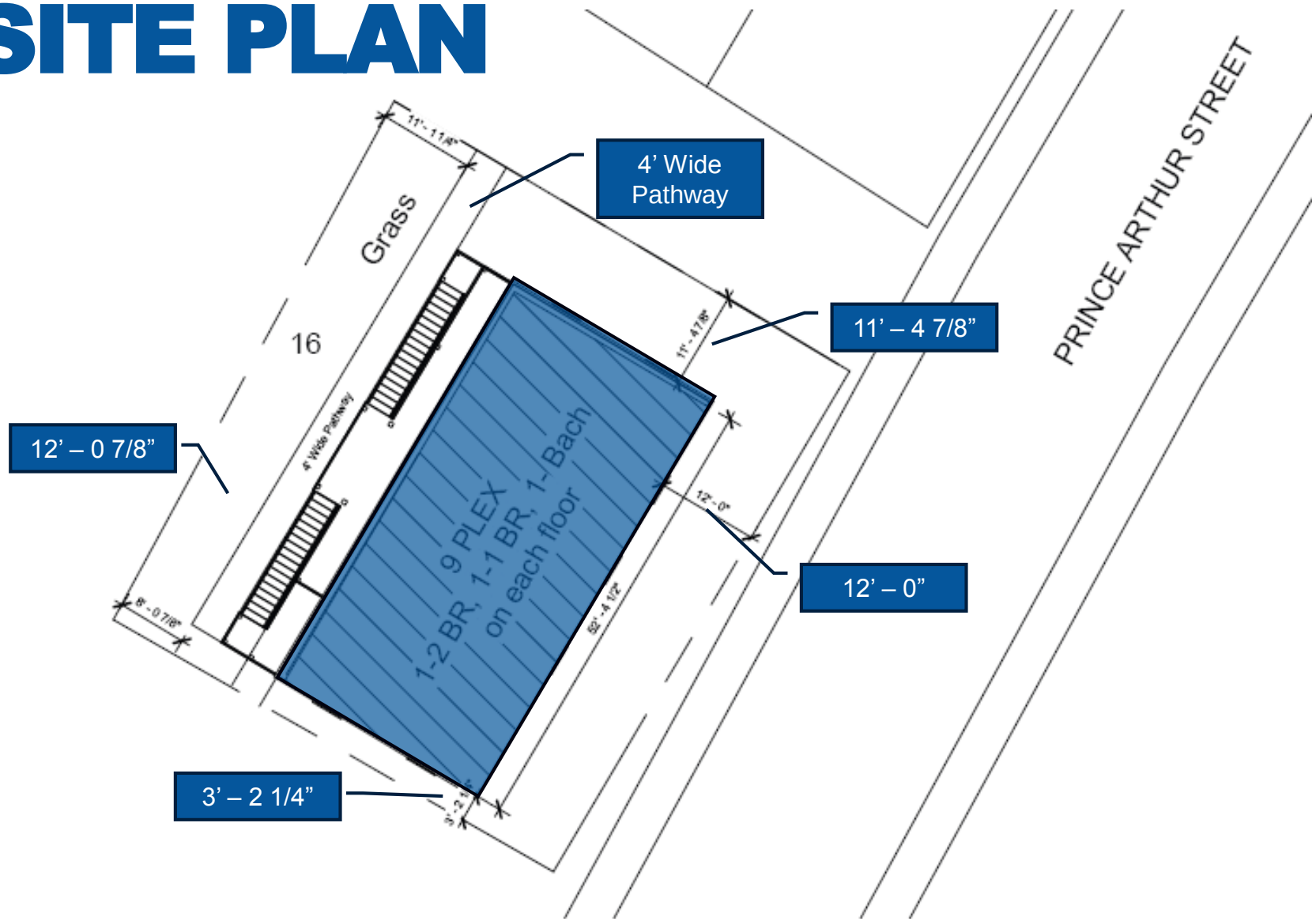
PROPERTY OVERVIEW

- **Applicant/ Owner:** Casey Realty Limited
- **Location:** 16 Prince Arthur Street (PID 25027947)
- **Lot Size:** 3600 ft² (334.5 m²)
- **Current Zoning:** Downtown Commercial
- **Current Land Use:** Vacant Land

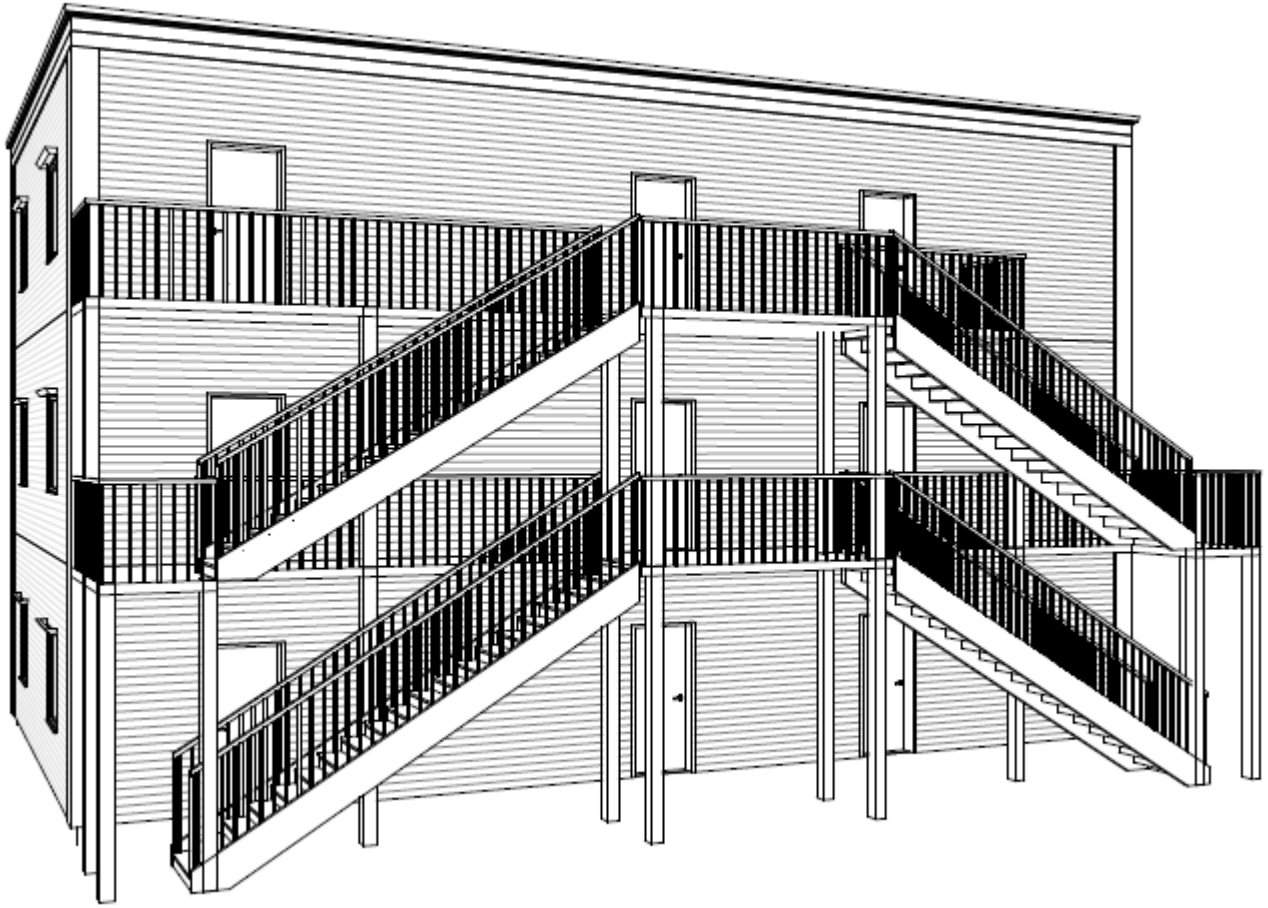
PROJECT PROPOSAL

- Three Floors
- Nine Dwelling Units (3 x two-bedroom, 3 x one-bedroom, 3 x Batchelor)

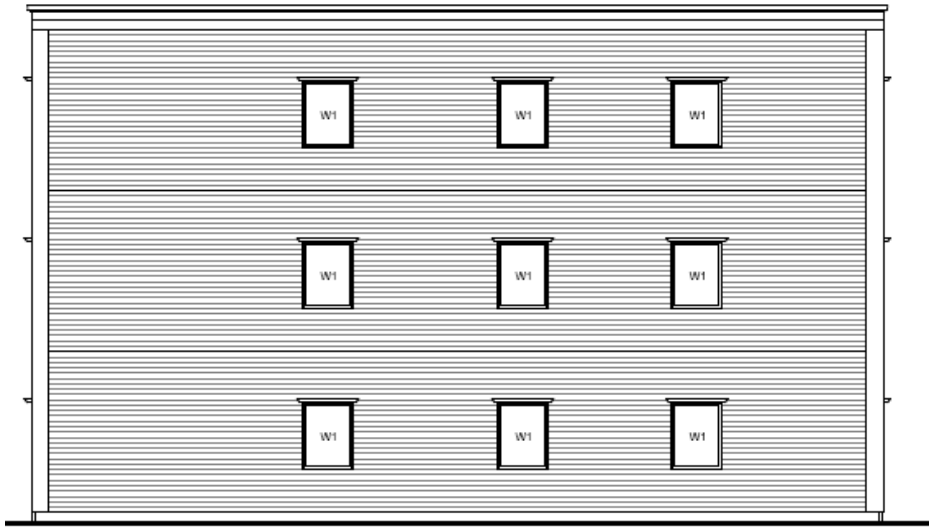
SITE PLAN


4’ Wide Pathway
11’ – 4 7/8”
12’ – 0 7/8”
12’ – 0”
3’ – 2 1/4”
Grass
16
9 PLEX
1-2 BR, 1-1 BR, 1-Bach
on each floor
PRINCE ARTHUR STREET

ELEVATIONS



View from Parking Lot



View from Prince Arthur Street



Amherst

PLANNING POLICIES

POLICY

5.5.3 Automobile Parking

Policy 5-57: Council shall, through the Land Use Bylaw, exempt properties within the Downtown Commercial Zone from the minimum parking requirements within the Land Use Bylaw to promote compact, pedestrian-oriented development in Amherst's historic downtown.

5.6.2 Amenity Space in Multi Unit Dwellings

Policy 5-73: In consideration of a proposal that includes residential development enabled by development agreement, Council shall ensure adequate amenity space is provided on-site for use by residents.

POLICY

6.6.1 Development Agreements

Policy 6-22: A development agreement that has been approved by Council shall:

a. specify the development, expansion, alteration, or change permitted;

b. specify the conditions under which the development may, or may not, occur;

c. set terms and conditions by which Council may amend or terminate and discharge the agreement.

Policy 6-23: Council may specify conditions in the development agreement to bring the proposal into alignment with the enabling policy and general criteria set out in Section 6.7.

POLICY

6.7 General Criteria

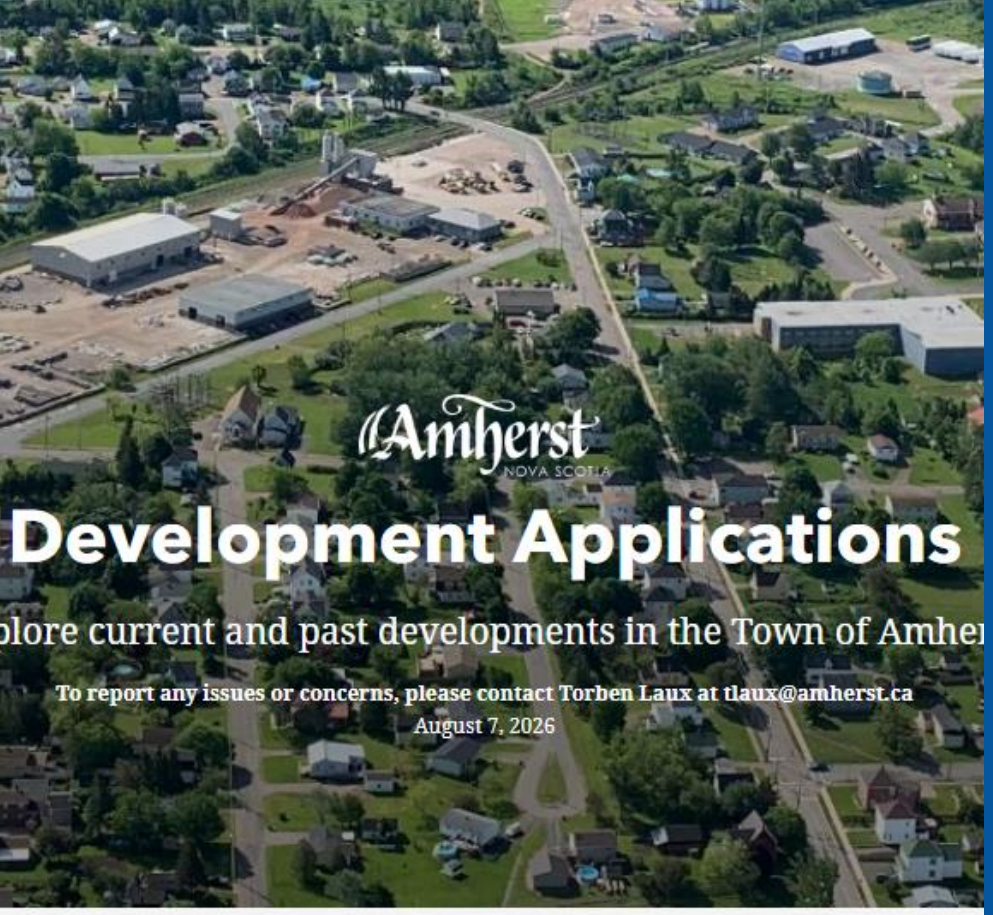
Policy 6-24: Council may not amend the Land Use Bylaw or enter into a development agreement unless Council is satisfied the proposal:

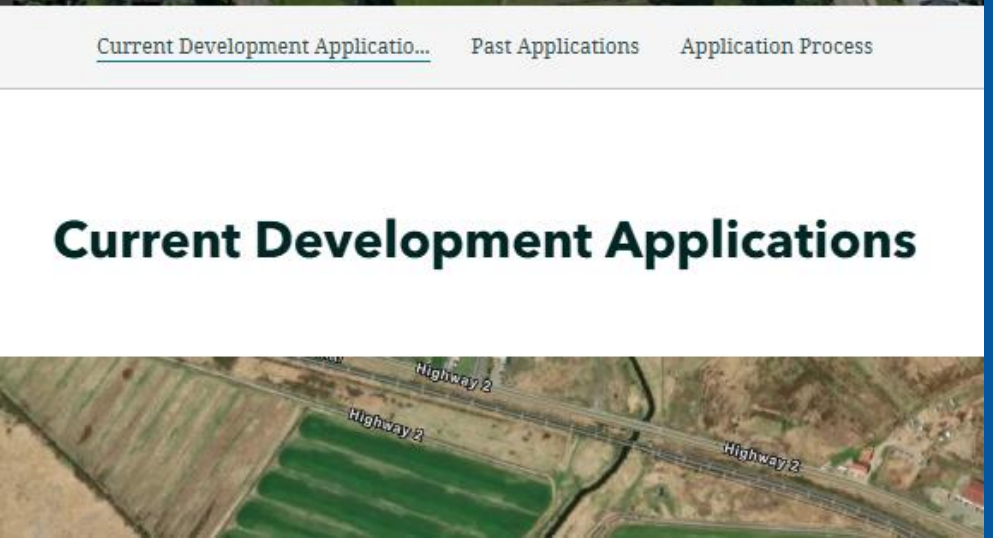
a. is consistent with the intent of this Municipal Planning Strategy;

b. does not conflict with any law or regulation of the Provincial or Federal Governments;

c. is not premature or inappropriate

Policy 6-25: Council may, in addition to any other required information, require any or all of the following information prepared by an appropriate qualified professional, at the applicant's cost, and at a level sufficiently detailed to evaluate whether the criteria for amending the Land Use Bylaw or entering into a development agreement have been met:





APPLICATION STATUS

Current and past applications along with status updates can be found at:

https://www.amherst.ca/development-applications.html


Amherst
THANK YOU.

Case No: DA-2026-03

This Agreement made this _____ Day of _____ 2026.

Between:

Casey Realty Limited (owner of property located at 16 Prince Arthur Street [PID 25027947], 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 6-21 of the Municipal Planning Strategy of the Town of Amherst, to permit the construction of a three-story, nine-unit apartment building located at 16 Prince Arthur Street, Amherst (PID: 25027947)

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 _____2026, 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
(d) Schedule 'D' – Building elevations

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 one three-story apartment building containing nine dwelling units on the Lands, subject to Schedules A, B, C and D.

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.*

DRAFT

SIGNED AND DELIVERED

In the presence of

_____

Name:

FOR THE OWNER

_____

Mikhial Mansour

Casey Realty Limited

In the presence of

_____

Name:

THE TOWN OF AMHERST

_____

Rob Small, Mayor

_____

Jason MacDonald, MCIP, LPP, CAO

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Schedule A – Terms and Conditions:

1. USE OF LAND AND BUILDINGS

1.1. Use of the property as shown on Schedule 'B' shall be limited to one three-storey, nine-unit apartment building, generally as shown on Schedule 'D', subject to the architectural requirements outlined in this Agreement. Minor variations to the architectural features of the building, including but not limited to the locations of windows, entrances, stairways, ramps, and mechanical appurtenances, may be permitted to the satisfaction of the Development Officer, provided such variations do not compromise the architectural requirements of Section 1.2. Such variations shall not be considered substantial.

1.2. The Owner shall incorporate architectural features and detailing that enhance the building's appearance and contribute positively to the streetscape along Prince Arthur Street, to the satisfaction of the Development Officer, including:

1.2.1. Architecturally distinct ground-floor entrances facing Prince Arthur Street, emphasized through recesses, projections, canopies, changes in materials, or other design features.

1.2.2. A clearly defined architectural base, middle, and top, achieved through variations in materials, colours, façade treatments, roofline treatments, or other architectural features.

1.2.3. Additional architectural detailing along the Prince Arthur Street-facing façade to provide visual interest and reduce the appearance of a uniform building façade.

1.2.4. The Owner shall submit revised architectural elevations demonstrating compliance with Sections 1.2.1 through 1.2.3, including details of proposed exterior materials and colours, to the satisfaction of the Development Officer. The approved elevations shall form part of Schedule 'D' of this Agreement.

1.2.5. Prior to the issuance of a Development Permit, the Owner shall submit revised architectural elevations, including proposed exterior materials and colours, demonstrating compliance with Sections 1.2.1 through 1.2.3, to the satisfaction of the Development Officer. The approved elevations shall form part of Schedule 'D' of this Agreement.

1.3. Prior to issuance of a Building Permit, the Owner shall submit construction drawings as required by the Building Code to the satisfaction of the Building Inspector.

1.4. The building front setback along Prince Arther Street shall not exceed 6 feet from the front property line.

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1.5. The Owner shall not increase stormwater flow onto adjacent properties or impact the adjacent sidewalk.

2. GENERAL REQUIREMENTS

2.1. The Owner shall keep the Lands and building 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. The Owner shall implement appropriate safety measures throughout construction, including the installation and maintenance of construction fencing around the construction area to prevent unauthorized access and unsafe conditions.

2.4. Signage on the property shall conform to the Town of Amherst *Land Use Bylaw*.

2.5. The Owner shall ensure that exterior lighting does not shine directly onto adjacent properties.

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.

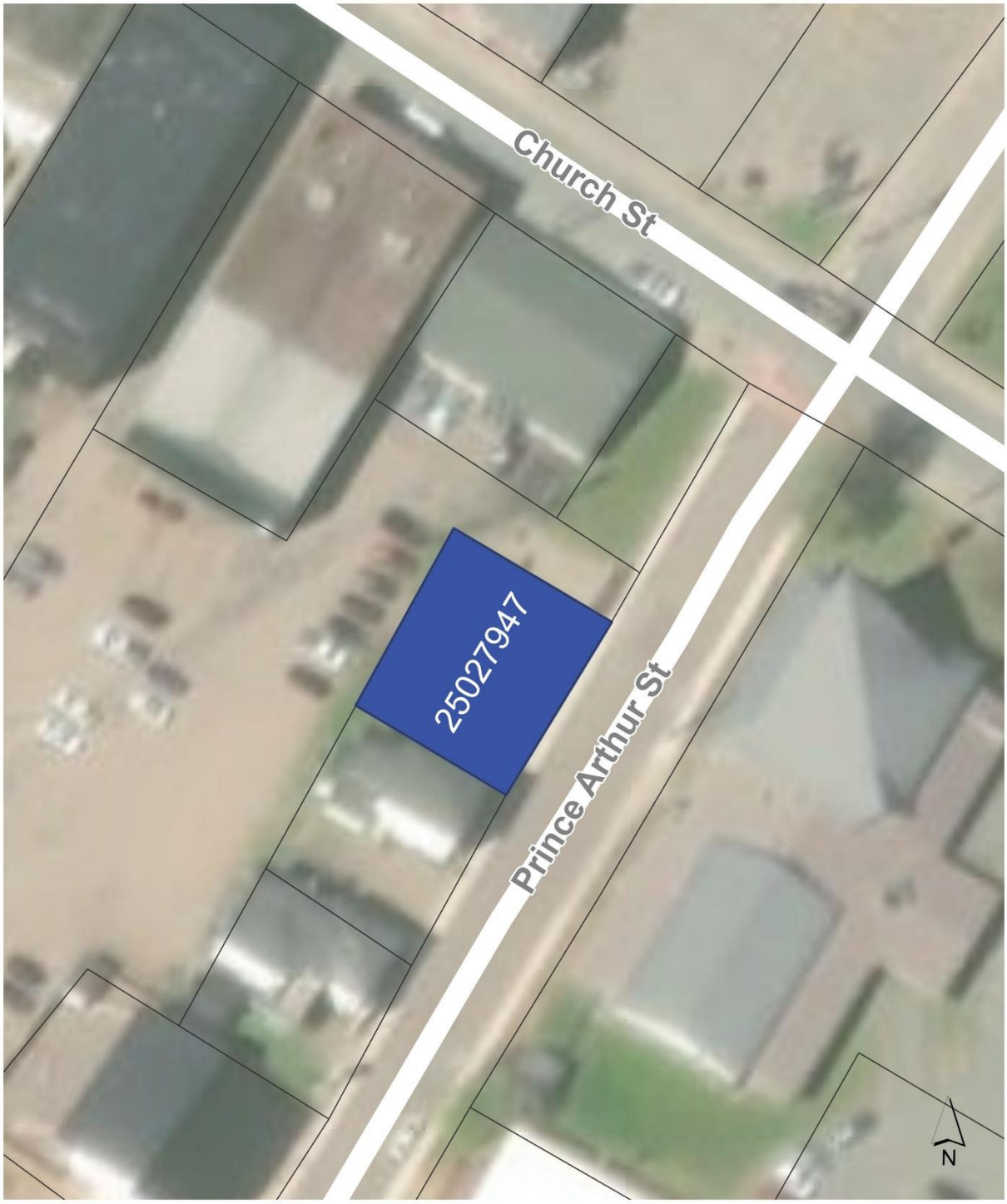
2.7. The Owner shall be responsible for ongoing compliance with the Town of Amherst Solid Waste Bylaw, including but not limited to, maintenance of solid waste containment where located outside the building.

2.7.1. The Owner shall provide screened in solid waste management on the lands a with an opaque fence.

2.8. The Owner shall take all reasonable steps to manage snow on the site, including the clearing and removal of snow as necessary.

2.9. Accessory buildings may be permitted on the Lands in accordance with the Town of Amherst Land Use Bylaw.

Schedule B – Property Location Map:



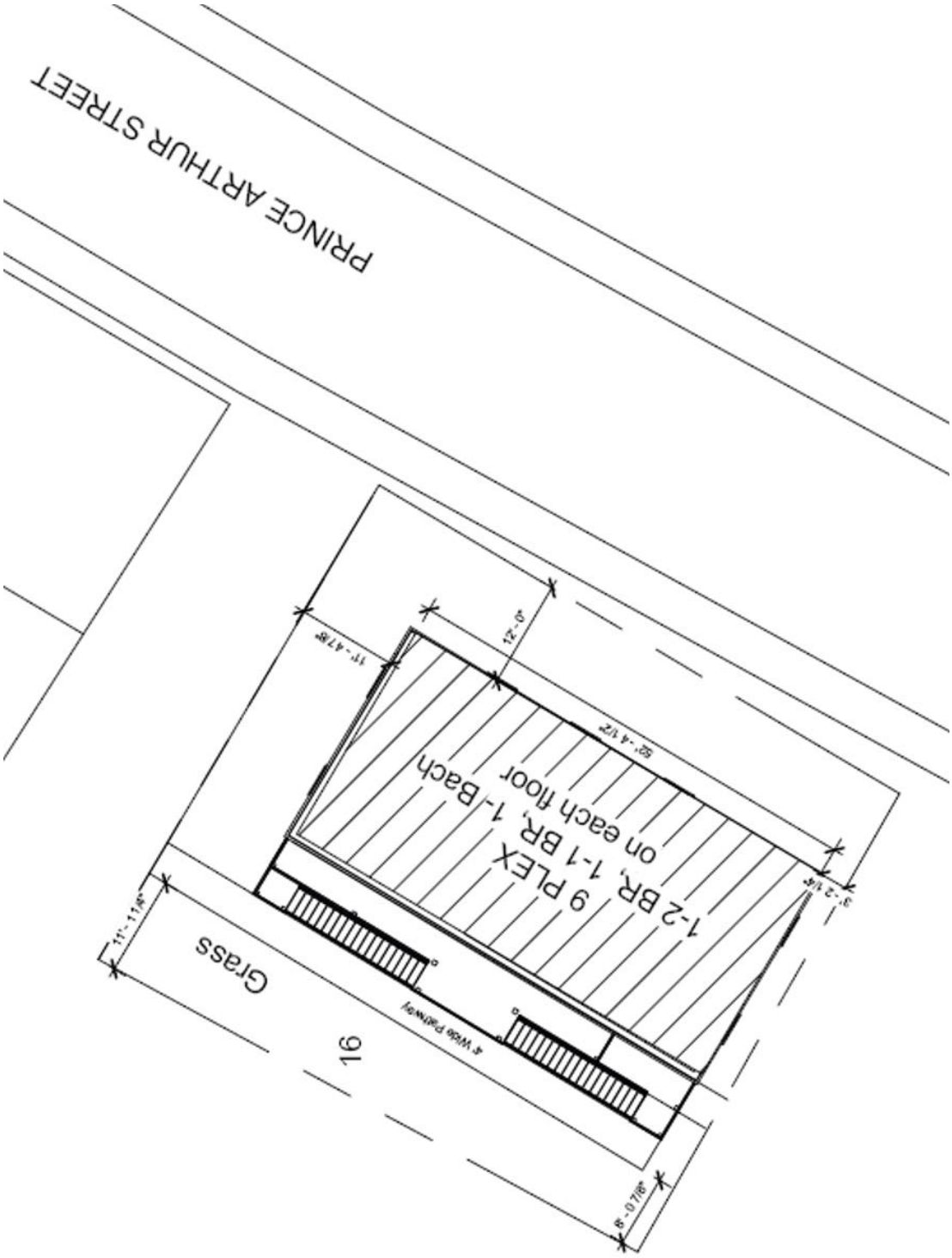
LOCATION MAP

16 Prince Arther St Development Site

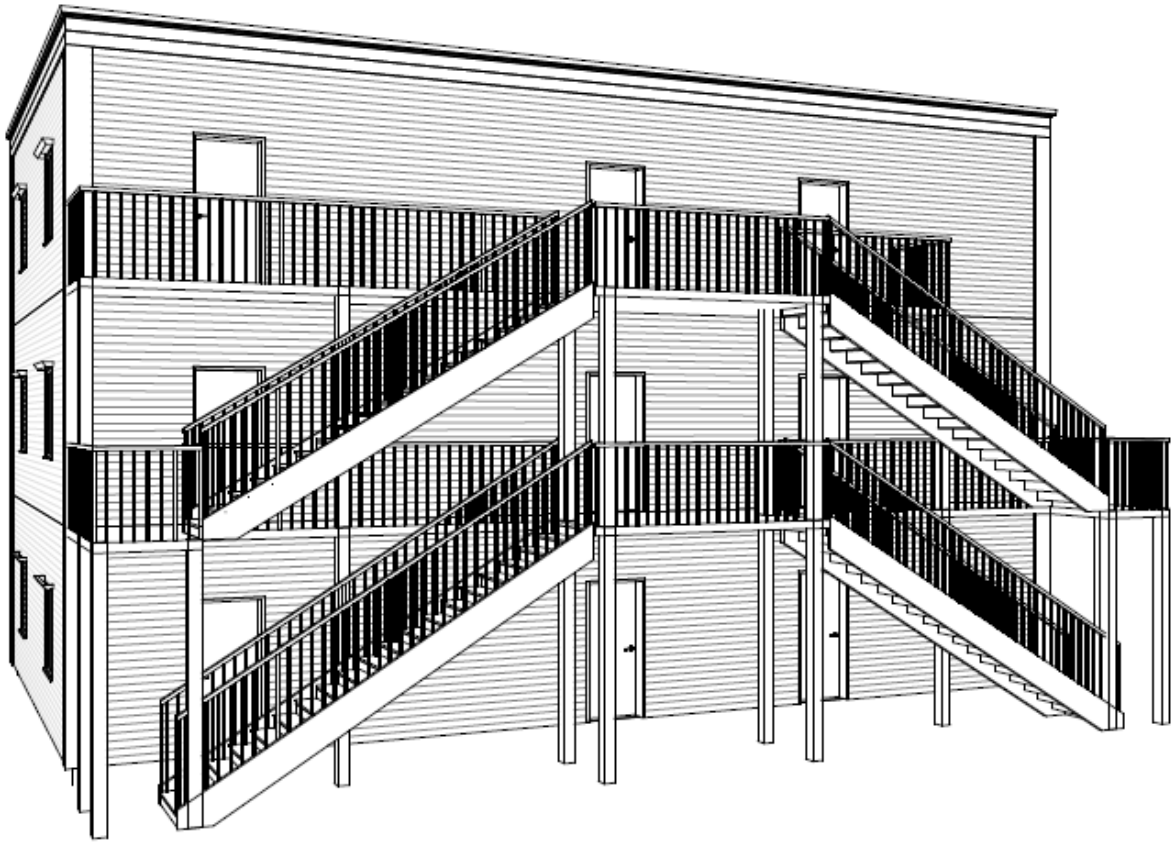
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Schedule C – Site Plan:

Site Plan Not to Scale

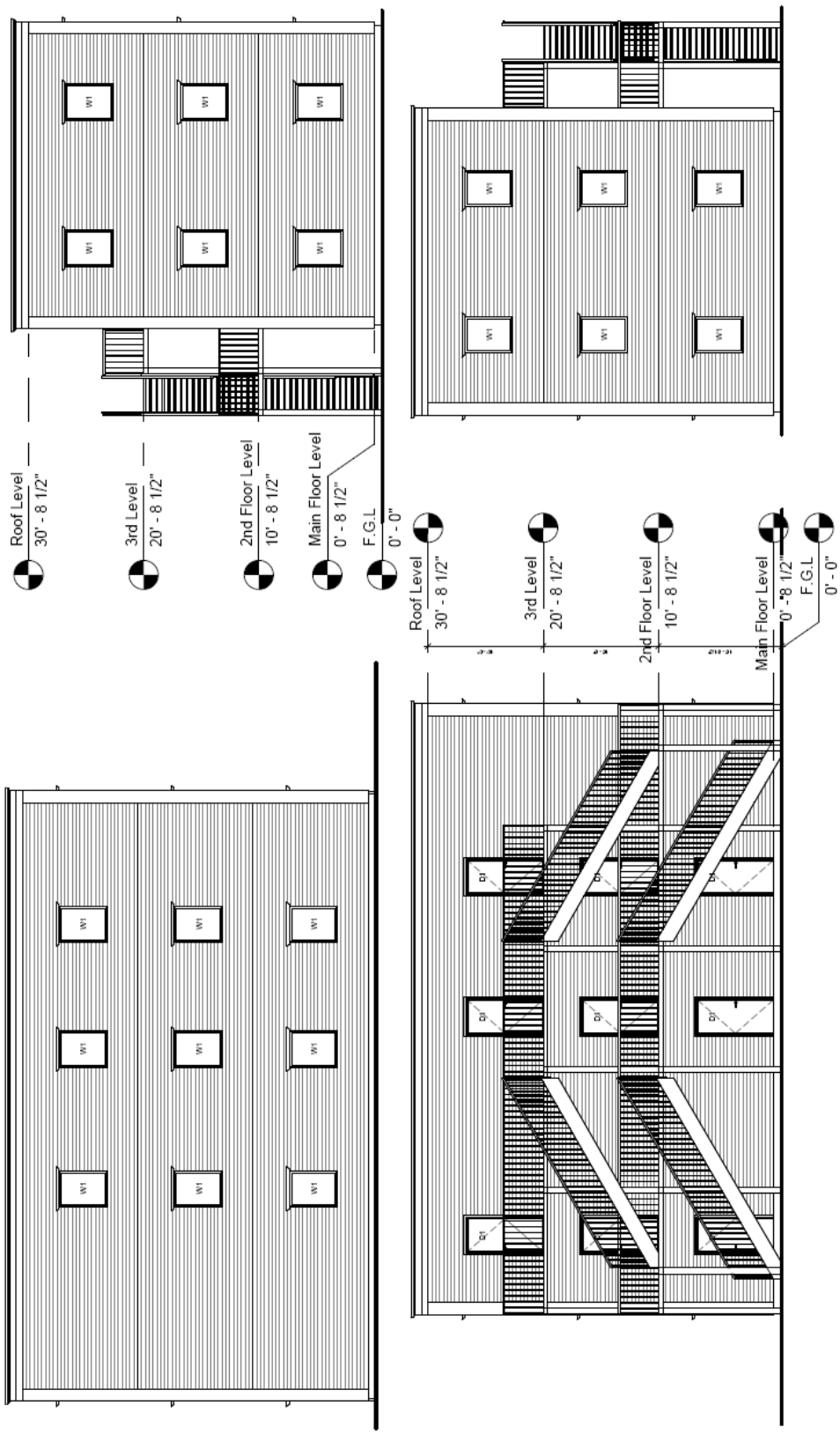


Schedule D – Building Elevations:



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Schedule D – Building Elevations:



Town of Amherst
Public Participation Opportunity
Summary

Date:	**October 27, 2026**
Time:	**5:00 pm**
Location:	**Council Chambers, Town Hall**
Staff Present	**Andrew Fisher Director, Planning & Economic Development** **Torben Laux, Planner** **Marc Buske, Building Official** **Natalie LeBlanc, Municipal Clerk** **Cindy Brown, Administrative Assistant**
Others Present	**Deputy Mayor Charlie Chambers** **Councillor Terry McManaman** **Councillor Dwayne Ripley** **Councillor Kathy Wells** **PAC Chair Ronald Wilson, Citizen Representative** **PAC Vice-Chair Paul Diamond, Citizen Representative** **Applicant Mikhial Mansour, Casey Realty Limited**

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1. Call to Order

Andrew Fisher called the Public Participation Opportunity to order.

2. Territorial Acknowledgment

Andrew Fisher gave the Territorial Acknowledgement.

3. Introduction

Andrew Fisher introduced the Town of Amherst staff, members of Council and the members of the Planning Advisory Committee that were in attendance as observers.

4. Development Agreement Application - 59 Church Street

4.1 <u>Presentation</u>

Torben Laux presented the application, included in the agenda package, for a Development Agreement on the property located at 59 Church Street (PID 25005729) to permit the construction of a mixed-use two-storey building containing 3 dwelling units and ground floor commercial space.

4.2 <u>Public Participation Opportunity</u>

Mikhial Mansour briefly added more details about the colour and the type of siding the building will have.

There were no public present, and no questions or comments from those in attendance.

5. Development Agreement Application - 16 Prince Arthur Street

5.1 Presentation

Torben Laux presented the application, included in the agenda package, for a Development Agreement on the property located at 16 Prince Arthur Street (PID 25027947) to permit the construction of a three-storey 9-unit apartment building.

5.2 Public Participation Opportunity

Mikhial Mansour added that the building will share solid waste collection with the Amherst Theater.

There were no public present, and no questions or comments from those in attendance.

6. Closing

There being nothing further, Mr. Fisher indicated that the next Planning Advisory Committee meeting will be held on November 2, 2026, at 4:30 PM.