



Town of Amherst  
Public Hearing  
Agenda

Date: **Wednesday, July 12, 2023**  
Time: **5:00 pm**  
Location: **Council Chambers, Town Hall**

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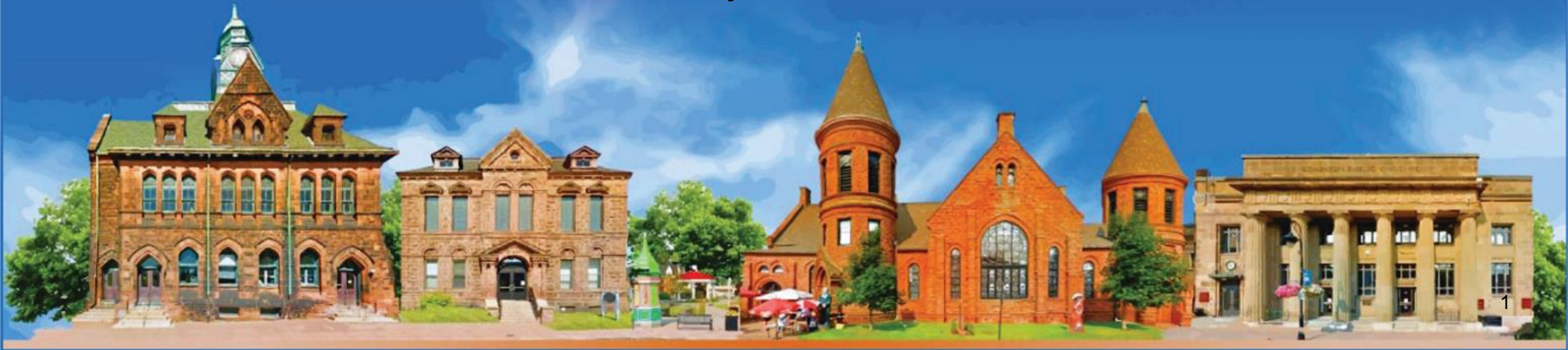
	Pages
<b>1. CALL TO ORDER</b>	
<b>2. TERRITORIAL ACKNOWLEDGMENT</b>	
“I would like to acknowledge that our gathering today is taking place in (MEEG-MA-GEE), the traditional, unceded and ancestral territory of the Mi’kmaw people. I would also like to acknowledge that Nova Scotia has another unique people. These are the Indigenous Blacks of Nova Scotia whose legacy and contributions date back over 400 years predating confederation of this land. We are all treaty people.”	
<b>3. 106 Church Street</b>	
3.1 Staff Report	1 - 12
3.2 Council Questions / Comments	
3.3 Public Questions / Comments	
<b>4. 22-2 Prince Arthur Street</b>	
4.1 Staff Report	13 - 28
4.2 Council Questions / Comments	
4.3 Public Questions / Comments	
<b>5. Electric Street</b>	
5.1 Staff Report	29 - 44
5.2 Council Questions / Comments	
5.3 Public Questions / Comments	

## 6. Adjournment

# Public Hearing

**Development Agreement application to permit a Clay Studio on 106 Church Street**

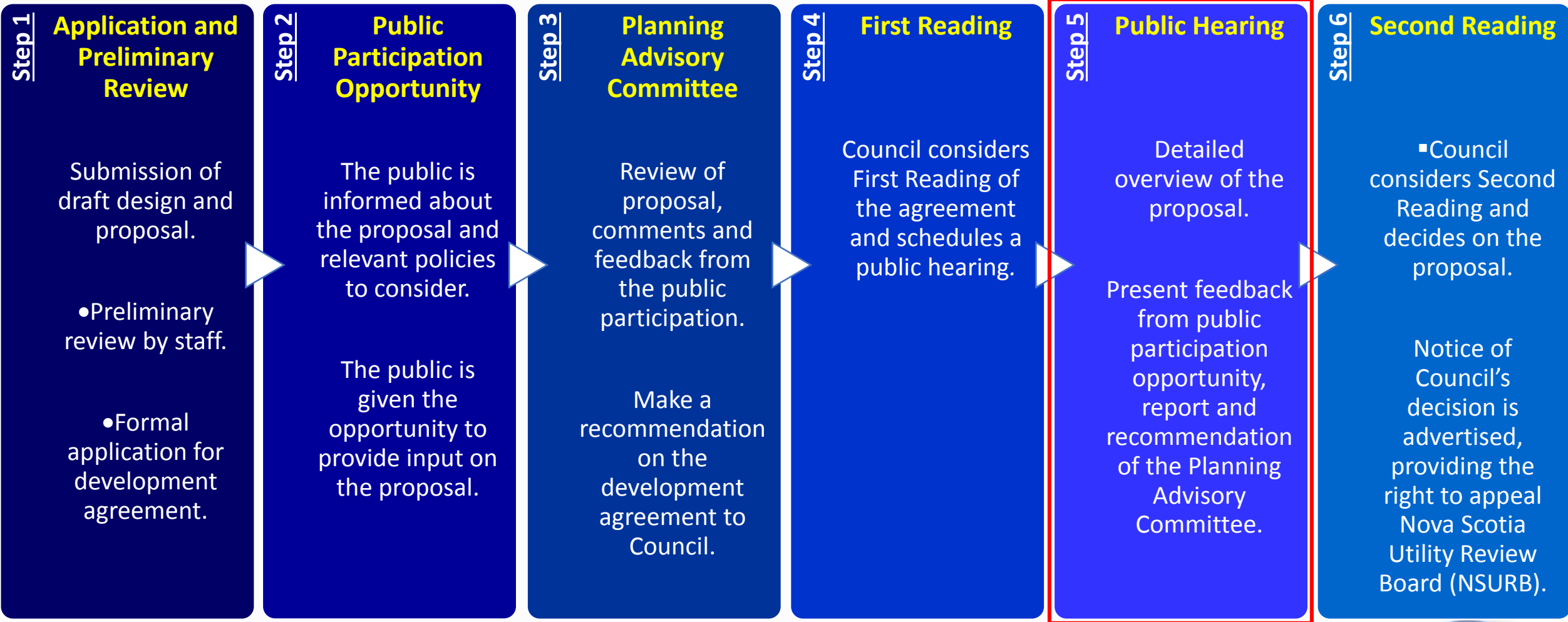
July 12, 2023



# DEVELOPMENT AGREEMENT PROCESS

1. Public Participation Opportunity is where a summary of the proposal and relevant policies to consider is provided. The proponent is invited to attend and the public is invited to provide input.
  2. The applicant is given an opportunity to make changes as a result of the public input.
  3. The PAC considers a recommendation to Council based on a summary of the Public Participation Opportunity meeting and a staff report.
  - 4. Council considers First Reading of the agreement and schedules a Public Hearing.**
  5. Council considers Second Reading, and if approved, notice is placed in local media providing 14-days to appeal the decision.
  6. If no appeals are received the agreement is executed and Building Permits can be issued, subject to agreement terms.
- \*All meetings of the PAC and Council are open to the public.

# DEVELOPMENT AGREEMENT PROCESS



*\*All meetings of the Planning Advisory Committee and Council are open to the public.*



# APPLICATION DETAILS

**Applicant/ Owner:** Willard Leeck & Leslie Sadler

**Summary of Proposal:** to permit the change of use of the existing building on 106 Church Street from a dance studio to a clay studio.

**Location:** 106 Church Street (PID: 25013871)

**Property Area:** 542m<sup>2</sup> (5834.04 sqft).

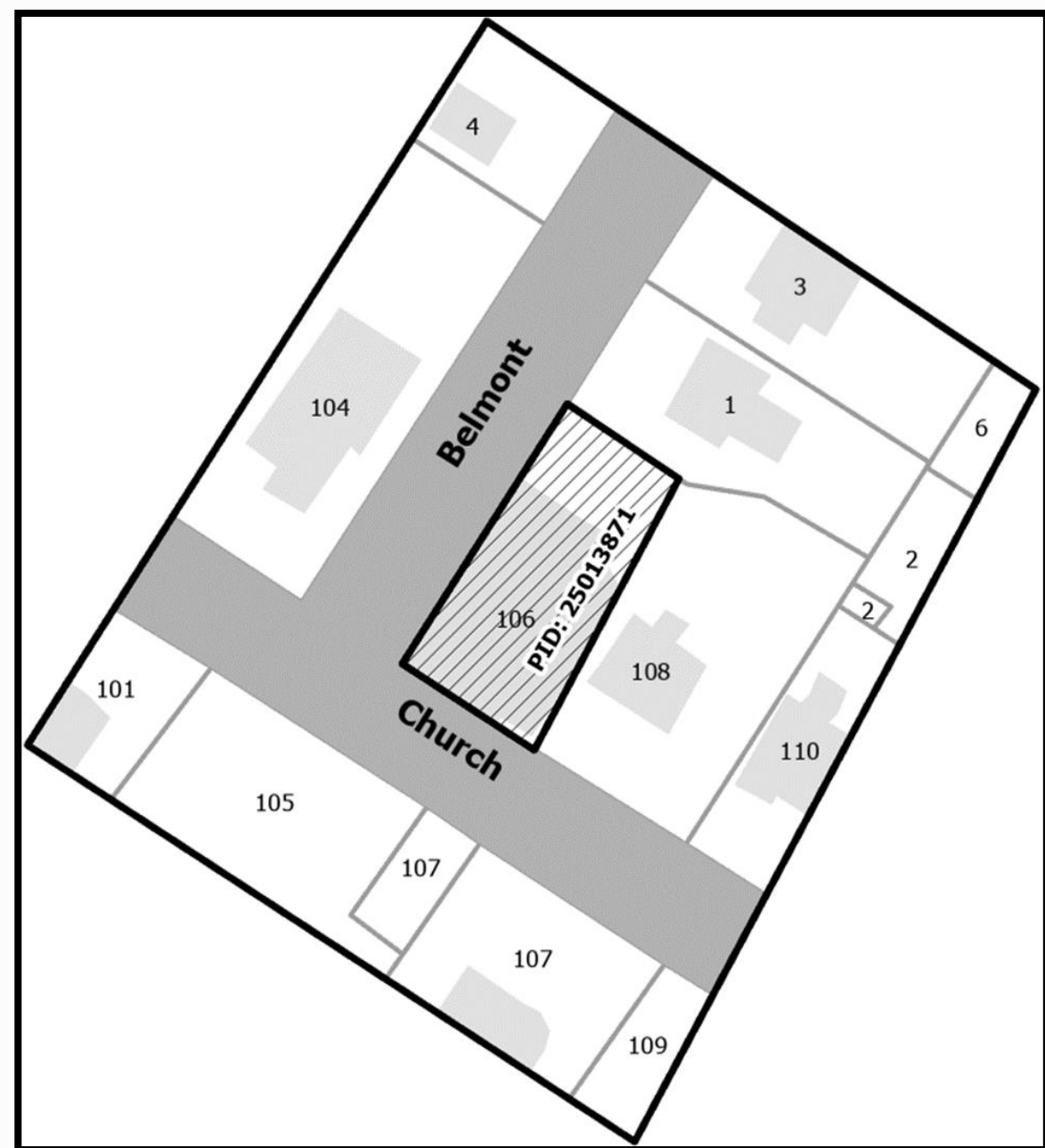
**Existing building area:** 383m<sup>2</sup> (4122.58 sqft).

**Lot coverage:** 71%.

**Existing Zoning:** General Residential

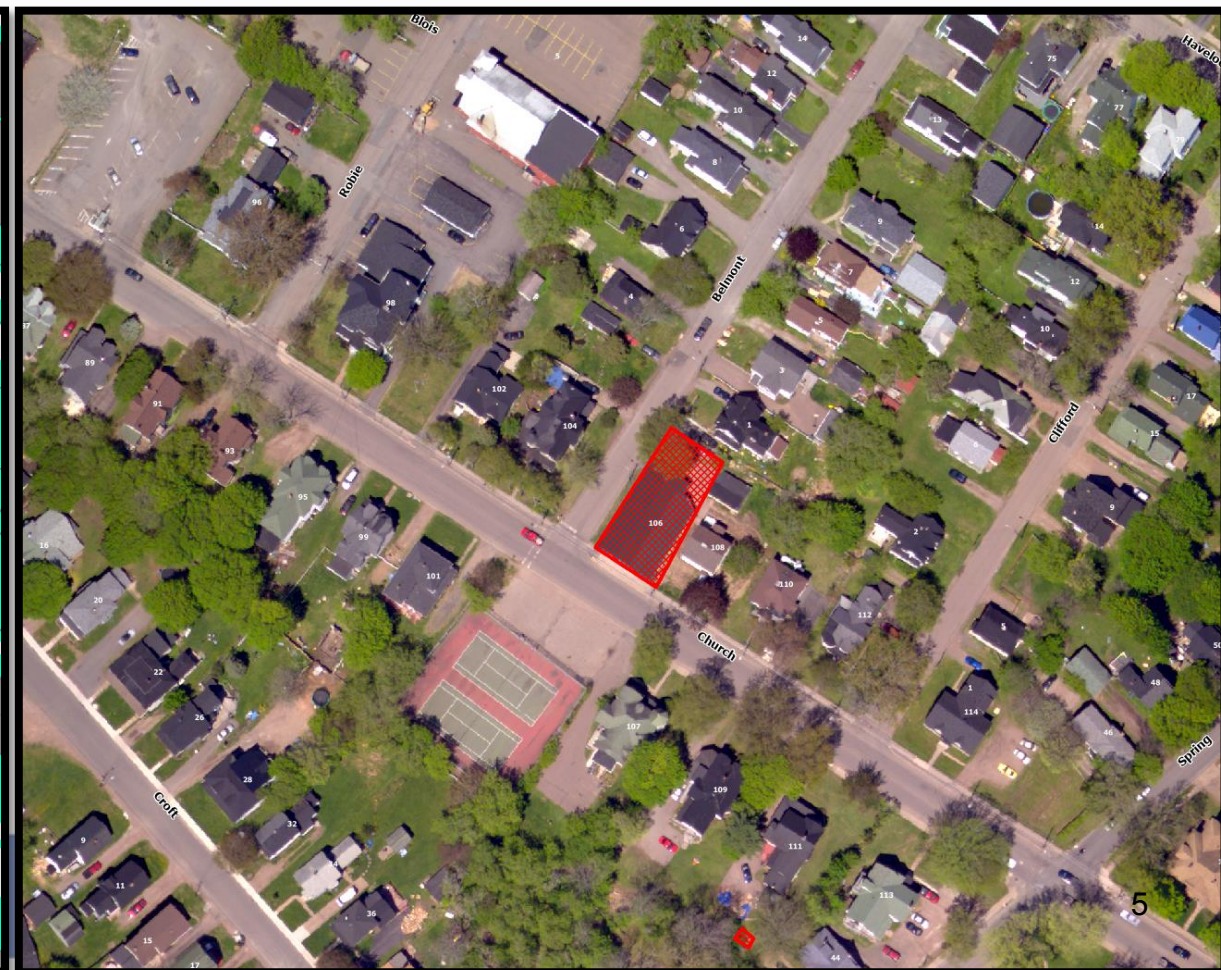
**Existing Land Use:** In transition. There is an existing Development Agreement (2005) that permits a dance studio on the property.

**Street Frontage:** The lot is a corner lot with approximately 17m frontage on Church Street and 34m on Belmont Street.



# NEIGHBOURHOOD CONTEXT

- ❑ The subject property is located in the General Residential Zone and surrounded by detached residential dwellings.
- ❑ Directly opposite the property along Church Street is the Town's tennis court.
- ❑ The property is also within close proximity to the Downtown Zone and can be easily accessed from any part of the Town.



# GENERAL DESCRIPTION

## Operation and Staffing

- ❑ The applicant intends to use the former Atlantic Ballet Studio as a Clay Studio (ceramic, pottery, stoneware and porcelain).
- ❑ Items that would be sold include but are not limited to crafts, paints, ceramic slip (liquid clay), kit supplies and artisan hand tools.
- ❑ The space will also be made available for local artisans to teach their design, painting, pottery and clay molding skills.
- ❑ At the initial stage, the business will be operated by two persons. The draft development agreement allows up to 5 employees.
- ❑ The draft Agreement retains same the hours of operation permitted in the 2005 agreement:
  - ❑ 7am –10pm Monday – Friday
  - ❑ 9am-10pm Saturday
  - ❑ 12pm-10pm Sunday



# GENERAL DESCRIPTION

## Parking

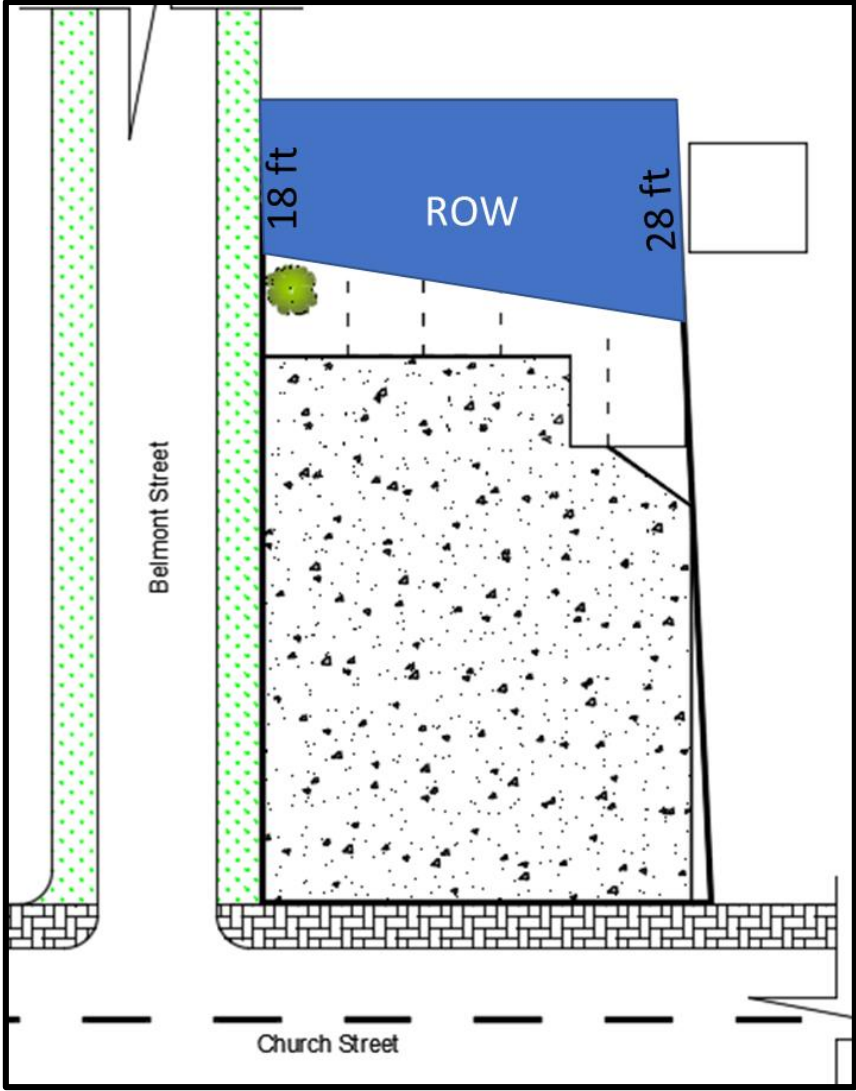
- ❑ 1 on-site space appears to be possible without impeding the easement. Removal of a large tree is proposed, which would facilitate an additional parking space.
- ❑ There is currently short-term parking across the street on the Town owned property at 105 Church Street.
- ❑ An existing right-of-way agreement on the property to access the garage at 108 Church Street from Belmont Street. The DA does not override the ROW.



# GENERAL DESCRIPTION

## Signage

- ❑ The DA allows fascia signage on the street-facing walls and a projecting sign on the Church Street wall, and requires directional signage for signage and building function. Interior window signage is not regulated.
- ❑ Proposed wider entrance in front of the building to ease indoor shipment delivery, improve air circulation and create a more welcoming environment.



# RELEVANT PLANNING BYLAWS AND POLICIES

## 1. Land Use Bylaw Section 4.15 (Non-Conforming Use Changed by Development Agreement)

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

## 2. General Land Use and Development Policies

**GP-7 (Compatibility):** It shall be the intention of Council to allow a mix of compatible land uses and to minimize their impacts by:

- (a) requiring adequate buffering and setbacks;
- (b) screening development by the use of visual barriers;
- (c) regulating the location of parking, storage buildings or other accessory uses or facilities.

### **GP-11 (Non-conforming Uses)**

It shall be the intention of Council to permit, in all designations, a non-conforming use to change to another use not normally permitted on the property by way of Development Agreement. In considering such a development agreement, Council shall consider the following:

- (a) that the proposed use exerts a similar or less of an impact on the surrounding neighbourhood;
- (b) the use of buffering, landscaping or fencing to reduce possible impacts or otherwise improve the property;
- (c) that adequate parking is provided for the new use; or the existing parking situation is improved by virtue of the development agreement;
- (d) the proposal will not involve any expansion of the use onto a lot not originally occupied by the use except for the provision of parking;
- (e) signage on the property; (f) hours of operation; (g) the adequacy of the transportation network to accommodate the proposed use.

# RELEVANT PLANNING BYLAWS AND POLICIES

## 3. Implementation Policy

### A-5 (Amendment Criteria)

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

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

# PREVIOUS STEPS

- ❑ The public had an opportunity to provide input on the application at the Public Participation Opportunity held on May 24, 2023 where concerns were raised with respect to parking, access, fire risk and environmental concerns, among others.
  
- ❑ The draft development agreement contains terms and conditions intended to align with town policies and mitigate potential impacts on the surrounding neighbourhood. Some key terms of the agreement:
  - ❑ Maximum of 5 employees
  - ❑ Hours of operation
  - ❑ Any ventilation and or exhaust to the exterior of the building shall be located on the roof or street-facing walls of the building, and shall not emit any undue noise, odour, fumes, or particulate matter that would not otherwise be present in a typical residential neighbourhood.
  - ❑ No customer access or parking at the rear of the building or at 1 Belmont Street.
  
- ❑ On July 5<sup>th</sup> the Planning Advisory Committee recommended that Council enter into the agreement.

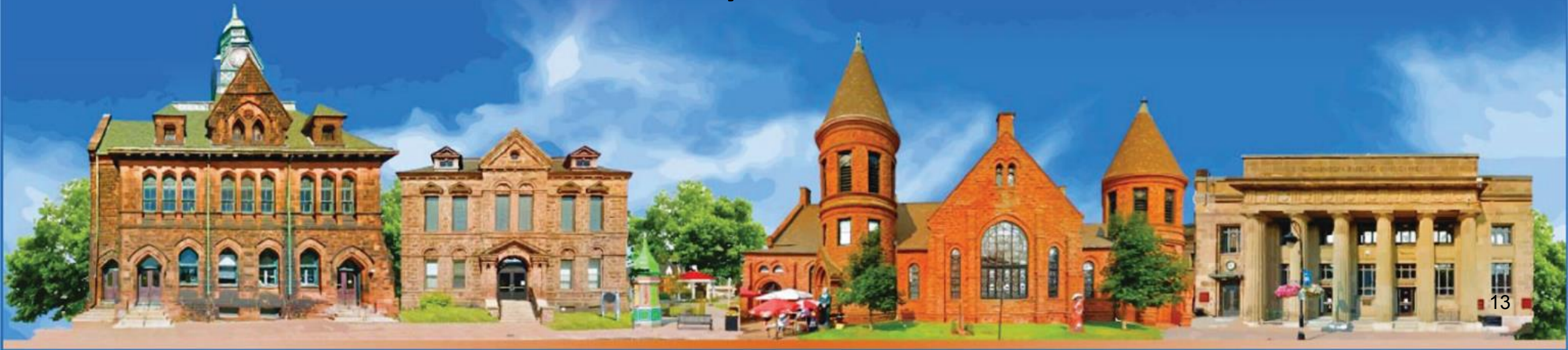
# NEXT STEPS

- ❑ Sequel to this public hearing, Council at a later date will decide one of the following options:
  - Give second and final reading of the development agreement as drafted or with changes.
  - Defer a decision and request additional information.
  - Reject the application citing specific MPS policies that are not being met.

# Public Hearing

**Development Agreement to permit the construction of a 3-story, 24-unit apartment building on Prince Arthur Street**

July 12, 2023



# DEVELOPMENT AGREEMENT PROCESS

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# DEVELOPMENT AGREEMENT PROCESS



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# APPLICATION DETAILS

**Applicant/ Owner:** Casey Realty Limited

**Summary of Proposal:** Development Agreement to permit the construction of a 3-story, 24-unit apartment building on Prince Arthur Street.

**Location:** Lot 22-2 Prince Arthur Street (PID: 25514563).

**Property Area:** 2699m<sup>2</sup> (0.66 acre).

**Existing Zoning:** Downtown (Core Area District)

**Existing Land Use:** Parking

**Street Frontage:** 5.79m along Prince Arthur Street



# NEIGHBOURHOOD CONTEXT

- ❑ The subject property exists in the downtown core.
- ❑ The property is a flag lot bounded by a mix of different uses including the Amherst Lions Club, a dental clinic, restaurants, the Amherst Theatre, and a variety of detach residential units.
- ❑ The downtown core area with a variety commercial uses and services is within a very short walking distance to this site.
- ❑ Directly opposite the driveway to this site is the Holy Family Catholic Church.



# NEIGHBOURHOOD CONTEXT



#seewhyweloveit

# GENERAL DESCRIPTION

**Units:** A 3-story, 24-unit apartment building. 14 two-bedroom units and 10 one-bedroom units.

**Proposed building area:** 737m<sup>2</sup> (2418 sqft).

**Lot coverage:** 27%.

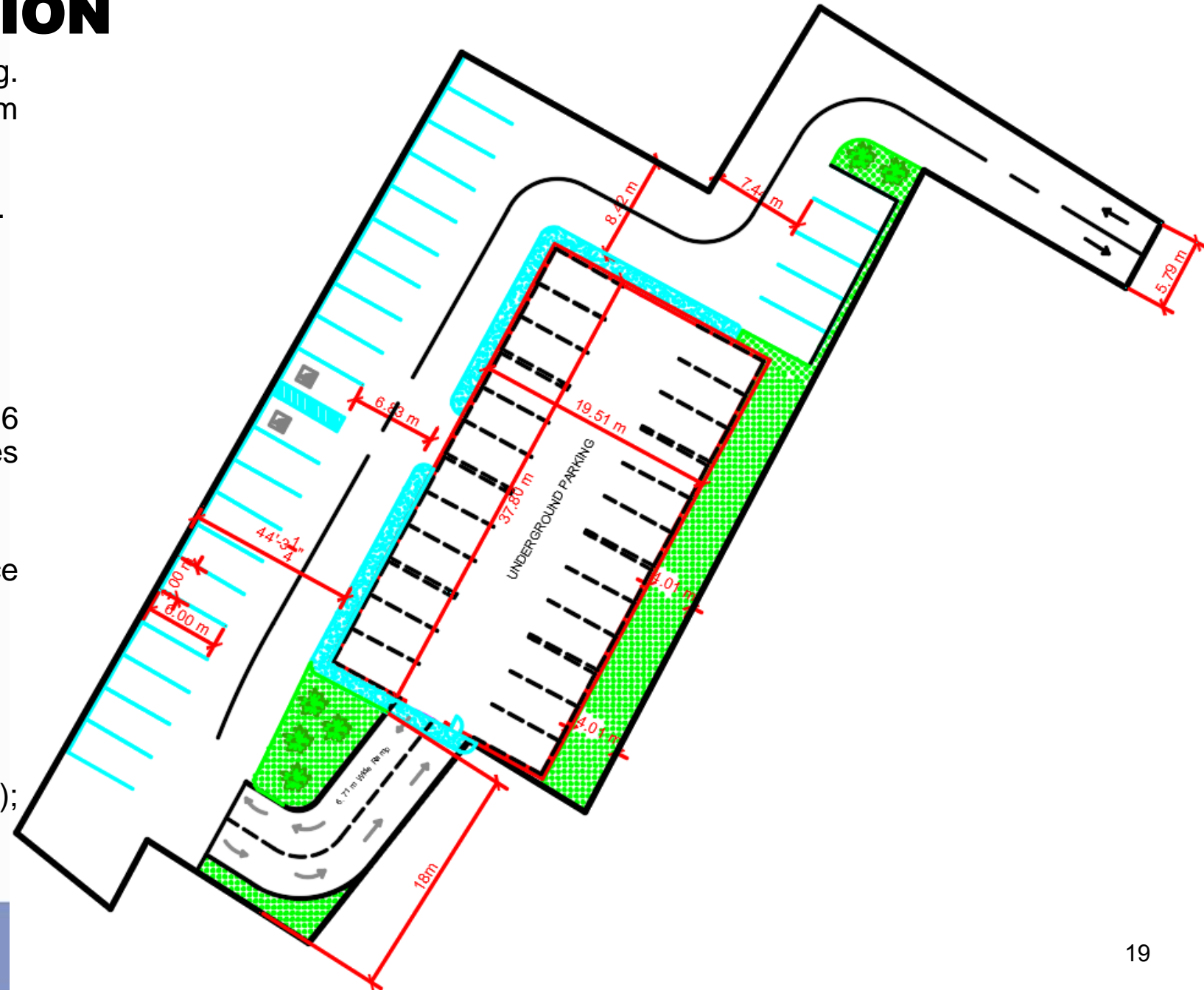
**Density:** 36 units / acre

**Parking:** 50 parking spaces including 26 surface and 24 underground parking spaces (i.e. 2 spaces/unit)

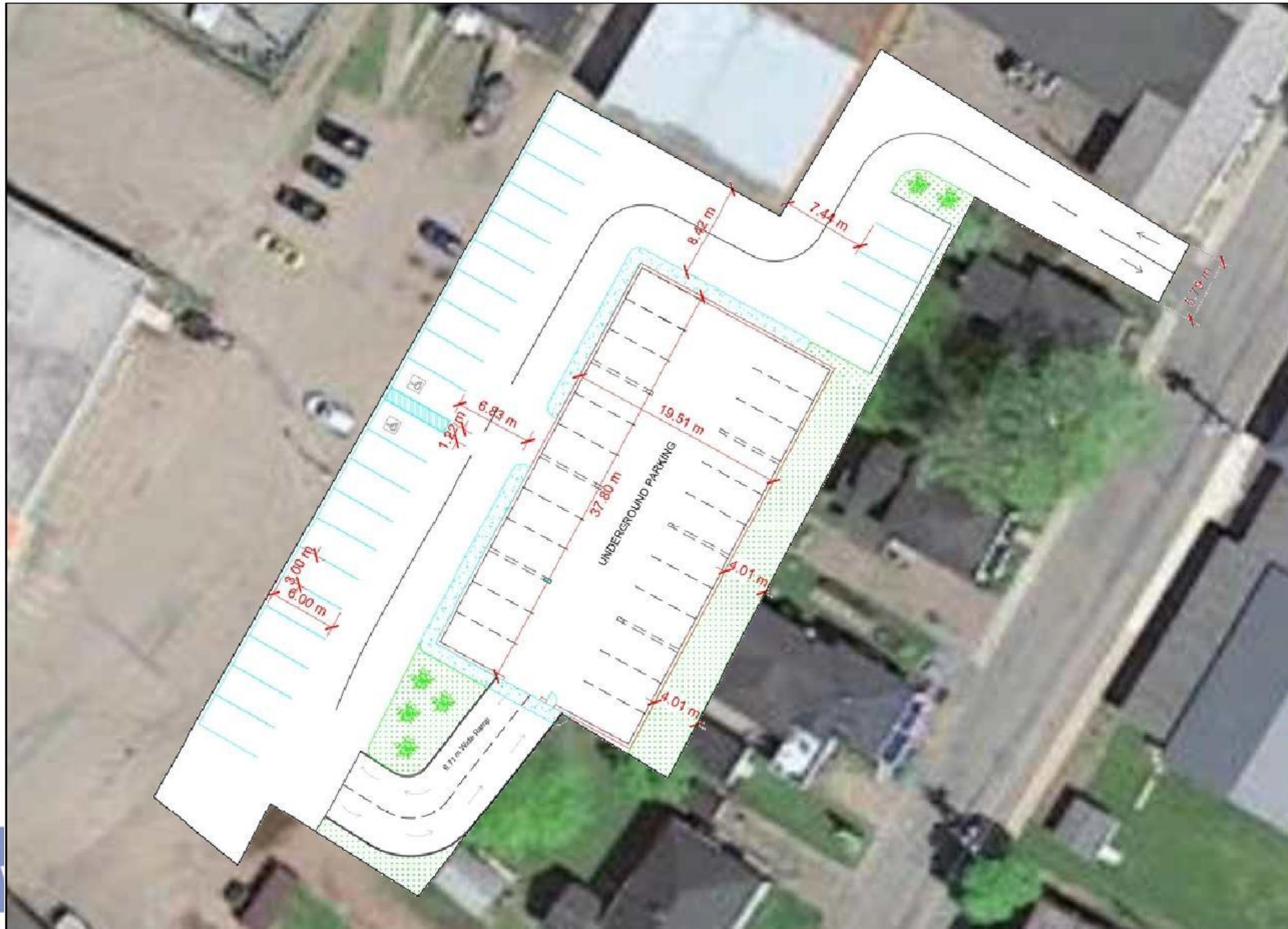
**Access:** Access to the property is via Prince Arthur Street.

## Building Setbacks (approximate):

- Front Yard (west): 13.5m (44 ft)
- Side Yards: 18m (62 ft) and 8.42m (31ft); south and north, respectively.
- Rear Yard (east): 4m (14.2ft)



# Site Plan



Notes:  
Underground Parking  
Spaces= 20

Ground Level Parking  
spaces= 26

ORIENTATION



PROJECT  
CASEY APARTMENTS 24  
UNITS, AMHERST, N.S.

TITLE  
LOT 22-2, Prince Arthur St.  
Amherst

CLIENT  
CASEY REALTY

DRAWN BY : AK

CHECKED BY: JH

DATE: 2023-04-24

Project Id. 23- 525

Scale: NTS

Drawing No. 1 | REV 1

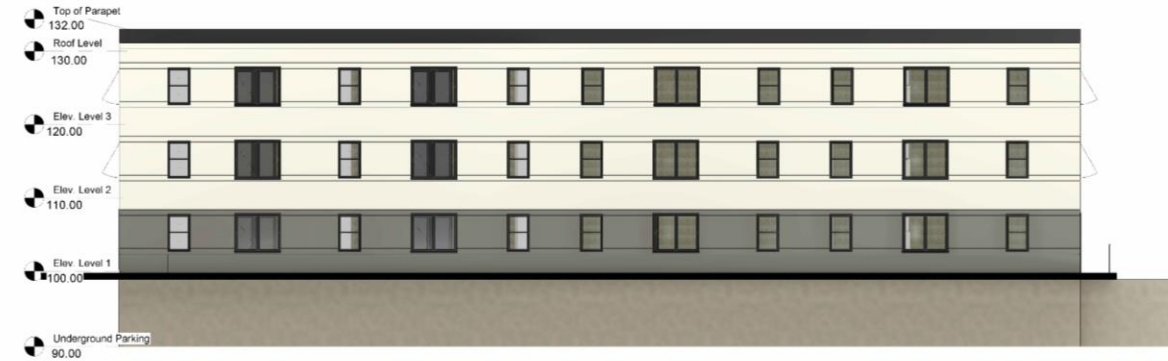
# Building Elevation



1 East  
1:100



4 West  
1:100



2 North  
1:100



3 South  
1:100



Rev	Description	Date

CODE: SUITABILITY DESCRIPTION

STATUS: PURPOSE OF ISSUE

PROJECT: CASEY APARTMENTS 24 UNITS

TITLE: LOT 21-1 Electric St, Amherst

CLIENT: Casey Realty

DRAWN BY: AK	CHECKED BY: JH	DATE: 23/04/26
SCALE (@ A1): 1:100	PROJECT NUMBER: 22-539	
DRAWING NUMBER: 2	REV:	



# Building Elevation (3D)



#seewhywel



# RELEVANT PLANNING BYLAWS AND POLICIES

## 1. Land Use Bylaw Section 7.2.2 (Permitted Uses by Development Agreement )

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

(e) Apartment buildings greater than 4 units in accordance with Policy RP-9 of the MPS.

## 2. Residential Policies

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

It shall be the intention of Council to ensure medium and high density residential development occur in a manner compatible with a low density residential neighborhood. Specifically, Council shall require that all residential developments greater than 4 dwelling units per property, be subject to a Development Agreement.

In negotiating such an agreement Council shall ensure that:

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

# RELEVANT PLANNING BYLAWS AND POLICIES

## RP-11 (Affordable Housing)

It shall be the intention of Council to encourage and promote the provision of affordable housing units within all residential area of town by: (a) encouraging a mix of housing types and densities.

## 3. General Land Use and Development Policies

### GP-7 (Compatibility)

It shall be the intention of Council to allow a mix of compatible land uses and to minimize their impacts by:

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- (c) regulating the location of parking, storage buildings or other accessory uses or facilities.

### GP-8 (Density)

It shall be the intention of Council to allow development at a density appropriate to the overall desired character of the town.

## 4. Municipal Service Policies

**MS-11 (In-fill Development):** It shall be the intention of Council to encourage and facilitate the development of vacant land located on existing municipal services in order to make more efficient use of such services.

## 5. Sustainability Policies

**SP-1 (Residential Development):** It shall be the intention of Council to encourage high density residential development in the Downtown Zone.

**SP-2 (Residential Development):** It shall be the intention of Council to encourage multiunit residential on the upper floors in the Downtown Zone.

# RELEVANT PLANNING BYLAWS AND POLICIES

## 6. Land Use Bylaw Section 8.3.2 (Permitted uses by Development Agreement)

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

- (d) Ground floor residential uses subject to MPS Policy CP-15.

## 7. Commercial Policies

### P-15 (Ground Floor Residential)

It shall be the intention of Council to consider applications for ground floor residential uses in the Downtown Zone by Development Agreement excluding that portion of a building that abuts Church, Victoria and Havelock Streets. Outside said streets, applications for new residential buildings or ground floor conversion of existing commercial and institutional buildings will not be considered for residential uses unless it can be shown that such a conversion will not detract from the commercial character of the surrounding streetscape.

In negotiating such a development agreement, Council shall take into account:

- (a) the location, height, bulk of the building;
- (b) the architecture of the building;
- (c) signage;
- (d) parking facilities;
- (e) landscaping;
- (f) pedestrian access;
- (g) the unique characteristics of the property and its relationship to the surrounding streetscape;
- (h) that the ground floor frontage of any building fronting on Church, Havelock or Victoria Streets shall be used for commercial purposes.

# RELEVANT PLANNING BYLAWS AND POLICIES

## 8. Implementation Policy

### A-5 (Amendment Criteria)

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

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- (c) That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of:
  - (i) type of use;
  - (ii) height, bulk and lot coverage of any proposed building;
  - (iii) parking, traffic generation, access to and egress from the site;
  - (iv) any other matter of planning concern outlined in this strategy.

# PREVIOUS STEPS

- ❑ The public had an opportunity to provide input on the application during the Public Participation Opportunity held on May 24, 2023, and the participants seemed to be pleased with the proposal.
- ❑ In the opinion of staff, this proposal meets the general intent of Municipal Planning Strategy policies and will promote the vision of the Town of Amherst towards housing. By virtue of its location, this proposal will result in more people living in the downtown area and increase activity around this area during and after the regular business hours.
- ❑ The draft development agreement is expected to address the public concerns.
- ❑ After further review by the Planning Advisory Committee (PAC) on June 5, 2023, the application was recommended to Council for approval.

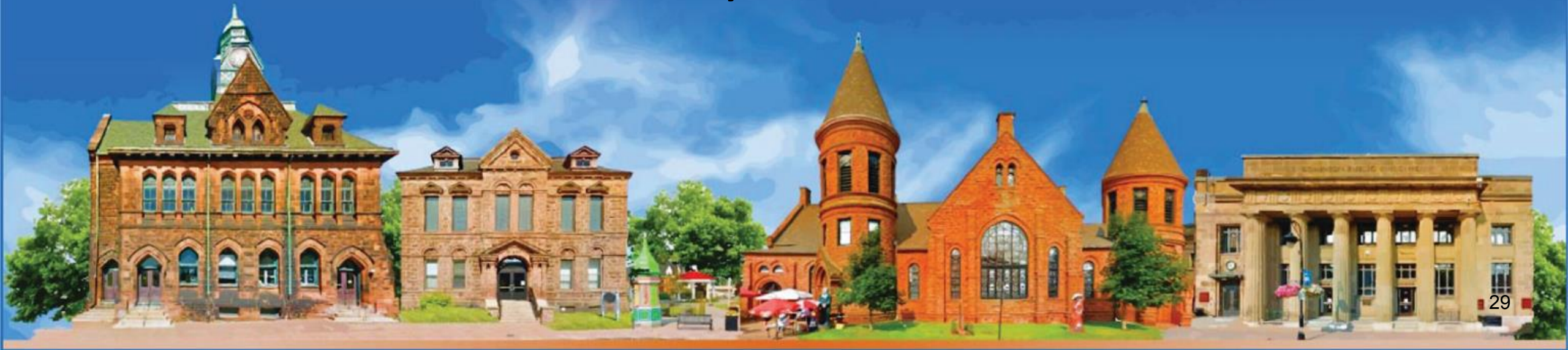
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  - Give second and final reading of the development agreement as drafted or with changes.
  - Defer a decision and request additional information.
  - Reject the application citing specific MPS policies that are not being met.

# Public Hearing

**Development Agreement to permit the construction of a 3-story, 24-unit apartment building on Electric Street**

July 12, 2023



# DEVELOPMENT AGREEMENT PROCESS

1. Public Participation Opportunity is where a summary of the proposal and relevant policies to consider is provided. The proponent is invited to attend and the public is invited to provide input.
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# DEVELOPMENT AGREEMENT PROCESS



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# APPLICATION DETAILS

**Applicant/ Owner:** Casey Realty Limited

**Summary of Proposal:** Development Agreement to permit the construction of a 3-story, 24-unit apartment building on three abutting properties along Electric Street,

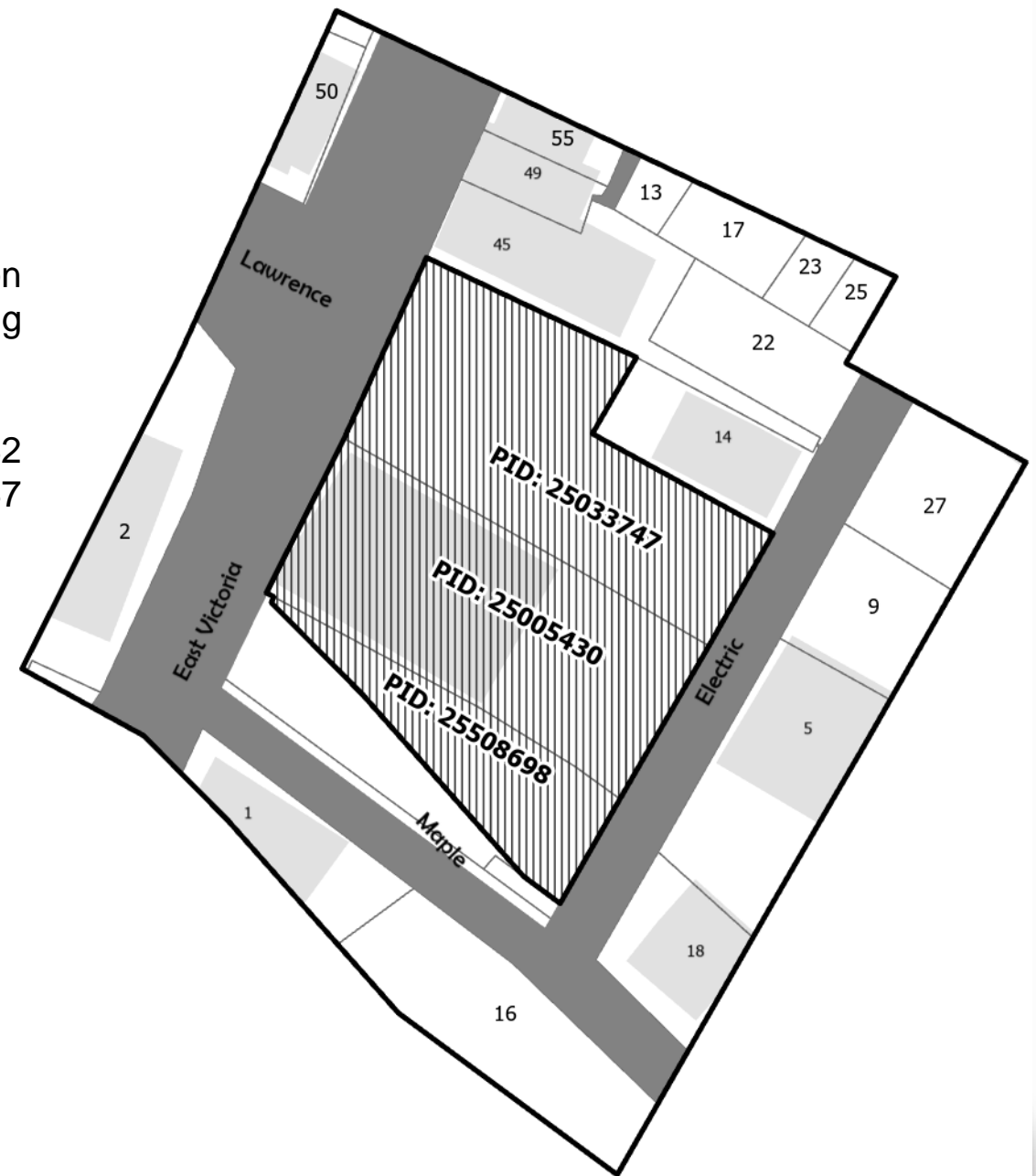
**Location:** Lots 21-1 Maple Avenue, 92-1 Victoria Street East, and 32 Victoria Street East (PIDs: 25508698, 25005430 and 25033747 respectively).

**Property Area:** 4586m<sup>2</sup> (1 acre).

**Existing Zoning:** Downtown (Core Area District)

**Existing Land Use:** Parking

**Street Frontage:** 62m along Maple Avenue and 70m along Electric Street



# NEIGHBOURHOOD CONTEXT

- ❑ The subject property exists in the downtown core.
- ❑ The property is a corner lot bounded by Victoria Street, Maple Avenue and Electric Street on the West, South and West respectively.
- ❑ The downtown core area with a variety commercial uses and services is within a very short walking distance to the site. This includes restaurants (Britney, Duncan's Pub, Art of Eating), Commercial Offices (Arthur J. Gallagher, Creighton Shatford), recreational facilities (Victoria Park, Dooly's, Amherst Lions Club), and health facilities (Lawtons Drugs Amherst).
- ❑ Moving further north along Victoria Street, the neighborhood consists of several historically significant building.
- ❑ Further down in the southwest direction is the rail track and blocks of general residential neighborhoods.



# NEIGHBOURHOOD CONTEXT



#seewhyweloveit



# GENERAL DESCRIPTION

**Units:** A 3-story, 24-unit apartment building. 14 two-bedroom units and 10 one-bedroom units.

**Proposed building area:** 737m<sup>2</sup> (2418 sqft).

**Lot coverage:** 16%.

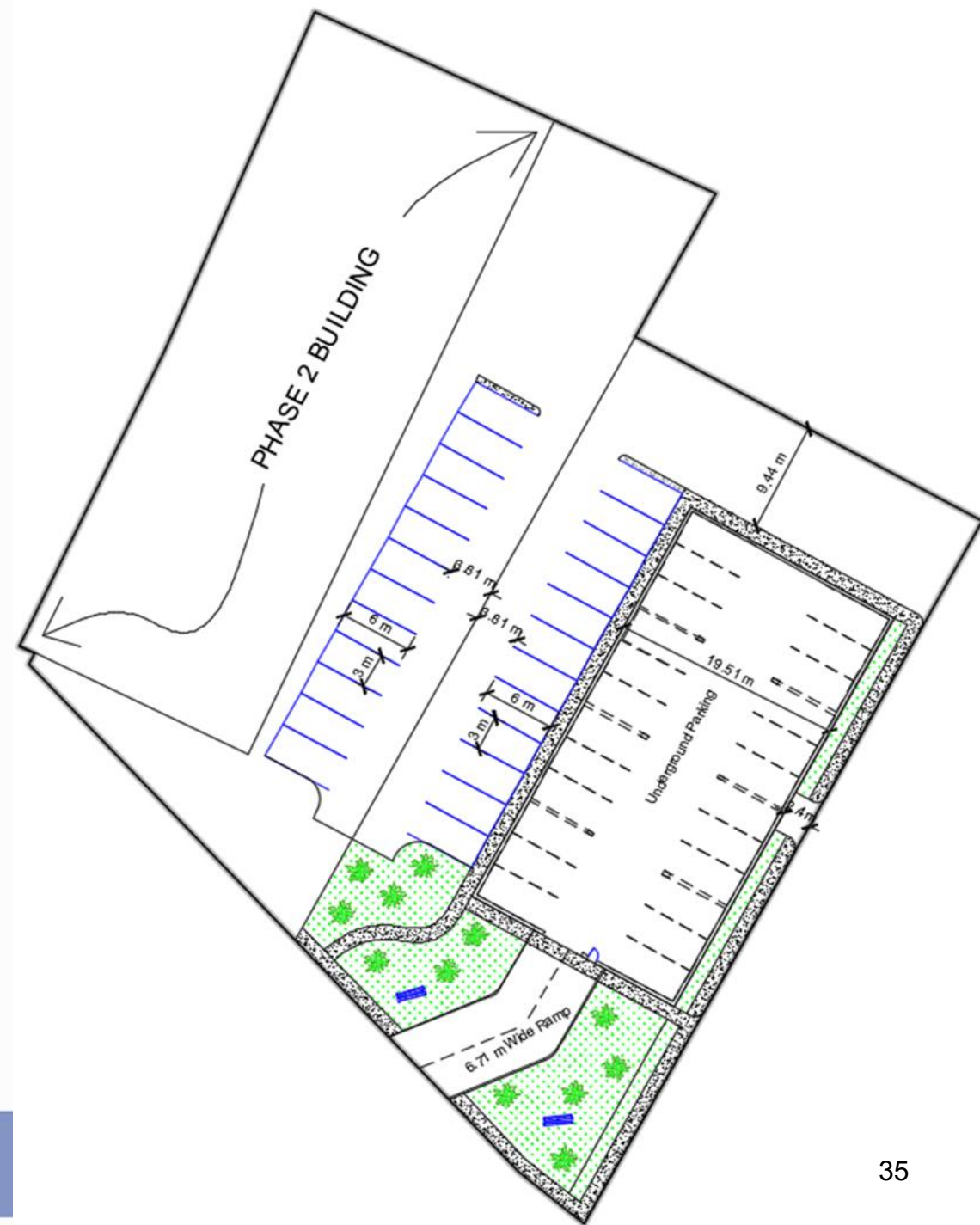
**Density:** 24 units / acre

**Parking:** 48 parking spaces including 24 surface and 24 underground parking spaces (i.e. 2 spaces/unit)

**Access:** Maple Avenue (underground parking) & Electric Street (Surface parking). The existing side walk along Maple Avenue and Electric Street will be extended around the building to ease pedestrian movement.

## Building Setbacks (approximate):

- Front Yard (Electric Street): 2.4m (8ft)
- Flank Yard (Maple Street): 11m (37ft) at the closest point
- Side Yard: 9.44m (31ft)
- Rear Yard: 43m (142ft)



# Site Plan



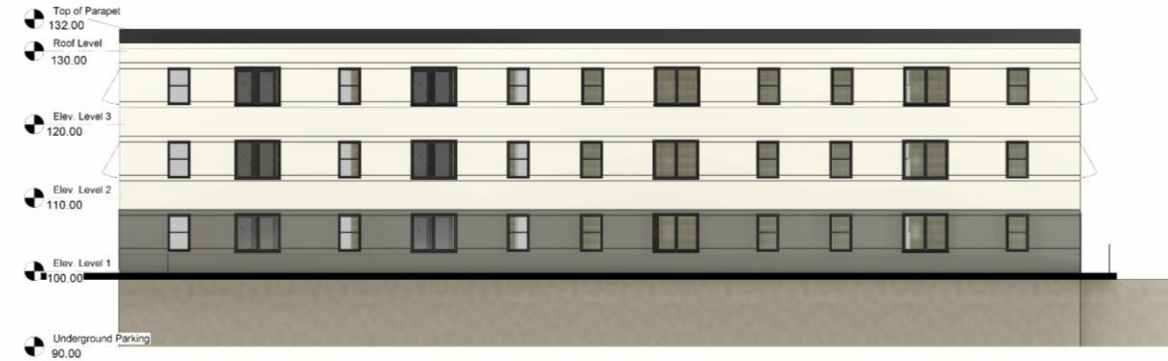
# Building Elevation



1 East  
1:100



4 West  
1:100



2 North  
1:100



3 South  
1:100

**M**aritech  
Construction Inc.

Rev	Description	Date

CODE: SUITABILITY DESCRIPTION  
STATUS: PURPOSE OF ISSUE

PROJECT: CASEY APARTMENTS 24 UNITS

TITLE: LOT 21-1 Electric St, Amherst

CLIENT: Casey Realty

DRAWN BY: AK  
SCALE (@ A1): 1:100  
DRAWING NUMBER: 2

CHECKED BY: JH  
PROJECT NUMBER: 22-539  
DATE: 23/04/26

REV



# Building Elevation (3D)



#seewhywel



# RELEVANT PLANNING BYLAWS AND POLICIES

## 1. Land Use Bylaw Section 7.2.2 (Permitted Uses by Development Agreement )

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

(e) Apartment buildings greater than 4 units in accordance with Policy RP-9 of the MPS.

## 2. Residential Policies

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

It shall be the intention of Council to ensure medium and high density residential development occur in a manner compatible with a low density residential neighborhood. Specifically, Council shall require that all residential developments greater than 4 dwelling units per property, be subject to a Development Agreement.

In negotiating such an agreement Council shall ensure that:

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

# RELEVANT PLANNING BYLAWS AND POLICIES

## RP-11 (Affordable Housing)

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## 3. General Land Use and Development Policies

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(a) the location, height, bulk of the building;

(b) the architecture of the building;

(c) signage;

(d) parking facilities;

(e) landscaping;

(f) pedestrian access;

(g) the unique characteristics of the property and its relationship to the surrounding streetscape;

(h) that the ground floor frontage of any building fronting on Church, Havelock or Victoria Streets shall be used for commercial purposes.

# RELEVANT PLANNING BYLAWS AND POLICIES

## 8. Implementation Policy

### A-5 (Amendment Criteria)

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

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

# PREVIOUS STEPS

- ❑ The public had an opportunity to provide input on the application during the Public Participation Opportunity held on May 24, 2023, and the participants seemed to be pleased with the proposal.
- ❑ In the opinion of staff, this proposal meets the general intent of Municipal Planning Strategy policies and will promote the vision of the Town of Amherst towards housing. By virtue of its location, this proposal will result in more people living in the downtown area and increase activity around this area during and after the regular business hours.
- ❑ The draft development agreement is expected to address the public concerns.
- ❑ After further review by the Planning Advisory Committee (PAC) on June 5, 2023, the application was recommended to Council for approval.

# NEXT STEPS

- Sequel to this public hearing, Council at a later date will decide one of the following options:
  - Give second and final reading of the development agreement as drafted or with changes.
  - Defer a decision and request additional information.
  - Reject the application citing specific MPS policies that are not being met.